

Bord na Móna

Drehid Waste Management Facility – Further Development Response to Third Party Observations



Document Control Sheet

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1. INTRODUCTION

1.1 PREFACE

On behalf of the applicant, Bord Na Mona, TOBIN Consulting Engineers (TOBIN) hereby submit a response to the third-party observations. This document has received input from the project team listed in Chapter 1 of the EIAR, including: TOBIN team members, Trafficwise, AWN Consulting, CDM Smith, Macroworks, and Through Time Archaeology.

The following observations were received by An Bord Pleanála in respect of this development:

Table 1 List of Observations

Observation made by	Observation No.
Councillor Brendan Wyse	1
Transport Infrastructure Ireland	2
Lorraine Quinn	3
Sheila O'Brien	4
Development Applications Unit	5
Councillor Pdraig McEvoy	6
Kildare County Council	7

Many of the points raised in these observations are already addressed in the documents that accompany the planning application, including the Environmental Impact Assessment Report and Natura Impact Statement.

1.2 BACKGROUND TO APPLICATION

Bord na Móna Plc. (hereafter referred to as Bord na Móna or the Developer) operates the Drehid Waste Management Facility (which will be referred to as the Drehid WMF), situated near Carbury, County Kildare. The Drehid WMF is an integrated WMF which principally includes an existing landfill and a Composting Facility. The Drehid WMF operates subject to an Industrial Emissions Directive (IED) licence, issued by the EPA, (W0201-03) and subject to the planning approval for the facility.

The proposed development includes the additional landfill capacity (non-hazardous) as well as allowing for additional capacity for the processing of certain waste streams for materials recycling and recovery, and composting process. It also includes other associated works, buildings and roads, etc. as described in Chapter 2 of this EIAR (Description of the Proposed Development). The proposed development refers only to the elements of this for which planning permission is being sought as part of this application. The proposed development includes the proposed new infrastructure and activities only and does not include the significant amount of existing (previously permitted) infrastructure and activities which are located within the site. Although some of the existing ancillary infrastructure (for example the weighbridge) will be

utilised during the various stages of the proposed development, these do not form part of the proposed infrastructure.



2. RESPONSE TO THIRD-PARTY OBSERVATIONS

2.1 RESPONSE TO AN BORD PLEANÁLA

In August 2023, An Bord Pleanála provided a copy of all observations received from third parties to the applicant (and TOBIN) for review.

In order to address the comments and concerns raised in the observations, it was decided not to respond to each individual comment as there was a significant amount of overlap between them. Instead, each observation was reviewed, and all comments within were extracted onto a project spreadsheet where they were grouped under a variety of headings (similar to those of the EIAR chapters). This allowed the project team to deal with the variety of comments in a logical manner. The comments were grouped as follows:

- General
- Policy, Planning and Development Context
- Biodiversity Flora and Fauna
- Soils and Geology
- Hydrology and Hydrogeology
- Material Assets
- Noise and Vibration
- Population and Human Health
- Air Quality and Climate
- Archaeology and Cultural Heritage
- Traffic and Transport
- Community Engagement

The comments and concerns raised in the observations are responded to comprehensively in the following sections.

2.1.1 General

Kildare County Council (KCC) have submitted a report to An Bord Pleanála setting out the views of the Planning Authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area. Having considered all aspects of the proposed development Kildare County Council states in the Planning Authority Report that “the proposed development is in accordance with the Kildare County Development Plan 2023-2029 and that the effects on the environment have been adequately assessed in the EIAR and NIS submitted with the application”.

The following are responses to observations which are of a general/planning nature.

Kildare County Council

There were a number of suggested planning conditions in the observation by Kildare County Council which were of a general nature. These are:

Condition 1.

The development shall be carried out and completed in accordance with the plans and particulars lodged on 07/06/2023 and including the mitigation measures specified in the Environmental Impact Assessment Report and the Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

Response: The developer agrees to comply with any conditions which An Bord Pleanála attaches to a grant of planning permission, assuming the feedback provided in this document is considered by An Bord Pleanála.

Condition 2.

All of the environmental, construction and ecological mitigation measures set out in the Environmental Impact Assessment Report and the Natura Impact Statement, and other particulars submitted with the application shall be implemented by the developer in full, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

Response: The developer agrees to implement all measures described in the submitted documentation.

Condition 3.

a) *This permission shall be for a period of 25 years from the date of the operation of the proposed development. The ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period,*

b) *Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of all development in site including the maintenance building, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.*

c) *On full or partial decommissioning of the development, the site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.*

Reason: To enable the planning authority to review the operation of the facility over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development

Response: The recommended condition is noted and Bord na Móna has no objection to this condition.

Condition 9.

Prior to the commencement of development, a revised Landscaping Plan shall be submitted for the written agreement of the Planning Authority outlining the following:

- a) *Sections across the site showing the elevation and extent of planting and mounds.*
- b) *Revised mounding proposals. A more organic and undulating mounding would be more in keeping with the rural location the waste facility is located in.*
- c) *Details regarding the species and quantities of plants proposed and how these will be managed.*
- d) *Details of the scrub mix proposed for the site,*
- e) *Details of the depth of topsoil proposed for the infill area.*
- f) *Details for the protection of the habitat enhancement areas shall be provided regarding the protection of these during construction and operation works.*

Reason: in the interest of the visual amenities of the area and natural heritage protection.

Response: The recommended condition is noted and Bord na Móna has no objection to this condition.

Condition 10

Prior to the commencement of development, further details shall be submitted in relation to the constructed wetland areas. Additional detail shall be provided in relation to the depths of the ponds and the proposed planting in terms of plant densities. A maintenance and management plan shall be submitted for the written agreement of the Planning Authority for the establishment and ongoing management of any landscaping and ecological works proposed on the site.

Reason: In the interest of biodiversity protection.

Response: The recommended condition is noted and Bord na Móna has no objection to this condition.

Condition 11

a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to An Bord Pleanála.

b) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

Response: The proposed development does not include any solar farm, and being located on a cutover bog, there are no field boundaries. It is considered that this condition is not applicable to the proposed development. The recommended condition 9 should deal with any landscaping issues.

Condition 12

The proposed development shall operate six days per week (Monday to Saturday inclusive) between the hours of 07:30 and 19:00. Waste material shall only be accepted into or depart from the facility between the hours of 07:30 and 18:30 (Monday to Saturday). In exceptional circumstances, such as vehicle breakdown or similar unavoidable delay, the facility shall permit the late arrival of waste after 18:30, subject to the agreement of the Planning Authority.

Reason: In the interest of the residential amenities of the area.

Response: The recommended condition is noted and Bord na Móna has no objection to this condition.

Condition 36.

Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may

be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

Response: While the developer understands that security is required in terms of site closure/remediation, there are concerns with this condition. The EPA will require a Closure Restoration and Aftercare Management Plan (CRAMP) and Environmental Liabilities Risk Assessment (ELRA) which will address financial provisions to monitor and protect the environment during site closure, restoration, remediation or aftercare. Section 53A(5) of the Waste Management Act 1996, as amended states that “the estimated costs, during a period of not less than 30 years or such greater period as may be prescribed, of the closure, restoration, remediation or aftercare of the facility” and for waste management facilities this falls under the remit of the EPA rather than the local authority. Therefore, it is respectfully requested that this condition be removed as this will be a condition of any revised EPA IED Licence for the WMF.

Condition 37.

The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution (Refer to attached note on calculation of the Development Contribution in Appendix 1) shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Response: The developer understands that a development contribution as per KCC Development Contribution Scheme 2023 – 229 will be required as part of the project. It should be made clear that the development contribution should be made based on the footprint of the proposed works rather than on the footprint of the entire site. It should be noted that a development contribution has already been paid for the existing infrastructure on site. The developer does not dispute the fee’s as per KCC Development Contribution Scheme 2023 – 229, however the calculation provided should not be based off a 262 ha plot. This encompasses previous infrastructure as well as some areas that will not be developed within the revised redline boundary.

Rather than specify an € amount to be contributed, the developer respectfully asks that any condition relating to this point would simply request that a fee is agreed between the developer and the local authority. It should be an unspecified condition with any reference to “(Refer to attached note on calculation of the Development Contribution in Appendix 1)” removed from the condition.

Other Observations

One comment questioned the accuracy of a photo provided in the application documentation. The photo was taken at VP5. This was taken by Macroworks, who are a landscape and visual consultancy that produce high quality photomontages based on georeferenced photos. It is considered that the subsequent photo provided in the observation was not taken at the correct location for VP5. The project team consider the photos presented as part of the application to be accurate.

2.1.2 Policy, Planning and Development Context

The following are responses to observations with regards to the policy planning and development context.

Kildare County Council

A query was raised on whether consultation was carried out with the HSA. Consultation was carried out with the HSA in February 2022. No feedback was received from the HSA other than a response acknowledging receipt of consultation email.

Other Observations

A query was raised regarding whether an application for substitute consent been applied for or if it is required for this site. Substitute consent is not required for the proposed development site, as commercial peat extraction had ceased by 1987 in this area of Timahoe South Bog, which is prior to the requirement for planning permission for peat extraction.

One observation requested that an oral hearing be provided for the project. A range of comprehensive documentation, compiled by technical experts, has been submitted with the planning application. It is asserted that the proposed development is robustly assessed in the EIAR and is not of a complexity that would merit holding an Oral Hearing, nor are there considered to be any informational or knowledge gaps that that would do so. It is worth noting that no statutory consultees made observations that requested an oral hearing.

Further details relating to this topic can be found in Chapter 4 (Planning Policy and Development Context) of the submitted EIAR.

2.1.3 Biodiversity Flora and Fauna

The following are responses to Kildare County Council recommended conditions and public observations with regards to Biodiversity at the proposed development at the Drehid Waste Management Facility. These cover topics predominantly in relation to water quality, loss of habitat and biodiversity, monitoring and management and vermin control.

Kildare County Council

Ecological Clerk of works

The Kildare County Council observation included the following recommended conditions:

Condition 4 & 5.

4. The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the NPWS and Inland Fisheries Ireland. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

5. A suitably qualified Ecological Clerk of Works (ECoW) will be appointed by the Contractor. The ECoW shall be present for the duration of the construction phase programme and will ensure that all mitigation measures outlined within this report are implemented during the proposed construction works.

Reason: To protect the environmental and natural heritage of the area.

Response: KCC recommend the condition that a suitably qualified ecologist is appointed. It should be noted that a suitably qualified Ecological Clerk of works (ECoW) will be appointed by the Contractor and will oversee all construction works and monitor any possible sources for impacts for the duration of the construction programme. The ECoW will oversee the construction phase of the proposed development and that all phases of construction will be undertaken in strict agreement with the methods prescribed within the CEMP and will have the power to stop the works in case any activities/works are not compliant.

In addition, as recommended by KCC, that the ECoW prepares a final report which will outline all mitigation measures which were implemented during the construction phase. The final report will be submitted to the Planning Authority, as well as retained on file as a matter of public record.

