

KILDARE COUNTY COUNCIL



Planning and Development Act 2000 (as amended)

Planning and Development (Strategic Infrastructure) Act 2006

Planning Authority report in accordance with the requirements of

Section 37E(4) of the Planning and Development Act 2000 (as amended), & for submission to Elected Members by the Chief Executive in accordance with Section 37E(5)

An Bord Pleanála Ref. No.	317292-23
Applicant	Bord na Móna
Agents	Tobin Consulting Engineers
Site Location	Bord na Móna, Drehid Waste Management Facility, Killinagh Upper, Carbury, Co. Kildare, W91 RC82

Executive Summary

Bord na Móna submitted a planning application to An Bord Pleanála on the 7th June 2023 for a Strategic Development Infrastructure development at its Drehid Waste Management 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.

The Chief Executive of Kildare County Council is obliged to submit a report to An Bord Pleanála by the 15th August 2023 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.

This Report sets out the Planning Authority's views in this regard.

Having considered all aspects of the proposed development, it is considered 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 recorded views of the Members of the Clane-Maynooth Municipal District, including any resolutions made, will be appended to this report which will be issued to An Bord Pleanála on/before the 15th August 2023.

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Application Timelines:

Date	Stages of the SID process
11/05/2023	<i>An Bord Pleanála Opinion determination regarding SID</i>
07/06/2023	<i>Application Lodged to An Bord Pleanála</i>
28/07/2023	<i>Clane- Maynooth Municipal District Meeting</i>
15/08/2023	<i>Chief Executives Report to An Bord Pleanála</i>
05/12/2023	<i>Decision due by An Bord Pleanála</i>

PART I – INTRODUCTION & PURPOSE OF THE REPORT

1.1 Introduction

On 7th June 2023 an application for permission for the proposed development was submitted directly to An Bord Pleanála by Bord Na Mona.

In accordance with Section 37E of the Act, the Chief Executive must submit 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.

An Bord Pleanála has also requested that the Chief Executive address in his report all of the issues identified in their “Guidelines for Planning Authorities” In respect of Strategic Infrastructure Developments.

1.2 The purpose of this report

In accordance with the requirements of Section 37E(4) the Act, the purpose of this report is to set out the views of the Planning Authority on the effects of the proposed development on the environment and on proper planning and sustainable development, with particular regard to the matters specified in section 34(2). Section 34(2) of the Act refers to those matters the Planning Authority considers when making its decision and/or recommending conditions in relation to a ‘normal’ planning application, namely:

- (i) The provisions of the development plan;
- (ii) The provisions of any Section 28 Guidelines;
- (iii) The provisions of any special amenity area order relating to the area;
- (iv) Any European site or other area prescribed for the purposes of section 10(2)(c);
- (v) Where relevant, the policy of the Government, the Minister or any Minister of the Government;
- (vi) The matters referred to in subsection (4) – (i.e. conditions), and
- (vii) Any other relevant provision or requirement of this Act, and any regulations made thereunder.

In addition to the above noted legislative requirements, the An Bord Pleanála ‘7th Schedule Strategic Infrastructure Developments - Guidelines for Planning Authorities’, has also informed the content of this report.

Section 37E(4) of the Act requires that this report shall be submitted to An Bord Pleanála, who will consider it as part of their assessment of the proposed development.

Section 37E(5) of the Act requires that before this report is submitted to the Board, the Chief Executive shall submit it to the elected members, in order to seek their views on

the proposed development. The members may, by resolution, decide to attach recommendations to the report (Section 37E(6) of the Act refers).

Section 37E(6) of the Act also provides that the views expressed by the members on the proposed development during the Council Meeting, can also be attached to this report i.e. the 'meetings administrator's record'.

PART II – SITE LOCATION AND DEVELOPMENT DESCRIPTION

2.1 Site Location Overview

The existing waste management and composting facility is located in the north-west of the county on cut away boglands within the ownership of Bord na Mona within the townlands of Timahoe West, Coolcarrigan, Killinagh Upper, Killinagh Lower, Drummond, Kilkeaskin, Loughnacush, Parsonstown, /Carbury.

The subject site is situated c. 5km northwest of Allenwood. The village of Derrinturn is located approximately 3.5 km to the west of the proposed development site boundary and Timahoe crossroads is located approximately 1.7 km to the east of the closest edge of the site activity boundary. Carbury is located approximately 6 km to the north-west of the proposed development and Prosperous is approximately 8.3 km to the southeast.

Access to the Drehid Waste Management Facility is from the R403 regional road via an existing dedicated site entrance and a 4.8 km internal access road from the regional road. It is proposed that this entrance and road will also provide access from the R403 regional road to the proposed development. The R403 lies south, southwest and west of the site. The R403 joins the R402 at Carbury to the northwest of the site.

The application area (the area within which the application for development is sought) relates to an overall area of 262 hectares (ha), outlined in red in Figure 1 Site Location Map below.

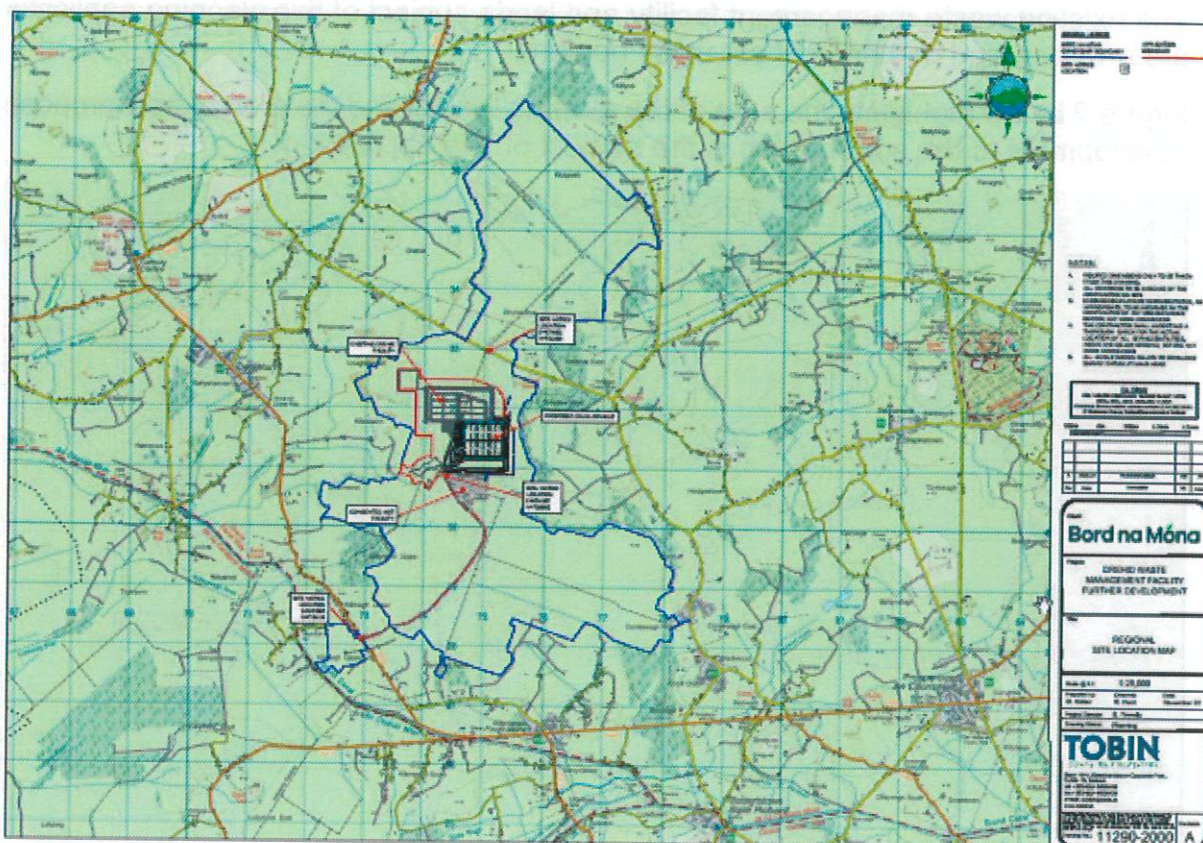


Figure 1: Site Location

The subject site (as outlined in red) has an area of 262 ha. This includes approx. 120 ha where development will take place for the first time; i.e. approx. 152 ha of the application area includes infrastructure and buildings which currently form part of the existing Waste Management Facility (WMF), and this area principally includes the existing Municipal Solid Waste landfill and the existing borrow areas.

The overall Bord na Móna landholding comprises 2,544 hectares (ha) and is outlined in blue on Figure 1. The overall landholding is located within the townlands of Drehid, Ballynamullagh, Kilmurry, Mulgeeth, Mucklon, Timahoe East, Timahoe West, Coolcarrigan, Corduff, Coolearagh West, Allenwood North, Killinagh Upper, Killinagh Lower, Ballynakill Upper, Ballynakill Lower, Drummond, Kilkeaskin, Loughnacush and Parsonstown at Carbury, County Kildare.

The existing operations and proposed expanded facilities are accessed via the existing site access road (4.8km in length) off the Allenwood – Derrinturn regional road. The general location is rural, with a mixture of farmland and bogland. The closest villages (located within c. 7km of the existing facility/proposed development) are:

- Allenwood to the south – 5.2km
- Coill Dubh to the south-east – 6km
- Timahoe to the east – 4.9km
- Derrinturn to the west – 3.4km
- Kilshanchoe to the north – 5.2km

The existing waste management facility and lands subject of this planning application are unzoned and comprise of cut away bogland.

Figure 2 below highlights the area of the existing landfill and the area of new proposed development to the south which is the subject of this application.

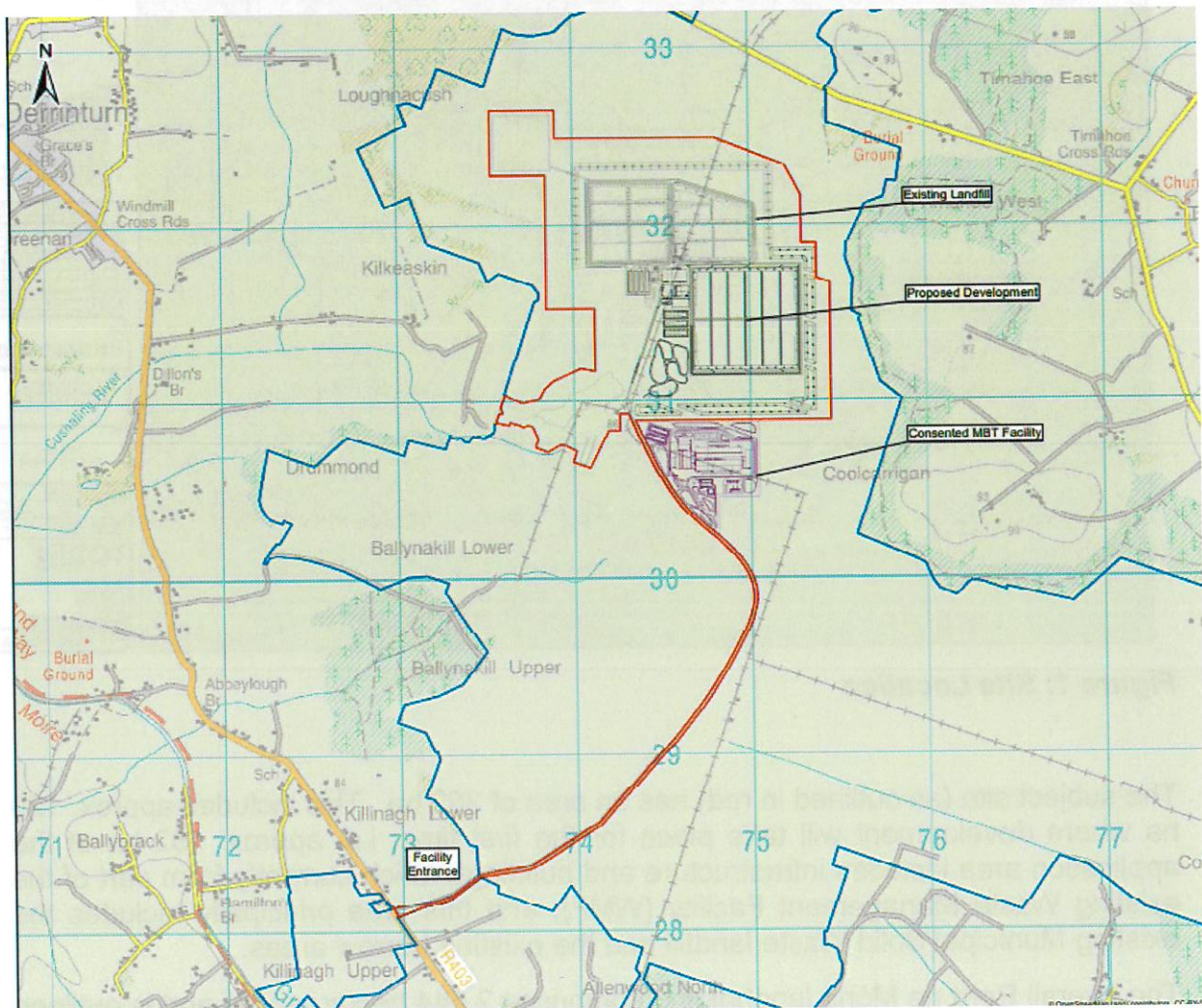


Figure 2: Facility Masterplan

2.2 Existing Dreghid Waste Management Facility

The existing facility is a landfill and waste processing centre within a former raised bog, served by a single access road approximately 5 km long extending from the R403. The raised peat bog is intersected with deep land drains and exposed working faces, with extraction having ceased. The existing facility consists of a waste disposal facility, along with an indoor composting facility, a landfill gas powered generator, an administrative area, weighbridge, settlement lagoons along with ancillary infrastructure. The site overlies acidic peat bog with an underlying geology of deep till deposits over dolomitized limestone, mudstones and shale. The general drainage is to the west and south, eventually discharging to the River Barrow. The northern side of the bog drains north to the Boyne catchment.

Planning permission was granted to Bord na Móna in 2013 for a Mechanical Biological Treatment (MBT) facility (ABP Pl. Ref. PA09.PA0027) which was planned for an area immediately south of the proposed development planning application boundary. The MBT facility was intended as a separate distinct waste treatment facility located adjacent to the proposed development. It is noted that Bord na Móna will not develop the previously permitted MBT facility.

The existing waste management facility is regulated by the EPA in accordance with Industrial Emissions (IE) Licence Reg. No. W0201-03. The current IE Licence permits the following waste activities at the facility:

- Landfilling of non-hazardous residual waste up to 120,000 tonnes per annum (TPA)
- Composting of suitable biowaste up to 25,000 TPA
- No limit on the acceptance of inert waste, where used in landfill engineering.

The waste activities are authorised at the facility until 2028 under the current planning permission and IE Licence.

2.3 SID Application

The proposed development is of the type described in Paragraph 3 – Environmental Infrastructure, Section 5, Part 2, of the Planning and Development Act 2000 (as amended):

- A waste disposal installation for – (c) the landfill of hazardous waste to which Council Directive 91/689/EEC applies (other than an industrial waste disposal installation integrated into a larger industrial facility)

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

The proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Planning and Development Act and is therefore of a type of development (as inserted as the 7th Schedule into the Planning and Development Act, 2000), considered to constitute strategic infrastructure for the purposes of the Act.

2.4 Development Description Summary

The proposed development will take place on a site of 262 no. hectares and will consist of an extension of the existing Drehid Waste Management Facility to provide for the acceptance of up to 440,000 tonnes per annum (TPA) of non-hazardous waste material, comprising:

- Increase in acceptance of non-hazardous household, commercial & industrial and construction & demolition (C&D) waste at the existing landfill from the currently permitted disposal quantity of 120,000 TPA to 250,000 TPA until the permitted void space in the existing landfill is filled and no later than the currently permitted end date of 2028; Development of extended landfill footprint of approximately 35.75 ha to accommodate the landfilling of 250,000 TPA of

non-hazardous household, commercial & industrial and C&D waste for a period of 25 years to commence once the existing landfill void space is filled. The new landfill will have a maximum height of approximately 32 metres (m) above ground level (115.75 m above ordnance datum (AOD)).

- Provision, as part of the extended landfill infrastructure, for 30,000 TPA of contingency disposal capacity for non-hazardous waste, to be activated by the Planning Authority only as an emergency measure, for a period of 25 years.
- Development of a new processing facility for the recovery of 70,000 TPA of inert soil & stones and C&D waste (rubble) and use of same for engineering and construction purposes within the site, including as engineering material in the landfill.
- Increase in acceptance of waste at the existing Composting Facility from 25,000 TPA to 35,000 TPA and removal of the restriction on the operating life of the Composting Facility contained in Condition 2(2) of ABP Ref. No. PL.09.212059;
- Extension to, and reconfiguration of, the existing composting facility to provide for a new Municipal Solid Waste (MSW) Processing and Composting Facility with an additional capacity of 55,000 TPA (giving a combined total for the MSW Processing and Composting Facility of 90,000 TPA), allowing for the combined facility to accept both MSW and other organic wastes.
- Construction of a new odour abatement system at the existing composting facility including two emissions stacks to a height of 17 m above ground level.
- Construction of a new odour abatement system as part of the new MSW Processing and composting facility including two emissions stacks to a height of 17 m above ground level.
- Development of a new maintenance building, with a floor area of 873 m² and a maximum height of 9 m above ground level with staff welfare facility, office, storage and a laboratory.
- New processing facility for the recovery of soil & stones and C&D waste (rubble).
- Construction of two new permanent surface water lagoons and one new construction stage surface water lagoon.
- Construction of a new integrated constructed wetland (ICW) area comprising five ponds.
- Car-parking provision for operational staff.
- Landscaping and screening berms.

All associated infrastructure and utility works necessary to facilitate the proposed development and the restoration of the facility following the cessation of waste acceptance

It is stated that the total waste intake of 440,000 TPA includes 30,000 TPA contingency capacity provided following pre-application consultation with the Regional Waste Officers at the Regional Waste Management Planning Office (RWMPO). The description of development indicates that there will be no significant change in the nature of the waste types accepted at the proposed development from those which are currently authorised and accepted at the facility. Only non-hazardous waste types will be accepted at the facility, no hazardous waste will be accepted at the facility.

The nature and volumes of waste included in the existing development and the proposed development are set out in Figure 3 as follows:

Figure 3: Proposed Waste Quantities for acceptance at the Drehid WMF

Facility Infrastructure	Waste Type/Source	Maximum Incoming (TPA)	Of Which		Life of Facility
			Disposal to Landfill (TPA)	Recycling, Recovery or Process Losses (TPA)	
Extension to existing Landfill with intake increased from 120,000 TPA to 250,000 TPA	Non-hazardous household, commercial & industrial and C&D wastes	320,000	250,000	-	25 Years
New Processing & Recovery Facility (70,000 TPA)	Inert soil & stones and C&D Waste (Rubble)		-	70,000 Recovery - remains onsite for use as Engineering & Construction Material	25 Years
Existing Composting Facility increased from 25,000 to 35,000 TPA	Non-hazardous MSW and Other Organic Waste	90,000	40,000 Rejects and Biostabilised Compost Like Output	30,000 Process Losses	Unrestricted
New MSW Processing & Composting Facility (55,000 TPA) as an extension to existing Composting Facility				20,000 Recyclables and RDF/SRF ¹ - Outgoing	
Contingency Capacity (30,000 TPA) - Landfill Disposal as requested by RWMPO	Non-hazardous household, commercial & industrial and C&D wastes	30,000	30,000		25 Years
Total		440,000	320,000	120,000	

The proposed new landfill will have a maximum footprint of 35.75 ha and will be divided into 12 no. phases of approximate equal volume. Based on an operational lifetime of 25 years, it is indicated that each phase will cater for approximately 2.1 years of waste placement.

The development of each phase will typically be as follows:

- Site clearance and surveys: 7 months
- Construction: 12 months
- Operation/deposition of waste: 2 to 2.5 years (2.1 years used in modelling exercises)
- Temporary/Intermediate capping: 20 – 24 months
- Final capping: 18 months

PART III – POLICY CONTEXT & GUIDANCE

There are numerous policy documents which are of significance in relation to the proposed development. A detailed summary of relevant policy documents is contained within the EIAR. For the purposes of this report, the following is of particular relevance to the proposed development:

3.1 European

- The Waste Framework Directive 2008/98/EC (WFD)
- Landfill Directive 1999/31/EC & Amendment Directive (EU) 2018/850
- Habitats Directive 92/43/EEC
- Environmental Impact Assessment Directive (2014/52/EU)
- Conservation of Wild Birds Directive 2009/147/EC

3.2 National

Section 28 Guidelines

Section 28 of the Planning and Development Act sets out that the minister may at any time, issue guidelines to Planning Authorities regarding any of their functions under this act. Where applicable the Board shall have regard to any guidelines issued to planning authorities under section (1) in the performance of its functions. Of particular note in regard to the proposed development are the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (March 2010) and Circular PL 1/2017 - Implementation of Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive) and Appropriate Assessment Guidelines.

Climate Action Plan 2023

The Climate Action Plan implements the carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland's emissions

by 2030 and reach net zero no later than 2050. Climate Action Plan 2023 sets out how Ireland can accelerate the actions that are required to respond to the climate crisis, putting climate solutions at the centre of Ireland's social and economic development.

National Planning Framework - Ireland 2040

The NPF recognises that in catering for an additional one million people and a move towards alternative energy sources, increased demand for land is likely to include suitable locations for bioenergy supply, waste management, food production, forestry and other land services alongside the need to build more houses, schools and other facilities. Competition for land resources needs careful management and the nature and rate of land use change indicates where future environmental pressures are likely to arise. The NPF supports circular economy principles that minimises waste going to landfill and maximises waste as a resource. This means that prevention, preparation for reuse, recycling and recovery are prioritised in that order, over the disposal of waste.

National Policy Objective 23- Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

National Policy Objective 52- The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

National Policy Objective 55- Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

National Policy Objective 56- Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

National Policy Objective 56 sets out the requirement to sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society. The framework further sets out that effective Waste Management/Waste planning in Ireland is primarily informed by national waste management policies and regional waste management plans. Planning for waste treatment requirements to 2040 will require: That Regional Spatial and Economic Strategies and the core strategies of MASPs and city and county development plans will support national and regional waste policy and efficient use of resources.

The development of necessary and appropriate hazardous waste management facilities to avoid the need for treatment elsewhere; Adequate capacity and systems to manage waste, including municipal and construction and demolition waste in an

environmentally safe and sustainable manner and remediation of waste sites to mitigate appropriately the risk to environmental and human health.

Draft National Waste Management Plan for a Circular Economy (Draft WMP)

This Draft Plan covers the period from 2023 – 2029 sets out a framework for the prevention and management of waste in Ireland.

3.3 Regional

Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly

The aim of the Regional Spatial and Economic Strategy (RSES) is to strengthen the settlement structure of the Region and to capitalise on the individual and collective strengths of the region's cities, towns, and rural areas. It provides policy responses in the form of Regional Policy Objectives to ensure that people's needs, such as access to housing, jobs, ease of travel and overall well-being are met. The Development Plan is required to be consistent with the RSES. The Strategy is underpinned by three key principles: healthy placemaking, climate action and economic opportunity.

Section 10.4 – Waste Management Key regional policy guidance but defers to WMP's for detailed policy.

RPO 10.25: Development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantum of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan.

Eastern-Midlands Regional Waste Management Guidelines 2015-2021

Chapter 16 (policies), particularly the following:

E1. Future authorisation by the local authorities, the EPA and An Bord Pleanala of pre-treatment capacity in the region must take account of the authorised and available capacity in the market while being satisfied the type of processing activity being proposed meets the requirements of policy E2.

E2. The future authorisation of pre-treatment activities by local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary and the proposed activities will improve the quality and add value to the output materials generated at the site.

E8. The waste plan supports the development of disposal capacity for the treatment of hazardous and non-hazardous wastes at existing landfills in the regional subject to the appropriate statutory approvals being granted in line with the appropriate environmental protection criteria.

E9a. The on-going availability of disposal facilities for non-hazardous municipal residual wastes in the regional will be required during the plan period. The local authorities consider there is no need to provide additional disposal facilities for residual wastes over and above the existing authorised (i.e., operational, inactive or uncommenced) facilities in place.

E17. The waste plan supports the development of at least 75,000 tonnes of additional biological treatment capacity in the regional for the treatment of bio-wastes (food waste and green waste) primarily from the region to ensure there is adequate active and competitive treatment in the market. The development of such treatment facilities needs to comply with the relevant environmental protection criteria in the plan.

3.4 Local

Kildare County Development Plan 2023-2029

The subject development site is fully located within the functional area of Kildare County Council as the local Planning Authority and is subject to the provisions of the Kildare County Development Plan 2023-2029 which in turn is informed by the policies and objectives at a European/National and Regional level. These set the context and help indicate the appropriateness of the proposed development from a strategic infrastructure and land use perspective.

The policy context takes into consideration both planning/environmental and waste management policy from a European Level through to a Regional Level with the relevant provisions of the Kildare County Development Plan 2023-2029 also detailed.

Kildare County Development Plan policies and objectives of particular relevance to the SID application include;

Chapter 1 Introduction and Strategic Context:

Strategic Vision: To build on the strengths of the county in order to improve the quality of life of all residents, through the creation of high-quality job opportunities, by the provision of high-quality residential development supported by adequate community infrastructure, through the provision of a high-quality sustainable transport network, by healthy placemaking and transformational regeneration, by supporting the transition to a low carbon climate resilient environment, by embracing inclusiveness and by enhancing our natural and built environment for future generations.

