

## 4 PLANNING POLICY AND DEVELOPMENT CONTEXT

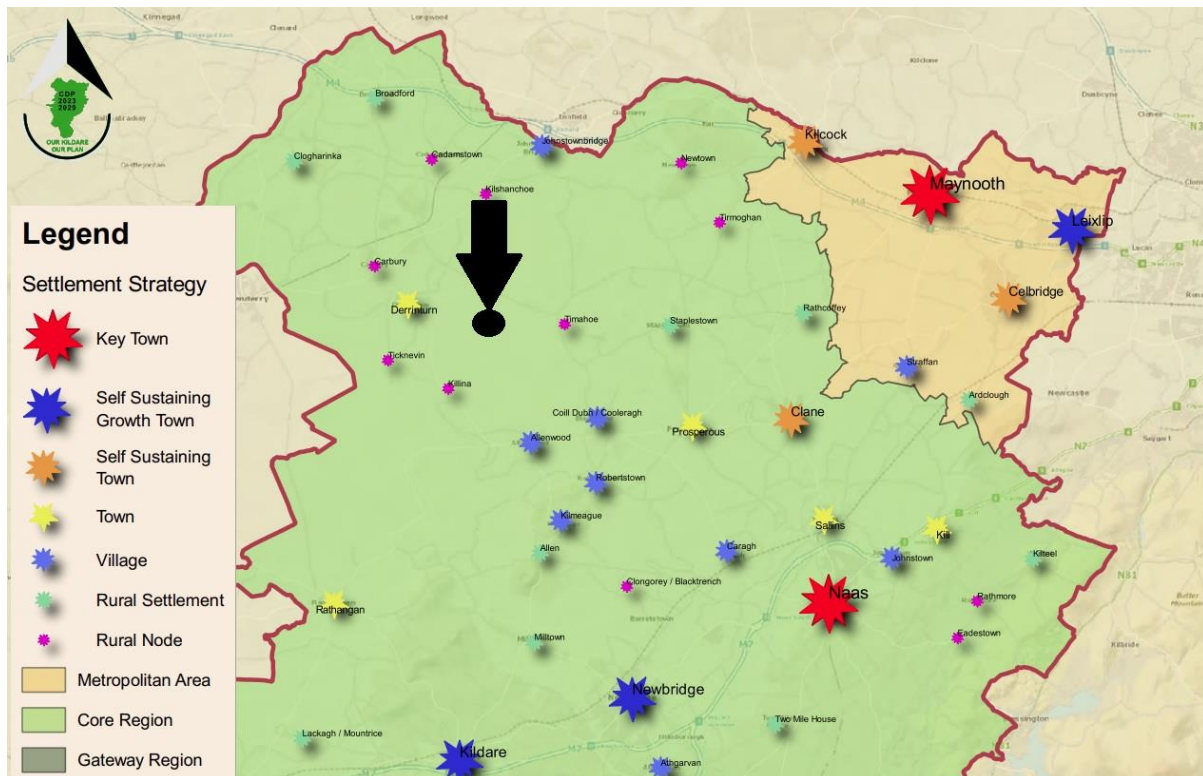
### 4.1 BACKGROUND

#### *4.1.1 Background Context and General Location of the Proposed Development*

This section of the EIAR provides an evaluation of Planning and Policy in relation to the proposed development. This chapter should be read in conjunction with Chapter 1 (Introduction) and Chapter 2 (Description of the Existing Infrastructure and Proposed Development).

Bord Na Móna is making an application for planning permission within the townlands of Parsonstown, Timahoe West, Loughnacush, Coolcarrigan, Drummond, Kilkeaskin, Killinagh Lower and Killinagh Upper. The site is located within a larger Bord na Móna landholding, which comprises an area of 2,544 ha. That landholding is outlined in blue in Figure 1.1 (Chapter 1, Introduction) of this EIAR and 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.

The existing Drehid WMF, within and adjacent to which the proposed development will be located, is situated approximately 4.9 km north of Allenwood, 8.3 km north-west of Prosperous, 9 km south of Enfield (County Meath), and 12 km east of Edenderry (County Offaly). The landform of the general area is flat-lying to gently undulating topography of cutaway peatland. Villages with zoned land in the context of the Kildare County Development Plan (CDP), and in relatively close proximity, include Derrinturn (c.7 km to the north-west), Coill Dubh ('Blackwood' - c.5.2 km to the south-east) and Allenwood (c.4.9 km to the south). The general location within the above context is indicated in Figure 1.1 of this EIAR.