Both of these recommended conditions are noted and Bord na Móna has no objection to them.

Security Fencing

The Kildare County Council observation included the following recommended condition:

Condition 6.

Prior to the commencement of development, details of the structures of the security fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for prior written approval to the Planning

Authority. This shall be facilitated through the provision of mammal access gates designed generally in accordance with standard guidelines for provision of mammal access (NRA 2008).

Reason: To allow wildlife to continue to have access across the site, in the interest of biodiversity protection.

Response: KCC recommended that details on the security fencing will be submitted to the Planning Authority for approval prior to construction. All details on the security fencing will be agreed in consultation with the local Planning Authority. The security fencing will include mammal access gates, designed in line with NRA guidance, which will allow the provisions of mammal access throughout the site where appropriate. This will be addressed prior to construction as requested.

The recommended condition is noted and Bord na Móna has no objection to this condition.

Invasive Species Management Plan

The Kildare County Council observation included the following recommended condition:

Condition 7

Prior to the commencement of development, the developer shall submit a finalised Invasive Species Management Plan for the written agreement of the Planning Authority. This plan shall include updated details of invasive species surveys, the location of such species, and the proposed method of managing these species during the construction and operational phase of the development.

Reason: To ensure that the spread of invasive species is minimised.

Response: KCC recommended that the developer prepares and submits a finalised Invasive Species Management Plan (ISMP) which will be submitted to the Planning Authority. It should be noted that no invasive plant species were recorded during the initial invasive species surveys, which were carried out within the proposed development site. Despite this, pre-construction invasive plant species surveys will be undertaken prior to the construction works commencing to establish if any new invasive species have established within the site. Furthermore, strict invasive species control measures will also be implemented during the operational phase, ensuring no invasive plant species are introduced into the landfill/compound site. It is worth noting that during the operational phase the landfill may accept invasive species for disposal into the landfill itself. In this instance, they would be disposed of using deep burial in compliance with the requirements of the Licence, and as agreed with the National Parks and Wildlife Service. This provides an important disposal method for invasive species that are removed from sites around the country. This will be addressed prior to construction as requested.

While the developer has no issues with the preparation of an ISMP, it is likely that this condition may need some rewording to account for the acceptance and deep burial of invasive species in the landfill.

Landscape Plan and Habitat Management

KCC have recommended conditions relating to habitat loss and minimising the removal of vegetation.

During the construction phase, all vegetation clearance will be kept to a minimum by the appointed Contractor. The work areas will be demarcated prior to the construction works commencing and no clearance of vegetation will be undertaken outside of the demarcated areas. Replanting of vegetation will be undertaken as outlined within the Landscape Plan (refer to Appendix 6-3 in the EIAR) and Habitat and Management Plan (refer to Appendix 6-3 in the EIAR). All replanting will be undertaken following consultation and agreement with the Planning Authority.

Further details in relation to the Integrated Constructed Wetland (ICW), such as wetland depth, planting densities and operational maintenance can be provided to the Planning Authority, if required.

The Client would be willing to engage further with the Planning Authority on any further concerns around landscaping and habitat management.

Other Observations

Vermin Control

It is acknowledged that poorly managed and operated waste management facilities sites have the potential to attract vermin such as rats and flies. Strict control procedures have been put in place at the Drehid WMF and these will be continued in order to control the population of vermin at the proposed development.

The composting process takes place within a completely enclosed building and all waste handling associated with the increased waste intake at the compost plant will be carried out internally. All plant, equipment and tipping areas will be cleaned regularly.

A Vermin Control Plan has been developed by Bord na Móna as part of the Environmental Management Plan (EMP) for all of the company's waste management facilities. This Plan incorporates site specific measures for the existing facility and will be expanded upon to include infrastructure from the proposed development. This Plan will incorporate the following elements:

- A site map showing the positions and numbers of each bait point;
- A bait point monitoring routine with monthly inspection records for the facility filled up by the vermin control company and signed by the facility manager;
- Inspection records for the bait points describing any signs of vermin and highlighting any vermin attractions on site;
- Responsibility for the facility manager to act on the findings of the monthly inspection records; and
- A vermin control manual containing the bait point location maps, product details/specifications for the baits used and the monthly inspection records.

Records of vermin control will be kept on site for inspection by the EPA and/or KCC as required.

A firm of professional vermin control experts will implement the Vermin Control Plan. Baiting will be undertaken in a professional manner and every precaution will be taken to avoid non-target species. In particular, bait will be placed in areas which are not accessible to non-target species and dead/dying vermin will be removed from site as soon as possible. It should be noted, however, that vermin such as rats normally return to their nests to die.

It is worth noting that while there were some complaints relating to flies received in the early years of the landfill operation, there have been no official complaints received by the developer in relation to any vermin or pests for a number of years.

Water Quality

Concerns were raised around impacts on the water quality of the Cushaling River and further downstream.

As noted in Section 6.8.1.7 in the Biodiversity Chapter and Section 8.5.2 of the Water Chapter in the EIAR, stringent mitigation measures will be implemented during the construction phase which will ensure the protection of water quality and the protection of aquatic habitats and species.

During the operational phase, the proposed attenuation lagoons and the proposed Integrated Constructed Wetland (ICW) will treat all stormwater before it is discharged into the Cushaling River. As described in Appendix 2-4 of the EIAR, the ICW is specifically designed to remove ammonia and suspended solids in the discharge. It will serve to reduce loads that would otherwise be higher, which will benefit the receiving water environment. Numerous studies have found that ICWs are adequately able to treat wastewaters by significantly reducing nutrient levels and improve water quality (Hickey *et al*, 2017¹; Stack *et al*, 2014²; & Scholz *et al*, 2010³). The ICW concept focuses on the explicit integration of total water management, ecological and biodiversity support.

In addition, regular surface water monitoring will be carried out at the discharge point, within the Cushaling and further downstream, under the revised IE License. Furthermore, in the unlikely event that deterioration in the surface water quality being discharged is detected, an automated isolating valve will be activated, retaining all surface water on-site until the contamination event is investigated and remediated.

Considering the above measures, there is no potential for the proposed development to impact water quality within the Cushaling River.

Concerns were also raised around the potential for water quality impacts to negatively effect the River Barrow and River Nore SAC (002162). The Natura Impact Statement (NIS) (included in the Planning Application) details strict mitigation measures in Section 7 of the NIS, which will be implemented during the construction, operational and decommissioning works.

The mitigation measures to be implemented are standard best practise and are proven technologies/methods. These measures will avoid and/or reduce the magnitude of potential impacts on the receiving environment, therefore, ensuring avoidance of significant adverse

¹ Hickey, A., Arnscheidt, J., Joyce, E., O'Toole, J., Galvin, G., O'Callaghan, M., Conroy, K., Killian, D., Shryane, T., Hughes, F., Walsh, K., Kavanagh, E. (2017) An Assessment of the performance of municipal constructed wetlands in Ireland. *Journals of Environmental Management*.

² Stack, J., Zhao, Y. (2014) Performance Assessment of an Integrated Constructed Wetland-Pond System in Dublin, Ireland. *Journal of Water Sustainability*, Volume 4, Issue 1 March 2014, 13-26.

³ Scholz, M., Harrington, R., Carol, P., Mustafa, A., (2010) Monitoring of nutrient removal within integrated constructed wetlands (ICW).

effects on the integrity of the River Barrow and River Nore SAC, the River Boyne and River Blackwater SAC, and the River Boyne and River Blackwater SPA.

Loss of Biodiversity

Concerns were raised around the loss of habitat and biodiversity due to the proposed development. The proposed development will result in a loss of approximately 63.5 ha of habitat as explained in Section 6.7.3.1.1 of the submitted EIAR. The majority of habitat which will be lost comprises degraded cutover bog, which is of low ecological value. To mitigate the loss of habitat, replanting and habitat creation will be undertaken within the proposed development site.

A total area of 72.57 ha of new habitat will be created following the completion of the proposed development. An example of some of the proposed replanting and habitat creation include the ICW, the landfill cap and the berms. The proposed ICW will provide a new wetland feature, which will be beneficial to invertebrate, amphibian and a range of breeding and wintering waterfowl species. In addition, the capping layer of the landfill and the berms enclosing the development will be planted with peatland tolerant grass and shrub species, providing new habitats and increasing the local biodiversity value.

Furthermore, the proposed development will also include enhancement measures, such as the blocking of drains and the replanting of new vegetation (peat tolerant species), increasing diversity value. The blocking of drains will raise water levels locally, which will promote the re-wetting of previously drained peat, contribute for better water quality downstream (surface and groundwater), providing a localised positive effect on the Timahoe South Bog.

Other measures such as the installation of bat boxes, habitat creation for Lepidoptera species and the protection of bird nesting species will also be undertaken within the proposed development site. All other enhancement measures to be undertaken within the proposed development site are outlined within the Landscape Plan (refer to Appendix 6-3 in the EIAR) and Habitat and Management Plan (refer to Appendix 6-3 in the EIAR) which are included within the Planning Application.

Although the proposed development construction phase will result in a loss of existing habitat, this loss will be mitigated by the creation of a greater area of new habitats of higher ecological value. The proposed development will also improve, protect and aid in the rehabilitation of the existing bog habitat within development site, thus, improving the local biodiversity value.

Further details relating to this topic can be found in Chapter 6 of the submitted EIAR.



2.1.4 Soils & Geology and Hydrology & Hydrogeology

The following are responses to public observations with regards to Soils & Geology as well as Hydrology & Hydrogeology. The responses to these two EIAR topics are dealt with together in this response document.

Kildare County Council

The Kildare County Council observation included the following recommended conditions:

Condition 25

No surface water runoff from the site shall discharge onto the public roads.

Reason: In the interest of traffic safety.

Response: This is factored into the stormwater drainage system of the expanded landfill. A perimeter swale will capture and direct all stormwater to the existing and planned new Attenuation Lagoons and Integrated Constructed Wetlands. Furthermore, it is not planned to carry out any construction works as part of the proposed development near or on the public roads. Condition 1 will ensure this is adhered to, and it is therefore considered that this condition is not required.

Condition 32.

(a) The applicant shall consider Infiltration systems for the development (unlikely in peat soils and where groundwater levels are high but maybe feasible at deeper levels below the peat in unsaturated gravel and sand layers. NB SuDS at new Maintenance, MSW Process and Composting Facility and Soils Processing Buildings and at new lane to be added to existing access road.

(b) Permeable pavements including porous asphalt shall be considered for hardstanding areas around new buildings and new lane to access road. Rainwater recovery and reuse systems to be considered for both new buildings.

(c) The proposed swales around the landfill extension shall be bioretention swales where feasible.

(d) Surface Water Lagoons and Integrated Constructed Wetlands shall comply with GDSDS Volume 2 Chapter 6 Stormwater Drainage Design Criteria 1-4 and CIRIA SuDS Manual including Chapters 23 and 24.