Chapter 4- Economic Development:

RE P2 Support and facilitate the economic development of the county in accordance with the Kildare 2025 (Economic Development Strategy); across a range of sectors. There will be a general presumption against development that would prejudice the achievement of the Economic Development Strategy.

Chapter 5- Sustainable Mobility and Transport:

TM O5 Encourage the use of materials and engineering solutions that optimise natural surface water drainage as part of Sustainable Urban Drainage Systems (SUDS) with all new active travel, public transport, parking, road and street developments and ensure adequate replacement and additional planting of pollinator-friendly and native species.

TM O6 Support and encourage employers to develop and implement Workplace Travel Plans based on the NTA's Workplace Travel Plans: A Guide for Implementers (2013), in order to promote more sustainable travel options.

TM O108 Seek to channel HGV traffic associated with: (i) landfill and extractive sites onto the regional and national road networks in so far as possible and to seek appropriate and proportionate contributions towards the cost of road improvements which benefit a specific development, in accordance with Sections 48 or 49 of the Planning and Development Act 2000 (as amended) and (ii) to assess the potential for HGV management measures in town centres where appropriate

TM O117 Support the Government's targets for electric vehicles on roads by prioritising parking for Electric Vehicles (EVs) in central locations, by supporting the provision of charging facilities on public and private land. Ensure a future proofed approach to the rollout of EV charging infrastructure by means of planning decisions by applying the following requirements of the EU (Energy Performance of Buildings) Regulations 2021 (S.I. 393 2021) for Electric Vehicle recharging infrastructure:

- New buildings or buildings undergoing major renovations (other than a dwelling) shall install at least one recharging point and ducting infrastructure for at least one in every 5 car parking spaces to enable the subsequent installation of recharging points for electric vehicles.
- New buildings or buildings undergoing major renovations (containing one or more than one dwelling), which has more than 10 car parking spaces, shall install ducting infrastructure for each car parking space to enable the subsequent installation of recharging points for electric vehicles.

TM O71 Ensure that all new developments in proximity to National Routes and Regional Routes and other heavily trafficked roads are spatially and acoustically assessed and designed to minimise noise impact and to protect sensitive noise receptors from traffic noise in accordance with national and local planning guidance as may be issued.

TM O72 Implement the requirements of S.I. No. 140 of 2006 Environmental Noise Regulations and the recommendations of the Kildare Noise Action Plan 2019-2023, to seek to reduce, where necessary, the harmful effects of traffic noise, through appropriate mitigation measures that meet the best environmental options.

TM O73 Ensure that new developments in proximity to National Routes and Regional Routes are designed in such a way as to prevent light overspill onto adjacent public roads.

TM O77 Safeguard the carrying capacity and efficiency of the National Road Network drainage regimes in County Kildare.

M P6 Maintain and improve the capacity, safety and function of the regional road network (as finance becomes available) and to ensure that it is planned for and managed to enable the sustainable economic development of the county and wider area while encouraging a shift towards more sustainable travel and transport in accordance with the Core Strategy, the Spatial Planning and National Roads Guidelines (2012) and the Draft Transport Strategy for the Greater Dublin Area 2022-2042.

TM P7 Ensure that the safety and capacity of the local road network is maintained and improved where funding allows and to ensure that local streets and roads within the county are designed to a suitable standard to accommodate sustainable modes of transport and the future needs of the county. These roads and streets should be appropriately designed for all road users regardless of age, physical mobility, or social disadvantage.

Chapter 6- Infrastructure and Environmental Services:

IN P6 Implement European Union, National and Regional waste related environmental policy, legislation, guidance, and codes of practice, in order to support the transition from a waste management economy towards a circular economy.

IN O39 Encourage a just transition from a waste economy to a green circular economy in accordance with 'A Waste Action Plan for a Circular Economy 2020-2025' and the Whole of Government Circular Economy Strategy 2022-2023 'Living More, Using Less'.

IN O40 Provide, promote, and facilitate high quality sustainable waste recovery and disposal infrastructure / technology in keeping with the EU waste hierarchy to cater for anticipated population growth and the business sector in the County

IN O46 Ensure the provision of waste management facilities in the county (both public and private) are subject to the specific requirements of the Eastern-Midlands Region Waste Management Plan 2015-2021 (or as amended / updated).

IN O48 Facilitate the development of waste management infrastructure and the ongoing operation of the Drehid waste facility at an appropriate scale to cater for the waste management needs of Kildare and the Eastern and Midlands Waste Region, subject to the protection of the environment, landscape character, road network and amenities of the area.

IN O53 Ensure that hazardous waste is addressed through an integrated approach of prevention, collection and recycling and encourage the development of industry-led producer responsibility schemes for key waste streams.

Chapter 7 Energy and Communications:

EC O44 Require all new development to be designed to take account of the impacts of climate change, and that energy conservation, energy efficiency and energy renewable measures are incorporated in new and existing buildings through the appropriate design and location of new development, in accordance with relevant building regulations and guidelines.

EC P15 Promote the necessary infrastructure to support the continued roll out of electric vehicles EC.

O45 Promote the delivery of EV charging facilities across the County where demand is proven, both on sites owned and occupied by Kildare County Council and private sites and ensure that EV charging points are installed in such a way that they do not cause significant obstruction to footpaths, cycle lanes, access to Train stations, or bus lanes/stops. The EV charger should be compatible with the Sustainable Energy Authority of Ireland's Triple E Register.

EC O58 Undertake a peatland stability assessment, carbon emissions balance assessment and hydrological and ecological impact assessments, as required, when developing project proposals for development on peatlands.

Chapter 9- Our Rural Economy:

RD O32 Encourage the re-wetting, restoring and/or re-wilding of former cutaway bogs and peatlands with an emphasis on maximising biodiversity and carbon sequestration to account for approximately 70% of cutaway bogs. Such projects shall be subject to Appropriate Assessment; shall have regard to any hydrological connection shared with a European Site and their qualifying interest species; shall not adversely affect drainage of surrounding lands; and shall account for any potential likely significant effects and provide mitigation and monitoring where appropriate.

RD O33 Work with all relevant stakeholders including Bord na Móna to support the sustainable re-use and sustainable development 5 of up to approximately 30% of cutaway boglands (within County Kildare) for economic purposes, including inter alia renewable energy (wind and solar) in appropriate locations, subject to relevant environmental assessments. Such projects shall be subject to Appropriate Assessment; shall have regard to any hydrological connection shared with a European Site and their qualifying interest species; shall not adversely affect drainage of surrounding lands; and shall account for any potential likely significant, cumulative and in combination effects.

RD O34 Proposals brought forward for any development on the county's cutaway peatlands shall be accompanied by an independent biodiversity profile of the landholding, setting out how the proposed development was formulated having regard to the following step by step, biodiversity-led process: 1. Identification of areas of greatest ecological value and how the proposal is compatible with peatland restoration. 2. Identification of areas of greatest carbon sequestration value. 3. Identification of areas of amenity value and potential, and incorporation of the Green Infrastructure Strategy (see Section 12.14).

RD O35 Support diversification and re-use of buildings previously associated with peat extraction to waste management and resource recovery infrastructure RD O37 Recognise the importance of cutover and cutaway bogs in providing some critical ecosystem services such as potential carbon sinks. Cutover bogs should be identified for immediate management interventions to prevent further degradation, particularly the ongoing loss of their carbon store.

RD O36 Support the development of a National Peatlands Park in co-operation with Bord na Mona, NPWS, Inland Fisheries Ireland, local community groups and other relevant stakeholders as per recommendation 9 of the BOGLAND Report from the EPA in 2011, Action A28 of the National Peatland Strategy 2014 and the Local Just Transition Plan for West Kildare 2022.

RD O38 Encourage, where possible, the return to a natural functioning peatland ecosystem in the first instance.

RD O41 When developing project proposals for development on peatlands, undertake a peatland stability assessment, carbon emissions balance assessment and hydrological and ecological impact assessments, as required

RD O5 Require new buildings and structures: • To be sited as unobtrusively as possible. • To be clustered to form a distinct and unified feature in the landscape. • To utilise suitable materials and colours. • To utilise native species in screen planting to integrate development into the landscape

RD P7 Support the appropriate and sensitive diversification of former cutaway peatlands, whilst ensuring the protection of their ecological, archaeological, cultural, and educational significance in line with the National Peatlands Strategy (DAHG 2015) the National Raised Bog Special Area of Conservation Management Plan 2017-2022 and the Peatlands & Climate Change Action Plan 2030.

Chapter 11 Built and Cultural Heritage:

AH P1 Recognise the value and opportunity of Kildare's unique heritage resource and to manage, conserve, promote and protect it, for present and future generations.

AH P2 Protect and enhance archaeological sites, monuments and where appropriate and following detailed assessment, their setting, including those that are listed in the Record of Monuments and Places (RMP) or newly discovered archaeological sites and/or subsurface and underwater archaeological remains.

AH O2 Manage development in a manner that protects and conserves the archaeological heritage of County Kildare, avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest and secures the preservation in-situ or by record of all sites and features of historical and archaeological interest, including underwater cultural heritage. The Council will favour preservation in – situ in accordance with the recommendation of the Framework and Principles for the Protection of Archaeological Heritage (1999) and the Council will seek and have regard to the advice and recommendations of the Department of Housing, Local Government and Heritage.

AH O4 Ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing and to ensure that such proposed developments are subject to an archaeological assessment prepared by a suitably qualified archaeologist. Such an assessment will seek to ensure that the development can be sited and designed in such a way as to avoid impacting on archaeological heritage

that is of significant interest including previously unknown sites, features, objects and areas of underwater archaeological heritage.

AH O20 Conserve and protect buildings, structures and sites contained on the Record of Protected Structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

AH O21 Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.

AH O23 Require an Architectural Heritage Assessment Report, as described in Appendix B of the Architectural Heritage Protection, Guidelines for Planning Authorities (2011), to accompany all applications with potential for visual or physical impacts on a Protected Structure, its curtilage, demesne and setting. This report should be prepared by a person with conservation expertise that is appropriate to the significance of the historic building or site and the complexity of the proposed works.

AH O31 Protect the designed landscapes associated with protected structures and retain important elements of the built heritage including historic gardens, stone walls, pathways, and avenues within the curtilage and attendant grounds of protected structures.

Chapter 12 Biodiversity & Green Infrastructure:

BI O1 Require, as part of the Development Management Process, the preparation of Ecological Impact Assessments that adequately assess the biodiversity resource within proposed development sites, to avoid habitat loss and fragmentation and to integrate this biodiversity resource into the design and layout of new development and to increase biodiversity within the proposed development. Such assessments shall be carried out in line with the CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine

BI O9 Avoid development that would adversely affect the integrity of any Natura 2000 site and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive, to support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

BI O10 Ensure an Appropriate Assessment Screening, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, Section 177A of the Planning and Development Act (2001-2022) or any superseding legislation and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood

of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.

BI O18 Require all applications for new developments to identify, protect and sensitively enhance the most important ecological features and habitats, and incorporate these into the overall open space network, keeping free from development and to provide links to the wider Green Infrastructure network as an essential part of the design process and by making 394 provision for local biodiversity (e.g. through provision of swift boxes or towers, bat roost sites, hedgehog highways², green roofs, etc.).

BI P8 Ensure that Kildare's wetlands and watercourses are retained for their biodiversity, climate change mitigation properties and flood protection values and at a minimum to achieve and maintain at least good ecological status for all wetlands and watercourses in the county by, at the latest, 2027 in line with the Water Framework Directive and Ramsar Convention.

BI O53 Work with relevant stakeholders on suitable peatland sites in order to demonstrate best practice in sustainable peatland conservation, management and restoration techniques to promote their heritage and educational value subject to ecological impact assessment and appropriate assessment screening.

BI O54 Work with relevant agencies such as EMRA, BnM, the NPWS, Coillte and adjacent councils to prepare a comprehensive after use framework plan for large cutaway bog sites and associated workshops, office buildings and industrial sites which provide for future sustainable environmental needs and are a significant resource for amenities when peat harvesting ends.

Chapter 13- Landscape, Recreation & Amenity:

LR P1 Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

LR O2 Require a Landscape/Visual Impact Assessment to accompany proposals that are likely to significantly affect:

- Landscape Sensitivity Factors;
- A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);
- A route or view identified in Map V1 - 13.3 (i.e. within 500m of the site boundary).
- All Wind Farm development applications irrespective of location, shall be required to be accompanied by a detailed Landscape/Visual Impact Assessment including a series of photomontages at locations to be agreed with the Planning Authority, including from scenic routes and views identified in Chapter 13.

LR O1 Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type

and the choice of location of the proposed development in the landscape will be critical considerations.

LR O9 Continue to support development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of local absorption opportunities provided by the landscape, landform and prevailing vegetation.

LR O11 Support collaboration between Kildare County Council, the Midlands Regional Transition Team and all other relevant stakeholders and the development of partnership approaches to integrated peatland management for a just transition that incorporates the management, rehabilitation and restoration / re-wetting of significant tracts of peatlands in conjunction with appropriate developed after use.

LR O12 Recognise that boglands, including cutaway and cut-over bogs, are critical natural resources for ecological and environmental reasons, particularly for climate mitigation and adaptation. Development proposals for boglands that reduce biodiversity and increase greenhouse gas will not be considered. Appropriate environmental assessment should be carried out for any development proposals which impact on boglands.

LR O13 Recognise that some cutaway and cut-over boglands may represent degraded landscapes and thus may potentially be fit to absorb a variety of development provided that the development proposal does not increase Green House Gas emissions or damage protected habitats or species. Projects which result in increases in ammonia emissions to watercourses will not be considered.

LR O16 Require the undertaking of a peatland stability assessment, carbon emissions balance assessment and hydrological and ecological impact assessments, as appropriate, when developing project proposals for development on peatlands.

Chapter 15 Development Management Standards:

Development Management Standards are outlined within Chapter 15 of the CDP, which states that “in assessing development proposals for, or including, waste recovery / disposal facilities, the Planning Authority will have regard to the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021 or any superseding document, planning legislation, the County Development Plan policies as set out in Chapter 6 and other relevant planning documents.

PART IV - PLANNING HISTORY

4.1 Kildare County Council Planning History

04/371/PL09.212059 – Permission granted for the construction of Drehid Waste Management Facility consisting of an engineered landfill site and composting facility for an operational lifespan of 20 years.

10/1172 – Extension of Duration of Planning reference no. 04/371/PL09.212059 for a period of 2 years up to the 13th of January 2013. Permission granted on the 25/02/11.

11/537 – Permission granted (19/10/11) for the development of a landfill gas utilisation plant which will be phased and will generate up to 4.99 MW of electricity for input into the national grid.

11/902 – Permission granted (02/11/11) for an extension (with a gross floor space of approximately 383 square metres) to the previously permitted composting facility.

4.2 Strategic Infrastructure Development History

PL09.PA0004 – Permission granted for the extension and intensification of the Drehid Waste Management Facility. Permitted on the 31/10/08.

PL09.PA0027 – Permission granted for the development of a mechanical biological treatment (MBT) facility with a capacity of 250,000 tonnes per annum of waste (principally municipal solid waste). Permitted on the 15/03/13. (Permission not taken up).

PL09.PM0003 - Section 146B request to ABP to permit intensification for 7 yrs as originally requested in PA0004 (i.e. for an additional 2 yrs to Dec. 2015). Granted on the 23/12/13.

PL09.PM0008 - Section 146B request to ABP Alter condition of PA0004 to permit intensification of waste for a further 2 yrs to Dec. 2017, reverting to 120,000 tonnes thereafter. - No physical change to footprint proposed and - No change to the final overall volume of waste proposed. Permitted on the 12/09/16.

PL 300506-17- Permission **refused** for an increase in waste material at disposal facility at the Drehid Waste Management Facility.

Description of SID Application (ABP 300506-17):

- The development of a new landfill footprint of approximately 20.89 hectares to accommodate 250,000 tonnes per annum (TPA) of non-hazardous waste including incinerator bottom ash, construction and demolition waste and stabilised biowaste. The existing permitted quantity is disposal of 120,000 TPA of non—hazardous municipal waste.
- The on-site recovery of approximately 15,000 TPA of metals from a maturation and metals recovery facility (a building of approximately 7,380 square metres).
- The provision of a 4.69 hectare inert material storage area.
- The development of a new landfill footprint of approximately 10.79 hectares to accommodate 85,000 TPA of hazardous wastes, including incinerator fly ash and other residues.
- On-site pre-treatment facility for incinerator fly ash and flue gas treatment residues in an ash solidification building with a floor area of 613 square metres.
- A hazardous waste handling building with a floor area of 400 square metres.
- A Hazardous Waste Storage and Quarantine Area with a floor area of 4000 square metres.

- An increase by 20,000 TPA to be accepted at the existing composting facility (currently 25,000 TPA), and removal of the restriction on the operating life of this facility.
- An extension to the existing composting facility to cater for an additional 45,000 TPA entailing a composting building with a floor area of 6,905 square metres.
- A waste control building with a floor area of 188 square metres.
- An existing maintenance building converted to a Welfare Building.
- A maintenance building with a floor area of 850 square metres with associated fuel storage bund.
- The provision of a Leachate Treatment Facility within a 3,402 square metre bunded areas to cater for leachate from the facility (leachate is currently tankered off).
- The provision of 7 additional surface water attenuation lagoons.
- The provision of 4 no. additional integrated constructed wetlands.
- Service and dedicated circulation roads.
- 35 additional parking spaces.
- Weighbridges and wheel washes.
- All associated ancillary development works

Permission **refused** by an Bord Pleanála on 11/11/2020 following an Oral Hearing for the following 4 no. reasons:

(1) On the basis of the information provided with the application documentation and the further information submitted, including the Natura Impact Statement, and in the light of the potential for the proposed development, in combination with other developments in the area, to continue the ongoing degradation of remaining peat within Timahoe Bog resulting in an excess of ammonia and suspended solids in the Cushaling and Figile Rivers, with a consequent impact in preventing these rivers, part of the Barrow Nore catchment, to develop into suitable habitat for salmonid species, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

(2) Having regard to the complex hydrological and hydrogeological conditions obtaining onsite, to the limited investigation carried out of those conditions and hence to the potentially inadequate mitigation measures associated with the proposed development, it is considered that on the basis of the information submitted with the application documentation and the further information submitted, the development site is unsuitable for a development of the nature and scale proposed, having regard to ongoing excess ammonia concentrations in groundwater and in local watercourses,

which include watercourses with potential for salmonid habitat which flow into the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). The proposed development would, therefore, have a significant adverse effect on the conservation and protection of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), and would therefore be contrary to the proper planning and sustainable development of the area.

(3) The Board is not satisfied, on the basis of the information submitted with the application documentation and the further information submitted, that the subsurface geology of the site is suitable for the proposed hazardous waste cell. It is considered that given the site's high groundwater levels and the uncertainty regarding the nature of the subsurface, that the applicant has not demonstrated that the proposed development would ensure the safe disposal of this material on the site. The proposed development would give rise to a hazard to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

(4) Having regard to the proposed development being accessed solely via a substandard network of Regional Roads which run through a series of villages before connecting with the National Road Network, it is considered that the proposed development would generate a significant volume of traffic, including a high number of movements by heavy goods vehicles, which the road network in the vicinity of the site is not capable of accommodating safely due to the restricted width and capacity of the R402, R403, R407 and R409 in the vicinity of the site. The proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard.

4.3 Applications in the Wider Area of the Subject Site:

Water Supply Project (Application in Process) - Uisce Éireann is in the process of preparing a planning application for submission to An Bord Pleanála for the Water Supply Project –Eastern and Midlands Region (WSP)(Irish Water, 2018). It should be noted that the final route of the WSP and its environmental impacts will only be known when the planning application is submitted to An Bord Pleanála.

Ref No. 19/67 – development at existing quarry, all within an overall area of 29.6 Hectares consists of continuance of the development granted under Reg.Ref. 04/1680 comprising; 1.use of asphalt/macadam plant; 2.processing operations (crushing and screening); 3.storage of aggregates; 4.ESB substation (33sqm); 5.bunded fuel store (100sqm); 6.vehicle circulation and access including wheelwash; 7.restoration of part old quarry on 5.5 hectares using imported inert materials; and all other ancillary operations. The development also comprises continuance of the quarry workings within the existing quarry extraction area of 14 hectares (granted under PI. Reg. Ref. 04/1680) with an increase in depth of the workings from 128mOD to a level of 108mOD; and restoration of the overall site. The proposed operational period is 13 years plus 2 years to complete restoration (total duration sought 15 years). This

planning application will be accompanied by an Environmental Impact Assessment Report (EIAR). Located in Drinnanstown South, Rathangan, Co. Kildare. This was granted by Kildare County Council on 13th Nov. 2019.

Ref No. 18/1534 – Development of a wind farm, recreation amenity trail and all associated works. The development will consist of the following: up to 12 no. wind turbines with a tip height of up to 169 meters and all associated foundations and hardstanding areas; 1 no. on-site electricity substation; 2 no. temporary construction compounds; all associated underground electrical and communication cabling connecting the turbines to the proposed on-site electricity substation; underground electricity cabling including joint bays on the public road connecting the proposed onsite electricity substation to the existing Dunfieth substation within the townland of Dunfieth via the L1004 public road; upgrade and extension to an existing recreation amenity trail and installation of signage, picnic tables and bicycle stands; upgrade of existing site entrance from the L5025 public road and use of 1 no. existing site entrance on the L5012 public road; provision of new site access tracks and associated drainage; upgrade of existing access tracks and associated drainage; tree felling; and all associated site development works including landscaping. Permission is sought for a period of 10 years and an operational life of 30 years from the date of commissioning of the entire wind farm. Located within the townlands of Ballynamullagh, Coolree, Drehid, Dunfieth, Killyon, Kilmurry and Mulgeeth, Co. Kildare. This was refused by Kildare County Council on the 19th Dec. 2019. It was subsequently appealed to An Bord Pleanála (Planning Ref No. PL09.306500). This was granted planning permission by An Bord Pleanála on the 8th Sep. 2020.

Ref No. 19/888 – permission for a period of 10 years to construct and complete a Solar PV Energy development with a total site area of 38.08 hectares, to include two electrical substation buildings, six electrical transformer and inverter station modules, solar PV panels ground mounted on support structures, vehicular access, access gates and internal access tracks, one spare parts container, security fencing, electrical cabling and ducting, CCTV cameras and other ancillary infrastructure, drainage, temporary construction compound, landscaping and habitat enhancement as required and associated site development works and services. A Natura Impact Statement (NIS) will be submitted to the planning Authority with the application at a site townlands of Hortland and Knockanally, Donadea, Naas, Co. Kildare. This was granted by Kildare County Council on the 20th Dec. 2019.

Ref No. 15/1172 – Solar PV panel array consisting of up to 66,000m² of solar panels on ground mounted steel frames, 2 no. electricity control cabins, 10 no. inverter units, underground cable ducts, hardstanding area, boundary security fence site entrance, CCTV and all associated site works, located in the townland of Coolcarrigan, Timahoe West, Co. Kildare. This was granted by Kildare County Council on the 15th June. 2016. This was granted by Kildare County Council on the 23rd April 2017.

Ref No. 16/1265 – 10 year permission for the construction of an up to 25 MW solar PV farm comprising approximately 86,200 no. photovoltaic panels on ground mounted frames within a site area of 35.6 hectares and associated ancillary development including 20 no. transformer stations, 20 no. auxiliary transformer stations, 20 no. inverters, 1 no. client side substation, 1 no. single storey storage building, 1 no. single storey communications building, 1 no. single storey DNO building, 6 no. CCTV security cameras mounted on 4 metre high poles and perimeter security fencing (2 metres high) and localized improvements to an existing agricultural access from the adjoining L1004 road to the south. Located in Dysart, Johnstownbridge, Co. Kildare. This was granted by Kildare County Council on the 21st April 2017.

Ref No. 17/1222 – A 10 year permission for development on lands which will consist of an extension to the solar PV farm granted permission under Register Reference 16/1265 comprising the construction of approximately 25,300 No. photovoltaic panels on ground mounted frames within a site area of 11.50 hectares and associated ancillary development including 4 No. transformer stations, 4 No. auxiliary transformer stations, 4 No. inverters, 1 No. CCTV security camera mounted on 4 metre high pole, perimeter security fencing (2 metres high) and internal access tracks. Located in Townland of Dysart, Johnstownbridge, Co. Kildare. This was granted by Kildare County Council on the 7th Feb. 2018.

Ref No. 17/799 – Permission for a period of 10 years to construct and complete a Solar PV Energy development with a total site area of 8.60 hectares, to include a single storey electrical substation building, electrical transformer and inverter station modules, spare parts container, solar PV panels ground mounted on support structures, internal access tracks, security fencing, electrical cabling and ducting, CCTV and other ancillary infrastructure, drainage, additional landscaping and habitat enhancement as required and associated site development works including vehicular access works. Located in Kishawanny Lower, Carbury, Co. Kildare. This was granted by Kildare County Council on the 28th Nov. 2017.

Ref No. 22/1203 – Application for a 10-year permission, for the construction and operation of a renewable energy development within a site boundary of c. 114 ha. The proposed development will consist of a development area of circa 71.7 ha including solar on fixed on ground mounted frames with a maximum height of 3 metres, 1 No. battery storage compound, 1 No. customer switchgear container, 1 No. 110kv grid connected single storey substation, 1 No. single storey customer substation and all associated electrical plant, inverter units, electrical transformers, battery units, cooling equipment, underground cabling and ducting, boundary fencing, security entrance gates, CCTV, upgrading of existing access road and new internal access roads and all associated ancillary activities. The proposed development will have a 35-year operational life from the date of commissioning. Located in Coolcarrigan, Timahoe West, Co. Kildare. This was granted by Kildare County Council on 10th July 2023.