(e) Required and provided attenuation storage volume calculations for 100 year event plus 30% climate change factor shall be submitted,

(f) The proposed Surface Water Lagoons and Integrated Constructed Wetlands shall be designed for safety in accordance with CIRIA SuDS Manual Chapter 36 and subject to design risk assessments and the implementation of any required flood risk mitigation measures.

(g) Any potential conflict between Surface Water Lagoons use for fire-fighting water supply and attenuation storage shall be resolved by the applicant.

(h) A maintenance plan including regular inspection, monitoring and maintenance of Surface Water pumps, lagoons and Integrated Constructed Wetlands (see submitted Vesi Environmental ICW Planning Report at EIAR Appendix 2.4) shall be implemented.

(i) Applicant to continue liaison with Uisce Eireann on the Eastern-Midland Water Supply Project ('Shannon pipeline') and the preferred corridor which traverses around the subject to the west and north.

(j) The recurring flood event on R403 regional road near site entrance (SSFRA section 3.1) and Geological Survey Ireland (GSI) Winter 2015/2016 Surface Water Flooding at Borrow Pit shall be fully assessed. See <https://www.floodinfo.ie/map/floodmaps/>

(k) The northern section of the subject site footprint would appear to be located in OPW Boyne Arterial Drainage District according to floodinfo.ie and this should be addressed with OPW (see SSFRA section 3.3).

(l) Pluvial flood risk shall be assessed in more detail including compliance of new drainage systems including SuDS with GSDSDS Volume 2 Chapter 6 Stormwater Drainage Design Criteria 3 and the assessment of the overland surface water flow element of pluvial flood risk ensuring that the proposed development will not increase flood risk elsewhere by obstructing any pre-existing surface water overland flows into the subject site and impounding them on adjacent third party lands including by raising existing site ground levels.

(m) Groundwater flood risk shall be assessed and mitigated taking into account the collated groundwater monitoring as above and expert hydrogeological advice where necessary.

(n) Residual flood risk assessment particularly of pluvial residual flood risk shall be undertaken in more detail including for:

- a. Drainage-SuDS design exceedance and failure events with planned internal exceedance flow routing plan directing these flows to safe areas within the subject site and not putting the proposed development at undue risk of flooding or increasing flood risk elsewhere including on adjacent third party lands or on public roads including R403 regional road and
- b. High water levels in receiving watercourses-drainage networks coinciding with extreme rainfall event.

SSFRA section 4.5 shall be reviewed in light of the above and considering all flood risk types, not just fluvial flood risk in determining the applicable flood zone and whether a Development Management Justification Test is required. SSFRA Section 5 Conclusions shall be amended as necessary.

Reason: In order to ensure proper servicing and to eliminate the potential impact of pluvial flood risk.

Response: It is considered that these points are largely addressed through the submitted EIAR, NIS and other planning documents, and therefore this should be covered under Condition 1 above. On that basis it is respectfully submitted that this condition is not required.

Condition 33.

Only clean uncontaminated surface water from the development shall be discharged to the surface water system. Only foul sewage and soiled water from the development shall be discharged to the foul system.

Reason: In the interests of public health, to avoid pollution and to ensure proper servicing of the development.

Response: Surface water from the development will be passed through settling ponds, attenuation lagoons and Integrated Constructed Wetlands prior to discharge to watercourses that exit Timahoe South Bog. The discharges will be monitored on a daily basis and corrective actions will be taken if contamination events (notably spills of fuel/chemicals occur) or if the discharge water is turbid. Only foul sewage and soiled water from the development will be discharged to the proposed foul system.

It is considered that these points are largely addressed through the submitted EIAR, NIS and other planning documents, and therefore this should be covered under Condition 1 above. On that basis it is respectfully submitted that this condition is not required.

Condition 34.

The proposed surface water drainage system shall be designed and constructed in compliance with the requirements of the County Development Plan, LAP, Circa SuDS document and Greater Dublin Strategic Drainage Study in terms of incorporating appropriate Sustainable Drainage Systems (SuDS) to restrict-attenuate surface water discharge flows from the proposed development, prevent pollution to and maintain the quality of adjacent ground waters and watercourses. Attenuation shall be provided for the development and the applicant shall ensure that there is sufficient attenuation allocated for this development within the overall development. All surface water shall be collected and disposed of to Surface water Lagoons, Bioretention Ponds/Swales/Areas, Permeable Paving (Porous asphalt), Tree trenches and pits, soakaways, etc. designed and constructed in accordance with B.S. 8301: 1985 and BRE Digest 365 and provided with attenuation. The drainage system shall be designed, inspected and supervised by a qualified engineer who shall certify the works as compliant with regard planning, design and construction. The attenuated system shall cater for the 1 in 100 year storm event (or as otherwise agreed in writing) and with an allowance of +30% in order to cater for "climate change".

Reason: In order to ensure proper servicing and to eliminate the potential impact of pluvial flood risk.

Response: All of the above requests will be complied with. The drainage design will comply with the appropriate standards and guidance, and it has been designed to allow for these storm events with a 30% buffer for climate change.

It is considered that these points are largely addressed through the submitted EIAR, NIS and other planning documents, and therefore this should be covered under Condition 1 above. On that basis it is respectfully submitted that this condition is not required.

Condition 35.

The applicant shall ensure surface water from the new development does not discharge to a point where neighbouring developments would be at risk of flooding. These works shall be designed, supervised and certified by a qualified engineer employed by the applicant. Surface water design exceedance events should be assessed and where required, amendments made to the proposed site layout to ensure that any surface water exceedance flows do not discharge to a point where the proposed development or existing neighbouring developments would be at risk of flooding.

Reason: In order to ensure proper servicing and to eliminate the potential impact of pluvial flood risk.

Response: A Stage 2 Flood Risk Assessment was undertaken which concludes there is no significant risk of flooding to neighbouring areas or development. No site-related flood events have been recorded in the past. Stormwater attenuation is being provided for in compliance with the requirements of Kildare County Development Plan, LAP, Circa SuDS document and Greater Dublin Strategic Drainage Study in terms of incorporating appropriate Sustainable Drainage Systems (SuDS). Maintenance of the bog's drainage system and existing attenuation ponds serve to limit risk. All works are designed and will be supervised and certified by a qualified engineer employed by Bord na Mona and will also comply with the EPA Licence requirements for submittal and approval of Specified Engineering Works before construction commences.

It is considered that these points are largely addressed through the submitted EIAR, NIS and other planning documents, and therefore this should be covered under Condition 1 above. On that basis it is respectfully submitted that this condition is not required.

Other Observations

It was suggested by one submission from a member of the public that the possibility of contamination to water and aquifers is extremely high, and that the mitigation measures proposed are not proven.

Leachate will be generated in the expanded landfill operation. The leachate will be contained by a designed liner and collection system. The liner is designed to prevent leachate from escaping the lined waste cells. This is standard practice and best guidance and design requirements have been incorporated. Standard practice and design requirements are based on proven methods and materials. The current Waste Management Facility (WMF), operational since 2008, includes an engineered liner and leachate collection system. Surface and groundwater quality data show that leachates in the WMF are not affecting surface water or groundwater receptors.

The same member of the public raised a concern relating to the use of the word “unlikely” for the EIAR assessments. The word “unlikely” reflects technical judgment by the subject matter experts that undertook the assessment of likely significant effects. Scientific discourse involves interpretation of data and information, and expert judgement is necessary to be able to communicate conclusions about the likelihood of significant effects. This is standard practice and is language that is adopted from EPA’s guidance on preparing Environmental Impact Assessment Reports.

The same observation commented that the poor ecological status of the Cushaling river was not a reason to pollute it further. Mitigation measures are proposed to protect the Cushaling River from being polluted further. The proposed Development will, in itself, not cause a further deterioration of ecological status. The planned Integrated Constructed Wetland (ICW) is designed to achieve an expected improvement in the water that is discharged to Cushaling River.

Further details relating to these topics can be found in Chapters 7 and 8 of the submitted EIAR.

2.1.5 Material Assets

The following are responses to observations with regards to material assets.

Kildare County Council

There were no significant issues raised by Kildare County Council relating to Material Assets not covered in other topic headings (e.g. Section 2.1.10 - Traffic and Transport).

Other Observations

There was a request for the developer to provide funding for an amenity link in the wider area, however that would not relate to this application. As stated, the developer is happy to discuss contributions with Kildare County Council pre-construction. In addition, they have a significant local community gain fund in place (which will continue as part of the proposed development) that can be used for local amenities.

There was a concern raised relating to the potential for birds to move waste from the site to surrounding lands. The processing of waste will generally occur within an enclosed environment and a such access to such waste by birds will be limited. The composting process takes place within a completely enclosed building and all waste handling associated with the increased waste intake at the compost plant will be carried out internally. There are also bird control measures in place at the site, to prevent large groups of birds from picking up waste.

There was also a concern raised relating to the unknown sources of the additional waste. The proposed development primarily comprises additional non-hazardous waste landfill infrastructure, a new municipal solid waste (MSW) processing and composting facility and a new soils, stones and construction and demolition (C&D) rubble processing facility. The waste arriving on site via permitted waste transport vehicles is recorded so the sources will be known. It is anticipated that sources will be similar to the current waste sources coming to the existing facility. All inspections required on the existing site are carried out routinely and in accordance with best practice as per EPA Regulations, and this will continue.

There was concern that the proposed development would have a significant impact on land use in the area. The subject site is not currently being utilised for any agricultural, horticultural, commercial forestry or amenity use and the proposed development does not therefore result in for example the removal of productive land from potential agricultural or other beneficial uses.

Further details relating to this topic can be found in Chapter 9 of the submitted EIAR.

2.1.6 Noise and Vibration

The following are responses to observations with regards to noise and vibration

Kildare County Council

There were two items raised in observations made by Kildare County Council relating to Noise and Vibration. These are addressed here.

Item 1:

The first point raised stated that the “*Construction Noise analysis give 2 scenarios but does not appear to take into account existing noise levels from the landfill and traffic*”. It also stated that “*calculations should be submitted to show noise levels from the construction noise, landfill operations noise and associated traffic noise*”.

In response:

To present the combined noise level from construction activity, existing landfill operations and construction traffic on the haul road, the following information has been combined:

Existing landfill operations

The operation of the existing landfill contributes low noise levels to the surrounding environment and observations made during the annual noise surveys indicate the site is largely inaudible at the closest Noise Sensitive Locations (NSLs) due to the distances between on-site activities and the nearest NSLs which are located in excess of 1 km from on-site operations.

As a worst-case assessment, the highest ambient noise levels (L_{Aeq}) measured during the daytime period at each of the annual noise survey locations has been used to describe all noise sources from the existing landfill operations (including on-site land fill activities), haul road traffic and other sources in the surrounding environment (birdsong, farm activities, road traffic and other operational facilities).