- An Bord Pleanála (Planning Ref No. VA09.303249). STRATEGIC INFRASTRUCTURE DEVELOPMENT - 110kV onsite electrical substation with associated electrical plant, electrical equipment, welfare facilities and wastewater holding tank and security fencing. 110kV overhead line grid connection cabling,

upgrade of existing tracks and provision of new site access roads with all associated site development and ancillary works. Located in Timahoe East, Co. Kildare. This was granted planning permission by An Bord Pleanála on 29th July 2020.

Pre-Planning Consultation

PP Ref. 5411. Pre-Planning Consultation took place with the Planning Authority on 15th June 2022.

Part V – KCC INTERNAL REPORTS SUMMARY

5.1 Introduction

The Strategic Infrastructure Development application was referred to relevant internal departments of Kildare County Council. The full content of the internal reports is set out in Appendix 1. The contents of the Environmental Reports submitted, where relevant, have also been reviewed by the respective internal departments. An overview of the issue raised in the reports submitted is outlined below in section 5.2.

5.2 Overview

To date reports have been received from the Transportation Department, Water Services Department, Environment Department, Parks Department and the Chief Fire Officer, and are summarised below.

5.2.1 Transportation Department

The KCC Transport, Mobility and Open Spaces Department has examined the information submitted by the applicant in relation to the proposed development and the 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 and in view of the KCC Transportation Department has no objection to the proposed development subject to the imposition of specific conditions. The following is an analysis in relation to Traffic Impact Assessment and Haul Routes, HGV Generation and Monitoring and Traffic Mitigation Measures.

Traffic Impact Assessment and Haul Routes

The following transportation concerns were previously outlined by the ABP:

1. Access to subject site solely via a substandard network of Regional Roads.
2. Congestion due to increased traffic levels on the R402, R403, R407 and R409 which have limited capacity for heavy goods vehicles.
3. Endangerment of public safety by reason of traffic hazard.

TOBIN Consulting Engineers, with guidance from TrafficWise, have been appointed to examine the impacts of traffic and road safety in the vicinity of the site as a result of the proposed development particularly along the R402, R403, R407 and R409.

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 serve the proposed development of the MBT facility at the site.

Condition 18 of the permission under An Bord Pleanála Case Ref. 09.PA0027 required a special contribution under Section 48(2)(c) of the Planning and Development Act 2000 as amended in respect of road improvements to the permitted haul routes. Prior to the Applicant's decision not to develop the MBT facility the Applicant had agreed a financial contribution with KCC in September 2021 that complied with Condition 18 to the satisfaction of Kildare County Council.

A summary of the previous agreed financial contribution between the Applicant and KCC is below:

€2 million to be paid up front prior to the start of the development.

€230,000 per year over 10 years which totals €2.3 million

€230,000 to be index linked

Total Contribution is €4.3 million.

Confirmation of this agreement is attached in Appendix B of the Transportation Report)

The Total Contribution of €4.3 million is 31.2% of the overall estimated cost of €13,769,673 of road and junction improvement works and traffic calming works on the haul routes as outlined in the previous roads report dated 09/02/2018, (a copy of which

is attached in Appendix A of the Transportation Report). The estimate was carried out with the assistance of the MD Engineers.

The KCC Roads Planning Section is now recommending the following financial contribution over the 25 year period of development in view of the size and duration of the development:

€2 million to be paid up front prior to the start of the development.

€230,000 per year over 25 years which totals €5.75 million.

€230,000 to be index linked.

Total Contribution is €7.75 million.

In agreeing matters relating to Condition 18 the Applicant and Kildare County Council had anticipated the MBT Facility and the existing WMF operating conjunctively. It is stated that the proposed development will generate less HGV traffic and there was general agreement between the KCC Roads Planning Section and the Applicant at previous meetings that the proposed haul routes were satisfactory in principle but subject to the following sections of haul routes not being permitted by KCC for HGVS:

- 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.

It should be noted that the following projects have now been recently completed:

- Kilcullen Road Naas (R448) between the ring road and Pipers Hill Campus road improvement works.
- Traffic calming works in Johnstown Bridge (R402).
- Traffic calming works in Kilshanroe (R402).
- R402 Road Improvement Works between Edenderry and Enfield.
- M7 Motorway Widening Works and the Sallins By-Pass Scheme.

The road condition surveys which are outlined in Appendix 14-2 of the EIAR carried out have shown that many roads making up the proposed haul routes in general are appropriate and do not require structural overlays. Details are provided where overlays

are required, and it is noted that some locations are in need of works to strengthen the load bearing capacity of the roads.

Proposed Reduction of HGV Vehicle Generation

It has been stated that the previous concerns with regards to traffic generation were predicated on the expectation of a significant increase in the volume of traffic generated by the site which the ABP Inspector's report suggested to be as high as 424 no. HGV two-way movements with a final figure of 310 no. HGV movements informing the Inspector's assessment. It is noted that the estimated traffic generation of the proposed development will be approximately up to 78 no. HGV trips per day (156 no. HGV two-way movements). It is accepted that the figure of 310 no. HGV two-way movements without the MBT facility would undoubtedly have constituted a 'significant' increase in HGV traffic generation and it is this 'significant' increase that underpinned the reasons for refusal for the previous application (Case Reference ABP-300506-17).

In terms of potential congestion arising from HGV traffic on site, it is stated that the current proposal for the development of the site is less complex than the previous development considered under Case Reference ABP-300506-17 and that the total daily HGV traffic generation of the proposed development might reasonably be considered akin to continuance of the existing development according to the latest traffic assessments conducted on site.

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.

Chapter 14 "Traffic and Transportation" of the EIAR sets out in further detail the potential effects of the entire proposed development on the baseline environment and also set out further mitigation measures to minimise any adverse effects of the existing conditions.

GPS Monitoring of HGVs

The KCC Roads Planning Section is recommending that GPS monitoring of HGVs should be implemented including a HCV 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 should be linked to an appropriate monitoring service. Reports and details of the traffic movements from the GPS monitoring and HGV Licensing Recognition System should be open to the inspection of the Planning Authority and the traffic movements by HGVs should be monitored on agreed haulage routes as directed by the Planning Authority. Details of the GPS monitoring and HGV Licensing Recognition System should be agreed with the Planning Authority prior to the commencement of the development.

Schedule of Proposed Transport Mitigation Measures

A summary of the mitigation measures proposed that relate to traffic and transport within Chapter 14 of the EIAR is below. In addition, the monitoring proposals have been included.

Pages 16-38, 16-39, 16-40: The following are measures as required through the contractors CEMP that will be implemented to mitigate the traffic and transportation effects of the proposed development:

- Photographic survey of haul roads again, immediately prior to commencement of construction;
- Continuous monitoring of haul roads throughout the construction phase;

In compliance with a request from Kildare County Council, Pavement Management Systems were commissioned to undertake the following surveys (Appendix 14.2) on existing and proposed haul routes:

- 1) Falling Weight Deflectometer (FWD) testing.
- 2) Ground Penetrating Radar (GPR) and cores where required.
- 3) Road Condition Data (RCD) using Road Surface Profiler (RSP) including:
 - Digital Video (chainage and GPS referenced).
 - Visual condition survey from video survey using pavement condition index (PCI).
 - Ride quality survey using International Roughness Index (IRI).
 - Transverse profile for rut depth. Surveys were carried out in June 2022.

The surveys were undertaken in line with TII 'Guidelines for the use of the Falling Weight Deflectometer in Ireland'. As per the guidelines for two lane roads, the surveys were carried out in both traffic directions and at 50 m intervals with the tests being staggered in adjacent lanes.

The assessment did not include sections of the haul routes which were on motorway or national roads as these roads have been designed to cater for larger traffic volumes. The Reports for all of the testing mentioned above are shown in Appendix 14.2 and include drawings showing the haul routes and associated chainages.

The FWD level 1 survey covers the testing undertaken to assess the condition of the existing pavement layers and subgrade. The output from these are; D1 - overall pavement structural condition, surface curvature index (SCI) - the upper surface pavement condition, and D7 - the subgrade strength.

These detailed pavement condition surveys will underpin the determination of maintenance costs of the life of the scheme and will facilitate and assessment of pavement defects that may arise during the construction period. It is proposed that

any direct impact of construction on road structure during construction works will be identified to Kildare County Council and a schedule of maintenance agreed and carried out under the appropriate licences.

Page 16-50: The following are measures as required through the contractors CEMP that will be implemented to mitigate the impact associated with the facility:

- Continuous monitoring of haul roads throughout operational phase;
- All contractors, delivering waste to the facility and removing outputs from the facility, and all construction contractors will undergo an induction process and will ultimately be issued with a map of the permitted haul routes such that all materials imported into the site and exported out of the site are transported via the identified and agreed haul routes. A penalty system will be operated by Bord na Móna to ensure haulage operators comply with these requirements.
- Use existing wheel wash facilities at the Waste Facility 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 private access road also aids in this regard.
- Maintenance of warning signage on the approach to the entrance.
- Monitoring of parking requirements during the operational phase with additional spaces to be provided if required.
- Maintenance of site entrance ensuring visibility splays remain unobstructed; and;
- Monitoring of haul routes performance.

The KCC Transportation Report recommends conditions to be included in any grant of permission for the proposed development.

5.2.2 Water Services Department

The report from the Water Services Department has set out no objections to the proposed development subject to conditions in relation to surface water and foul sewage and flood risk.

5.2.3 - Environment Department

The report from the Environment Department notes that planning permission was refused in 2020 for a larger development at the site (including the acceptance of hazardous waste) due to Traffic, Biodiversity and High Ammonia levels effecting the adjacent rivers and salmon. (There was also a lack of information on Dust, Odour and other emissions.) The following comments relate to Water, Noise & Vibration, Air Quality and Climate.

Chapter 8 Water:

Information on existing and proposed infrastructure to deal with leachate etc was included in the report. There is an existing integrated constructed wetland on site. A new attenuation lagoon and ICW system is planned to serve the extension.

A very detailed report, surface water sampling results, details on weather and flow in rivers were submitted to assess the impact the proposed development would have on surrounding lands and watercourses.

The findings in the report show that Ammonia is already high due to chemical load from the bog. Also the level of ammonia fluctuates with temperature – lower temperature – lower levels of ammonia.

Summary of Key Findings can be found in Section 8.4.18. Mitigation measures have been proposed to reduce the risk of affecting the water quality and aquatic life of the Cushaling river and monitoring proposed. The Environment Department are satisfied that the developer has suitably considered this, and appropriate measures have been proposed.

Chapter 10 Noise and Vibration:

Sufficient Noise Monitoring Locations were included in the Noise Report. Very good details on different sources of noise from operation and all plant and equipment. The report assessed Construction Noise, Operational Noise and Traffic Noise.

The Construction Noise Analysis give 2 scenarios but does not appear to take into account existing noise levels from the landfill and traffic. Calculations should be submitted to show noise levels from construction noise, landfill operations noise and associated traffic noise.

Noise predictions have been submitted for Traffic Noise along internal road during construction phase for future operation phase. See Table Proposed Operations Phase 10.1

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 internal road at Noise Sensitive Locations. The calculation should be submitted to demonstrate this.

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 back up the claim made in the application.

Chapter 12 Air Quality and Climate:

An assessment was carried out on air quality, odour and climate impact. An air dispersive modelling study was carried out for the existing and proposed development.

The report shows that:

Predicted odour from the proposed development at closest receptors are within EPA AG9 limits.

NO2 modelling results show they are well below air quality standards for NO2

Particle matter is well below air quality standards.

However, there is a moderate NO₂ impact and slight PM 10 and PM_{2.5} for the cumulative impact of the further development. A series of mitigation measures have been proposed in the EIAR.

The KCC Environment Report concludes that at present, Ireland has 3 no. licensed landfills to deal with an ever-growing population, and despite all the efforts introduced to manage and reduce our waste, landfilling remains a vital form of waste treatment for the foreseeable future, albeit on a reducing scale. KCC Environment Department are satisfied that the EIAR included in this application adequately assesses and closes out all relevant environmental risks locally.

5.2.4 Parks Department

The report from the KCC Parks Department indicates that the EIAR is satisfactory. Regarding the landscape plans submitted the applicant should be requested to implement and submit the following:

Landscape Design

The landscape plan lacks detail in relation to aspects of the proposed landscaping. The following details are not submitted:

- Sections across the site showing the elevation and extent of planting and mounds.
- The mounding proposed appears very formal and engineered in appearance. A more organic same and undulating would be more in keeping with the rural location the waste facility is located in.
- Limited detail on the plants proposed for the habitat enhancement. Further details are required regarding the species and quantities of plants proposed and how these will be managed.
- No details have been provided for the scrub mix proposed for the site.
- No detail has been provided for the depth of topsoil proposed for the infill area.
- In the habitat enhancement areas no details have been provided regarding the protection of these during construction and operation works.
- A Landscape Architect and Ecologist should be retained for the duration of the project and to provide certification of any landscaping and ecology works carried out.
- There is no indication there are trees on the site. No tree survey of the site has been provided or details as to how existing trees and scrub will be protected during the construction and operation of the facility. The applicant should be requested to submit details to meet these requirements.

Tree Protection

- An Arborist if appropriate should be retained for the duration of any construction works to ensure that any tree retention proposed for the site is retained.
- Insufficient details have been provided of the constructed wetland areas. More detail is required regarding the depths of the ponds and the proposed planting in terms of plant densities.
- A maintenance and management plan is required for the establishment and ongoing management of any landscaping and ecological works proposed on the site.

Should An Bord Pleanála decide to grant permission for the proposed development, recommended conditions are set out in Part IX of this report.

5.2.5 Chief Fire Officer

The report from the Chief Fire Officer has set out no objections to the proposed development subject to compliance with the Building Control Act in regard to proposed buildings on site which fall within the requirements for appropriate Fire Safety Certificates.

Part VI – Environmental Reports

6.1 Introduction

This part of the report comments briefly on the content of the EIAR and the NIS submitted with the application. It is noted for the purposes of Strategic Infrastructure Developments (SID) that An Bord Pleanála is the Competent Authority in terms of Environmental Impact Assessment and Appropriate Assessment.

6.2 Environmental Impact Assessment Report

The proposed development is of the type described in Paragraph 3 – Environmental Infrastructure, Section 5, Part 2, of the 2006 Act (as inserted as the 7th Schedule into the Planning and Development Act, 2000), namely: “*An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes*”. An EIAR has been submitted with application. Chapter 1 of the EIAR states that the EIAR has been prepared in accordance with the Guidelines on the Information to be Contained in Environmental Impact Assessment Reports, published by the EPA in May 2022 as well as the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment published by the DoHPLG in August 2018.

This EIAR contains information on the scale and nature of the proposed development, a description of the existing environment, impact assessment of the proposed development, mitigation measures to reduce or negate potential effects on the

receiving environment and residual effects (if relevant). The EIAR is arranged in four volumes, as follows:

- Volume I: Non-Technical Summary (NTS)
- Volume II: Main Environmental Impact Assessment Report
- Volume III: Appendices; and
- Volume IV: Photomontages

Chapter 1 – Introduction: This chapter of the EIAR provides an introduction and a brief background to the project and the legislative requirements under which the document is prepared. It describes the EIA consultation and scoping procedures, the structure of the EIAR, the study team and contributors to the EIAR.

Chapter 2 – Description of the Proposed Development: provides a detailed description of the proposed development, which includes details of the site layout and infrastructure. It details the construction procedures and the materials required, the operational and maintenance phases, in addition to the decommissioning and rehabilitation procedures. The chapter also sets out a description of the existing site infrastructure.

Chapter 3 – Reasonable Alternatives: provides a description of the reasonable alternatives, in terms of project design, technology, location, size and scale, which were considered by the Applicant and the Project Team in the preparation of the EIAR, along with providing the main reasons why the selected option was chosen and a comparison of the environmental effects.

Chapter 4 – Policy, Planning and Development Context: considers the proposed development works in terms of legislative context and in relation to strategic, national, regional and local planning policies and objectives, in order to ascertain whether it is consistent with the relevant legislation and with the proper planning and sustainable development of the area.

The remaining chapters in the EIAR are as follows:

- Chapter 5: Population and Human Health
- Chapter 6: Biodiversity
- Chapter 7: Soils Geology and Hydrogeology
- Chapter 8: Water
- Chapter 9: Material Assets
- Chapter 10: Noise and Vibration
- Chapter 11: Landscape and Visual
- Chapter 12: Air Quality & Climate
- Chapter 13: Cultural Heritage
- Chapter 14: Traffic and Transport
- Chapter 15: Interactions of the Foregoing
- Chapter 16: Schedule of Mitigation Measures

Introduction – this section specifies the content and background of the subsequent assessment.

Methodology – this section describes the study methodology employed in carrying out the assessment. **Existing Environment** – this section provides a description of the existing environment (without the proposed development) into which the proposed development will be located, specifically in the context of the relevant environmental aspects under consideration. This section will also identify any other proposed developments (with decisions pending from the relevant planning authority) or existing and approved projects in the vicinity which are relevant to the assessment.

Potential Effects – this section provides a description of the direct, indirect, and cumulative effects, which the proposed development may have on the environment. This is carried out with reference to the existing environment and characteristics of the proposed development, while also referring to the magnitude, duration, consequences, and significance of the proposed development during the construction, operational and decommissioning phases. This includes a do-nothing scenario.

Mitigation Measures – this section includes a description of any remedial, or mitigation measures that are either practicable or reasonable having regard to the potential effects. It will also outline, where relevant, monitoring proposals to be carried out should consent be granted in order to demonstrate that the project in practice conforms to the predictions made. The monitoring can include remedial actions to be taken, as well as responsible parties.

Residual Effects – this section describes the degree of environmental impact (direct, indirect, and cumulative) that will occur after the proposed mitigation measures have been put in place.

KCC Commentary- KCC Internal Departments have reviewed various chapters of the EIAR in the assessment of the proposal. While it is noted that An Bord Pleanála will carry out Environmental Impact Assessment in relation to the proposed development, the Planning Authority has commented on chapter of the EIAR throughout this report, where relevant. It is considered that the Environmental Impact Assessment Report (EIAR), supported by the documentation submitted by the application adequately considers alternatives to the proposed development, and adequately describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to the examination of environmental information contained within the Inspectors report, to the EIAR and supplementary information provided by the applicant and the submission from the observers, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Impacts on biodiversity are likely to arise during construction due to the removal of shrub/tree and grassland habitat, however that these areas largely comprise cut-over bog and are the less ecologically important areas within the application site. The impacts arising from the removal of habitat and disturbance would be mitigated by minimising the removal of existing vegetation and reinstatement of vegetation and following best practice and procedures during the construction phase.
- Potential impacts on water quality are considered under the relevant headings. Mitigation measures have been proposed to reduce the risk of affecting the water quality and aquatic life of the Cusaling river and monitoring proposed.

- Impacts on population and human health will be generally positive in terms of employment. Construction phase impacts in the form of short term increases in the traffic (private cars and HGVs) on the local road network are recognised, addressed in the EIAR and, specifically in the construction and environment management plan.
- Impacts on local road network and traffic generation. Chapter 14 of the EIAR indicates that the proposed development will not give rise to a 'significant' increase in HGV traffic and could, in terms of traffic generation alone more accurately be characterised as a continuance of existing and historic HGV traffic generation at the existing Drehid WMF facility. The proposed principal haul routes are the same haul routes used by the existing WMF and the haul routes previously determined suitable to serve the proposed development of the MBT facility in conjunction with the Drehid WMF. The Planning Authority accepts with the impact assessment and conclusions drawn in the EIAR. The application was referred to the Transportation Department of Kildare County Council for comment and no objections have been raised to the proposed development subject to conditions.
- The noise and vibration mitigation measures, such as the limiting of construction hours, the use of plant with low potential of noise and / or vibration, the use of noise barriers and locating plant away from noise sensitive receptors are reasonable and practicable. However, 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 internal road at noise sensitive locations.
- The site is a relatively flat site which is not prominent in views from a wide area. Landscape and visual impacts will be mitigated by existing and proposed screening and screen planting. No impacts will arise for residential uses in the area. The visual impact assessment submitted with the EIAR demonstrates that there will be cumulative visual impacts with other development in the area. These cumulative are considered to be proportionate and reasonable.

6.3 Appropriate Assessment/NIS

A Natura Impact Statement has been submitted with the application. The proposed development is located within 10 km of three designated European sites Ballynafagh Bog SAC (site code 000391) and Ballynafagh Lake SAC (site code 001387), designated for bog and fen habitat and the presence of Desmoulins Whore Snail and the Marsh Fritillary butterfly, and the Long Derries SAC (site code 000925) designated for its semi natural dry grasslands and scrubland. There are four other European sites 10-20 km distant – Moulds Bog SAC (002331), designated for active raised bogs, Pollardstown Fen SAC (000396) designated for fen habitats with three species of whorl snail; the River Boyne and River Blackwater SAC (0002299) designated for fens, alluvial forest and three species of vertebrate (Lamprey, Salmon and Otter); the River Boyne and River Blackwater SPA (004232) for the kingfisher. Although not within 20 km of the site, the site and landholding are within the hydraulic catchment of the River Barrow and Nore SAC (002162). This SAC is designated for a wide variety of habitats and species generally consistent with flowing freshwater – this includes the salmon, Lamprey and otter.

The NIS submitted with the application considers whether the proposed development, alone or in-combination with other projects or plans, will result in adverse effects on the integrity of any European site within the Zol of the proposed development and includes any mitigation measures necessary to avoid or reduce the risk of such adverse effects. The Zol of a project is defined as the area(s) over which ecological features may be affected by the biophysical changes caused by the proposed project and associated activities. In absence of mitigation, the potential risks to the River Barrow and River Nore SAC, the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA is the potential reduction in water quality from the release of suspended solids and/or pollutants. However, it is indicated that following the application of the detailed mitigation measures, potential significant adverse effects will be avoided or reduced. Consequently, it is determined that there will be no risk of significant adverse effects on the qualifying interests habitats and species, or on overall site integrity, nor in the attainment of the specific conservation objectives for the River Barrow and River Nore SAC, the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA. In line with the provisions of Article 6 of the Habitats Directive 92/43/EEC, an analysis and evaluation of the relevant information including, in particular, the nature of the proposed development, including mitigation measures, characteristics of the qualifying interests, the potential link between the proposed development and the River Barrow and River Nore SAC, the River Boyne and River Blackwater SAC, and the River Boyne and River Blackwater SPA, no significant adverse effects on the integrity of any European sites during development and operation of the proposed development is anticipated, either alone or in-combination with any other plans or projects, and there is no scientific doubt in relation to this conclusion.

It is considered that the information contained in the Natura Impact Statement (NIS) is adequate to allow the carrying out of an Appropriate Assessment. The Planning Authority is satisfied that the proposed development would not adversely affect the integrity of the Ballynafagh Lake SAC (001387) the River Boyne and River Blackwater SAC (002299), and the River Boyne and River Blackwater SPA (004232) or any other European Site in view of the sites' Conservation Objectives.

Notwithstanding the above, as the Competent Authority, An Bord Pleanála should satisfy itself that adequate detail has been given, in terms of method statements and design details and mitigation in order to ensure a full Appropriate Assessment can be carried out by the Board to determine if the development is likely to have direct, indirect or 'in combination' impacts on the habitats and/or species for which the nearest Natura 2000 sites are designated.

Part VII – KEY ISSUES

7.1 Introduction

The following is a summary of the key issues regarding the proposed development which it is recommended that An Bord Pleanála takes into consideration.

7.2 Summary of Key Issues

7.2.1 Principle of Development

Policies and objective contained within the Kildare County Development Plan 2023-2029 (CDP) establish support for the proposed development. The CDP recognises the policies of the Eastern-Midlands Region Waste Management Plan 2015-2021 as a framework for waste management within the region (WM3). In particular, it is noted that the CDP supports the development of waste management infrastructure that is of an appropriate scale and is related to the needs of the county and the Eastern and Midlands Waste Region, subject to the protection of the environment, landscape character, road network and the amenities of the area (WM17). In addition, the Kildare County Development Plan 2023-2029 seeks to facilitate the ongoing operation of the Drehid waste facility in so far as operations at the facility relate to the waste management needs of the county and the Eastern and Midlands Waste Region and subject to the protection of the environment, landscape character, road network and the amenities of the area (WM 18).

Chapter 9 of the Kildare County Development Plan 2023-2029 sets out a sustainable and balanced future development strategy for Kildare's Rural Economy and specifically aims to "support and enable the provision of high-quality rural environments with an increased emphasis on the regeneration and renewal of our smaller rural towns and villages, sustaining the livelihoods of rural communities and promoting the development of the wider rural economy, all within the context of sustainable management of land and resources. Furthermore, the CDP emphasises that Kildare's rural economy will be promoted for uses including but not limited to agriculture, equine, horticulture, forestry, boglands, and renewable energy together with the continued modernisation of the farming / food sector. In parallel, the quality of the rural environment in County Kildare will be enhanced and protected from inappropriate development and/or practices.

Regarding the sustainable development of land and resources, An Bord Pleanála's attention is drawn, in particular, to Section 9.8 of the CDP which acknowledges the potential of these industrial peatlands in relation to a variety of uses and functions including re-wetting, re-wilding, carbon sequestration renewable energy, biodiversity, tourism, amenity, recreation, and other appropriate after uses with job opportunities. The CDP sets a series of ambitious targets for their sustainable reuse and development under RD O32 and RD O33 as follows.

RD O32 of the Kildare County Development Plan 2023-2029 sets out a clear objective to *“Encourage the re-wetting, restoring and/or re-wilding of former cutaway bogs and peatlands with an emphasis on maximising biodiversity and carbon sequestration to account for approximately 70% of cutaway bogs. Such projects shall be subject to Appropriate Assessment; shall have regard to any hydrological connection shared with a European Site and their qualifying interest species; shall not adversely affect drainage of surrounding lands; and shall account for any potential likely significant effects and provide mitigation and monitoring where appropriate”*.

RD O33 of the Kildare County Development Plan 2023-2029 sets out a clear objective to *“Work with all relevant stakeholders including Bord na Móna to support the sustainable re-use and sustainable development of up to approximately 30% of cutaway boglands (within County Kildare) for economic purposes, including inter alia renewable energy (wind and solar) in appropriate locations, subject to relevant environmental assessments. Such projects shall be subject to Appropriate Assessment; shall have regard to any hydrological connection shared with a European Site and their qualifying interest species; shall not adversely affect drainage of surrounding lands; and shall account for any potential likely significant, cumulative and in combination effects”*.

Having regard to the existing uses at Drehid Waste Management Facility and the objectives of the Kildare County Development Plan 2023-2029, in particular Objective WM18 and Objective IN O48 which seeks to facilitate the development of waste management infrastructure and the ongoing operation of the Drehid waste facility at an appropriate scale to cater for the waste management needs of Kildare and the Eastern and Midlands Waste Region, subject to the protection of the environment, landscape character, road network and amenities of the area it is considered that the principle of the proposed development is acceptable at this location.

7.2.2 Previous Refusal (ABP 300506-17)

Kildare County Council recommended refusal of the previous SID application on site (ABP 300506-17), which was subsequently refused by An Bord Pleanála (for the reasons outlined in Planning History Section of this report), namely in relation to;

- Impacts on the River Barrow and River Nore Special Area of Conservation;
- Suitability of subsurface geology for hazardous waste;
- Volume of traffic generated.

The current application indicates that the previously proposed development and application made to An Bord Pleanála has been revised to address the original reasons for refusal. As a result, the revised proposal is for a landfill with increased disposal capacity to accept up to 440,000 TPA of non-hazardous waste only, including new associated landfill infrastructure, processing building, MSW Processing and Composting facility, odour abatement system, and ancillary infrastructure such as new

surface water lagoons for attenuation from construction works, integrated constructed wetland, maintenance building with staff welfare facility, storage and a laboratory, bunded fuel storage area, car parking provision and all associated infrastructure to facilitate the proposed development.

Additionally, changes to the operational lifetime of the existing composting facility is sought by way of removing restrictions as contained in condition no. 2(2) of ABP Ref. PL.09.212059. The revised proposal has been developed addressing issues raised by the Board such as, hydrological, hydrogeological and ecological impacts on the River Barrow and River Nore Special Conservation area and the traffic and safety impacts on the receiving environment surrounding the proposed development.

It is indicated that there will be no hazardous waste processing or disposal on site, so that issue has also been addressed. The EIAR prepared concludes that there are no significant or adverse impacts arising from the revised scheme with the careful implementation of mitigation measures proposed and outlined within the specialist chapters of the EIAR.

The planning report submitted with the current SID application attempts to address the reasons for refusal following the original planning application for the Drehid waste facility to An Bord Pleanála (ABP -300506- 17). The changes to the proposed project are highlighted in the planning application outlining how the reasons for refusal have been overcome. It is noted by the Planning Authority that the proposed development has been revised as a direct response to the Board's decision (Planning Ref. No. ABP -300506-17) to try to ensure compliance with planning requirements and to address previous issues raised.

7.2.3 Landscape and Visual Impact

The site is in a wide open and flat landscape and is only clearly visible from some distant high points. The main entrance to the facility is a prominent feature on the main road, however the site itself is difficult to view from surrounding areas. The Landscape and Visual policy and setting is discussed in detail Chapter 11 (Landscape and Visual) of the EIAR. Chapter 13 of the CDP 2023-2029 sets out policies and objectives relating to the Landscape, as well as recreation and amenity. The CDP includes a Landscape Character Assessment (LCA) undertaken for the county in 2004. It notes that this will be reviewed on foot of any actions arising from the forthcoming National Landscape Character Assessment. Within the context of the LCA, the proposed development is located within the 'Western Boglands' Landscape Character Area, which is classified as having a 'High Sensitivity' rating (Class 3). Landscape areas of High sensitivity are described as 'areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors. The CDP indicates that the proposed development is situated within an area described as having 'Peat Bog Sensitivity Factor' within a 'High Sensitivity Area'.

It is noted that the CDP states that "within each of these areas there can be a wide variety of local conditions that can significantly increase or decrease sensitivity". Chapter 13 of the CDP examines the impacts of development types on different landscape areas with the purpose of providing "guidance on the likely compatibility

between a range of land-use classes and the principal landscape areas of the county classified by sensitivity." While the bog includes areas of tall vegetation, its primarily open nature contrasts with the surrounding landscape. The Bord na Móna land holding is generally surrounded by agricultural pastureland with a well-developed pattern of medium-sized and larger fields and an established hedgerow infrastructure. An area of forestry is located on the eastern side of the site. There is a relatively dispersed low-density population located within a 2 km radius of the existing landfill site. The population density increases beyond the 2 km, in particular to the west, south and east of the site. Chapter 11 of the EIAR notes that in general, the greatest landscape effects will arise from changes to landform and existing vegetation within the land holding. Outside the Bord na Móna land holding, recognisable changes to the landscape character will be limited due to the flat nature of the overall study area and significant intervening vegetation, which will prevent the full recognition of the scale of the landform changes within the land holding. Effects will be limited and localised and concentrate in parts of the wider landscape outside the Bord na Móna land holding to the east, north, northeast and west. These areas will experience adverse landscape effects related to partial visibility of the proposed development components.

In relation to visual impacts, it is noted that the most open views of the proposals will be from locations identified along the L5025 (Derrymahon Road) to the north of the site as well as to the west near the end of an access lane leading into the bog from the R403 just south of Derrinturn. Photomontages have been prepared for eight viewshed reference points to illustrate the nature of these views and the visual impacts were appraised at these eight viewshed reference point locations. The significance of visual impact is deemed to be 'Imperceptible,' at most of the selected viewpoints because the visual change will be difficult to discern. The proposed development will not be visible from any of the scenic viewpoints as recognised by KCDP. It is considered that the impacts on the landscape will be limited.

Arising from the KCC Parks Department report it is noted that additional details are required in relation to the landscaping and mounding proposed, however, subject to conditions, it is not considered that the additional impact on the overall landscape, either during or after the operational phase, to be of particular concerns, especially as both planted bunds and landscaping and the natural regeneration of the bog around the site matures. It is considered that the mitigation measures contained in the EIAR are generally acceptable.

Maintenance building

A new Maintenance Building is proposed as part of the proposed development. It is indicated that this building will provide critical facilities for the daily operation of the facility including a location for the maintenance and repair of site machinery, such as dozers, excavators and dump trucks. The new Maintenance Building will replace the existing maintenance building which itself will be used for additional operational storage. The new maintenance building will be constructed as a single-bay steel portal framed structure with metal cladding and will include roller shutter doors for ease of access for machinery. The building will be 7.6 m in height at the eaves (90.95 m AOD) and 9 m in height at the ridge (93.95 m AOD) with a footprint of 27 m x 25 m. The building floor will comprise a reinforced concrete slab with a service pit for machinery

works. It is considered that the visual impact of this structure will be minimal, and the overall design will be similar to agricultural buildings.

Fuel Storage Area

A fuel storage will be located on a concrete hardstand area to the rear of the Soils Processing Building and filled into a mobile fuel bowser to transfer to site machinery. This hardstand area will drain to the surface water drainage network via the fuel/oil interceptor to ensure any leaks or spills during refuelling are contained and retained. The fuel storage area will not be visible within the wider context of the site and is deemed to be acceptable in terms of visual impact.

7.2.4 Residential Amenity/Human Population

Residential development in the immediate area of the proposed site comprises predominantly single dwellings with adjacent farmyards and several one-off dwellings. The nearest dwelling is at a distance of approximately 1 km to the northeast of the proposed non-hazardous landfill footprint, while the nearest property to the proposed development site boundary is approximately 170 m to the west. It is noted that no works are proposed in that part of the site. Chapter 5 of the EIAR sets describes the Impacts on the Human Health and notes that Bord na Móna will agree the establishment of a community development fund with Kildare County Council in respect of the proposed development. This fund will contribute to the provision of environmental improvement and recreational or community amenities in the locality. The educational room in the administration building will be used for the provision of a public education area for environmental education needs. Provision will also be made for the inspection of the EPA waste licence and Annual Environmental Reports (AERs) in this room.

Chapter 5 of the EIAR indicates that the proposed development is unlikely to have any significant negative effects on the local or broader population numbers. It indicates that there is likely to be a slight positive effect on the local population as some of those employed at the proposed development may move into or continue to reside in the locality. This would have a long-term slight positive impact on the local population. There will be no significant change to the existing traffic movements associated with the existing Drehid WMF, and there will therefore be no significant effect on the social travel patterns of those residing adjacent to the development site. Air emissions (dust and odour) from the proposed development will not cause a nuisance at sensitive receptors; refer to Chapter 12 (Air Quality & Climate) of the EIAR. The proposed increased composting capacity will ensure that waste is adequately treated prior to being deposited in landfill, reducing any odour emissions. There will be an appropriately designed larger odour abatement system installed in the new composting and MSW processing facility. Based on the above, the proposed development is anticipated to have a slight long term negative effect on residential amenity (including roads, noise, dust and odour). It is considered the potential impacts on the human population and any nearby dwellings has been adequately addressed in chapter 5 of the EIAR, however it is noted 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 internal road at noise sensitive locations. Further calculations would be required in relation to this.

7.2.5 Natural Heritage Designations/Biodiversity

There are no EU designated habitats within the landholding or the immediate vicinity. The lands drain to a tributary of the Barrow River, which for much of its length is an SAC, the River Barrow and River Nore SAC, site code 002162. Sites in the vicinity include Ballynafagh Bog SAC site code 000391; Ballynafagh Lake SAC site code 001387. A NIS has been submitted with the application.

An ecological impact assessment on the biodiversity associated with the proposed development, including an assessment of cumulative impacts was undertaken on the local biodiversity, including but not limited to habitats and protected fauna. As stated previously, an assessment of the potential effects on the integrity of European sites and their qualifying interests/special conservation interests was undertaken and is presented within a Natura Impact Statement, submitted as part of the planning application. Chapter 6 of the EIAR indicates that main potential impacts to protected fauna species included disturbance and indirect impacts via habitat loss. The main disturbance impacts were identified as noise associated with construction works and artificial lighting. Disturbance impacts will be short-term, and fauna within the zone of influence are sufficiently mobile so as to temporarily relocate from works areas. Chapter 6 notes that the loss of habitat has the potential to effect protected fauna species within the vicinity of the proposed development, however, similar alternative habitat is present within the surrounding environment. Of note is that there is potential for water quality impacts and the degradation of aquatic habitats in the Cushaling River and the Mulgeeth Stream which is hydrologically connected to the proposed development site.

In terms of mitigation, a Construction Environmental Management Plan (CEMP) has been prepared and is included within the Planning Application and it is stated that a suitably qualified Ecological Clerk of works (ECoW) will be appointed by the Contractor. Other mitigations measures contained in chapter 6 of the EIAR include;

- All surface water emissions and sedimentation will be controlled.
- Stormwater monitoring of all receiving watercourses will be undertaken during all phases of the proposed development.
- All vegetation clearance will be kept to a minimum and works areas will be demarcated prior to the construction works commencing.
- Where feasible, the clearance of vegetation will be undertaken outside the bird nesting season (1st March to 31st August).
- Use of bog mats and wide track machinery to reduce soil erosion and impact to bog habitat.
- Biosecurity measures will be implemented throughout the duration of the construction works.
- The replanting of peat tolerant plant species will be undertaken in areas to mitigate the permanent loss of habitat. Further details are provided within the Habitat and Enhancement Management Plan.
- Pre-construction surveys will be undertaken to identify any new resting sites of protected species.

It is considered that the impacts on biodiversity have been appropriately assessed in the EIAR and subject to conditions and mitigation, it is considered that local ecology will not be negatively impacted upon by the proposed development.

7.2.6 Cultural Heritage

Chapter 13 of the EIAR presents a baseline study of and impact assessment on the cultural heritage of the site and the surrounding area.

Recorded Monuments

One recorded monument (KD008:038 – A road - Unclassified Togher) is located in the area of the proposed development infrastructure. No trace of this monument survives above ground and the monument is not scheduled for inclusion in the next revision of the Record of Monuments and Places. Three recorded archaeological monuments are located within the proposed development site boundary but are not directly impacted by the proposed development infrastructure. Immediately north of the existing facility, two trackways or toghers, (KD008-029001 & KD008- 030) are recorded. KD008-029001- was a wooden trackway that crossed Timahoe Bog on an ESE-WNW orientation and intersected a second, oak, trackway (KD008-030----) mid-way across the bog. The third monument located with the proposed development site boundary is an unclassified togher (KD009-029) located 40 m east of the Proposed Development infrastructure. It is recorded as a road-unclassified togher that consisted of a number of transverse roundwoods lying on occasional longitudinal, with scatters of brushwood nearby. It is indicated that no trace of this feature survives above ground or was evident in an examination of the existing drainage ditches and the monument is not scheduled for inclusion in the next revision of the RMP. The monuments recorded within the proposed development site boundary have no significant surface element remaining therefore there is no significant visual impact on the setting. The proposed development infrastructure may be visible from surrounding monuments; however, the visual impact of the development is negated by dense vegetation surrounding the site particularly to the east and south and the existing residual facility in the north. It is considered that chapter 13 of the EIAR adequately describes recorded monuments in the area and adequately assesses any impact on same arising from the proposed development. It is noted that an experienced and competent licence-eligible archaeologist will be employed to undertake archaeological probing and testing at the site of the unclassified togher (recorded monument).

Protected Structures

No Protected Structures are located within the proposed development site. Coolcarrigan House and Church (Reg. B09-10, B09-11) are both Recorded Protected Structures located 1.2 km and 1.5 km to the south-east of the proposed development site. A mixed coniferous and deciduous tree belt along the eastern edge of the existing bog ensures that these structures are not visually impacted by the proposed development. No features recorded in the National Inventory of Architectural Heritage are located within the proposed development site or surrounding area. The proposed haul routes travel on existing national and regional roads and there are no proposed changes requiring ground disturbance. It is considered that chapter 13 of the EIAR adequately assesses potential impacts on cultural heritage in the area.

7.2.7 Traffic and Transport

The existing and operational waste management facility at Drehid is accessed from the R403 Regional Road via a dedicated entrance and private 4.8 km long access road. This entrance and road will also be used to access the proposed development from 13 the public road network. The R403 runs north-west to south-east around the overall Bord na Móna landholding. The R403 joins with the R402 at Carbury to the northwest of the site and joins to the R407 in Clane to the east of the site. The R402 links Edenderry and Enfield connecting to the M4 Dublin to Sligo Motorway on the outskirts of Enfield. The R407 links Naas to Kilcock and also links to both the M4 and the M7 (Dublin to Limerick Motorway). The M4 is located approximately 9 km to the north of the proposed development and the M7 is located approximately 17 km to the south-east.

The drawings indicate that an additional lane will be provided on the existing access road for incoming traffic and that new internal roads will be provided within the development. A new road will be constructed on a phased basis around the perimeter of the new landfill footprint which will tie in with the perimeter road around the existing landfill. From the entrance gate, access to the waste facility is via an existing 4.8 km two-lane private access road, it is stated that this access road will only be used by vehicles travelling to and from the Drehid WMF, including the proposed development.

Chapter 14 of the EAIR indicates that the provision of the proposed new landfill and buildings will require alterations to the existing internal road layout. These alterations will be kept to a minimum and will facilitate safe and efficient traffic flows at the facility when the new infrastructure, primarily the new landfill, is under construction and operational. The revised arrangements include the addition of a new queuing lane for incoming HGVs in advance of the weighbridge, a new perimeter road around the new landfill footprint and new roads providing access to the MSW processing and composting building, soil processing building, maintenance building, contractor's compound and quarantine area.

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. It is noted that KCC Transportation Department have assessed the proposed development and reviewed Chapter 14 of the EIAR and recommend that permission be granted for the proposed development, subject to conditions. Of note is the recommendation for the inclusion of a Special Development Contribution for road and junction improvement works and traffic calming works on the haul routes. It is recommended that the contribution is to be paid over the 25-year period of the proposed development.

7.2.8 Environmental

Integrated Constructed Wetland (ICW): It is proposed that outfalls from the surface water lagoons will then be diverted to an Integrated Constructed Wetland (ICW) area via drainage pipes. The ICW forms the final treatment step for surface run-off from the proposed development and forms part of the proposed development. It is proposed that the ICW will contain four cells and will be vegetated with native aquatic plant species, before discharging into the existing drainage network at the western boundary

of the proposed development site. The ICW will provide further treatment of the stormwater using a natural biological, chemical and physical process of sediment and pollutant removal, which ultimately reduces the relative mass loadings to the receiving drain.

7.2.9 Surface Water

Chapter 8 of the EIAR assesses the likely significant effects of the proposed development on the surface water receiving environment during construction, operational and post-closure phases, and considers potential cumulative effects with other projects near the Drehid site. Chapter 8 of the EIAR has regard to the technical points cited by An Bord Pleanála (ABP -300506- 17) in the previous refusal of planning permission, by clarifying and considering:

- The causes of ammonia loading to surface water courses in Timahoe South Bog (TSB).
- The relative chemical loads of ammonia to the Cushaling River from the existing Waste Management Facility (WMF) and wider Bord na Mona (BnM) landholding in TSB.
- The form of ammonia that is present in Cushaling River.
- The compliance of existing discharges with BnM's industrial emission discharge license conditions.
- The expected ammonia loads from the planned landfill expansion and expected effect(s) of combined discharges on ammonia concentrations in Cushaling River.
- The mitigation measures that are proposed to limit the emissions of ammonia, suspended solids and other constituents as a basis for protecting and/or improving the water quality and aquatic habitat of the Cushaling River.
- The recommended monitoring of discharges to Cushaling River, to continue to document environmental conditions, check for compliance, and judge the effectiveness of mitigation measures during all phases of the proposed development.

The focus of the assessment in the EIAR relates to the Cushaling River as the principal surface water receptor of concern. This chapter of the EIAR concludes that leaching occurs because the peat is ammonia saturated. Ammonia-rich surface water in the bog is then directed to the Cushaling River via flowing water courses within the drainage network. Chapter 8 finds that the main contribution of ammonia to surface water courses, including the Cushaling River, is both historically and currently from the bog, and not the Waste Management Facility. A detailed report, surface water sampling results, details on weather and flow in rivers has been submitted to assess the impact the proposed development would have on surrounding lands and watercourses. The findings of the report show that Ammonia is already high due to chemical load from the bog and that the level of ammonia fluctuates with temperature – lower temperature – lower levels of ammonia. Summary of key findings are contained in Section 8.4.18 of the EIAR. Mitigation measures have been proposed to reduce the risk of affecting the water quality and aquatic life of the Cushaling river and monitoring proposed. The KCC Environment Department are satisfied that the

developer has suitably considered this, and appropriate measures have been proposed.

It is indicated that the surface water network has been designed to incorporate gravity flow, where feasible. The majority of surface water flow from the site originates from the landfill capping. It is indicated that this runoff is collected by the proposed swale network and travels by gravity to the related surface water pumping station. Surface water runoff from all yard areas, buildings and impermeable hardstand areas will be collected via a network of pipes and channel drains. This runoff will pass through a grit interceptor and Class 1 fuel/oil interceptors, prior to reaching the pump station. In terms of surface water, it is noted that the KCC Water Services Section have no objection to the proposed development subject to conditions.

7.2.10 Foul Water

The submitted documents indicate that the potential sources of foul water from the proposed development are:

- Wastewater from sanitary facilities;
- Overflow water from the existing wheel wash;
- Leachate from MSW processing and compost facility; and
- Leachate from the new landfill.

It is considered that An Bord Pleanála should liaise with Uisce Eireann in relation to foul water.

7.2.11 Flood Risk

A Site-Specific Flood Risk Assessment has been carried out and is contained within Appendix 8 of the EIAR. The purpose of the report is to identify, quantify, and communicate the risks of flooding, if any, to the proposed project. The Figile River (also known as the Cushaling River) rises at the southwestern boundary of the subject site and flows west to Ticknevin. From Ticknevin, the Figile River flows in southwest to Clonbulloge and then south to Monasterevin. The Figile river drains to the River Barrow at a confluence in Monasterevin. A number of smaller watercourses originate in the vicinity of Timahoe Bog. The nearest of these watercourses is the Abbeylough River, a tributary of the Figile River. The proposed landfill development is classified as "highly vulnerable" in terms of sensitivity to flooding. As such, the proposed landfill development is only appropriate in Flood Zone C. Based on the results of the Stage 2 Flood Risk Assessment, the subject site is appropriately located in Flood Zone C in accordance with the Planning System and Flood Risk Management Guidelines. It is predicted that the proposed works will not adversely impact flood risk elsewhere in the catchment. It is noted that the KCC Water Services Section have no objection to the proposed development subject to conditions.

7.2.12 Seveso

The subject site is situated c. 6.4km southwest from Irish Industrial Explosives at Clonagh which is a designated Seveso Site. In this regard the Health and Safety Authority (HSA) has been designated as the central competent authority for the enforcement of the SEVESO III Directive and has established generic consultation distances for these facilities. Consultation with the HSA should be carried out.

7.2.13 Interactions and Cumulative Impacts

Chapter 15 of the EIAR gives a brief overview of identified interactions. The significant effects of the proposed development and the measures proposed to mitigate these effects have been outlined in this EIAR. As part of the requirements of an EIAR, the interaction of the effects on the surrounding environment needs to be addressed. Table 15-1 of the EIAR outlines the different environmental aspects which have potential to interact as a result of the proposed development. It is noted that these have been considered by the specialists when preparing this EIAR. It is concluded that the cumulative interactions do not result in significant environmental effects, and no specific mitigation measures are proposed to address interactions. It is considered that Chapter 15 of the EIAR adequately address potential interactions.

PART VIII OVERALL CONSIDERED VIEW

8.1 Considered View

Having regard to the above, it is considered that the proposed development is in accordance with the provisions of the Kildare County Development Plan 2023-2029 and is therefore acceptable in principle.

Having regard to:

- National, regional and local policy support for the proposed development,
- The nature, scale and extent of the proposed development,
- The details submitted to address previous SID refusal (ABP 300506-17),
- The existing uses and history of a waste management facility on the application site,
- The details contained in respect of an appropriate assessment and environmental impact assessment and the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the absence likely significant effects of the proposed development on European Sites,
- The distances between the proposed development and dwellings or other sensitive receptors,
- Reports received from Internal KCC Departments,

It is considered that subject to compliance with the conditions set out below, the proposed development would:

- not have an unacceptable impact on the character of the landscape or on the cultural or archaeological heritage,
- not seriously injure the visual and residential amenities of the area,
- not have an unacceptable impact on the ecology,
- be acceptable in terms of public health and traffic safety,

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

PART IX CONDITIONS

Should an Bord Pleanála decide to grant permission for the proposed development, the following conditions are recommended by the Planning Authority. (Please note that the list of conditions is not exhaustive).

9.1 Recommended Conditions

General/Planning

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

13. All topsoil stripping/general ground surface reductions down to the level required by the development should be monitored on a full times basis by suitability 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.

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.

Transportation Conditions

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.

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.

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.

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.

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 of 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.

1. FWD Testing and analysis.
2. Ground Penetrating Radar (GPR) and cores where required (annual)
3. Road Condition Data (RCD) using a Road Surface Profiler (RSP) (annual) to include:
 - Digital video (chainage and GPS referenced).
 - Visual condition survey from video survey using pavement condition index (PCI).
 - Ride quality survey using international roughness index (IRI).
 - Transverse profile for rut depth.

Testing shall be carried out in accordance with the following standards or as approved by the Planning Authority:

- NRA "Guidelines for the use of the falling weight deflectometer in Ireland (July 2000).
- NRA HD 31/15 "Pavement assessment, repair and renewal principles (March 2015)."
- DTTAS "Guidelines on the depth of overlays to be used on rural regional and local roads (March 2014)."
- DTTAS/ RMO "Mechanical Road condition surveys- regional and local roads in Ireland (April 2015)."

The surveys shall be carried out in both traffic directions where the carriageway is greater than 5m. On narrow roads it is sufficient to carry out the survey in one direction only.

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.

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.

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 road pavement surface.

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 GHG emissions to assist in climate change targets.

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 TII where appropriate.

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

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.

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.

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:

- a. The program for the delivery of the proposed works .
- b. A Construction Traffic Management Plan indicating all haul routes to and from the site and for the delivery of the development. Delivery times for plant and

materials and waste collection shall have consideration to morning and evening peak school times in the area and peak traffic periods. This plan is also to contain mitigation measures to minimize the effects these proposed developments would have on the immediate public road network and existing traffic movements.

- c. The location of the construction compounds.
- d. Wheelwash arrangements for the construction phase.
- e. The manner in which the existing public road network shall be kept clean.
- f. Location and types of cranes during the construction phase.
- g. Relevant construction site warning signs shall be in accordance with the Department of Transport, Tourism and Sport (DTTAS) Traffic Signs Manual.
- h. A final Construction Waste Management Plan that is to contain final destination of each waste stream generated on site.
- i. Location of semi-permanent VMS signs at strategic locations and at detours along the route with real time info and / or timeframe information.
- j. Details of off carriageway parking facilities for all traffic associated with the proposed development. This will include material delivery vehicles, service vehicles, construction plant and vehicles, waste skips and private vehicles of the workers on site. There shall be no parking of vehicles on the public road network.