Construction Noise Levels

The construction phase of the project relates to the development of any new site buildings, internal road layout and landscaping. Calculated construction noise levels are included in Table 10.14 of the EIAR and are calculated at a distance of 1 km from any proposed on-site construction activities. The distance of 1 km relates to the closest NSLs. Scenario 2 in Table 10.14 represents a highly conservative scenario which includes multiple construction activities occurring concurrently along the closest site boundary to any NSL. The highest construction noise level at a distance of 1 km (41 dB $L_{Aeq,T}$) has been added to the measured ambient noise level at all monitoring locations. The exception is at monitoring Location N4, located close to

the main site entrance and over 3 km south of the proposed new works and hence construction noise levels are calculated at this distance for this location.

Haul Road Traffic

Traffic along the internal haul road of the facility forms part of the facilities day to day operations and noise levels associated with this source is captured as part of the baseline noise survey results. To account of the effect of any additional traffic associated with the construction phase, the additional traffic associated with construction of site building has been calculated at distances of 1 km to represent the closest NSLs north east and west of the facility and at distance of 100 m to represent the closest NSLs to the south-west. During the year 2024, the additional construction relates traffic along the haul road over and above the 2022 baseline flows are 87 HGVs and 42 LGVs.

Cumulative Noise Levels

The calculated cumulative noise levels associated with the above noise sources are presented in Table 2. The assessment locations relate to the annual noise monitoring locations, illustrated in Figure 10.1 of the EIAR.

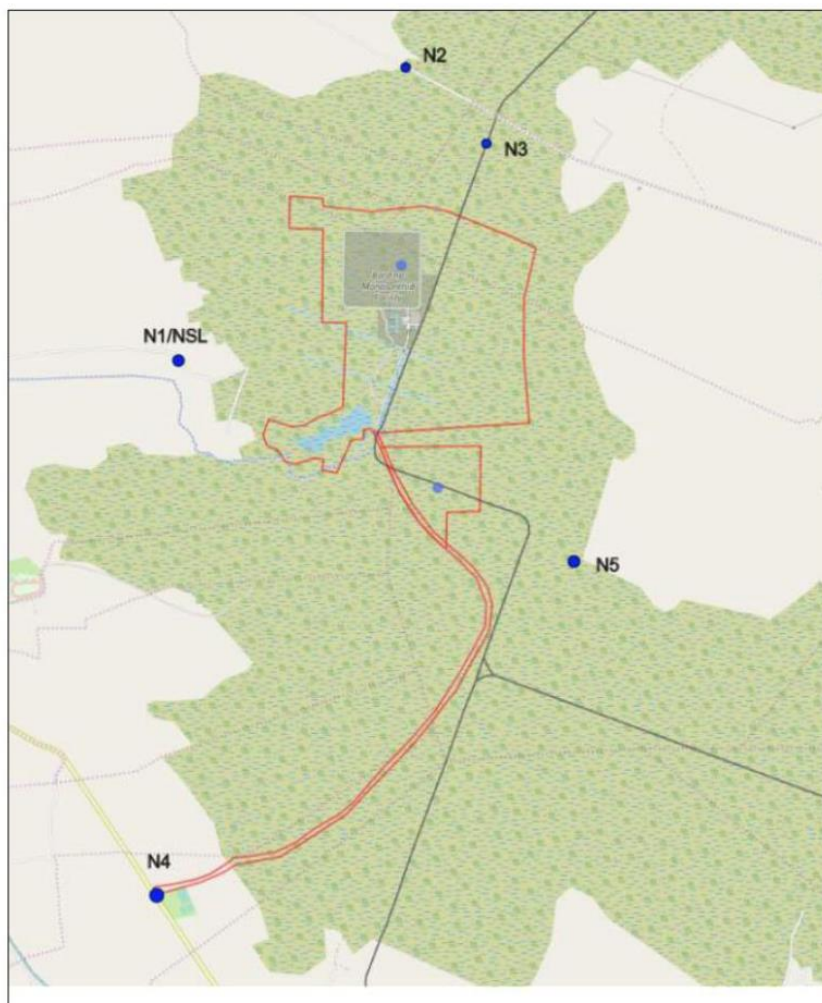


Figure 1 Noise Monitoring and Assessment Locations (EIAR Figure 10.1)

Table 2 Cumulative Noise Levels During Construction phase

Monitoring Location	Highest Measured $L_{Aeq,T}$ Note 1	Construction noise dB $L_{Aeq,T}$ Level Note 2	Haul road construction traffic contribution, dB $L_{Aeq,T}$	Cumulative, dB $L_{Aeq,T}$
N1 (NSL)	34	41	35	43
N2	46	41	35	47
N3	43	41	35	46
N4	58	24 Note 3	45	58
N5	35	41	35	43

Note 1: Highest measured L_{Aeq} from most recent round of annual noise surveys in 2022.

Note 2: Highest construction noise level calculated for construction phase works (Scenario 2) at 1 km from site works

Note 3: Highest construction noise level calculated for construction phase works (Scenario 2) at 3.5 km from site works

The combined calculated noise levels at all locations are significantly below the Construction Noise Threshold (CNT) value of 65 dB $L_{Aeq,T}$ for weekday daytime periods and Saturday morning periods. The calculated noise levels are also below the lower CNT value of 55 dB $L_{Aeq,T}$ for Saturday afternoon periods.

Noise levels at Location N4 are dominated by existing road traffic along the R403 Road. The contribution of construction traffic and construction site activities are well below the prevailing noise environment at this location and will not add to the prevailing noise environment.

In summary, specific construction noise levels are all below the CNT and are broadly in line with the measured baseline noise levels in the surrounding environment. In accordance with Table 10.3 of the EIAR, the impact is *negative, not significant and temporary to short-term*.

Traffic along the surrounding road network associated with various operational and construction scenarios is assessed in Table 10.5.3.2 of the EIAR and is it determined the impact is imperceptible when compared to the 'Do Nothing' scenarios.

Item 2:

The second item raised stated that “*noise calculations have not been submitted to show the cumulative noise levels at noise sensitive locations from the proposed landfill operation and traffic noise on the internal road at noise sensitive locations. The calculation should be submitted to demonstrate this*”. It follows by saying that “*the report states that the cumulative impact of the existing, proposed and traffic on the internal road will not have a significant impact. Calculations should be submitted to support this claim made in the application*”.

In response

Section 10.5.3 sets out the potential noise impacts associated with the operational phase of the proposed development. As set out in Section 10.5.3.1, due to the absence of any additional external noise sources associated with the proposed development and the significant distance to the nearest off-site noise sensitive locations, the operation of the proposed development is not significant in terms of noise impacts. Each area of the facility is discussed in detail in Section 10.5.3.1. of the EIAR. The key points are summarised below.

Existing Compost facility

There are no additional plant items associated with this facility. There is no change to the noise environment as a result of this facility continuing operation.

MSW Process and Composting building

All items of plant associated with this building are enclosed. There is no additional noise from the operation of this building due to the enclosed nature of the building and significant distance to the off-site noise sensitive locations.

One additional tractor and trailer will be in use to transport compost material from the MSW building to the landfill. Section 10.5.3.1 presented calculated noise levels associated with this activity at the closest off-site NSLs (1.2 km from site). The calculated noise level (<25 dB L_{Aeq}) is below the measured prevailing background and ambient noise level measured as part of the annual noise monitoring surveys. The assessment has concluded the impact is neutral and will not add to the prevailing noise environment. At all other locations set back at further distances, the operation of this activity will not be audible above the prevailing noise environment.

Soils Processing Building

All items of plant associated with this building are enclosed. Materials to be transported from this building to the landfill will use the existing dump truck that is operational on site. There is no forecasted change in noise level associated with the continued operation of this mobile plant item over and above the existing site operations.

New Landfill

The operational noise sources associated with the new landfill (delivery vehicles and mobile plant used for clearance, waste deposition and capping which will use an excavator, bulldozer and compactor) form part of the existing landfill operations and form part of the existing noise environment. They will however move closer to the east of the site. The closest NSL to the new landfill boundary is some 1.35 km east. Noise levels measured at monitoring location N5 (site boundary location to the east of the site at distance of approximately 900 m from existing landfill operations) measured noise levels in the range of 24 – 25dB L_{A90} which include contributions from all existing landfill operations. It was noted during the survey, site activities were not audible at this monitoring location. Given the closest NSL to the new landfill is some 1.35 km from the new landfill, the continued operation of landfill activities will not contribute any significant notable noise level to these residential locations. At all other NSLs outside of the site, the contribution from this activity will be even less.

Haul Road Traffic

Section 10.5.3.1 of the EIAR, heading *onsite vehicle movements and common areas* presents the calculated noise levels associated with traffic along the internal haul road at the closest NSLs which is located to the south-west of the site at a distance of 100 m from the haul road.

The calculated noise levels show that a change in traffic noise level of +1 dB as a result of the proposed development. Given the haul road is already in use, the specific contribution of the additional traffic associated with the proposed development compared to the 2022 volumes has been calculated at the closest NSLs. For the year 2039 with the landfill operations and construction of new cells, this results in an additional 72 HGV per day and no additional LGV per day along the haul road. The specific noise level associated with this additional traffic has been made at a distance of 1 km to conservatively add to the prevailing 2022 measured noise levels at monitoring locations N1, N2, N3 and N5. At Location N4, noise levels are calculated at a distance of 100 m to represent the closest NSL to the south-west of the site entrance.

Cumulative Noise Levels

Table 3 summarises the measured 2022 ambient noise levels and combines any additional sources associated with the proposed development.

Table 3: Summary of the measured 2022 ambient noise levels with any additional sources associated with the proposed development.

Monitoring Location	Highest LAeq 2022	Additional Contribution from Proposed Development				Combined Noise Level, dB LAeq
		MSW building	Soils processing building	New Landfill	Haul road	
N1 (NSL)	34	<<	<<	<<	<35	38
N2	46	<<	<<	<<	<35	46
N3	43	<<	<<	<<	<1	44
N4	58	<<	<<	<<	45	58
N5	35	<<	<<	<<	<35	38

Note: << denotes the activity associated with each area will not alter the prevailing noise environment due to the rational discussed for each section above.

The results of the assessment demonstrate that the operational noise levels associated with the proposed development at the surrounding NSLs and boundary locations are within the daytime noise limit values. There are no activities at evening or night-time from normal site activities. Location N4 is along the existing R403 Road and is dominated by road traffic along this road. The contribution from site activities (in excess of 3.5 km from this location are not significant), road traffic along the internal haul road are all below the daytime noise criterion at this location.

The statement in Section 10.5.3.1 which *states the cumulative impact of existing and proposed development including all additional traffic along the internal haul road has been assessed and*

determined to be negative and not significant at the closest NSLs and is within the operational ELVs of the facility for all periods, remains valid.