Reason: In the interest of proper planning and development.

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.

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.

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.
- b) Compliance with the Guidelines for Managing Openings in Public Roads (The Purple book, 2017 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.

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 HGV Licensing Recognition System shall be open to the inspection of the Planning Authority and the traffic movements by HGVs shall be monitored on agreed haulage routes as directed by the Planning Authority. Details of the GPS monitoring and HGV 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.

Water Services Conditions:

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 GDSDS 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.

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.

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.

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 neighboring developments would be at risk of flooding.

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

Financial Development Contributions

36. Bond

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.

37. Development Contribution Scheme 2023-2029

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

38. Special Development Contribution

A Special Financial Contribution shall be paid by the Developer to Kildare County Council under Section 48(2)(c) of the Planning & Development Act 2000, as amended, as detailed below:

- €2 million to be paid up front prior to the commence of the development
- €230,000 to be paid per year over 25 years which totals €5.75 million
- €230,000 to be index linked
- Total Contribution is €7.75 million.

Reason: To assist KCC in the future maintenance of the agreed haul routes in relation to road and junction improvement works over the 25 period.

Signed:



A/Senior Executive Planner

11/08/2023



Emer Uí Fhátharta
Senior Planner

August 14th 2023



Chief Executive / - DEPUTY
Kildare County Council

August 14th 2023

Appendix 1

a) Reports received from KCC Service Departments

Department	Date of Report
Transportation Department	14/7/2023
Parks Department	05/7/2023
Water Services Department	03/08/2023
Environment Department	14/7/2023
Chief Fire Officer	06/7/2023

b) Development Contribution Calculation

Kildare County Council Transport, Mobility & Open Spaces Department Planning Report

Planning Number: Drehid Landfill Waste Facility Extension ABP SID Application

Applicant: Bord Na Mona

Planning Reference : 317292-23

Date: 14/07/23

Preamble

Bord Na Mona is seeking approval from An Bord Pleanála for an extension to the existing Drehid Waste Management Facility (WMF) developed pursuant to a grant of permission from KCC (Ref 04-371) and An Bord Pleanála (Ref 09-212059) to provide for the acceptance of up to 440,000 tonnes per annum (TPA) of non-hazardous waste material.

The planning permission is submitted under Section 37E of the Planning and Development Act 2000 (as amended) for a planning permission period of 10 years.

Description of the Proposed Development

The primary elements of the proposed development, and for which planning permission is being sought, are summarised below and are set out in more detail in Chapter 2 of the EIAR. The development will take place on a site of 262 no. hectares and will consist of an extension of the existing Drehid WMF to provide for the acceptance of up to 440,000 TPA of non-hazardous waste material, comprising:

- Increase in acceptance of non-hazardous household, commercial & industrial and construction & demolition (C&D) waste at the existing landfill from the currently permitted disposal quantity of 120,000 TPA to 250,000 TPA until the permitted void space in the existing landfill is filled and no later than the currently permitted end date of 2028;
- Development of extended landfill footprint of approximately 35.75 ha to accommodate the landfilling of 250,000 TPA of non-hazardous household, commercial & industrial and C&D waste for a period of 25 years to commence once the existing landfill void space is filled. The new landfill will have a maximum height of

approximately 32 metres (m) above ground level (115.75 m above ordnance datum (AOD));

- Provision, as part of the extended landfill infrastructure, for 30,000 TPA of contingency disposal capacity for non-hazardous waste, to be activated by the Planning Authority only as an emergency measure, for a period of 25 years;

- Development of a new Processing Facility, with floor area of 730 m² and a maximum height of 12.4 m above ground level (95.75 m AOD), for the recovery of 70,000 TPA of inert soil & stones and C&D waste (rubble) and use of same for engineering and construction purposes within the site, including as engineering material in the landfill;

- Increase in acceptance of waste at the existing Composting Facility from 25,000 TPA to 35,000 TPA and removal of the restriction on the operating life of the Composting Facility contained in Condition 2(2) of ABP Ref. No. PL.09.212059;

- Extension to, and reconfiguration of, the existing Composting Facility to provide for a new Municipal Solid Waste (MSW) Processing and Composting Facility with an additional capacity of 55,000 TPA (giving a combined total for the MSW Processing and Composting Facility of 90,000 TPA), allowing for the combined facility to accept

both MSW and other organic wastes. The new extension will have a floor area of 5,920 m² and a maximum height of 12 m above ground level (95.35 m AOD);

- Construction of a new odour abatement system at the existing Composting Facility including two emissions stacks to a height of 17 m above ground level (100.35 m AOD);
- Construction of a new odour abatement system as part of the new MSW Processing and Composting Facility including two emissions stacks to a height of 17 m above ground level (100.35 m AOD);
- Development of a new Maintenance Building, with a floor area of 873 m² and a maximum height of 9 m above ground level (92.35 m AOD) with staff welfare facility, office, storage and a laboratory; 2
- Installation of a new bunded fuel storage area, with an approximate area of 51 m², to the rear of the new Processing Facility for the recovery of soil & stones and C&D waste (rubble);
- Construction of two new permanent surface water lagoons and one new construction stage surface water lagoon, each with an area of 6,160 m²;
- Construction of a new integrated constructed wetland (ICW) area comprising five ponds;
- Car-parking provision for operational staff;
- Landscaping and screening berms; and
- All associated infrastructure and utility works necessary to facilitate the proposed development and the restoration of the facility following the cessation of waste acceptance.

The total waste intake of 440,000 TPA described above includes 30,000 TPA contingency capacity provided following pre-application consultation with the Regional Waste Officers at the Regional Waste Management Planning Office (RWMPO). This contingency capacity will not be utilised by the Applicant under normal operations and will only be activated in strict circumstances by Kildare County Council (KCC) in consultation with the RWMPOs and the EPA. Further detail on this contingency allowance is set out in Section 2.2.1.1 of Chapter 2 of the EIAR (Description of the Proposed Development). There will be no significant change in the nature of the waste types accepted at the proposed development from those which are currently authorised and accepted at the existing Drehid WMF. Only non-hazardous waste types will be accepted at the facility, the nature of which is described further in Section 2.2.4

of Chapter 2 of the EIAR (Description of the Proposed Development). No hazardous waste will be accepted at the facility.

Site Location

The village of Derrinturn is located approximately 3.5 km to the west of the proposed development site boundary and Timahoe crossroads is located approximately 1.7 km to the east of the closest edge of the site activity boundary. Carbury is located approximately 6 km to the north-west of the proposed development and Prosperous is approximately 8.3 km to the south east.

The application area (the area within which the application for development is being made) is confined to an area of 262 hectares (ha). The proposed development, is situated in the townlands of Timahoe West, Coolcarrigan, Killinagh Upper, Killinagh Lower, Drummond, Kilkeaskin, Loughnacush, and Parsonstown, County Kildare.

The overall Bord na Móna landholding comprises 2,544 ha. The overall landholding is located within the townlands of Drehid, Ballynamullagh, Kilmurry, Mulgeeth, Mucklon, Timahoe East, Timahoe West, Coolcarrigan, Corduff, Coolearagh West, Allenwood North, Killinagh Upper, Killinagh Lower, Ballynakill Upper, Ballynakill Lower, Drummond, Kilkeaskin, Loughnacush and Parsonstown at Carbury, County Kildare.

As the proposed development will share elements of infrastructure with the existing Drehid Waste Management Facility (WMF), the application area includes the townlands of Killinagh Upper, Killinagh Lower, Drummond, Kilkeaskin, Loughnacush, and Parsonstown, wherein existing infrastructure to be shared is located. The application area includes the total area subject to the existing planning approval for the operational WMF, which is also that area licensed by the existing IED licence (W0201-03).

The area to which this planning application relates is 262 ha, although approximately 169 ha of this comprises existing infrastructure, buildings and built ground which currently form part of the existing WMF, and this area principally includes the existing MSW landfill and the existing borrow areas.

Access to the Drehid WMF is from the R403 regional road via an existing dedicated site entrance and a 4.8 km internal access road from the regional road. It is proposed that this entrance and road will also provide access from the R403 regional road to the proposed development. The R403 lies south, southwest and west of the site. The R403 joins the R402 at Carbury to the northwest of the site. The R402 connects to the M4 while the R403 connects to central and south County Kildare. The M4 (Dublin to Sligo / Galway) motorway is located approximately 9 km to the north of the proposed

development, while the M7 (Dublin to Limerick / Cork) motorway is located approximately 17 km to the south of the proposed development.

Reasons for Refusal (ABP Ref 300506-17)

The planning report submitted attempts to address the reasons for refusal following the original planning application for the Drehid waste facility to An Bord Pleanála (Planning Ref. No. ABP -300506- 17). The changes to the proposed project are highlighted in the planning application outlining how the reasons for refusal have been overcome.

The ABP Board Order stated the overall conclusion for the refusal of the proposed development.

"The proposed development would give rise to impacts which are significantly negative. Environmental impact assessment and appropriate assessment have been considered as set out in the sections above. It can, therefore, be concluded that the proposed development would not be in accordance with the proper planning and sustainable development of the area."

The reasons and considerations for refusal for the proposed development that were addressed in the Board Order are outlined below:

(1) On the basis of the information provided with the application documentation and the further information submitted, including the Natura Impact Statement, and in the light of the potential for the proposed development, in combination with other developments in the area, to continue the ongoing degradation of remaining peat within Timahoe Bog resulting in an excess of ammonia and suspended solids in the Cushaling and Figile Rivers, with a consequent impact in preventing these rivers, part of the Barrow Nore catchment, to develop into suitable habitat for salmonid species, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

(2) Having regard to the complex hydrological and hydrogeological conditions obtaining onsite, to the limited investigation carried out of those conditions and hence to the potentially inadequate mitigation measures associated with the proposed development, it is considered that on the basis of the information submitted with the application documentation and the further information submitted, the development site is unsuitable for a development of the nature and scale proposed, having regard to ongoing excess ammonia concentrations in groundwater and in local watercourses, which include watercourses with potential for salmonid habitat which flow into the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). The proposed development would, therefore, have a significant adverse effect on the conservation and protection of the River Barrow and River Nore Special Area of

Conservation (Site Code: 002162), and would therefore be contrary to the proper planning and sustainable development of the area.

(3) The Board is not satisfied, on the basis of the information submitted with the application documentation and the further information submitted, that the subsurface geology of the site is suitable for the proposed hazardous waste cell. It is considered that given the site's high groundwater levels and the uncertainty regarding the nature of the subsurface, that the applicant has not demonstrated that the proposed development would ensure the safe disposal of this material on the site. The proposed development would give rise to a hazard to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

(4) Having regard to the proposed development being accessed solely via a substandard network of Regional Roads which run through a series of villages before connecting with the National Road Network, it is considered that the proposed development would generate a significant volume of traffic, including a high number of movements by heavy goods vehicles, which the road network in the vicinity of the site is not capable of accommodating safely due to the restricted width and capacity of the R402, R403, R407 and R409 in the vicinity of the site. The proposed

development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard.

Response to Reasons for Refusal.

It has been noted that the proposed development has been revised as a direct response to the Board's decision (Planning Ref. No. ABP -300506-17) to try to ensure

compliance with planning requirements and to address previous issues raised in terms of:

1. Impacts on the River Barrow and River Nore Special Area of Conservation
2. Suitability of subsurface geology for hazardous waste
3. Volume of traffic generated

The Applicant) has decided not to pursue the hazardous waste landfill option and is focussing on the non-hazardous waste only in the revised development proposal.

Traffic Impact Assessment and Haul Routes

The following concerns were previously outlined by the ABP Board:

1. Access to subject site solely via a substandard network of Regional Roads
2. Congestion due to increased traffic levels on the R402, R403, R407 and R409 which have limited capacity for heavy goods vehicles
3. Endangerment of public safety by reason of traffic hazard.

TOBIN Consulting Engineers, with guidance from TrafficWise, have been appointed to examine the impacts of traffic and road safety in the vicinity of the site as a result of the proposed development particularly along the R402, R403, R407 and R409.

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 serve the proposed development of the MBT facility at the site.

Condition 18 of the permission under An Bord Pleanála Case Ref. 09.PA0027 required a special contribution under Section 48(2)(c) of the Planning and Development Act 2000 as amended in respect of road improvements to the permitted haul routes. Prior to the Applicant's decision not to develop the MBT facility the Applicant had agreed a

financial contribution with KCC in September 2021 that complied with Condition 18 to the satisfaction of Kildare County Council.

A summary of the previous agreed financial contribution between the Applicant and KCC is below:

€2 million to be paid up front prior to the start of the development.

€230,000 per year over 10 years which totals €2.3 million

€230,000 to be index linked

Total Contribution is €4.3 million.

Confirmation of this agreement is attached in Appendix B.

The Total Contribution of €4.3 million is 31.2% of the overall estimated cost of €13,769,673 of road and junction improvement works and traffic calming works on the haul routes as outlined in the previous roads report dated 09/02/2018, ***a copy of which is attached in Appendix A.*** The estimate was carried out with the assistance of the MD Engineers.

The KCC Roads Planning Section is now recommending the following financial contribution over the 25 year period of development in view of the size and duration of the development :

€2 million to be paid up front prior to the start of the development.

€230,000 per year over 25 years which totals €5.75 million

€230,000 to be index linked

Total Contribution is €7.75 million.

In agreeing matters relating to Condition 18 the Applicant and Kildare County Council had anticipated the MBT Facility and the existing WMF operating conjunctively. It is stated that the proposed development will generate less HGV traffic and there was general agreement between the KCC Roads Planning Section and the Applicant at previous meetings that the proposed haul routes were satisfactory in principle but subject to the following sections of haul routes not being permitted by KCC for HGVS:

- 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.

It should be noted that the following projects have now been recently completed:

- Kilcullen Road Naas (R448) between the ring road and Pipers Hill Campus road improvement works.
- Traffic calming works in Johnstown Bridge (R402).
- Traffic calming works in Kilshanroe (R402).
- R402 Road Improvement Works between Edenderry and Enfield.
- M7 Motorway Widening Works and the Sallins By-Pass Scheme.

The road condition surveys which are outlined in Appendix 14-2 of the EIAR carried out have shown that many roads making up the proposed haul routes in general are appropriate and do not require structural overlays. Details are provided where overlays are required, and it is noted that some locations are in need of works to strengthen the load bearing capacity of the roads.

Proposed Reduction of HGV Vehicle Generation

It has been stated that the previous concerns with regards to traffic generation were predicated on the expectation of a significant increase in the volume of traffic generated by the site which the ABP Inspector's report suggested to be as high as 424 no. HGV two-way movements with a final figure of 310 no. HGV movements informing the Inspector's assessment. It is noted that the estimated traffic generation of the proposed development will be approximately up to 78 no. HGV trips per day (156 no. HGV two-way movements). It is accepted that the figure of 310 no. HGV two-way movements without the MBT facility would undoubtedly have constituted a 'significant' increase in HGV traffic generation and it is this 'significant' increase that underpinned the reasons for refusal for the previous application (Case Reference ABP-300506-17).

In terms of potential congestion arising from HGV traffic on site, it is stated that the current proposal for the development of the site is less complex than the previous development considered under Case Reference ABP-300506-17 and that the total daily HGV traffic generation of the proposed development might reasonably be

considered akin to continuance of the existing development according to the latest traffic assessments conducted on site.

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.

Chapter 14 "Traffic and Transportation" of the EIAR sets out in further detail the potential effects of the entire proposed development on the baseline environment and also set out further mitigation measures to minimise any adverse effects of the existing conditions.

GPS Monitoring of HGVs

The KCC Roads Planning Section is recommending that GPS monitoring of HGVs should be implemented including a HCV 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 should be linked to an appropriate monitoring service. Reports and details of the traffic movements from the GPS monitoring and HGV Licensing Recognition System should be open to the inspection of the Planning Authority and the traffic movements by HGVs should be monitored on agreed haulage routes as directed by the Planning Authority. Details of the GPS monitoring and HGV Licensing Recognition System should be agreed with the Planning Authority prior to the commencement of the development.

Schedule of Proposed Mitigation Measures

A summary of the mitigation measures proposed that relate to traffic and transport within Chapter 14 of the EIAR is below. In addition, the monitoring proposals have been included.

Pages 16-38, 16-39, 16-40

The following are measures as required through the contractors CEMP that will be implemented to mitigate the traffic and transportation effects of the proposed development:

- Photographic survey of haul roads again, immediately prior to commencement of construction;
- Continuous monitoring of haul roads throughout the construction phase;

In compliance with a request from Kildare County Council, Pavement Management Systems were commissioned to undertake the following surveys (Appendix 14.2) on existing and proposed haul routes:

- 1) Falling Weight Deflectometer (FWD) testing.
- 2) Ground Penetrating Radar (GPR) and cores where required.
- 3) Road Condition Data (RCD) using Road Surface Profiler (RSP) including:
 - Digital Video (chainage and GPS referenced).
 - Visual condition survey from video survey using pavement condition index (PCI).
 - Ride quality survey using International Roughness Index (IRI).
 - Transverse profile for rut depth. Surveys were carried out in June 2022.

The surveys were undertaken in line with TII 'Guidelines for the use of the Falling Weight Deflectometer in Ireland'. As per the guidelines for two lane roads, the surveys were carried out in both traffic directions and at 50 m intervals with the tests being staggered in adjacent lanes.

The assessment did not include sections of the haul routes which were on motorway or national roads as these roads have been designed to cater for larger traffic volumes. The Reports for all of the testing mentioned above are shown in Appendix 14.2 and include drawings showing the haul routes and associated chainages.

The FWD level 1 survey covers the testing undertaken to assess the condition of the existing pavement layers and subgrade. The output from these are; D1 - overall pavement structural condition, surface curvature index (SCI) - the upper surface pavement condition, and D7 - the subgrade strength.

These detailed pavement condition surveys will underpin the determination of maintenance costs of the life of the scheme and will facilitate and assessment of

pavement defects that may arise during the construction period. It is proposed that any direct impact of construction on road structure during construction works will be identified to Kildare County Council and a schedule of maintenance agreed and carried out under the appropriate licences.

Page 16-50

The following are measures as required through the contractors CEMP that will be implemented to mitigate the impact associated with the facility:

- Continuous monitoring of haul roads throughout operational phase;
- All contractors, delivering waste to the facility and removing outputs from the facility, and all construction contractors will undergo an induction process and will ultimately be issued with a map of the permitted haul routes such that all materials imported into the site and exported out of the site are transported via the identified and agreed haul routes. A penalty system will be operated by Bord na Móna to ensure haulage operators comply with these requirements;
- Use existing wheel wash facilities at the Waste Facility 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 private access road also aids in this regard;
- Maintenance of warning signage on the approach to the entrance;
- Monitoring of parking requirements during the operational phase with additional spaces to be provided if required;
- Maintenance of site entrance ensuring visibility splays remain unobstructed; and;
- Monitoring of haul routes performance..

Recommendation

The KCC Transport, Mobility and Open Spaces Department has examined the information submitted by the Applicant in relation to the proposed development and our 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 and in view of this our Department has **no objection** to the proposed development subject to the imposition of the following conditions:

1. 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.

2. A Special Financial Contribution shall be paid by the Developer to Kildare County Council under Section 48(2)(c) of the Planning & Development Act 2000 as amended as detailed below
 - €2 million to be paid up front prior to the commence of the development
 - €230,000 to be paid per year over 25 years which totals €5.75 million
 - €230,000 to be index linked
 - Total Contribution is €7.75 million.

Reason: To assist KCC in the future maintenance of the agreed haul routes in relation to road and junction improvement works over the 25 period.

3. 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.

4. 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.

5. 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.

6. 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 of 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.

1. FWD Testing and analysis.
2. Ground Penetrating Radar (GPR) and cores where required (annual)
3. Road Condition Data (RCD) using a Road Surface Profiler (RSP) (annual) to include:
 - Digital video (chainage and GPS referenced).
 - Visual condition survey from video survey using pavement condition index (PCI).
 - Ride quality survey using international roughness index (IRI).
 - Transverse profile for rut depth.

Testing shall be carried out in accordance with the following standards or as approved by

the Planning Authority:

NRA "Guidelines for the use of the falling weight deflectometer in Ireland (July 2000).

NRA HD 31/15 "Pavement assessment, repair and renewal principles (March 2015)."

DTTAS "Guidelines on the depth of overlays to be used on rural regional and local roads (March 2014)."

DTTAS/ RMO "Mechanical Road condition surveys- regional and local roads in Ireland (April 2015)."

The surveys shall be carried out in both traffic directions where the carriageway is greater than 5m. On narrow roads it is sufficient to carry out the survey in one direction only.

Reason: 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.

7. 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 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.

8. 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 road pavement surface.

9. 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 TII where appropriate.

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

10. 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.

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

Reason: In the interest of traffic safety.

12. 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.

13. A Liaison Officer shall be provided and funded by the Developer to liaise and engage with landowners, locals, stakeholders and the Planning Authority for the duration of the project.

Reason: The proposed development is a significant development with extensive haul routes and a Liaison Officer is deemed to be necessary given its importance.

14. 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:

- a. The program for the delivery of the proposed works.
- b. A Construction Traffic Management Plan indicating all haul routes to and from the site and for the delivery of the development. Delivery times for plant and materials and waste collection shall have consideration to morning and evening peak school times in the area and peak traffic periods. This plan is also to contain mitigation measures to minimize the effects these proposed developments would have on the immediate public road network and existing traffic movements.
- c. The location of the construction compounds.
- d. Wheelwash arrangements for the construction phase.
- e. The manner in which the existing public road network shall be kept clean.
- f. Location and types of cranes during the construction phase.
- g. Relevant construction site warning signs shall be in accordance with the Department of Transport, Tourism and Sport (DTTAS) Traffic Signs Manual.
- h. A final Construction Waste Management Plan that is to contain final destination of each waste stream generated on site.
- i. Location of semi-permanent VMS signs at strategic locations and at detours along the route with real time info and / or timeframe information.
- j. Details of off carriageway parking facilities for all traffic associated with the proposed development. This will include material delivery vehicles, service vehicles, construction plant and vehicles, waste skips and private vehicles of the workers on site. There shall be no parking of vehicles on the public road network.

Reason: In the interest of proper planning and development.

15. 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.

16. The standard permitted hours of operation during the construction phase and for deliveries shall be between 08.00hrs to 18.00hrs Monday to Friday and 08.00hrs 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.

17. 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;

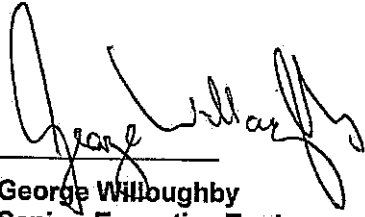
- a) Contractors experience and competency to carry out such works.
- b) Compliance with the Guidelines for Managing Openings in Public Roads (The Purple book, 2017 edition).
- c) Compliance with Chapter 8 of Traffic Management Guidelines including a general assessment of traffic impacts within the local area.
- d) Relevant Insurance's to carry out such works.

Reason: In the interest of proper planning and development.

Reason: In the interest of traffic safety.

18. 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 HGV Licensing Recognition System shall be open to the inspection of the Planning Authority and the traffic movements by HGVs shall be monitored on agreed haulage routes as directed by the Planning Authority. Details of the GPS monitoring and HGV Licensing Recognition System shall be agreed 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.

A handwritten signature in black ink, appearing to read 'George Willoughby', written over a horizontal line.

**George Willoughby
Senior Executive Engineer,
Roads, Transportation & Public Safety,
Kildare County Council.**

APPENDIX A

Strategic Infrastructure Development - Opinion Report

Preplanning Number: 17-SID
Applicant: Bord na Mona
Address: Drehid
Date: 9/2/18

The KCC Roads, Transportation & Public Safety Department has examined the information submitted by the Developer in relation to the proposed Strategic Infrastructure Development.

Transportation Department recommends **REFUSAL** for the following reasons:

1. The increased Heavy Commercial Vehicle (HCV) traffic generated by the development will endanger public safety by reason of traffic hazard resulting from the increased frequency of HCVs on this substandard (haul road) network.
2. The carriage of hazardous waste may endanger public safety by reason of increased risk of accidents involving hazardous materials and consequent spillage of this waste as it is hauled along a substandard (haul) road network.
3. The development does not comply with the objectives of the County Development Plan which support the improvement of the public realm within the settlements in County Kildare.
4. **The proposed application would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.**

Commentary

The proposed intensification of the BNM facility at Drehid is not serviced by a suitable transportation network.

The road network is not suitable for the scale of operation in waste deposition and management proposed for in the development. The development is totally dependent on the transport of waste by road. Transport of waste to this site is not possible by any other means (e.g. by train). However the (haul) road network is primarily a network of "legacy roads". These roads do not have a road structure as envisaged in the design standards. Rather the network depends on the periodic replacement of a thin road surface course or courses without the necessary road capping layer and sub-base being present beneath (directly on the subgrade). This renders the road liable to significant damage from HCV traffic (especially over-weight vehicles) caused by the transfer of wheel loads to the subgrade at stress levels above that which the subgrade can support.

This can be rectified in two ways:

- Intense and frequent repair of the road surface through the replacement of damaged surface layers.
- Provision of a designed road structure in the form of Capping layer, Sub-base, Roadbase and Surface Courses over a suitable Subgrade.

History indicates that industries such as Waste Disposal and transport of quarry products have not generated sufficient Kildare County Council revenue to allow for the above replacement/improvement of the roads involved.