Other Observations

One other observation raises concerns relating to vibration from HGV traffic on the surrounding road network. The observation states that *“the unacceptable rise in traffic from source to site will have the greatest impact for those living closest to where the site exists and also along the haulage routes. The impact on the road infrastructure, rural minor roads and bog roads, which were not built for the heavy volume of HGV traffic what would ensure, would cause serious problems. Already homes are experiencing vibration from these heavy HGV trucks”.*

In response

Firstly, it is important to note that there will be no significant rise in traffic volumes associated with the proposed development when compared to the current levels of traffic associated with the existing development. This is explained in Chapter 16 of the EIAR (Traffic & Transportation). Nevertheless, the concerns relating to vibration are addressed here.

Vibration limits set for the avoidance of damage to building structures are included in a number of British and other International standards. The most commonly adopted standards referred to in Ireland are BS 7385 Part 2. 1993 *Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration* and BS 5228 Part 2 2008+A1 2014 *Code of practice for noise and vibration control on construction and open sites. Vibration. These are discussed in Section 10.2.1.2 of the EIAR.*

Chapter 10 of the EIAR (Noise & Vibration) includes a discussion on vibration magnitudes from both these standards which relate to building response to vibration. It notes that that for soundly constructed residential properties and similar structures that are generally in good repair, a threshold for minor or cosmetic (i.e. non-structural) damage should be taken as a peak 15 mm/s PPV at 4 Hz increasing to 20 mm/s PPV at 15 Hz and 50 mm/s PPV at 40 Hz and above for transient vibration. For continuous vibration, the guide values in Table B.2 of BS5228-2 might need to be reduced by up to 50%. On a cautious basis, therefore, continuous vibration limits are set as 50% of those for transient vibration across all frequency ranges. For buildings or structures that are structurally unsound, lower vibration magnitudes will apply, typically 50% of those for structurally sound buildings. Protected or historic buildings are not automatically assumed to be more vulnerable to vibration unless they have existing structural defects.

The documents note that minor structural damage can occur at vibration magnitudes that are greater than twice those presented in **Error! Reference source not found.** of the EIAR (Transient Vibration Thresholds values for Buildings taken from BS 5228-2 (2008 +A1 2014)). Major damage to a building structure is possible at vibration magnitudes greater than four times the values set out in the Table. It should be noted that these values refer to the vibration at base of the building.

The passing of high volumes of both heavy goods and light goods vehicles on public roads generate levels of vibration which are orders of magnitude below the lower vibration limit values set to protect structurally vulnerable buildings. The passing of HGV's associated with the

Drehid Waste Management Facility will not lead to damage to structures along the haulage route.

It is acknowledged that people are sensitive to vibration stimuli, and perception of vibration at high magnitudes may cause concern to building occupants. BS5228-2 notes that vibration typically becomes perceptible at around 0.15 to 0.3 mm/s and may become disturbing or annoying at higher magnitudes. Measurements of vibration from passing HGV and LGV traffic on heavily trafficked roads has previously been undertaken by AWN for other projects. Measured vibration magnitudes from passing HGV traffic at 5 m from the road edge are typically measured below 0.1 mm/s PPV.

2.1.7 Population and Human Health

There were a number of observations with regards to Population and Human Health, which are largely addressed in the other sections of this document.

Kildare County Council

Issues raised by Kildare County Council are addressed as part of the other sections in this document (e.g. Traffic & Transport). There were no other significant issues raised by Kildare County Council in relation to Population and Human Health that are not covered in those sections.

Other Observations

Most issues raised are addressed as part of the other sections in this document (e.g. Noise & Vibration, Traffic & Transport, Biodiversity, Air & Climate).

There was some concern raised relating to the potential impacts that the proposed development will have on residential amenity in the area. Residential amenity can be affected by a number of factors including noise, vibration, landscape/visual, odour, road safety and water quality. Each of these topics is individually addressed in the EIAR, and in this document, and residential amenity has been assessed in the EIAR based on the findings of the other topics. It is considered that there will be no significant impact to residential amenity from the proposed development.

Further details relating to this topic can be found in Chapter 5 of the submitted EIAR.

2.1.8 Air Quality and Climate

The following are responses to observations made with regards to Air Quality and Climate.

Kildare County Council

The Kildare County Council observation included the following recommended condition:

Condition 22

Prior to commencement of development the Developer shall submit details of the projected fuel consumption by HGVs and GHG emissions during the 25 period and proposals for better fuel economy by HGVs through technology measures and electric options and specific planned reduction and mitigation of transport emissions during the

operation and construction stages of the development and this shall be examined every 3 years during the operation stage of the development.

Reason: In the interest of reducing HGV emissions to assist in climate change targets.

It is considered that this exercise would not be meaningful or effective at reducing emissions in the transport vehicles that operate at the Drehid WMF. This information may also not be easily obtainable for the many 3rd party hauliers however, as the operations of such haulier companies is complex and variable, and beyond the control of Bord na Mona as they are not contracted to Bord na Mona.

It should be noted that Bord na Móna is committed to reducing emissions from transport and has begun mitigating their emissions. They are currently investing in electric Refuse Collection Vehicles (eRCV). The new eRCV's produces zero emissions. All new eRCV's that will be based at Drehid will be powered by electricity generated from renewable energy such as that produced on site from landfill gas. In addition, they have installed the relevant car charging infrastructure at their Drehid premises, and plan to install additional chargers. Bord na Móna are currently replacing their fleet of cars and light goods vehicles with electric powered vehicles and are also building a pilot-scale hydrogen electrolysis facility that will generate green hydrogen, enough to replace over 500,000 litres of diesel per annum.

Based on the above, it is respectfully submitted that this condition should not be included in a grant of permission..

Other Observations

It was suggested in one submission that when the peat harvesting ceased on the site, it would have been preferable to rewild the bog and support a carbon sink, though the same observation acknowledged that due to the presence of the existing facility, it is likely the appropriate place for the proposed development.

To date, Bord na Móna have rehabilitated over 30,000 hectares of bog to their natural state that will help absorb carbon from the atmosphere. As a company they are committed to the continued rehabilitation of 79,300 plus hectares of boglands including in areas that surround the proposed development. Bord na Móna was granted government funding (€108 million) in 2020 to continue its peatland rehabilitation process. This funding has the potential to allow rehabilitation which will store 100 million tonnes of CO₂ emissions. Under the Scheme Bord na Móna has submitted a rehabilitation plan to the NPWS for each bog to be rehabilitated including Timahoe South Bog. This plan has been approved by NPWS. Restoration is done by blocking drains to rewet bogs and return them to peat-forming conditions. Drains are blocked by using specially adapted low-bearing pressure excavators to install dams. In areas where the ground is too wet for machinery, plastic dams are installed by hand⁴.

Large areas of Timahoe South Bog are currently under rehabilitation, with works expected to be substantially completed in 2024.

⁴ See further details at: <https://www.gov.ie/en/publication/136a7-bord-na-mona-bog-rehabilitation-scheme/#:~:text=On%2024%20November%2020%2C%20the,being%20carbon%2Dneutral%20by%202050> And <https://www.bordnamona.ie/peatlands/overview/>

There was a query relating to the use of diesel powered portable pump for the proposed development.

Bord na Móna's is committed to reducing emissions, and will use best available technology in the line of portable pumps that are most appropriate to the situation. Where possible, electrically powered pumps will be employed. Otherwise, they will ensure that the pump engine is regularly maintained to ensure it is efficient with its fuel usage, therefore minimising emissions.

Odours

There were some concerns raised around the potential for nuisance odours in the properties surrounding the Drehid site. Bord na Móna aim to prevent the occurrence of odour events. The Drehid facility (W0201-03) operates an odour mitigation and management plan which includes a range of practical odour abatement measures for the Waste Management Facility. All processes associated with the Composting Facility are internal within buildings under negative pressure, so air does not escape from the buildings. An odour management plan is in place for the existing landfill facility. This plan includes management strategies for the prevention of emissions and a strict preventative maintenance and management program for ensuring that all odour mitigation techniques remain operational at optimal capacity throughout all operational scenarios. This plan will be updated for the proposed facility. Good housekeeping practices (internally and externally) and a closed-door management strategy will also be maintained at all times. Should any odour events occur due to unforeseen issues i.e. a broken piece of equipment, Bord na Móna aim to resolve the issue as an urgent matter. The Drehid WMF logs all complaints received via a public complaints process that is in place at the site or complaints sent directly to the EPA. Over the past number of years, the number of odour complaints have been reducing with only two odour complaints received for all of 2022, which would suggest there is no significant issue in this regard.

Further details relating to this topic can be found in Chapter 12 of the submitted EIAR.

2.1.9 Archaeology and Cultural Heritage

The following are responses to observations with regards to Archaeology and Cultural Heritage.

Kildare County Council

Two recommended conditions (8 & 13) from Kildare County Council deal specifically with Archaeology and Cultural Heritage while a third (15) is related to Traffic & Transport but has elements of cultural heritage attached.

Recommended conditions 8 & 13 are similar to the points raised by the Department of Housing, Local Government and Heritage and relate to the need for archaeological monitoring and the procedure to follow if archaeological material is encountered. The mitigation measures set out in Chapter 13 (Archaeology & Cultural Heritage) of the EIAR cover these matters.

Condition 15 recommended by Kildare County Council details issues with a number of proposed haul routes. It says that "Alexander Liffey bridge in Clane is not permitted due to the condition and width of this heritage bridge". The use of the bridge for transportation purposes is considered to be traffic and safety issue rather than an archaeological and cultural heritage one.

It should be noted that if the structure is structurally sound and in use as a transportation route then it should be open to all similar traffic.



Conditions

There were a number of suggested planning conditions in the observation by Kildare County Council which were of an archaeological nature. These are:

Condition 8.

The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: a) the nature and location of archaeological material on the site, and b) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

Response: The recommended condition is noted and Bord na Móna has no objection to this condition.

Condition 13.

All topsoil stripping/general ground surface reductions down to the level required by the development should be monitored on a full time basis by suitably qualified and experienced archaeologist. In the event of archaeological material being uncovered during the course of such monitoring, the archaeologist shall have works ceased in the vicinity of such material pending receipt of advice from the National Monuments section of the Department of the Culture, Heritage and Gaeltacht, with regard to additional mitigation measures that may be required. The requirements of the national Museum of Ireland shall be implemented in relation to any artefacts/archaeological material uncovered during these works. Following completion of all monitoring and other possible archaeological investigation the archaeologist shall prepare a report for submission to the Planning Authority and the Department of the Culture Heritage and Gaeltacht.

Reason: In the interest of archaeological heritage.

Response: The recommended condition is noted and Bord na Móna has no objection to this condition.

Other Observations

The observation from the department of Housing, Local Government and recommends that the mitigation measures as set-out in the EIAR are implemented in full. These include the recommendations for archaeological testing, archaeological monitoring, establishing a buffer zone around recorded monuments and reporting on the archaeological works to the planning authority and the department of Housing, Local Government and Heritage. The developer has no issue with these conditions.