Past development on this Bord na Mona site has not yielded any significant revenue for either of the options mentioned above. The developer holds the view that the development is not required to make such a contribution and this has been supported by decisions of An Bord Pleanála.

Kildare County Council is left without a source of local revenue which could be used to improve the (haul) road network. It might be possible to increase the rate of planning contributions from housing development or other types of industrial development, making those parts of the local economy support the provision of a road network (for this type of transport dependant) but this might damage the local economy.

Four of the proposed haul routes, one existing and three proposed are unsuitable for accessing the facility due to bridge restrictions, poor road infrastructure and volume of traffic at existing junctions in small towns and villages.

The volume of material proposed is over three times the original permitted volume and will overburden and compromise the existing transportation network. The increased volumes of HCV's and other vehicles through small towns and villages poses an increased risk to public safety for VRU's and other vehicles. It should be noted that the actual volumes of materials hauled to the site is much higher than the figure for permitted waste disposal. This can be seen from the annual reports furnished to the EPA.

Transportation also has serious concerns with volumes of hazardous waste and leachate waste to be transported through small towns and villages and on substandard roads with either substandard or no safety barriers.

In addition, Kildare County Council is actively engaged in Plans to improve the public realm of towns and village renewal, (in accordance with Government Policy as articulated in Framework for Town Centre Renewal, 2017, and the Ireland 2040- Our Plan- the new National Planning Framework). The towns and villages on the existing and proposed haulage routes to the Drehid facility which have been and will be directly adversely impacted by HCV traffic and road damage are set out below (including those outside of the 9km radius of the facility).

- Prosperous
- Clane
- Allenwood
- Derrinturn
- Kilshanroe
- Johnstownbridge
- Milltown
- Kilmeague
- Newbridge
- Kildare
- Athgarvan
- Allen

While recognising the role of Drehid as National waste management facility, the proposed extension will result in a disproportionate increase in HCV traffic along the existing and proposed haul routes, and result in an extension of the negative traffic impacts and road damage to other communities in County Kildare. This proposal is therefore in conflict with the Framework for Town Centre Renewal, 2017, and the Ireland 2040- Our Plan- the new National Planning Framework.

Back ground to SID application and methodology for applying conditions:

A preplanning meeting was held in KCC offices in January 2017 to discuss the Bord na Mona strategic infrastructure application for proposed Drehid Waste Management and previous financial conditions imposed by files KCC 04/371 and ABP 09.PF0002, PL 09.212059, 09.PA0004 and 09.PM0008. ABP issued an Order re Point of Detail ABP regarding compliance with conditions of ABP's decision on 09.PA0004 & 09.PM0008. They determined among other points that under Reasons and Considerations Nature of Works involved:

Having regard to the provisions of sect 48(2)c of Planning & Dev Act 2000, as amended, **the additional payments that may arise to address the suitability of the haul routes for HCV traffic must relate to "road improvements and traffic calming measures" and these should follow from the review (relate to identified haul routes). Any such works must be clearly identifiable and defined, and the cost of the works explained.** The special contribution should not be used to defer the costs associated with ongoing maintenance, nor should they be calculated by reference to general estimates of the cost of a type of works or a fraction thereof.

The Roads, Transportation and Public Safety Directorate is of the opinion that the proposed development should be **Refused** however, if it is decided that to grant permission for the proposed development the following conditions may be appropriate:

Transportation have outlined conditions which relate specifically to the haul routes proposed, the road improvements and traffic calming measures are defined and costs estimated as required by ABP in their Point of Detail April 2017 which amounts to an overall estimated figure of €13,769,673.

Please also note that it is very difficult to accurately cost these schemes without detailed investigations and design and public consultation etc.

Transportation is also cognisant that the proposed works may require a 10 year investment program.

The Developer should consider a new haul route which provides a direct access from the M4 north of the site.

The Drehid Community Grant Scheme, as set out in planning condition PL.09.212059, requires a payment to the Planning Authority towards the cost of the provision of environmental improvement and recreation or community amenities within the vicinity of the Drehid Waste Management Facility of circa 2,544 hectares. Kildare County Council and Bord Na Móna advertise the scheme annually to invite applications from community organisations located within a 9km radius of the Drehid Facility to fund environmental, recreational and community projects which will mitigate the impact of the facility on the local community. The funding is currently set at a rate of €1.27 per tonne delivered to the Drehid facility, and

averages circa €350,000 per annum. Under the current terms and conditions of the Scheme, the repair and ongoing maintenance/upgrading of the existing haul routes, or road safety improvement measures are deemed ineligible.

Based on the proposed increase in tonnage to be delivered to Facility, the following recommendations are proposed:

- Include conditions which acknowledges the increasing significant adverse impact of HCV traffic on the surrounding road network and associated cost implications as set out on the following pages (eng calcs/costs);
- With reference to PL.09.212059 (i.e. Community Grant Scheme), condition the allocation of a minimum of 50% of the annual fund to target necessary upgrading works, junction improvements, traffic calming and the provision of safe pedestrian and cycle routes;
- Redefine the 9 km radius around the Facility, to incorporate communities on the existing and proposed haul routes, which are currently outside of the zone and thus ineligible for environmental improvement funding.

Notes:

We have estimated the cost of road improvements on the haul route to bring the road condition from its current PSCI value up to the desired PSCI value of a 9 or 10.

PSCI or Pavement Surface Condition Index, is a nationally agreed ranking system whereby individual sections of road are granted a value between 1 and 10 based on objective roads criteria. It is a KCC Roads objective that all roads would be maintained at a 9 or 10 on the PSCI ranking.

The total estimate has been calculated based on calculating the cost to bring each individual section up from its current condition rating to a 9 or 10. The breakdown of the calculations for each respective haul road value is available. It should be noted that 51% of road sections are currently at a 9 or 10 and accordingly do not require to be funded under this scheme.

This exercise should be repeated every 5 years.

1. Permitted Haul route no.1- Silliot Hill, Kilcullen, M7, R407, R403

Condition: The developer must pay to Kildare County Council a contribution of **€3,357,137** required toward the provision of road improvement works R448, R407, traffic calming at Kilcullen, Prosperous, Dagwelds Cross and Allenwood. Junction improvements at Kilcullen, Prosperous, Dagwelds Cross and Allenwood

Location	Description of Works	Total cost incl. VAT €
Prosperous - East Approach	Traffic calming on the approach to the village from the East side along the R403	€40,000 - Kerbing, gateway signs and smart signs
Prosperous traffic lights	Requirement for dedicated right turn filter on the lights and upgrade the traffic lights to SCOOT system with CCTV interaction.	€160,000 budget cost generated by the Traffic Dept. Includes minor additional civil works at junction
Prosperous- McCormacks Garage Junction	Tightening of junction radii to improve crossing safety for pedestrians with inclusion of signage, anti skid materials and table top.	€60,000
Prosperous- East Approach	Traffic calming on the approach to the village from the east side along the R403	€40,000 - Kerbing, gateway signs and smart signs
Dagwelds Cross junction (Kildare-Newbridge MD Area)	Junction improvements to include resurfacing, anti-skid surfacing on the four approaches to this junction, improved road markings, improved signage, improved sightline provision to include boundary clearance and set-back, (land acquisition requirement, tree/boundary	€1.1 million

		clearance, new boundary works, services diversions/alterations and any associated works).	
Allenwood Village (Kildare-Newbridge Area)	MD	Traffic Calming Scheme at Allenwood Cross to include resurfacing, anti-skid surfacing on the four approaches to this junction, improved road markings, improved signage, existing traffic signals upgrade to provide a full 4-way pedestrian crossing facility at Allenwood Cross and all associated related civil works in relation to ducting/kerbing/tactile kerbing/footpath and road adjustments/road markings and any other associated works, extend existing footpath eastwards along the R403 from Allenwood Village to the Bluetown Road (land acquisition requirement, tree/boundary clearance, new boundary works, services diversions/alterations and any associated works), extend existing surface water culvert under the R403 west of its junction with the Bluetown Road to accommodate the extended footpath.	€300,000
Road improvements to Permitted Haul Route 1 within the Kildare-Newbridge MD Area		Improve current PSCI of Permitted Haul Route 1 within the Kildare-Newbridge MD Area to PSCI 9/10	€984,137
Kilcullen (R448) Traffic calming on the approach to Kilcullen, Naas side (residential area).		Gateway signage, kerbing, lining (minor civil works).	€40,000
Road Improvement Works PSCI method see notes below – Naas MD.		Strengthening and surface improvement works.	€633,300
		Total	€3,357,137

Reason: It is considered reasonable that the proposed development should make a contribution in respect of road infrastructure and improvement to facilitate the access to the proposed development.

2. Permitted Haul route no.1.1- Silliot Hill, Kilcullen, M7, Newhall, Caragh Bridge, Dagwells Cross

This route is **NOT** permitted and is to be removed from proposed haul routes.

Reason: 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 HCVs over weak local roads and through communities living directly adjacent to those poorly aligned narrow routes.

3. Permitted Haul route no.1.2- Silliot Hill, Kilcullen, M7, R407, Millicent Cross, Firmount

Condition: The developer shall submit a revised haul route which exits the M7 at the proposed R407 Sallins By-pass. The developer must pay to Kildare County Council a contribution of **€1,190,616** required toward the provision of road improvement works R407, Millicent to Firmount Cross, junction improvements at Millicent Junction and Firmount Cross and bridge improvements at Millicent Bridge.

Reason: The use of Alexander Liffey bridge in Clane is **NOT** permitted and not to be permitted due to the condition and width of this heritage structure. It is considered reasonable that the proposed development should make a contribution in respect of road infrastructure and improvement to facilitate the access to the proposed development.

Location	Description of Works	Total Cost €
Millicent Bridge	High containment kerbing across the bridge to protect the bridge parapets from bridge strikes	€35,000
Firmont Cross (Millicent Road approach)	Sightline clearance to the South East corner of the junction for left turning HCV traffic on the 'in' route	€120,000 (land purchase required)
Firmont Cross 2(Main Line approach)	Realignment of road on the approach to the junction to provide dedicated right run lane for right turning HCV traffic on the 'out' route	€160,000 (service diversions, bus stop setback and road widening required.)
Millicent Junction	Requirement for sightline improvement and kerbing	€40,000 (included land purchase)
Road Improvement Works PSCI method – Maynooth MD.		€835,616

	Total	€1,190,616m

Reason: It is considered reasonable that the proposed development should make a contribution in respect of road infrastructure and improvement to facilitate the access to the proposed development.

4. Permitted Haul route no.2- Silliot Hill, R448, L3013, L3012 ring roads around Naas, R409 Caragh Bridge

This route is **NOT** permitted and is to be removed from proposed haul routes.

Reason: 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 HCVs over weak local roads and through communities living directly adjacent to those poorly aligned narrow routes.

5. Permitted Haul route no.2.2- Silliot Hill, R448, L3013, L3012 ring roads around Naas, R409 Caragh Bridge

This route is **NOT** permitted and is to be removed from proposed haul routes

Reason: 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 HCVs over weak local roads and through communities living directly adjacent to those poorly aligned narrow routes.

The haul route Silliot Hill, R448, L3013 and L3012 ring roads around Naas may be used in part and improvements will be required as list below:

Location	Description of Works	Total Cost €
Road Improvement Works – Naas MD. R448 Silliot hill to Naas	Strengthening and surface improvement works.	€89,600
R448 – Naas Traffic calming on the approach to Naas, Kilcullen side (School area).	Gateway signage, kerbing, footpath lining (minor civil works).	€180,000
	Total	€269,600

Condition: Before development is commenced the developer must pay to Kildare County Council a contribution of **€269,600** required toward the provision of road improvement works on haul route Silliot Hill, R448, L3013 and L3012 ring roads around Naas may be used in part.

6. Permitted Haul route no.3- M4 Enfield, R402, R403

Condition: The developer must pay to Kildare County Council a contribution of **€1,739,429** required for the provision of R403 road improvement works, junction improvements and traffic calming at Killinagh, Johnstownbridge, Kilshanroe, Derrinturin.

Location	Description of Works	Total Cost €
Killinagh	National School on the R403 2, 2km west of the main entrance to the landfill. Issues with speed and difficulties with parents getting in or out of the school.	€250,000 for signage, table tops, gateway platform with centre islands and smart signage
Derrinturin	Traffic calming scheme upgrade. Replace ramps with table top and introduce signal controlled pedestrian crossing at church	€110,000 (€40,000 for push button crossing and €70,000 for civil works for traffic calming.)
Johnstownbridge	Smart signage and cycling facilities close to the school	€100,000
Kilshanroe	National school on the R403. Sightline clearance at school entrance, gateway signage with centre islands	€30,000
Road Improvement Works – PSCI method Maynooth MD.		€1,249,429
	Total	€1,739,429

Reason: It is considered reasonable that the proposed development should make a contribution in respect of road infrastructure and improvement to facilitate the access to the proposed development.

7. Permitted Haul route no.4- Silliot Hill, R448, R413 Athgarven, R416 Newbridge, R415 Milltown, Kilmeague and Allenwood

Condition: The developer must pay to Kildare County Council a contribution of **€4,124,658** required toward the provision of road improvement works R448, R413, R416, R415 junction improvements and traffic calming in Kilcullen, Newbridge, Milltown, Kilmeague and Allenwood. Bridge improvements at Bond Bridge, Ford Bridge, New Bridge and Herberton Bridge.

Location	Description of Works	Total Cost €
Improve existing staggered junction at Kinneagh Cross between R416, R413, L-7035,	Junction improvements to include resurfacing, anti-skid surfacing on the four approaches to this junction, improved road markings, improved signage, improved sightline provision to include boundary clearance and set-back along the northern side of the R413 on the western approach to this junction (land acquisition requirement, tree/boundary clearance, new boundary works, services diversions/alterations and any associated works).	€250,000
Athgarvan Village – R416	Traffic calming scheme for Athgarvan Village to include resurfacing, anti-skid surfacing on approaches, improved road markings, improved signage, existing traffic signals upgrade to provide a full 4-way pedestrian crossing facility at Athgarvan Cross and any associated works.	€200,000
Milltown Village – R416	Traffic calming scheme for Milltown Village to include resurfacing, anti-skid surfacing on approaches, improved road markings, improved signage, provide a signalised pedestrian crossing facility at Milltown Cross to provide safe walking routes between the village, school and canal and any associated works.	€200,000
R415 – Milltown to Allen Cross	Improvement to 500m of existing road alignment to improve a poor alignment (east of Allen Hill) along the northern side of the R415 to	€250,000

	include land acquisition requirement, tree/boundary clearance, new boundary works, services diversions/alterations, kerbing, road construction and any associated works.	
R415 – Allen Cross junction	Junction improvements to include resurfacing, anti-skid surfacing on approaches, improved road markings, improved signage.	€100,000
R415 – Allen Village	Traffic calming on approaches to Allen Village in the proximity of the school/church to include resurfacing, anti-skid surfacing on approaches, improved road markings, improved signage, table top ramps, smart speed signage, signalised pedestrian crossing facility at school and any associated works.	€125,000
R415 – Kilmeague Village	Traffic calming on the approaches to Kilmeague Village to include footpath improvements, resurfacing, anti-skid surfacing on approaches, improved road markings, improved signage, signalised junction and pedestrian crossing facilities at Kilmeague Cross in Kilmeague Village.	€200,000
R415 – Bond Bridge over Grand Canal	Road improvements on approaches and over bridge to include resurfacing, kerbing, anti-skid surfacing, improved road markings, improved signage, and provision of a signalised shuttle traffic system across the bridge along with a pedestrian footpath and	€200,000

	<p>pedestrian crossing facility over the bridge as part of the signalised traffic system and any associated works.</p> <p>A structural survey of this bridge is to be carried out to determine if any remedial structural or replacement works are required in relation to the bridge. A copy of the structural survey should be issued to Kildare County Council and Waterways Ireland. Bord Na Mona will be required to fund any remedial structural or replacement works.</p>	
R415 – Ford Bridge over Slate River	<p>Road improvements on approaches and over bridge to include resurfacing, anti-skid surfacing, improved road markings, improved signage, and provision of a signalised shuttle traffic system across the bridge along with a pedestrian footpath and pedestrian crossing facility over the bridge as part of the signalised traffic system and any associated works.</p> <p>A structural survey of this bridge is to be carried out to determine if any remedial structural or replacement works are required in relation to the bridge. A copy of the structural survey should be issued to Kildare County Council and Waterways Ireland. Bord Na Mona will be required to fund any remedial structural or replacement works.</p>	€200,000

R415 – New Bridge over Barrow Line	<p>Road improvements on approaches and over bridge to include resurfacing, anti-skid surfacing, improved road markings, improved signage, and provision of a signalised shuttle traffic system across the bridge along with a pedestrian footpath and pedestrian crossing facility over the bridge as part of the signalised traffic system and any associated works.</p> <p>A structural survey of this bridge is to be carried out to determine if any remedial structural or replacement works are required in relation to the bridge. A copy of the structural survey should be issued to Kildare County Council and Waterways Ireland. Bord Na Mona will be required to fund any remedial structural or replacement works.</p>	€200,000
R415 – Herberton Bridge over Old Barrow Line (at Travellers Rest pub)	<p>Road improvements on approaches, four local side roads and over bridge to include resurfacing, anti-skid surfacing, improved road markings, improved signage, and provision of a signalised shuttle traffic system across the bridge to manage the R415 and the four side roads along with a pedestrian footpath and pedestrian crossing facility over the bridge as part of the new signalised traffic system.</p> <p>A structural survey of this bridge is to be carried out to determine if any remedial</p>	€400,000

	structural or replacement works are required in relation to the bridge. A copy of the structural survey should be issued to Kildare County Council and Waterways Ireland. Bord Na Mona will be required to fund any remedial structural or replacement works.	
Road improvement Works PSCI method Kildare-Newbridge MD Area	Improve current PSCI of Permitted Haul Route 4 within the Kildare-Newbridge MD Area to PSCI 9/10	€1,799,658
	Total	€4,124,658

Reason: It is considered reasonable that the proposed development should make a contribution in respect of road infrastructure and improvement to facilitate the access to the proposed development.

8. Proposed Haul route no.2- R407 Kilcock to R408 Prosperous

Condition: The developer must pay to Kildare County Council a contribution of **€1,450,348** required toward the provision of R408 road improvement works, junction improvements and traffic calming at Prosperous.

Location	Description of Works	Total Cost €
R407 /R408 Borehole Cross	Sightline improvements for 'Out' route	€40,000
R408, 2km north East of Prosperous	Widening of R408 Road is of insufficient width over a 2.5km due to proximity of watercourse to road. Ditch to be piped with large diameter surface water pipes and road widened by 1.5m	€300,000 - Estimated at 120m a linear metre.
R408 approach to Prosperous	Gateway signage and footpath improvements on east side of the road	€50,000
R408 junction to main street	Improvement to sightlines at junction and better demarcation of paths. Push button crossing along the Main street	€70,000

Road Improvement Works PSCI method – Maynooth MD.		€990,348
	Total	€1,450,348

Reason: It is considered reasonable that the proposed development should make a contribution in respect of road infrastructure and improvement to facilitate the access to the proposed development.

9. Proposed Haul route no.3- R415 Kildare to R416 Milltown

This route is NOT permitted and is to be removed from proposed haul routes.

Reason: This route is deemed to be not suitable for use as a haul route for this development as the increased HCV 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.

This would be against proper planning and sustainable development.

10. Proposed Haul route no.4- R406 Maynooth to R403 Clane

Condition: The developer must pay to Kildare County Council a contribution of **€1,637,885** required toward the provision of R403 Barberstown to Clane road improvement works, Clane junction improvements and traffic calming in Clane. The developer should contribute towards the provision of Clane Transport Objectives in Clane LAP.

Location	Description of Works	Total Cost €
Clane Approach on Celbridge road	Gateway signage and traffic calming	€40,000
Clane Ring road	Approach Improvements to centre roundabout on the Clane Ring road	€125,000
Clane Traffic lights	Introduction of SCOOT improvements and lane widening at Prosperous road traffic lights, Clane to improve junction capacity	€175,000
Road Improvement Works PSCI method – Maynooth MD		€1,297,885
	Total	€1,637,885

Reason: It is considered reasonable that the proposed development should make a contribution in respect of road infrastructure and improvement to facilitate the access to the proposed development.

11. GPS monitoring of HCV's

The Developer shall implement GPS monitoring and a HCV Licensing Recognition System of traffic delivering to the site to ensure proper control of the movement of HCVs 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 HCV Licensing Recognition System shall be open to the inspection of the Planning Authority and the Developer shall modify traffic movements by HCVs on agreed haulage routes as directed by the Planning Authority. Details of the GPS monitoring and HCV Licensing Recognition System shall be agreed with the Planning Authority prior to the commencement of the development.

Prior to commencement of development the applicant shall arrange to pay Kildare County Council a Bond of €300,000 for 10 years towards expenditure which the Council may incur in respect of HCV's not using the correct haul routes to the proposed development.

Reason: The usage of the designated haul routes by delivery traffic cannot be monitored or ensured by the developer unless there is dedicated continuous on-site monitoring of traffic with a "trace back" capability and check on each delivery. Without such, the idea of designated mandatory haul routes does not make sense.

12. Structural Assessment of Haul Routes

The Developer shall carry out a structural assessment of the agreed haul routes which should include the following:

4. FWD Testing and analysis (every 5 years)
5. Ground Penetrating Radar (GPR) and cores where required (annual)
6. Road Condition Data (RCD) using a Road Surface Profiler (RSP) (annual) to include:
 - Digital video (chainage and GPS referenced).
 - Visual condition survey from video survey using pavement condition index (PCI).
 - Ride quality survey using International roughness index (IRI).
 - Transverse profile for rut depth.

Testing shall be carried out in accordance with:

NRA "Guidelines for the use of the falling weight deflectometer in Ireland (July 2000).

NRA HD 31/15 "Pavement assessment, repair and renewal principles (March 2015)."

DTTAS "Guidelines on the depth of overlays to be used on rural regional and local roads (March 2014)."

DTTAS/ RMO "Mechanical road condition surveys- regional and local roads in Ireland (April 2015)."

The surveys shall be carried out in both traffic directions where the carriageway is greater than 5m. On narrow roads it is sufficient to carry out the survey in one direction only.

The Developer shall submit details of the annual structural assessment and FWD Testing and Analysis every 5 years to the Planning Authority and based on this the Developer shall carry out road and bridge improvement works where highlighted by these

assessments and analysis on the agreed haulage routes as directed by the Planning Authority.

Reason: The usage of the designated haul routes by delivery traffic cannot be monitored or ensured by the developer unless there is dedicated continuous assessment of haul routes condition.

13. Prior to the commencement of the development the developer shall submit, for the written agreement of the Planning Authority, a detailed programme and Construction Management Plan for the proposed development including wheel wash facilities.

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

14. The width of proposed internal footpaths to be 2.0m each.

Reason: In the interest of pedestrian and cycling safety.

15. Car parking spaces shall be in accordance with the requirements of Chapter 17 of the Kildare County Development Plan 2017-2023.

Reason: In the interest of traffic safety.

16. Surface water shall be collected and road gullies shall be provided in accordance with Section 3.19 of the Department of Environment and Local Government "Recommendations for Site Development Works for Housing Areas" (R.S.D.W.H.A.). All gullies shall be fitted with suitable locking type covers or gratings.

Reason: In the interests of proper drainage and traffic safety.

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

Reason: In the interest of proper drainage facilities and traffic safety.

18. 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 traffic and pedestrian safety.

19. CBR tests shall be undertaken in accordance with Section 2.16 of the Department of Environment and Local Government "Recommendations for Site Development Works for Housing Areas" (R.S.D.W.H.A.) and as required to determine the subgrade strength under the proposed distributor roads. The results together with a suitable pavement design in accordance with LR 1132 and HD 14/87 shall be submitted to the Planning Authority for written consent before development commences.

Reason: In the interests of traffic safety and proper planning.

Signed: _____
S O Dwyer,
Executive Engineer.

Date: _____

Signed: _____
G. Willoughby,
Senior Executive Engineer.

Date: _____

Endorsed: _____
J Coppinger,
Senior Engineer.

Date: _____

APPENDIX B

Continued

Bord na Móna

Main Street, Newbridge, Co. Kildare.

Mairead Hunt,
Planning Department,
Kildare County Council,
Devoy Park,
Naas,
Co. Kildare.

14/09/2021

Proposed Mechanical Biological Treatment (MBT) Facility on the site of Dreichid Waste Management Facility in Coolcarrigan, Drummond and Kileaskin, Carbury, Co. Kildare. Planning Ref: PA0027.

Dear Mairead,

I am writing to you in connection with the above grant of planning and specifically Condition 18. As you may be aware, this condition relates to a financial contribution concerning the upkeep of the road network in the area of the proposed development. After extended consultations with Celine Barrett, David Reel & George Willoughby from Kildare County Council, we agreed the following in order to satisfy Condition 18:

- A €2 million upfront payment.
- €230,000 per annum over 10 years, totalling €2.3 million.
- The €230,000 per annum to be index linked.
- The total contribution coming to €4.3 million.

We are keen to progress the development of the MBT plant and are therefore seeking confirmation from the Planning Department that this condition is to your satisfaction.

In respect of Condition 17, I understand that we must agree this contribution with the Planning Department prior to commencement of the development. Can you please advise how we can progress this process?

We are engaging with Liam Dunne on Condition 16.

We trust the above is in order,

Yours Sincerely,

Garrett Leech

INTERNAL MEMORANDUM

TO: Planning Department
FROM: Simon Wallace. Senior Executive Parks Superintendent
SUBJECT: ABP 317292-23 Drehid Waste Management Facility
DATE: 5th July 2023
CC:

I refer to the above application and the landscape plans submitted by the applicant.