Further details relating to this topic can be found in Chapter 13 of the submitted EIAR.

2.1.10 Traffic and Transport

The following are responses to observations with regards to Traffic and Transport which included:

Kildare County Council

General

The Planning Authority Report notes in Section 2.2 that Planning permission was granted to Bord na Móna in 2013 for a Mechanical Biological Treatment (MBT) facility (ABP Ref. PL09.PA0027) which was planned for an area immediately south of the proposed development planning application boundary. KCC notes that the MBT facility was intended as a separate distinct waste treatment facility located adjacent to the proposed development. KCC also notes that Bord na Móna will not develop the permitted MBT facility.

KCC also notes that waste activities at the existing facility are authorised until 2028 under the current planning permission and licence.

The application was referred to the relevant internal departments of Kildare County Council. The Planning Authority Report highlights that a report has been received from the Transportation Department and notes that the full content of the internal report is set out in Appendix 1. The internal report is dated 14 July 2023 and is prepared by George Willoughby, Senior Executive Engineer, Kildare County Council Transport, Mobility and Open Spaces Department and is hereafter referred to as 'Transportation Department Internal Report'.

Transportation Department Internal Report

KCC Transport, Mobility and Open Spaces Department has examined the information submitted by the applicant in relation to the proposed development and the Planning Authority Report at p.28 Section 5.2.1 'Transportation Department' sets out how the Transportation Department is satisfied that a substantial amount of survey work and traffic impact analysis has been carried out on the proposed haul routes to the proper standards. The Planning Authority Report confirms that KCC Transportation Department has no objection to the proposed development subject to the imposition of specific conditions.

In the following, the applicant comment on the key matters raised and the recommendations arising in the Transportation Department Internal Report (TDIR). For ease of reference this submission follows the order of that report. Where parts of this submission have regard to the body of the Planning Authority Report it is directly referenced and clearly detailed.

TDIR (pp. 5, 6 & 7) acknowledge the transportation concerns previously outlined by An Bord Pleanála and notes that the proposed development has been revised from the previous application in direct response to the Boards decision (Planning Ref. An Bord Pleanála-300506-17) to ensure compliance with planning requirements to address the previous issues related directly and indirectly to the volume of traffic generated.

TDIR acknowledges (end p.7) that the proposed haul routes are the haul routes previously approved to serve the existing Waste Management Facility (WMF) and also approved by KCC as suitable to serve the additional traffic arising from the permitted MBT facility (ABP Ref. PL09.PA0027).

The MBT facility was forecast to generate approximately 60 no. HGV trips (a trip includes inbound and outbound movement as part of a journey so a total of 120 HGV movements) and this additional traffic was to use the existing entrance to the WMF located on R403. In the scenario where the existing facility/landfill and composting facility was to operate conjunctively with the MBT facility, the total daily HGV trips during the operational period would be approximately 140 no. (based upon 80 no. WMF average daily HGV trips for period 2018-2022 see EIAR Table 14-16). For the current planning application, the proposed development operational traffic is estimated to be 78 HGV trips per day. It follows that the Planning Authority, in determining to grant permission for the MBT had considered the proposed haul routes suitable for existing WMF generated traffic 80 no. HGV trips plus the additional 60 no. HGV trips arising at the MBT. This is approximately 75% more HGV traffic than forecast to arise during the operational phase of the proposed development now under consideration.

TDIR (bottom p.8, top p.9) confirms that Condition 18 of planning permission for the permitted MBT (ABP Ref. PL09.PA0027) required that the developer agree a special financial contribution under Section 48(2)(c) in respect of various improvement works and traffic calming works on the approved haul routes serving the MBT. TDIR acknowledges compliance with that Condition 18 and states that Bord na Móna and KCC have agreed a financial contribution. The TDIR outlines in brief terms how the agreed contribution was based upon an up-front payment followed by an annual contribution of €230,000 per annum for 10 years. It is understood that this contribution was based upon an identified finite number of junction improvements and traffic calming works and that these works are identified in Condition 18 as follows:

“Road improvements at Killinagh (R403), Grangeclare (R415) and Kilcullen Road Naas (R448) between the ring road and Pipers Hill; traffic calming at Johnstown Bridge (R402), Kilmeage (R415), Prosperous (R403), Sallins (R407) and Kilcullen (R448); and bridge assessments and remedial works on Littleton, Bond, Ford and Herberton Bridges (all on the R415) and Carragh Bridge (R409) which will benefit the proposed development.” (Source: Condition 18, An Bord Pleanála Ref. 09.PA0027)”

It is noted that the improvement works list Carragh Bridge on the R409 which the applicant does not use due to a 3.5 tonne weight restriction. KCC recommends in TDIR p.8 that Carragh Bridge is to be excluded from consideration as a haul route for the proposed development. It follows

that the development does not give rise to the need to improve Carragh Bridge and it is self-evident that the proposed development would not benefit from works to Carragh Bridge.

TDIR suggests that a similar contribution is warranted in the case of the current proposed development. Whilst Bord na Móna agree with the principle of a contribution they disagree with the suggested figure and its derivation.

The figure suggested in the TDIR appear to be derived by assuming the same up-front payment as in the case of the permitted MBT (ABP Ref. PL09.PA0027) and simply extending the yearly contribution at the same rate of €230,000 per annum from 10 years to 25 years. This is considered an overly simplistic and unscientific basis for such a calculation.

Section 48(2)(c) of the Planning and Development Act 2000 as amended states that the Planning Authority may require the payment of a special contribution where specific exceptional costs, not covered by the contribution scheme, are incurred in respect of public infrastructure that benefits the proposed development. Section 48(12) states that the condition shall specify the particular works carried out, or proposed to be carried out to which the contribution relates. If a special contribution is to be considered, it is essential that the basis for the calculation of such should be explained and this means that it is necessary to identify the nature and scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to this particular development.

The calculation of the financial contribution for the permitted MBT facility (ABP Ref. PL09.PA0027) was underpinned by reference to a finite list of improvement works and the MBT operating conjunctively with the WMF was forecast to generate significantly greater daily HGV trips when compared to the proposed development, so it doesn't follow that these works or the proposed financial contribution should be more than doubled in value.

As acknowledged in the Planning Authority Report p.28, the EIAR provides a substantial amount of survey work and traffic impact analyses which can be used to underpin a contribution based upon the actual expenditure involved in a finite number of identified road improvements. A calculation based on these factors could accurately identify the costs incurred directly as a result of the development, or in order to facilitate the development, and thus the costs that can be properly and reasonably attributed to it.

We respectfully submit that An Bord Pleanála does not have sufficient information before it upon which to accurately identify the road improvements, the cost of improvements and thus cannot reasonably be expected to accurately calculate the costs properly attributable to the proposed development. The calculations presented in the TDIR are not considered sufficiently detailed to give comfort to An Bord Pleanála to agree the figures presented by Kildare County Council.

Should An Bord Pleanála be minded to grant permission for the development and should the Board consider a special contribution is warranted then Bord na Móna respectfully invites that to address the matter a similar condition to the MBT Condition 18 (ABP Ref. PL09.PA0027) might be attached to the permission. From our inspection of the KCC documentation it appears that the Board does not presently benefit from a list of the specific works nevertheless we respectfully submit that such a list is not required. KCC will in the course of agreeing the cost be required to identify the works, the cost of the works and the proportion of those costs that can be properly attributed to the development. As per MBT Condition 18, such condition would

require that the amount of the contribution be agreed between the planning authority and the developer, or in default of such agreement, the matter can be referred to the Board for determination. In which case the Board would reasonably be expected to be furnished with sufficient detail upon which to accurately calculate the value of the contribution. KCC and Bord na Móna have already reached agreement of the contribution for the permitted MBT and this is considered evidence enough that the parties have a track record in reaching such agreement which is documented in the Planning Authority Report and the TDIR.

TDIR (p.8) acknowledges that in granting permission for the MBT, Kildare County Council had considered the conjunctive operation of the WMF and the MBT and so it follows that if the haul routes were considered suitable by the Roads Authority in those circumstance then they should reasonably be considered suitable for the forecast volume of traffic arising from the proposed development which KCC confirm is less than the traffic volumes generated by the existing authorised WMF. This is indeed the case since KCC agreed the haul routes for the WMF, agreed the haul routes for the conjunctive operation of the WMF and MBT and in the TDIR takes the opportunity to re-confirm that the proposed haul routes are satisfactory to serve the HGV traffic arising from the current proposed development.

TDIR (bottom p.9) identifies three specific sections of the public road network that it recommends are not permitted as part of the haul route. These include; Carragh Bridge R409; Alexander Liffey Bridge and R415 Kildare to R416 Milltown. Until such time as these routes/bridges are upgraded, Bord na Móna have no objection to the exclusion of these specified routes.

TDIR (end p.9, top p.10) acknowledges the forecast traffic generation associated with the proposed development and recounts one of the key objectives of the proposed development as being to limit HGV traffic generation to a value equal to or less than the traffic generation arising at the existing permitted WMF which is authorised and licenced to operate to 2028.

In relation to the use of tracking devices referred to in recommended Condition 31, it is acknowledged that GPS (Global Positioning System) systems are available for the tracking of vehicles however it is envisaged that a significant proportion of the waste accepted at the Waste Management Facility will be delivered by external waste contractors not contracted by the applicant (3rd party) and will therefore be outside the direct control of Bord na Móna. It would not be feasible for Bord na Móna to monitor all of these HGV through tracking devices. Use of the designated haul routes will be a condition of contract for all customers and drivers transporting waste to and from the facility. There are many vehicle tracking systems that are generally based upon a GPS tracking unit carried in the vehicle that uses the Global Positioning System (GPS) to track the device's movements and that determine various parameters such as location, vehicle speed, acceleration, time and direction etc. and Bord na Móna has no objection to fitting its own fleet with a proprietary vehicle tracking system.

The term HGV Licencing Recognition System used in the TDIR and Planning Authority Report p.32 is not fully understood. We suppose that perhaps this is a reference to automatic number plate recognition (ANPR) technology which is based upon cameras reading number plates. Bord na Móna currently uses ANPR technology at the weighbridge at Drehid. The current system records all truck movements to and from the site. These records can be used to aid in investigating and responding to alleged use of unapproved haul routes.

It is not understood how this ANPR technology would benefit monitoring the wider road network of agreed haul routes. Monitoring HGV licence plates on the agreed haul routes would require an extensive ANPR camera array, it would also require considerable associated hardware (poles, cameras, ducting, utilities etc.) together with extensive communications infrastructure. Cameras would be required on every section or link road (between junctions) on the haul routes to monitor traffic on the haul routes. ANPR cameras would also be required on every other conceivable route and combination of routes to the site so as to record any one of the 78 no. HGV trips that might be in breach of contract. This type of infrastructure is akin to the monitoring of restricted access or low emissions zones in major cities; for example, London. The capital cost of implementing such an ANPR system for the roads in County Kildare to monitor the movement of 78 no. HGV trips per day would be preclusive. Such a system would require a dedicated monitoring team and control room or control centre which would involve similarly extraordinary operating costs. This type of ANPR monitoring is infeasible and the benefits over and above GPS and observational monitoring are questionable. If the suggested GPS system monitors the route taken by HGV it is not understood why an ANPR system would be required to operate conjunctively. The cost of ANPR for the haul routes is unjustifiable.