Regarding the EIAR this is satisfactory.

Regarding the landscape plans submitted the applicant should be requested to implement and submit the following

1.0 Landscape Design

The landscape plan lacks detail in relation to aspects of the proposed landscaping. The following details are not submitted

- Sections across the site showing the elevation and extent of planting and mounds.
- The mounding proposed appears very formal and engineered in appearance. A more organic same and undulating would be more in keeping with the rural location the waste facility is located in.
- Limited detail on the plants proposed for the habitat enhancement. Further details are required regarding the species and quantities of plants proposed and how these will be managed.
- No details have been provided for the scrub mix proposed for the site.
- No detail has been provided for the depth of topsoil proposed for the infill area.
- In the habitat enhancement areas no details have been provided regarding the protection of these during construction and operation works.

- A Landscape Architect and Ecologist should be retained for the duration of the project and to provide certification of any landscaping and ecology works carried out.
- There is no indication there are trees on the site. No tree survey of the site has been provided or details as to how existing trees and scrub will be protected during the construction and operation of the facility. The applicant should be requested to submit details to meet these requirements.

2.0 Tree Protection

- An Arborist if appropriate should be retained for the duration of any construction works to ensure that any tree retention proposed for the site is retained.
- Insufficient details have been provided of the constructed wetland areas. More detail is required regarding the depths of the ponds and the proposed planting in terms of plant densities.
- A maintenance and management plan is required for the establishment and ongoing management of any landscaping and ecological works proposed on the site.



Simon Wallace
A/ Senior Parks & Landscaping Officer

Water services **ABP 317292-23**

Subject to proper planning, environmental report etc.

(Saved on S drive: S:/users/planning reports/water services/jpurcell)

ABP 317292-23

(WS 03/08/2023)

E 674287, N 730893, Bord na Móna Plc. Main Street, Newbridge, Co. Kildare

General Description:

Extension to Waste Management Facility

Waste Management Facility Extension- Private Well and Treatment System

Refer to Environment for Effluent

Conditions:

1. 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. eg see logs for boreholes LFBH02, LFBH04, LFBH05, LFBH09 (sand), LFBH10A, LFBH14 (sand), LFBH16 (sand and gravel), LFBR01 (S&G), LFBR02 (S&G), LFBR03 (S&G), LW01, LW02S, MW01B (S&G), MW02B (S&G), MW02Q (S&G), MW03B, MW03Q (S&G), MW04B, MW04Q (S&G) MW05B (sand), MW05Q (S&G), MW06B (S&G), MW07B, RW02S, RW09A (sand), RW09B (sand), RW10S (S&G) and WLPC01 (S&G) (EIAR Volume III Appendix 7.1), at shallow levels eg via any permeable pavements and in suitable fill areas - see submitted Vesi Environmental ICW Planning Report at EIAR Appendix 2.4 and CDM Smith SI Report at EIAR Appendix 7.1) and 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.
2. Based on borehole strikes NOT on groundwater monitoring. Applicant shall review feasibility of infiltration based on groundwater monitoring data at EIAR Volume III Appendix 7.1 and Appendices F and G of SI report.
3. Permeable pavements including porous asphalt to 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.
4. The proposed swales around the landfill extension shall be bioretention swales where feasible.
5. Surface Water Lagoons and Integrated Constructed Wetlands to comply with GDSDS Volume 2 Chapter 6 Stormwater Drainage Design Criteria 1-4 and CIRIA SuDS Manual including Chapters 23 and 24.
6. Required and provided attenuation storage volume calculations for 100 year event plus 30% climate change factor shall be submitted.
7. The proposed Surface Water Lagoons and Integrated Constructed Wetlands will 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.
8. Any potential conflict between Surface Water Lagoons use for fire-fighting water supply and attenuation storage shall be resolved by the applicant.
9. 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 by the applicant.
10. 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.
11. WSP is recommending assessment of 30% climate change factor for ALL flood risk types and HEFS OPW CFRAMS fluvial flood mapping as a more likely representation of future climate change effects on flood risk (20% in Submitted SSFRA section 2.2 – see EIAR Volume III Appendix 8.2).
12. 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/>
13. 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).
14. Pluvial flood risk shall be assessed in more detail including compliance of new drainage systems including SuDS with GDSDS 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.
15. Groundwater flood risk shall be assessed and mitigated taking into account the collated groundwater monitoring as above and expert hydrogeological advice where necessary.
 16. 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.
 17. 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.
 18. 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.

19. 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.

20. 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.

21. 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 neighboring developments would be at risk of flooding.

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

Signed:

John Purcell, A.E.
03/08/2023

Counter Signed:

David Hall, S.E.E.

Environment Section Report on Proposed Development of an extension to the existing Drehid Waste Management Facility to provide for acceptance of up to 440,000 TPA of non-hazardous waste material in the townlands of Timahoe West, Coolcarrigan, Killinagh Upper, Killinagh Lower, Drummond, Drehid, Kilkeaskin, Loughnacush and Parsonstown Co. Kildare.

Planning Permission was refused in 2020 for a larger development at the site (including the acceptance of hazardous waste) due to Traffic, Biodiversity and High Ammonia levels affecting the adjacent rivers and salmon. (There was also a lack of information on Dust, Odour and other emissions.)

The following chapters were reviewed – Chapter 8 Water, Chapter 10 Noise and Vibration and Chapter 12 Air Quality and Climate.

Please find below my observations:

Chapter 8 Water:

Information on existing and proposed infrastructure to deal with leachate etc. was included in the report. There is an existing integrated constructed wetland on site. A new attenuation lagoon and ICW system is planned to serve the extension.

A very detailed report, surface water sampling results, details on weather and flow in rivers were submitted to assess the impact the proposed development would have on surrounding lands and watercourses.

The findings in the report show that Ammonia is already high due to chemical load from the bog. Also the level of ammonia fluctuates with temperature – lower temperature – lower levels of ammonia.

Summary of Key Findings can be found in Section 8.4.18

Mitigation measures have been proposed to reduce the risk of affecting the water quality and aquatic life of the Cusaling river and monitoring proposed. We are satisfied that the developer has suitably considered this and appropriate measures have been proposed.

Chapter 10 Noise and Vibration

Sufficient Noise Monitoring Locations were included in the Noise Report. Very good details on different sources of noise from operation and all plant and equipment. The report assessed Construction Noise, Operational Noise and Traffic Noise.

The Construction Noise Analysis give 2 scenarios but does not appear to take into account existing noise levels from the landfill and traffic. Calculations should be submitted to show noise levels from construction noise, landfill operations noise and associated traffic noise.

Noise predictions have been submitted for Traffic Noise along internal road during construction phase for future operation phase. See table Proposed Operations Phase 10.1

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 internal road at Noise Sensitive Locations. Also calculation should be submitted to prove it.

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 back up their claim.

Chapter 12 Air Quality and Climate

An assessment was carried out on air quality, odour and climate impact. An air dispersive modelling study was carried out for the existing and proposed development.

The report shows that :

predicted odour from the proposed development at closest receptors are within EPA AG9 limits.

NO2 modelling results show they are well below air quality standards for NO2

Particle matter is well below air quality standards.

However there is a moderate NO2 impact and slight PM 10 and PM2.5 for the cumulative impact of the further development. A series of mitigation measures have been proposed in the EIS.

At present, Ireland is down to 3 licensed landfills to deal with an ever growing population, and despite all the efforts introduced to manage and reduce our waste, landfilling remains a vital form of waste treatment for the foreseeable future, albeit on a reducing scale. KCC Env Dept are satisfied that the EIA included in this application adequately assesses and closes out all relevant environmental risks locally.

Inspector:

Ciara Corrigan

Date: 29/07/2023

[Handwritten signature]

SEE

Kildare County Council

Fire Service,
Central Fire Station,
Newbridge,
Co. Kildare.
W12 PW70



Comhairle Chondae Chill Dara
Seirbhís Dóiteáin

Phone: 045 454800
Fax: 045 432530

Planning Dept.,
Kildare County Council

6th July 2023

File Ref: ABP 317292-23

Applicant Name: Bord na Móna PLC

Development Address: Townlands of Timahoe West, Coolcarrigan, Killinagh Upper, Killinagh Lower, Drummond, Drehid, Kilkeaskin, Loughnacush and Parsonstown, Kildare

A Chara,

Kildare Fire Service has no objection to this SID planning application subject to the following condition:

1. The Applicant shall obtain a Fire Safety Certificate in accordance with the requirements of the Building Control Act.

Mise, le meas,

PP Chanel Ryan
NIALL O'RIORDAN
A/CHIEF FIRE OFFICER


DEVELOPMENT CONTRIBUTIONS - SID Application ABP Ref. PA09.317292 - Bord na Mona PLC.
Development at Drehid, Co. Kildare.

Rate Bands as per Development Contribution Scheme 2023 - 2029.	Description	Rate Per Hectare.	Total Site Area (hectares).	Exemption Reduction.	Area Considered for Contribution.	Contribution
Section 8.2.3 of Development Contribution Scheme.						
Landfilling/Reclamation.	Landfilling/Reclamation.	€15,000.00	262	n/a.	262 Ha.	€3,930,000.00
					Development Contributions Applicable	€3,930,000.00

Note: Detailed development description as per Site Notice attached to be carried out on a total site area of 262 Hectares (highlighted).

Landfilling/Reclamation - Contribution applied as per Section 8.2.3 of the Development Contribution Scheme 2023-2029.

Total Contribution Due: €3,930,000.00.

Signed: 
Stephen Cunningham.

Date: 2nd August 2023.

**Appendix 2 - Minutes of Clane-Maynooth Municipal District Special Meeting
(Planning Department Minutes) 28/07/2023**

Special Meeting of Clane/Maynooth Municipal District 28/7/2023

Planning Department Minutes

Meeting Date	ABP Number:
28 th July 2023	317292-23

Development	Drehid Waste Mgmt. Facility
	Killinagh Upper, Carbury , Co.Kildare.

Contributors

<p>Elaine Donohoe (ED). Planning Department KCC.</p> <p>Emer Uí Fhatharta (EuF). Planning Department KCC.</p> <p>George Willoughby (GW). Roads, Transportation & Public Safety Department KCC.</p> <p>Chris Galvin (CG). Environment Department KCC.</p> <p>Amy Granville (AG). Planning Department KCC.</p> <p>Caroline Talbot (CT). Planning Department KCC.</p> <p>Marian Higgins (MH). Economic Community & Cultural Development Department KCC.</p> <p>Stephen Cunningham (SC). Planning Department KCC.</p> <p>Catherine Howard (CH). Planning Department KCC.</p>	<p>Cllr. Tim Durkan (TD).</p> <p>Cllr Brendan Wyse (BW).</p> <p>Cllr. Brendan Weld (BRW).</p> <p>Cllr. Pádraig McEvoy (PM).</p> <p>Cllr. Aidan Farrelly (AF).</p> <p>Cllr. Peter Hamilton (PH).</p> <p>Cllr. Dara Fitzpatrick (DF).</p> <p>Cllr. Angela Feeney (AF)</p> <p>Cllr: Paul Ward (PW)</p> <p>Cllr: Naoise O’Cearuill (NOC)</p> <p>Cllr: Aidan Farrelly (AF)</p> <p>Cllr: Peter Hamilton (PH)</p>
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Meeting Held at 12pm on MS Teams

ED. Introduction and outline of proposal.
Elaine made a Powerpoint Presentation for the members.

EuF. Outlined SID process.

Confirmed Planning authority would accept any observations from the members up to 8/8/2023.

Any resolution of the members must be agreed at this meeting.

- BW. Referred to previous decision to refuse permission and the unsuitability of Derrymullen Bridge as one of the issues. One of the haul routes proposed uses Derrymullen Bridge and Cllr. Wyse suggested that this haul route needs to be removed or a condition should be included in the permission that a shuttle arrangement be introduced to upgrade the bridge for safety reasons.
- GW. Development has been scaled down since previous application which was refused. Details have been provided confirming a decrease in traffic movements/trips (HGV movements halved) and in line with current traffic movements at existing site. Conditions proposed require reviews of traffic movements over the life of the development. Levies to be paid over the 25 year life of the permission will go towards road improvements on the proposed haul routes. Arrangements for Derrymullen Bridge can also be reviewed.
- TD. Do traffic movements include removal of materials from site and empty trucks leaving the site?
- GW. All traffic movements have been included in the calculations.
- BRW. Queried the contributions required and gave some background to a levy per tonne that the Councillors asked to be included in a previous permission but was not included by An Bord Pleanála. Cllr. Weld asked would it be possible or legal to impose a levy per tonne.
- GW. Bord na Mona has agreed to pay €2m up front and €230,000 per annum for the life of the development (25 years) as a special levy for road improvement works. George stated that this proposed special development contribution is sufficient and should remain in place.
- BRW. Can this Special Development Contribution be ring-fenced for expenditure on roads in the Clane Maynooth MD Area?
- GW. Confirmed that this expenditure can be ring-fenced for Clane Maynooth MD Area.
- EuF. Any development contributions imposed must be in accordance with the planning legislation and the current Development Contribution Scheme. A Special Development Contribution can be applied but must be applied in accordance with the planning legislation and the Development Contribution Scheme.

- PM. No roads details were provided by the developer at a recent public meeting. Can an oral hearing be requested to iron out these details? Did EIAR or NIS consider alternatives to this proposal? Is there any reduction in emissions as referred to by international bodies to address climate change? The Community Gain must be more rigorously investigated similar to the Poolbeg Scheme and beyond the 9km limit required in the last permission. The built heritage and archaeology along the haul routes must be considered. Has any assessment of the deterioration or damage caused to the built heritage and archaeology been carried out over the life of the existing development? Can a resolution be considered to protect the built heritage and archaeology and to mitigate any further contribution to climate change?
- GW. Sections of bog roads have always been problematic for ongoing maintenance. Use of the special levy to address these concerns can be investigated.
- EuF. Heritage and archaeology was assessed in the Natura Impact Statement submitted with application which was very detailed.
- ED. 9km radius for assessment of Community Gain element of previous application was not ideal and it is reasonable to consider widening this area.
- PM. Impact on haul routes should be assessed in entire County, not just within 9km radius. Any proposal for reduction in emissions or assessment of calorific value of burning waste?
- EuF. Industrial Emissions License covers calorific value and emissions and planning conditions should not have regard to issues covered by Industrial Emissions License.
- CG. EPA License is also required. In national context, emissions and waste may be reducing but there is still a need for landfill. National legislation and these licenses deal with calorific values referred to previously.
- AF. Support and in agreement with all points raised by previous speakers. €230,000 per annum special development levy seems quite low. Is there any further detail of the calculation of this amount?
- GW. The calculation is based on the previous application, consultation with the MD Engineers and overall repair costs. Expenditure of these funds will be prioritised on improving junctions initially and will be spent by Roads Department and MD Engineers. Special Development Contribution is sufficient. The developer is also required to survey and review the haul routes and carry out road improvements as well as pay the special development contribution.
- ED. A general development contribution is also required as well as the special development contribution.

- AF. Will general development contribution be ring-fenced?
- EuF. General levy is not ring fenced. Suggested that 60% of general contribution was for roads.
- TD. Suggested that 70% of general contribution was for roads but asked for these amounts to be checked.
- PH. Stated that all points of concern had been addressed by previous speakers. Asked for Community Gain element of application and emissions reductions to be clarified.
- AG. Some of the Policies in County Development Plan should be highlighted. RDO 32 seeks restoration/rewilding of 70% of existing cut away bogs. RDO 33 seeks the sustainable reuse and development of 30% of cutaway bogs for economic purposes. It is also policy to promote high quality sustainable waste recovery and disposal infrastructure. Policies RDO 32 & RDO 33 can certainly be highlighted to An Bord Pleanála in our report.
- CT. General Development Contributions shall be apportioned as follows in accordance with the Development Contribution Scheme.
60% Transportation, Surface Water and Flood Relief.
40% Open Space, Recreation, Environment, Public Realm, Community Facilities and Economic Development. This 40% is to be apportioned 32% by Municipal District and 8% Countywide).
- PM. Unauthorised developments and overnight traffic movements have been a concern to date. Is there any provision to assess compliance with haul routes requirements.
- GW. A condition requiring GPS monitoring of trucks in and out of the facility is proposed.
- PM. Can we pass a resolution requiring GPS monitoring?
- EuF. As a condition is proposed requiring GPS monitoring, a resolution is not required.
- GW. HGV numbers have been reduced as a result of the scaling down of the current proposal.
- BW. Is proposal in compliance with County Development Plan Policies? Is any increase in landfill activities not contrary to policy?
- AG. Does not agree with statement from developer that entire application complies with County Development Plan Policies but it is not unusual for developers to make statements like this in planning applications.

- EuF. A balance of all of the policies needs to be considered rather than looking at every single policy in isolation.
- ED. It is a balancing act to consider all of the objectives and policies of the County Development Plan. It is also policy to support appropriate waste management at Drehid.
- TD. GPS Tracking and weight cells would be very important for monitoring trucks and haul routes. An estimated €12m damage has been done to roads during life of previous permission. Concern expressed that special levy is not sufficient. No. of entrances to site should be minimised to make monitoring less complicated/difficult.
Re. RDO 32 & RDO 33. It is not fair to destroy Drehid area and aim to meet 30% & 70% targets by developing areas outside Clane Maynooth Municipal District.
- GW. Remedial works required to be carried out by developer for any damage caused on haul routes by HGV's in addition to requirement for Special Development Levy.
- TD. Dashcams should also be required for all HGV's entering and leaving the site.
- EuF. No need for a resolution for anything which is provided for in the report. Concern expressed at a special development contribution that requires a contribution per tonne and whether it complies with legislation and existing Development Contribution Scheme.
- GW. Satisfied that the special development contribution proposed can be backed up by analysis and costings.
- BW. The haul route which uses Derrymullen Bridge should not be permitted and removed from the proposals or the developer should be required to carry out remedial works to the bridge to make it fit for purpose and safe for all road users.
- GW. All bridges on haul routes will be assessed for suitability.
- EuF. KCC can highlight issues with Derrymullen Bridge in its final report to An Bord Pleanala.
- DF. Agrees with Cllr. Wyse in relation to the issues raised regarding Derrymullen Bridge.
- PH. Requested clarification in relation to emissions and Community Gain.
- EuF. Emissions will be considered as part of Industrial Emissions License and the EPA License and do not need to be addressed as part of the planning process.

- BW. Can we include a condition that requires Bord na Mona to repair any damage done to bridges.
- GW. Any damage done by the developer needs to be repaired by the developer and can be covered by a condition.
- PM. Bord na Mona should be required to pay for cleaning of roads on haul routes, picking up litter etc. as part of Community Gain requirements. Can public realm areas be avoided in the permitted haul routes?
- GW. Permitted haul routes will be informed primarily by the hierarchy of road types and suitability. Haul routes are subject to review every five years for the life of the development.
- EuF. Review of haul routes is reasonable and can be required by condition.
- TD. GPS, weight cells, speed of trucks and dashcams should all be monitored by KCC and monitoring paid for by Bord na Mona.
- EuF. GDPR issues involved in requiring dashcams to be used. Monitoring is too onerous for KCC but monitoring information should all be recorded and made available to KCC.
- MH. Gave a brief summary of the meeting and thanked everybody for their engagement. Also confirmed that Community and Economic Development Department was available to discuss any element of the Community Gain requirements.
- EuF. Confirmed that no resolutions were required and asked members if everybody agreed. No further issues raised. EF asked GW to confirm if Special Development Contribution was sufficient.
- GW. Confirmed that the Special Development Contribution was adequate and also confirmed that Bord na Mona had indicated their agreement to the contribution and proposed an initial up front payment followed by annual payments throughout the life of the development.

Meeting Concluded.

Draft Minutes:

Stephen Cunningham SO,
Catherine Howard ASO

Planning Department.
28/7/2023.

Appendix 3- Members Submissions/Comments

1. Cllr. Padraig McEvoy Submission

2. Cllr Padraig Mc Envoy email on behalf of the MD Members



Cllr Pádraig McEvoy

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2 July 2023

An Bord Pleanála Reference: PL09. 317292

Description: Proposed development of an extension to the existing Drehid Waste Management Facility to provide for the acceptance of up to 440,00 TPA of non-hazardous waste material.

Development Address(es): Townlands of Timahoe West, Coolcarrigan, Killinagh Upper, Killinagh Lower, Drummond, Drehid, Kilkeaskin, Loughnacush, and Parsonstown, County Kildare.

A Chara,

I welcome the opportunity to engage in the public consultation on proposed development [1].

Contextual Realities

- It is over 32 years since the first major Intergovernmental Panel on Climate Change report in 1990 predicted the impacts of emissions are climate change.
- Annual Green House Gas (GHG) emissions have increased yearly to surpass a level that is 60% higher than in 1990.

1 <https://www.pleanala.ie/en-ie/case/317292>

- The direction of travel is along a trendline with a trajectory towards +3 °C to +4 °C warming by the end of the century. This is an equivalent difference in temperature between the last ice age and now. Instead of being across 5,000 years, the change will have occurred over 100 years. The physiology of larger animals did not survive the previous +4 °C warming in the longer timeframe.
- Notwithstanding efforts, the levels of environmental change necessary to stay within the +1.5 °C to +2 °C have not emerged from within governments, societies, and economies.
- While +3 °C to +4 °C warming is unprecedented in human history, the emissions will lock in average sea-level rises of 1 m to 2 m this century and 7 m to 8 m in the hundreds of years ahead. This presents the challenges of managed retreats and societal disruption for much of the population which lives within reach of coastal areas.
- Such scenarios require changes to food production and where it happens due to changes in weather patterns, pollinator populations, and ecosystem services.
- Green growth must displace GHG emissions to prevent atmospheric conditions from deteriorating further.
- Speculative reliance on future unproven technologies to remove billions of tonnes of GHGs from the atmosphere will burden descendent generations and relegate them to living through disastrous conditions.
- Notwithstanding the overwhelming challenges ahead, we can avoid failure, tackle the issue honestly and take different, meaningful, and relevant actions over the coming 30 years.
- Global responses around Covid and financial crises demonstrate the ability to make immediate and appropriate changes.
- In recent years, civil society has begun to respond to the climate change challenge and to drive towards the required changes:

"EPA survey shows climate change remains the most pressing environmental issue facing Ireland." [2]

"Education and information about the way the world's climate is being changed by carbon emissions from industrial, social and agricultural activity have already changed the global conversation and official policies; persuasion and evidence will work better than hectoring and compulsion." [3]

- President Michael D. Higgins issued a statement for urgent action following remarks by UN Secretary-General António Guterres on climate change [4]:

"It is time for us all, as leaders and global citizens, to assess how words are leading to actions, to increase the urgency of our response to what is an existential threat, and to achieve change. It is clear, as the Secretary General's powerful statement shows that we need to begin the work of reform in our international institutional architecture, such as UN reform at the highest level, including the Security Council, to achieve what the Secretary-General has suggested is the challenge to "turn a year of burning heat into a year of burning ambition"."

Ireland has obligations under international agreements and frameworks such as the Paris Agreement on Climate Change, the UN Sustainable Development Goals [5], and the European Green Deal. The UN, EU, and Irish Government policies address emissions reductions and adaption challenges towards the years 2030, 2050, and 2100.

2 <https://www.epa.ie/news-releases/news-releases-2022/epa-survey-shows-climate-change-remains-the-most-pressing-environmental-issue-facing-ireland>, 28 February 2022

3 <https://www.irishtimes.com/opinion/editorials/2023/06/16/the-irish-times-view-on-the-public-finance-the-people-are-ahead-of-the-politicians>, 16 June 2023

4 <https://president.ie/en/media-library/news-releases/statement-by-president-higgins-following-remarks-by-un-secretary-general-antonio-guterres-on-climate-change>

5 <https://www.un.org/sustainabledevelopment>

The UN Environment Programme published the Emissions Gap Report 2022 [6] on 27 October 2022 with a summary sub-headline that reads:

“The report finds that only an **urgent system-wide transformation can deliver the enormous cuts needed to limit greenhouse gas emissions by 2030**: 45 per cent compared with projections based on policies currently in place to get on track to 1.5 °C and 30 per cent for 2 °C. This report provides an in-depth exploration of how to deliver this transformation, looking at the required actions in the electricity supply, industry, transport and buildings sectors, and the food and financial systems.”

On incrementalism [7]:

“We **had our chance to make incremental changes**, but **that time is over**. Only a root-and-branch transformation of our economies and societies can save us from accelerating climate disaster.”

The report highlighted significant shortfalls in progress and called for more accelerated changes to mitigate increasingly dangerous levels of atmospheric GHGs.

On 2 November 2022, the World Meteorological Organization (WMO) reported [8] that:

“Temperatures in Europe have increased at more than twice the global average over the past 30 years – the highest of any continent in the world. As the warming trend continues, exceptional heat, wildfires, floods, and other climate change impacts will affect society, economies, and ecosystems ...”

6 <https://www.unep.org/resources/emissions-gap-report-2022>, 27 October 2022

7 <https://news.un.org/en/story/2022/10/1129912>

8 <https://public.wmo.int/en/media/press-release/temperatures-europe-increase-more-twice-global-average>

The temperature rises have been assessed at an average rate of about +0.5 °C per decade, arriving at a +1.5 °C average rise. Observations have a seasonal and regional pattern consistent with a projected precipitation increase in winter in Northern Europe. Extreme precipitation and pluvial flooding are projected to increase at global warming levels exceeding +1.5 °C in all regions except the Mediterranean. Recent UN and WMO climate reports chart long-term analysis and regular news reports [9] of flooding events are expressions of the rapidly changing environment and the need for accelerated systems and societal change to mitigate the worsening situation.