Planning Authority Internal Report - Transportation Conditions

KCC Transport. Mobility and Open Spaces Department has examined the information submitted by the applicant and has no objection to the proposed development and recommends specific conditions. The Planning Authority Report p.52 Section 9.1 'Recommended Conditions' sets out those conditions recommended for consideration by An Bord Pleanála. In the following we provide comment with respect to some of the recommended conditions set out under the heading 'Transportation Conditions' p.56-p.61 numbered 15 through 31. For ease of reference each of the recommended conditions is transcribed prior to the corresponding response.

Condition 15

Construction and operation HGV traffic for the proposed development shall use the proposed haul routes as submitted except for the following locations which are not permitted by KCC:

Caragh bridge has a 3.5 T weight restriction and is closed to HCV's. Local diversions at the bridge would require the passage of HGVs over weak local roads and through communities living directly adjacent to those poorly aligned narrow routes.

The use of Alexander Liffey bridge in Clane is not permitted due to the condition and width of this heritage structure.

The haul route from the R415 Kildare to R416 Milltown is not permitted as this route is deemed to be not suitable for use as a haul route for this development as the increased HGV traffic volumes passing through the important heritage town of Kildare would seriously injure/damage its special status as a heritage town and would pose a serious traffic hazard to pedestrians in the town centre. It would also impact negatively on historical/heritage/community/tourism activities and festivals taking place within the town centre throughout the year.

Reason: In the interest of pedestrian, cyclist and vehicular safety.

The proposed principal haul routes serving the development are those currently in use and agreed with Kildare County Council under the terms of Condition 13 of the permission granted under Planning Reg. Ref. 04/371 (PL09.212059). The existing Haul Route network has been revised into its current format through agreements with Kildare County Council in parallel with its responsibility for the management and maintenance of roads under the Roads Act 1993.

Bord na Móna has no objection to Condition 15 but suggests that the Board might considered it worthwhile to make provision for periodic review of the haul routes over the course of the life of the development. By way of example, MBT Condition 15 (ABP Ref. PL09.PA0027) includes such provision. Minor alterations to the haul route regime might be required, for example, in response to road closures or local diversions (for whatever reason) and we respectfully suggest that An Bord Pleanála would amend Condition 15 to make provision to accommodate flexibility subject to agreement with the Roads Authority.

Condition 16

The existing front roadside verge shall be kept free from obstruction and shall be maintained by the Developer so as not to impede lines of sight at the site entrances as provided in accordance with TII. Documents (DN-GEO-03060 & 03031) 2017.

Reason: In the interest of traffic safety.

Bord na Móna has no objection to Condition 16 and is committed to continuing to maintain the existing site access and lines of sight free of obstruction.

Condition 17

Prior to commencement of development the Developer shall submit a plan to the Planning Authority detailing how engagement and liaison with local residents, businesses, schools will be established, and how it is proposed to keep the public, businesses and other relevant bodies informed of impending disruption to traffic flow in the area of the proposed works and on the haul routes during the construction and operation phase of the development.

Reason: The Roads and Transportation Section considers it appropriate that the Developer should establish a good working relationship with those affected by the proposed development.

The recommended condition is noted and Bord na Móna has concerns over the breath of the engagement that might be implied in the condition. The EIAR clearly sets out that from the perspective of traffic generation, the proposed development is akin to a continuance of operations at the existing facility. Since there is no change in the transportation regimen there is no 'impending traffic disruption to traffic flows in the area' of note either during the operational or construction phases of the proposed development. Should An Bord Pleanála be minded to grant permission for the proposed development we respectfully ask that this condition is not included.

Condition 18

Prior to commencement of development the Developer shall submit a detailed programme /schedule of works for this application for the written agreement of the Planning Authority and in liaison with the MDOs where there are concerns about the

impact of construction traffic from the proposed development on the surrounding road network and on the haul routes.

Reason. In the interest of traffic safety.

The recommended condition is noted and Bord na Móna has no objection.

Condition 19

The Developer shall engage with the Municipal District Offices (MDOs), prior to commencement of development of the project and arrange to examine the inspections/condition surveys carried out on the haul routes and to carry out necessary remedial works on the haul routes to address issues to road deterioration due to heavy construction traffic.

A survey as outlined below shall be undertaken on the haul routes except sections of the haul routes which are on motorways and national roads following completion of the construction phase of the development, 5 years, 10 years, 15 years, 20 years and 25 years after completion of the development to identify any deterioration in the haul routes due to the construction and operation traffic. The Developer shall implement any identified remedial actions on the approval of the KCC MD Engineers.

Reason: In the interest of traffic safety. It is considered appropriate that the Developer should carry out repair work to the haul routes, to which damage has been caused as a direct result of construction and operation traffic serving the development. It is important in that regard that the Municipal District Engineers be involved in inspections carried out.

Firstly, holding aside consideration of financial contributions, it does not appear logical for the developer to carry out remedial works to the haul routes prior to the commencement of the development since it is self-evident that the proposed development cannot have caused any deterioration.

There is no provision in the condition requiring agreement and it follows that there is similarly no provision in the case of default. Road condition surveys that are routinely carried out by the Road Authority might generally identify where resources should be focused. EIAR Table 14-22 shows proposed development traffic expressed as a percentage of total network traffic less than 2% of network traffic. It shows that development generated HGV traffic varies from a highest concentration of 30.2% of total network HGV traffic near the site access to less than 1% on other sections of the identified haul routes. It is not generally possible to attribute deterioration specific remedial actions to particular vehicles. Save for in some exceptional circumstances, it is practically impossible for the developer to identify 'any deterioration' in the haul route attributable 'as a direct result' of construction and operational traffic generated by the proposed development. In addition, the developer does not have the authority to carry out works in the public road.

The Development Management Guidelines makes the point that a condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act, therefore, it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the

nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.

Recommended Condition 19 does not meet the requirements of Section 48 or the standards set out in the Development Management Guidelines. The condition is imprecise and references to identified remedial actions do not specify the works or the charges that might be levied for the actions to be taken and no timescale for contributions is specified. For the reasons adduced, it would be impossible to fulfil the terms of Section 48 (12) and we respectfully submit that since the planning authority recommended Condition 19 provides no basis for calculation of any sum it accordingly does not meet the criteria for properly levying a contribution as required by Section 48 of the Act. We respectfully submit that An Bord Pleanála disregard recommended Condition 19.

Further to the above, and in respect of the surveys and testing set out in recommended Condition 19, the study area for the traffic assessment in EAIR Chapter 14 'Traffic and Transport' includes traffic surveys at 17 no. automatic traffic counter sites that recorded 2 no. weeks of continuous data and 5 no. classified junction turning count surveys. The EIAR provides detailed elemental information setting out the volume of traffic generated to each road link of the receiving haul route network. In addition to the traffic surveys the EIAR includes detailed and comprehensive pavement condition surveys along the primary haul routes. These traffic volume and road pavement condition surveys are a repeat of those completed in December 2016 and January 2017 which were submitted to Kildare County Council for the previous application considered under ABP Ref. ABP-300506-17. The two sets of detailed traffic flow data and the two sets of road condition survey data approximately 5 years apart provide a basis to assist Kildare County Council in its capacity as Roads Authority and under its responsibility for management and maintenance of the road network to assess the rate of wear and identifying appropriate road improvement and maintenance works. The EIAR analysis of traffic flow data identifies the percentage of traffic on the haul routes that is generated by the existing and proposed development so the degradation of the road attributable to the proposed development might be calculated. Since the proposed development can reasonably be considered a continuance with respect to traffic generation the baseline rate of wear and tear calculated from the 2016 and 2022 surveys should prevail over the life of the scheme. The cost of the surveys to Bord na Móna has been significant at more than €250,000 for the 2016 and 2022 surveys (both provided to Kildare County Council directly). Given that the rate of wear or degradation will not alter significantly it is not considered reasonable that Bord na Móna be required to repeat the suggested series of further road condition surveys every 5 no. years at a cost of more than €500,000. Assessing road condition and programming general road repairs is the responsibility of the Roads Authority under its duties for management and maintenance of roads. In the same way as works must be attributable to the development, this must reasonable also apply to the cost of survey work or road condition assessment work.

We respectfully invite the Board to agree that the developer has provided sufficient road survey information and that the recommended requirement to re-survey is an unfair and unspecified financial burden that does not meet the criteria for properly levying a contribution as required by Section 48 of the Act.

Condition 20

The Developer shall engage with the KCC Bridge Engineer, prior to commencement of development of the project to discuss the findings and analysis of the structural inspections and condition surveys carried out on bridges and structures along the haul routes except sections of the haul routes which are on motorways and national roads and any defects identified requiring remedial action to facilitate the proposed loadings. The Developer shall implement these remedial actions on the written approval of the KCC Bridge Engineer prior to commencement of development.

A structural survey shall be undertaken on bridges and structures along the haul routes except sections of the haul routes which are on motorways and national roads following completion of the construction phase of the development, 5 years, 10 years, 15 years, 20 years and 25 years after completion of the development, to identify any deterioration in the structures due to construction and operation traffic. The Developer shall implement any identified remedial actions on the approval of the KCC Bridge Engineer.

Reason: It is considered appropriate that the Developer should carry out repair work to bridges and structures on the haul routes, to which damage has been caused as a direct result of construction and operation traffic serving the development. It is important in that regard that the KCC Bridge Engineer be involved in surveys carried out.

For the same reasons set out in response to recommended Condition 19 we respectfully seek that the Board disregards recommended Condition 20.

Condition 21

Road reinstatement works and possible road reconstruction works (where required) shall be in accordance with the Purple Book "Guidelines for Managing Openings in Public Roads". All completed works shall be approved by the Municipal District Engineers.

Reason. To protect and provide a suitable and robust pavement surface.

This recommended condition is meaningless on its own and appears to refer to 'road reinstatement works and possible road reconstruction works' as a subset of the 'remedial actions' that might be 'identified' under recommended Condition 19. We submit that Condition No.21 should be disregarded.

Condition 23

Prior to commencement of development the Developer shall agree in writing that all works on roads to accommodate abnormal load delivery (such as hedge, sign; public lighting removal and hardcore placement) and same Items to be reinstated post construction with MDO and the Tr where appropriate.

Reason: It is considered appropriate that the Developer shall agree all works on the roads in the area with the MDOs.

The development will not require the delivery of abnormal loads. The recommended condition is redundant and so not needed.

Condition 24

The Developer shall erect appropriate warning signage during construction period in the vicinity of the proposed site entrance for the benefit of all those passing the entrance and those entering and exiting from the site.

Reason: In the interest of pedestrian, cyclist and vehicular safety

The recommended condition is noted and Bord na Móna has no objection.

Condition 25 & 26

25. No surface water runoff from the site shall discharge onto the public roads.

Reason: In the interest of traffic safety.

26. Existing land and roadside drainage shall not be impaired and entrance to the development shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage.

Reason: To prevent interference with existing roadside drainage in the interest of proper development.

There are no proposals to alter the existing development access from R403. In compliance with Planning Ref. 04/371 (PL09.212059) Condition 15 the road accessing the proposed development and the entrance to R403 have been constructed in accordance with the detailed requirements of the planning authority for such works. The recommended conditions are accordingly not required.

Condition 27

Prior to the commencement of development, the Developer shall submit for the written agreement of the Planning Authority a project specific Construction & Environmental Management Plan (CEMP) that is to include:

Reason: In the interest of proper planning and development.

The schedule of proposed Mitigation Measures sets out at MM1 (EIAR Chapter 2) state that upon appointment, the Main Contractor for construction of the project shall update the CEMP document to produce a construction stage CEMP which will account for any additional requirements set out in Planning Conditions or agreed with the Planning Authority or other relevant Bodies post consent. The recommended condition is noted and Bord na Móna has no objection.

Condition 28

A Wheelwash Facility shall be in operation for the construction and operation phases of the development and shall be properly maintained by the Developer. No spoil, dirt, debris or other materials shall be deposited on the public road network, its footpaths and verges by machinery or vehicles travelling to or from the development site during the construction and operation phases of the development.

Reason: To ensure that the haul routes are kept clean and free of debris.

The schedule of proposed Mitigation Measures sets out at MM92 (EIAR Chapter 14) that the existing wheel wash facilities at the Waste Management Facility will be used during both the

construction and operational phase to reduce the potential for deposition of dirt or detritus on the public road. The existing 4.8 km of internal private access road is also cited as aiding in this regard. The recommended condition is noted and Bord na Móna has no objection.

Condition 29

The standard permitted hours of operation during the construction phase and for deliveries shall be between 07.00hrs to 18.00hrs Monday to Friday and 0.800hrs to 14.00hrs on Saturdays. Work is normally not permitted on Sundays and on public holidays. The Developer shall engage with all local residents in relation to night time works and any work outside of the normal permitted hours of operation

Reason: In order to safeguard the residential amenity of properties in the area.

The recommended condition relating to hours of operation is noted and Bord na Móna has no objection.

Condition 30

All works involving the opening of public roads or footpaths shall be carried out under a Road Opening Licence submitted to the relevant Municipal District Area Office through the MRL system to ensure the following items are assessed;

- a) Contractor's experience and competency to carry out such works.*
- o) compliance with the Guidelines for Managing Openings in Public Roads (The Purple book, 201r edition).*
- c) Compliance with Chapter 8 of Traffic Management Guidelines including a general assessment of traffic impacts within the local area.*
- d) Relevant Insurance's to carry out such works.*

Reason: In the interest of traffic safety.

The developer has no authority to carry out works in the public road without a Road Opening Licence so the recommended condition is considered unnecessary. Bord na Móna has no objection.

Condition 31

GPS monitoring of HGVs shall be implemented including a HGV Licensing Recognition System of traffic delivering to the site to ensure proper control of the movement of HGVS on the agreed haulage routes. The system shall be linked to an appropriate monitoring service. Reports and details of the traffic movements from the GPS monitoring and H G Licensing Recognition System shall be open to the inspection of the Planning Authority and the traffic movements by G s shall be monitored on agreed haulage routes as directed by the Planning Authority. Details of the GPS monitoring and H G Licensing Recognition System shall be agreed in writing with the Planning Authority prior to the commencement of the development or as otherwise agreed by the Planning Authority.

Reason: To ensure proper monitoring and control of HGV traffic on the agreed haul routes during the construction and operation phases of the development.

Should the Board be minded to grant permission we respectfully submit that recommended Condition No. 31 is disregarded. If not disregarded in its totality Bord na Móna are strongly opposed to the inclusion of any reference to an HGV Licencing Recognition System for the reasons adduced above.

Insofar as the proposed development site will be serviced by Bord na Móna fleet vehicles, Bord na Móna has no objection to fitting a proprietary vehicle tracking system such as 'C-track Online' or similar where such vehicle tracking system is based upon a GPS tracking unit carried in the vehicle that uses the Global Positioning System (GPS) to track the device's movements and determine various parameters such its location, vehicle speed, acceleration, time and direction etc. Should the Board consider this part of the recommended Condition 31, in the interest of achieving compliance, Bord na Móna respectfully seeks that the requirement for GPS is limited to their fleet vehicles. This does not preclude some frequent or long-term external waste contractors from voluntarily or contractually carrying a GPS device.

Other Observations

Cllr. Pádraig McEvoy Submission

Bord na Móna has no objection to vehicle monitoring on the existing and proposed haul routes. The proposed development will generate a similar volume of HGV traffic as is generated by the existing development. The Roads Authority has no objection to the continued use of the existing haul routes with volumes of HGV traffic to those that currently prevail.

Cllr. Brendan Wyse Submission

The submission acknowledges that the proposed development will not result in an increase in daily traffic volumes on the approved haul routes. Relying for the most part on a previous report of Kildare County Council relating to a previous development proposal with different traffic generating characteristics the submission focuses on how financial contributions might be directed by the Planning Authority. The 'Planning Authority Report' before the Board for the current application does not include a corresponding list of roadworks. Kildare County Council recommends a planning condition which provides for a financial contribution to the local authority. The applicant has no objection and is amenable to a financial contribution towards public infrastructure and facilities benefiting development in the area of the planning authority in accordance with the terms of Section 48(2)(c) of the Planning and Development Act, 2000. Should An Bord Pleanála be minded to grant permission for the development and should the Board consider a special contribution is warranted then Bord na Móna respectfully invites that the Board to include a condition of planning requiring that the value and terms of the contribution payment to be agreed between Bord na Móna and KCC, or in default that the matter can be referred to An Bord Pleanála for determination.

Development Applications Unit (DAU) Submission

No matters relating to traffic and transportation.

Lorraine Quinn & Sheila O'Brien Submissions

These submissions are predicated on an assumption that the proposed development would give rise to a 'major increase in traffic' and the proposed development is inaccurately and subjectively characterises as generating 'extra traffic'.

The traffic assessment in EIAR Chapter 14 'Traffic and Transport' clearly details and compares the key traffic generating characteristics of the existing permitted Drehid WMF and the proposed development and ultimately confirms that in terms of HGV traffic generation the proposed development is effectively a continuance of the permitted Drehid WMF. The proposed development does not give rise to an increase in HGV traffic above the current scenario. Furthermore, the permitted MBT facility will not be actioned and so the overall site will not generate additional traffic as had been the case in the previous application under ABP Case Reference ABP-300506-17. The 'Planning Authority Report' at p.31 confirms acknowledgement by Kildare County Council that "One of the core objectives in formulating the current proposal has been to limit daily HGV traffic generation at the facility to a value equal to or less than the current permitted facility operation as detailed in Chapter 14 of the EIAR. In summary, it is projected that the estimated traffic arising from the proposed development is likely to result in a continuance or slight reduction in existing and historic HGV traffic generation at the site."

The proposed haul routes have been previously approved. The proposed principal haul routes are the same haul routes used by the existing WMF and the haul routes previously determined suitable to also serve the permitted MBT Facility. The assignment of HGV traffic to the haul routes is based upon examination of detailed weighbridge data spanning the five-year period 2018-2022 which includes details of waste origin. The details of existing and proposed development traffic assignment and distribution are clearly set out and detailed in EIAR Chapter 14 'Traffic and Transport'.

The submission by Sheila O'Brien references the increase in traffic that was forecast to arise at a previous proposed development but fails to engage with the subject matter of the current application, failing as it does to acknowledge the comparative traffic generation of the current proposal which will be equal to or less than the traffic generation of the current facility as confirmed by Kildare County Council.

Transport Infrastructure Ireland (TII) Submission

TII had no specific comments to make with respect to impacts relating to the proposed development.



2.1.11 Community Engagement

The following are responses to observations with regards to community engagement.

Kildare County Council

There were no significant issues raised by Kildare County Council relating to Community Engagement.

Conditions

There were a number of suggested planning conditions in the observation by Kildare County Council which were of a community engagement nature. These are:

Condition 14.

A Community Liaison Committee shall be established, the composition of which shall be based upon equal representation of personnel from the planning authority, the developer, residents and elected members of Clane-Maynooth Municipal District Council. The composition of the committee and any variation thereof shall be subject to the prior agreement of the planning authority. The committee shall identify environmental works and community facilities to be funded under the following condition. The developer shall pay a sum of money to the planning authority either annually or in such a manner as may be agreed, towards the cost of the provision of environmental improvement and recreational or community amenities in the locality. The identification of such projects shall be decided by the planning authority having consulted with the community liaison committee as provided for in the previous condition. The amount of the contribution and the arrangement for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be referred to the Board for determination. The amount shall be index-linked in the event of phased payments.

Reason: It is considered reasonable that the developer should contribute towards the cost of environmental, recreational or community amenities which will help mitigate the impact of the proposed facility on the local community.

Response: The recommended condition is noted and Bord na Móna has no objection to this condition. The developer is fully committed to continuing its support of the local community, and to providing funding to improve local amenities in an open and transparent manner. There is an existing committee set up and it is envisaged that a similar committee and community gain scheme will continue to be present.

Other Observations

One observation from a member of the public raises issue with the pre planning public information event held on July 14th 2022. It is said that the haul routes were not on display and it was stated that they were yet to be determined. The sender alleges that this was not a public consultation as the design was already set and that the process was not in accordance with the Aarhus Convention. The haul routes / volumes of traffic were not yet confirmed at the time of

the public consultation event in July 2022. The event was arranged to request feedback from the public on all aspects of the proposed project, including the haul routes. This feedback was considered during the final site design and the selection of the final haul routes. At the time of the public consultation event, it was thought to be likely that the same haul routes as the existing facility would be used but this was only confirmed following a number of meetings that were held with Kildare County Council between autumn 2022 and early 2023 where, among other things, the various haul routes were discussed. The project and its public consultation has been carried out in accordance with requirements. Further information on Community engagement is provided in Chapter 1 of the submitted EIAR (Introduction).



3. CONCLUSION

This response to the third-party observations is submitted on behalf of the applicant, Bord na Mona.

It is considered that the above information (in conjunction with the submitted Planning Application and EIAR documents) provides a full and justified response to the issues raised in the third-party observations.

We trust the arguments put forward in this response will be considered in full in determining a positive outcome for this application. If there is a requirement for further clarification, please do not hesitate to contact the applicant or TOBIN.





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