The IPCC published the “Climate Change 2023: Synthesis Report” on 20 March 2023, with Headline Statements [10, C.1]:

“Urgency of Near-Term Integrated Climate Action

Climate change is a threat to human well-being and planetary health (very high confidence). There is a **rapidly closing window of opportunity to secure a liveable and sustainable future for all** (very high confidence). Climate resilient development integrates adaptation and mitigation to advance sustainable development for all, and is enabled by increased international cooperation, including improved access to adequate financial resources, particularly for vulnerable regions, sectors and groups, and inclusive governance and coordinated policies (high confidence). The **choices and actions implemented in this decade will have impacts now and for thousands of years** (high confidence).”

The Guardian newspaper [11] profiled data from the US National Oceanic and Atmospheric Administration and quoted Professor Mike Meredith of the British Antarctic Survey:

9 <https://www.irishexaminer.com/search/?cosearch=climate>

10 <https://www.ipcc.ch/report/ar6/syr/resources/spm-headline-statements>

11 <https://www.theguardian.com/environment/2023/apr/26/accelerating-ocean-warming-earth-temperatures-climate-crisis>, 26 April 2023

“The rate [of temperature rise] is stronger than climate models would predict,” he said. “The cause for concern is that if it carries on, this will be well ahead of the climate curve [predicted] for the ocean. But we don’t know yet if that is going to happen.”

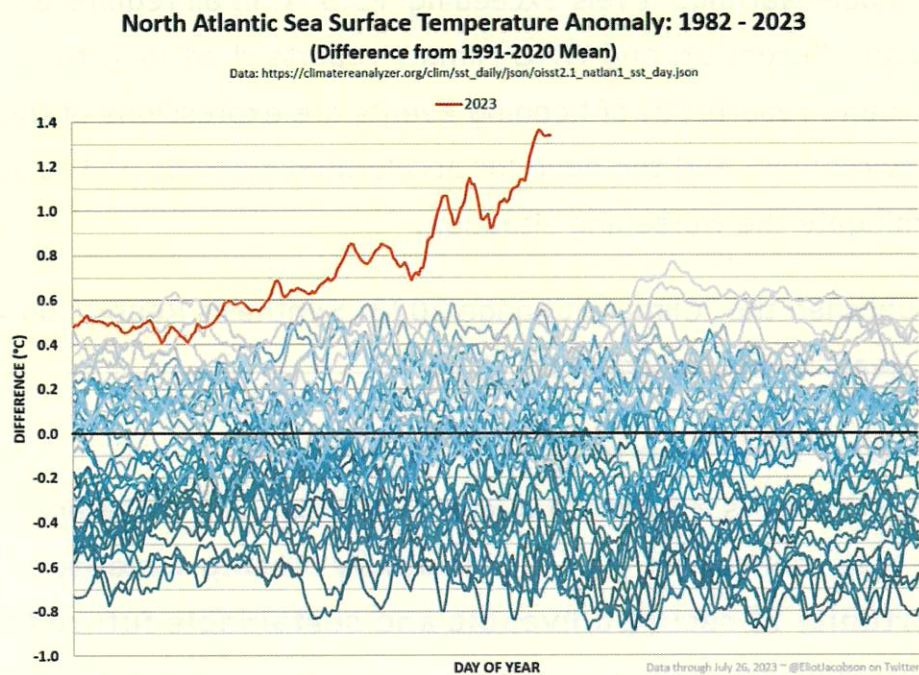


Figure 1 North Atlantic Daily Sea Surface Temperature Anomaly published by the University of Maine, USA, 26 July 2023 [12].

At the time of writing, temperature limit records continue to supersede previous records, with Irish media doing more to report and discuss it for mainstream understanding. Examples of increasingly accessible records include those published by the University of Maine.

12 <https://climaterianalyzer.org>

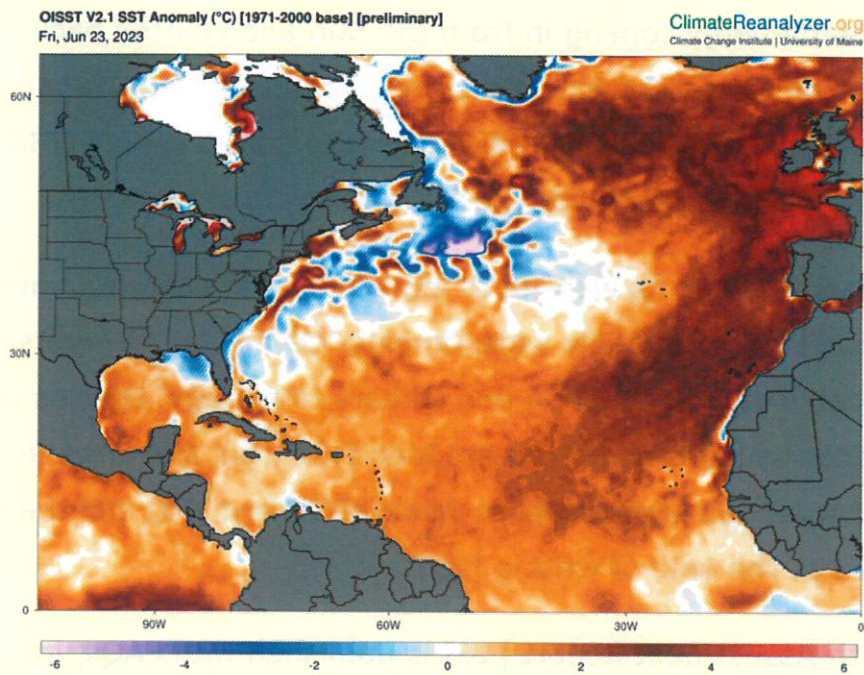


Figure 2 North Atlantic Daily Sea Surface Temperature Anomaly map published by the University of Maine, USA, 25 June 2023. Note the +4 °C temperatures compared with the 30-year average for 1971-2000 in coastal areas around Ireland, the UK, France, and Spain in the northeast map area [12].

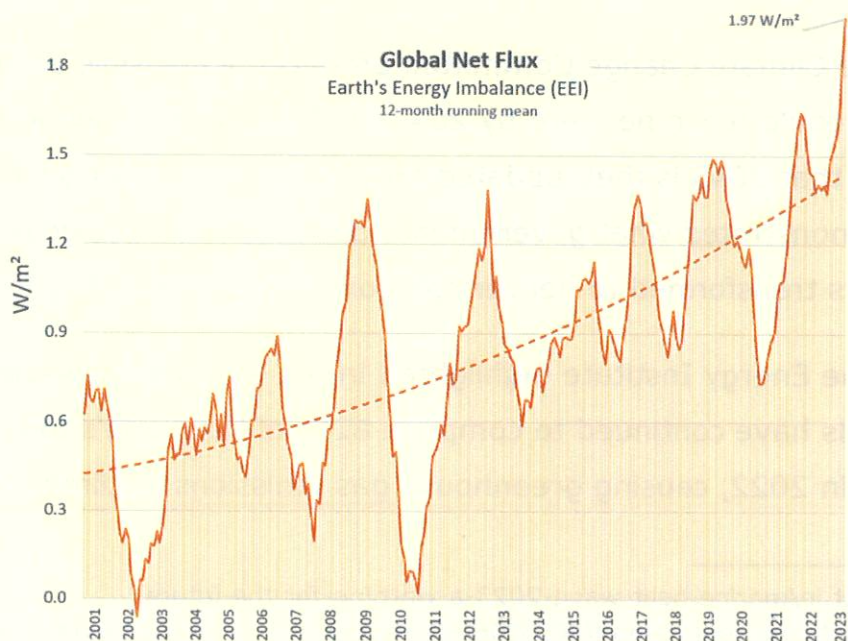


Figure 3 Earth's Energy Imbalance from NASA satellite data reached 1.97 W/m² (12-month mean) by July 2023. Key to a stable climate on Earth is the delicate

balance between energy coming in from the Sun and emitted back to space by the Earth. This balance has become disturbed in our present climate and may continue to grow. Prolonging this imbalance with heat-trapping GHG emissions would have major implications for the future climate of our Earth.

Met Éireann has updated its website to explain that the consequences of a marine heatwave are potentially wide-ranging, severe, and irreversible [13]. The impacts can include disruption and threats to ecology, species distribution, aquatic life, economics, and the climate feedback loop. Met Éireann confirmed the **warmest average temperature June** on record [14] and the **wettest July** on record at the time of writing [15].

The IPCC Sixth Assessment Report [16] is published with FAQs, including:

“What is Climate Resilient Development, and how do we pursue it?
... **Targeting a climate-resilient, sustainable world involves fundamental changes to how society functions, including changes to underlying values, worldviews, ideologies, social structures, political and economic systems, and power relationships.**”

In the UK, the Climate Change Committee produced a plausible scenario by which the UK could reach net zero by 2042 [17], given that California and Germany say that 2045 is their updated target timeline. The Covid-19 pandemic demonstrated what governments could do when the government and private sectors transformed to deliver solutions on an emergency footing.

A report by the Energy Institute highlighted in the Guardian newspaper finds that fossil fuels have continued to comprise 82% of the world’s total energy consumption in 2022, causing greenhouse gas emissions to climb by 0.8% as

13 <https://www.met.ie/marine-heat-wave-2023-a-warning-for-the-future>

14 <https://www.irishtimes.com/ireland/2023/06/30/ireland-records-hottest-ever-june-with-average-temperatures-of-over-16-degrees>

15 <https://www.rte.ie/news/weather/2023/0801/1397570-met-eireann-july/>

16 <https://www.ipcc.ch/report/ar6/wg2/about/frequently-asked-questions/keyfaq6>

17 <https://www.theguardian.com/environment/2023/jan/09/net-zero-possible-in-2040s-says-outgoing-uk-climate-business-expert-nigel-topping>

the world uses more energy [18]. The direction of travel remains perilous, threatening the planet's habitability.

The European Commission has told member countries that a joint EU exit from a controversial international energy treaty appears inevitable, according to a document titled "Next steps as regards the EU, Euratom and Member States' membership in the Energy Charter Treaty", with some of them already leaving the accord on climate concerns [19]. The 1998 Energy Charter Treaty was designed to protect companies in the energy industry by allowing them to sue governments on policies affecting their investments. This is no longer sustainable when risking the continued use of stranded assets in fossil fuel extraction and distribution systems.

The environmental group An Taisce released an analysis by climate experts Prof John Sweeney [20] of Maynooth University and Prof Barry McMullin [21] of DCU that highlights: "a rapidly widening gap between Irish climate ambition and Irish climate action" due to an overshoot of the legally binding 2021-2025 carbon budget adopted by the Oireachtas [22, 23].

"The EPA 2023 Greenhouse Gas Emission Projections report, released Friday, 2 June, states that Ireland's first two carbon budgets (2021-2030) are **projected to be exceeded by a significant margin of between 24% and 34%.**"

"In the EPA report, Budget 2 is exceeded by 125 MtCO₂eq for WEM and 80 MtCO₂eq for WAM. By contrast, in [An Taisce's] analysis correcting

18 <https://www.theguardian.com/business/2023/jun/26/greenhouse-gas-emissions-from-global-energy-industry-still-rising-report>

19 <https://www.euractiv.com/section/energy/news/exit-from-energy-charter-treaty-unavoidable-eu-commission-says>

20 <https://www.maynoothuniversity.ie/faculty-social-sciences/our-people/john-sweeney>

21 <http://www.eeng.dcu.ie/~mcmullin>

22 <https://docs.google.com/spreadsheets/d/1U4P9sCtZ2ncOXa4ICs8RloWsCXQTKfrllqluyqJZmU4>

23 <https://www.irishtimes.com/environment/climate-crisis/2023/06/10/ireland-further-off-track-on-climate-targets-than-epa-calculations-experts-warn>

Budget 2 for prior overshoot, the exceedance is substantially greater: 170 MtCO₂eq or 110% for WEM; and 117 MtCO₂eq or 72%, for WAM.”

While 8% of the EU’s total emissions are attributed to aviation and shipping, their contributions are increasing. Projections point to an annual increase in aviation emissions at the global and EU levels by 53% to 2040, compared to 2017. To cut the EU’s emissions by 55% by 2030 and reach net zero by 2050, the EU is addressing Climate Action with a legislative package called “Fit for 55” to deliver the EU’s Green Deal objectives. The EU has taken steps to reduce aviation emissions through its Emissions Trading System (ETS). It applies cap and trade rules for the aviation sector, where airlines must surrender emissions allowances to cover flight emissions through the ETS within the European Economic Area. On 8 June 2022, the EU Parliament voted to revise the ETS for aviation [24] to phase out free allocations for aviation by 2026 and promote sustainable aviation fuels.

While the ETS is external to a national strategy, the public is aware of the conflict between the growth of aviation emissions and discommoding of existing systems and practices to reduce national emissions. Domestic airline companies that speak of flight growth are perceived as tone-deaf and leading in the wrong direction. Increasing discourse on flight distance quotas per person begins to unlock an equitable approach to aviation-related emissions.

In summary, the time lost to incrementalism leaves the +1.5 °C limit beyond attainment, and there is a need for more clarity around overshooting the short-term emissions reduction targets and the implications for recovering from possible negative emissions budgets post-2030.

State and private investments have timeframes that exceed the time horizons to 2030, 2050 and beyond 2100. The National Development Plan 2021 - 2030 (NDP) sets out the investment priorities that will underpin the implementation of Project Ireland 2040: National Planning Framework (NPF) through a total

24 <https://www.europarl.europa.eu/news/en/press-room/20220603IPR32156/urgent-action-needed-to-reduce-emissions-in-the-aviation-sector>

investment of approximately €165 billion. The NDP has been designed to ensure that it supports the government's climate ambitions. For the first time in Ireland, a climate and environmental assessment of the NDP measures has been undertaken, along with an evaluation of the alignment of the NDP with the principle of a green recovery [25, p.26].

The NPF is a long-term framework that sets out how Ireland can move away from the 'business as usual' development pattern, with a vision underpinned by evidence from the 2016 Census. The framework seeks to disrupt trends that have been apparent for the last fifty years and have accelerated over the past twenty.

Local and planning authorities have a pivotal role in the decarbonisation transition, including through spatial planning, the provision of public housing and transport infrastructure, and the maintenance of biodiversity [25, p.69]. The planning system depends on climate data informing choices and investment, and correlating projected GHG emissions from existing and future development patterns is an important consideration.

The NPF informs the Regional Spatial and Economic Strategy (RSES) by the Eastern and Midland Regional Assembly, published in 2019 [26]. Throughout the strategy, there are three cross-cutting key principles:

- **Healthy Placemaking** - To promote people's quality of life through the creation of healthy and attractive places to live, work, visit, invest and study in.
- **Climate Action** - The need to enhance climate resilience and accelerate a transition to a low-carbon society recognising the role of natural capital and ecosystem services in achieving this.
- **Economic Opportunity** - To create the right conditions and opportunities for the Region to realise sustainable economic growth and quality jobs that ensure a good living standard for all.

25 Climate Action Plan 2023, <https://assets.gov.ie/249626/1c20a481-bb51-42d6-9bb9-08b9f728e4b5.pdf>

26 https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA_RSES_1.4.5web.pdf

With NPF now subject to a review and the updated Climate Action and Low Carbon Development Act (2021), the LECP policies should also be informed by the Climate Change Advisory Council's "Council Paper Working Series" [27].

Legislation

Climate Action and Low Carbon Development Act, 2015 (as amended) [28]

15. (1) A relevant body shall, in so far as practicable, **perform its functions** in a manner **consistent with—**

- (a) the most recent approved **climate action plan**,
- (b) the most recent approved **national long-term climate action strategy**,
- (c) the most recent approved **national adaptation framework** and approved **sectoral adaptation plans**,
- (d) the furtherance of the **national climate objective**, and
- (e) the objective of **mitigating greenhouse gas emissions** and **adapting to the effects of climate change** in the State.

Planning and waste authorities at national, regional and local levels are key to reducing waste and, as public bodies, will be essential in considering and planning for the implementation of climate mitigation and adaptation measures. In examining the EIAR, the climate assessment is produced in Chapter 12 Air Quality and Climate [29].

The transport sector has been the fastest-growing source of GHG emissions over the past three decades, showing a 112% increase between 1990 and 2021. Investment and business models must assess the induced trip to sites

27 <https://www.climatecouncil.ie/councilpublications/councilworkingpaperseries>

28 <https://revisedacts.lawreform.ie/eli/2015/act/46/revised/en/html>

29 <https://www.pleanala.ie/publicaccess/EIAR-NIS/317292/EIAR/Vol%202%20Main%20EIAR/Chapter%2012%20-%20Air%20Quality%20Climate.pdf>

based on planning proposals. In reading the environmental reports, it would be helpful to see how transport trips to the proposed development would compare with models and alternative scenarios for other waste facilities at the regional waste levels. While Kildare County Council's planning assessment report submitted to the Clane-Maynooth Municipal District for consideration covered a lot of relevant topics and went some way to assess the impact on the transport routes, it would have been helpful to see an assessment of the proposed development under the Climate Act. It is noted that Transport Actions in the CAP23 include:

- TR/23/13 Enhance transport appraisal guidance on spatial and land-use considerations in line with the NIFTI Implementation plan.
- TR/23/19 Publish National Demand Management Strategy.
- TR/23/61 Publish draft National Policy Framework on Alternative Fuels.

Significant sections within the haul routes are over peat foundations. The Climate Action Plan 2023 acknowledges in Box 22.1 – Potential Impacts of Climate Change in Ireland that precipitation extremes and flooding result in disruption of transport services, unsafe driving conditions and gradual deterioration of infrastructure. It should be noted that the Clane-Maynooth area office for the transport department is coordinating extensive repairs investment in similar roads, with Climate Change funding, to deal with increased hydrology ranges (dry to wet).

The EIAR references Table 12.14 as an assessment tool for the alignment of the proposed development with the sectoral emissions reductions. The extent to which the trajectory of GHG emissions from the project aligns with Ireland's GHG trajectory to net zero by 2050; and the level of mitigation taking place.

On page 12-57:

"Current operational data for 2021 indicates that 8301 GJ of diesel consumption is required for machines associated with operation. **A conservative estimate that a 50% increase in fuel would be required for the further development.** However future technology

changes may result in better fuel economy or electric options being developed over the operational lifespan. Embodied emissions associated with operational energy are estimated to be 20,391 tonnes CO₂eq over a 25-year period or 815 tonnes CO₂eq annual.”

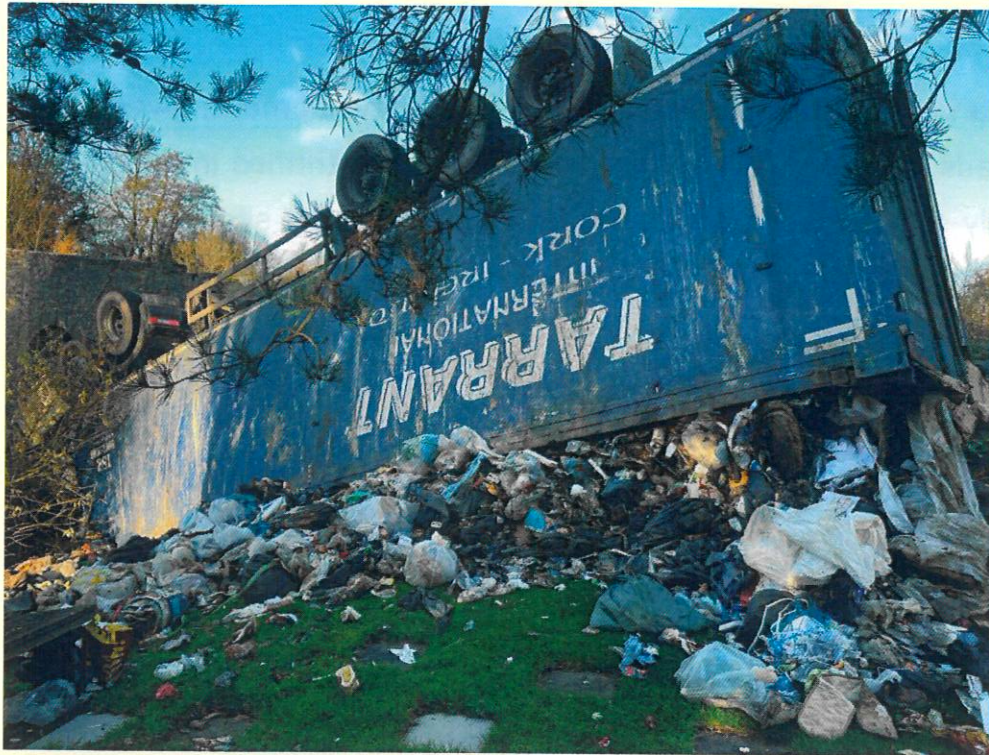
In attempting to assess any identified approaches to reduce transport emissions, other than speculative use of potential “future technology changes may result in better fuel economy or electric options”, it was not clear whether the development of the site would allow for specific planned reductions and mitigation of transport emissions, particularly from more distant sources of waste depot assembly.

The impact of road transport routes to the dump and on other road users has not been insignificant. The proposals to require the recording of GPS and dashcam footage by contractors allow for measures to assess compliance with routes and speeds on roads that are less than ideal for HGVs. Previous road edge strengthening on the haul routes has already failed.

The following photographs are to illustrate the risks associated with haul routes, where a haulage HGV came off the road at the Millicent Bridge L2002 in November 2022 [30]. They depict some of the aftermaths of damage and contamination risk from a crash by one of the vehicles on the route. Other impacts included knocking a tree by a haulage HGV which blocked the L2002 near W91 V2R4. It should be noted that other RTAs on the L2002 have nearby property owners and residents apprehensive about the speed and mass of HGVs travelling on deadlines to and from the proposed development site.

Given the complexity of the proposed development, an **Oral Hearing** would be a welcome part of making the assessment.

30 <https://www.kildarenow.com/news/home/968611/photos-waste-lorry-leaves-road-at-liffey-bridge-near-clane.html>



Conclusion

An Board Pleanála is asked to scrutinise the proposed development, given the impact on the roads, and to clarify if the GHG emissions identified in the application comply with requirements to be reduced, given the site location and the areas served by the proposed development.

Yours faithfully,

Pádraig McEvoy

Pádraig McEvoy

Member of Kildare County Council, Clane-Maynooth Municipal District.

Appendix

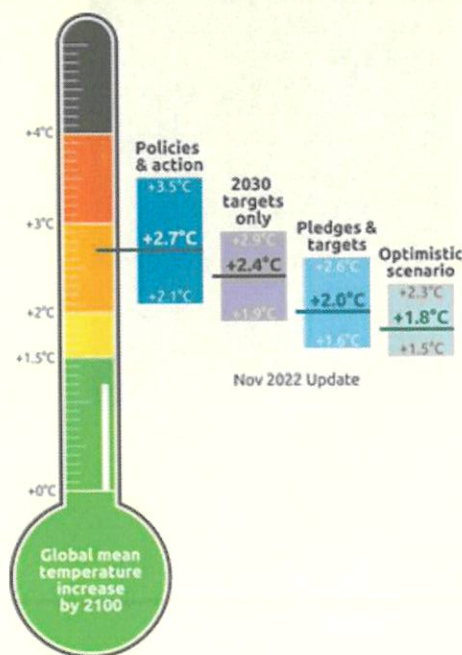


Figure 4 The Climate Action Tracker is an independent scientific project that tracks and measures government climate action against the globally agreed Paris Agreement aim of "holding warming well below 2 °C and pursuing efforts to limit warming to 1.5 °C [31].

31 <https://climateactiontracker.org>

References

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31. <https://climateactiontracker.org>

2. Cllr Padraig McEvoy email to Meetings@kildarecoco.ie

On Fri, 28 Jul 2023 at 13:07, Pádraig McEvoy <padraigmcevoy@gmail.com> wrote:

Dear All

Please see the following points as contributions from the members of the Clane-Maynooth Municipal District Meeting

Oral Hearing

Given the complexity and impact of the proposed scheme on the environment and locality, I would like to ask for an oral hearing to be arranged. **Note:** No transportation information was published at the public information session run by Bord na Mona in the Carbury GAA club in advance of the application.

Roads

Given the climate change impact on surrounding bog roads and national grants - other than monitoring, is there a risk assessment for the haul routes with respect to the increasing range in hydrology levels?

How do the recommended conditions regarding road maintenance compare with the appeal or determination by An Bord Pleanála that overruled the levies for costs to Kildare? Are there details of damage to Millicent Bridge by haulage contractors submitted to An Bord Pleanála as an example of the damage to roadside boundaries, including ditches, trees, etc.?

What technology is used to monitor compliance with the conditions by the developer - given that contractors haul to the site? There have been unauthorised sites in proximity to Drehid used to overnight HGVs to increase the intensity of deliveries.

Heritage

What assessment was made of the impact of the proposed development, in particular along the haul routes, on the built, natural and archaeological heritage in the proximity to the site and haul routes?

Climate Change

Did the SEA assess alternatives to continued operation and extension of the facility?

What GHG emissions are anticipated, and what transition plan is in place to reduce the emissions from the proposed scheme over the lifetime of the proposed development?

How does it comply with the Climate Action and Low Carbon Development (Amendment) Act 2021, part 15 and the Climate Action Plans 2023?

Community Funding Scheme

The existing facility has been in place for sufficient time to require an assessment of the impact of the community gain scheme. It should be noted that the existing area is scoped to 9 km, but within Kildare, there should be an assessment along the haul routes. What funding is directed toward reducing waste disposal and increasing investment in the circular economy?

Kind regards

Pádraig