*Figure 4-1 – Site Location Map – Spatial context in relation to main Settlements. Source: Kildare County Development Plan 2023-2029*

The location of the proposed development is confined to a landbank of approximately 262 ha within the larger Bord na Móna landholding. The location has been optimised with regard to environmental considerations. As such, the existing permitted development, including haul routes, and environmental matters relating to ecology, hydrogeology, archaeology, distance from sensitive receptors and other relevant factors have informed the site suitability process, as detailed in Chapter 3 (Reasonable Alternatives) of the EIAR.

The Drehid WMF is in close proximity to the R402 and R403 Regional roads. Primary access to the site is from the R403. Access to the proposed development will be by means of the existing permitted and newly proposed haul routes, the existing site entrance at the R403 Regional Road, and the existing 4.8 km long dedicated access road. The proposed site is therefore already accessible via the existing network of regional routes which in turn link with the National Motorway network.

The R403 lies south, southwest and west of the site, and joins the R402 at Carbury to the northwest. The R402 connects to the M4 south of Enfield 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 proposal location, while the M7 (Dublin to Limerick/Cork) motorway is located approximately 17 km to the south of the existing Drehid Facility.

#### **4.1.2 Consenting Route**

This application by Bord na Móna is being made directly to An Bord Pleanála as ‘Strategic Infrastructure Development’ under the provisions of Section 37 of the Planning and Development (Strategic Infrastructure) Act, 2006, the Planning and Development Act, 2000 as amended, and the associated Planning Regulations.

Strategic Infrastructure Development (SID) comprises defined categories of development which are considered to be of national or regional strategic importance. SID provisions were inserted into the Planning and Development Act, 2000, as amended, by the Planning and Development (Strategic Infrastructure) Act 2006. The 2006 Act provides generally for applications for permission/approval for specified private and public strategic infrastructure developments to be made directly to An Bord Pleanála.

The Seventh Schedule to the Act lists the classes of infrastructure development which, if considered by An Bord Pleanála to be strategic infrastructure development, require direct application for permission to An Bord Pleanála, instead of the local planning authority. Specific SID project categories relating to private developers fall into three classes set out in the Seventh Schedule namely: energy infrastructure, transport infrastructure and environmental infrastructure.

The proposed development is of the type described in Para 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”.*

As provided for under Section 37(b) of the Planning and Development (Strategic Infrastructure) Act, Bord na Móna (the applicant) therefore entered into discussions and consultations with An Bord Pleanála in relation to the proposed development (Case Ref: ABP-312446-22). Three meetings were held with An Bord Pleanála. These were on 16th March 2022, 5th July 2022 and 8th December 2022, where it was decided that the proposed development constituted strategic infrastructure, it being a class of development that comes within the scope of the 7th Schedule and would, if carried out, fall within one or more of the following paragraphs of Section 37A(2)(a) of the Act:

- a) the development would be of strategic economic or social importance to the State or the region in which it would be situate;
- b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate;
- c) the development would have a significant effect on the area of more than one planning authority.

Please note that a copy of this notice dated 11th May, is enclosed within Appendix 1-1 of this EIAR.

Following the issuing of this notice by the Board under Section 37B(4)(a) of the 2000 Act, as amended, and in accordance with the provisions of Section 37E of the Planning & Development Act 2000, as amended, Bord na Móna is now making this application for the proposal directly to An Bord Pleanála.

#### ***4.1.3 The Proposed Development***

The proposed development is described in detail in Chapter 2 of this EIAR (Description of the Existing Infrastructure and Proposed Development).

## 4.2 NEED FOR THE PROPOSED DEVELOPMENT

This section sets out the justification for the proposed development as described in Chapter 2 of this EIAR and in the planning drawings. The proposed development comprises the provision of new treatment infrastructure for the recycling, recovery and disposal of non-hazardous waste materials and will form an extension to the existing infrastructure which has been in operation at the site since 2008.

The new waste treatment infrastructure will expand upon the existing infrastructure at the facility utilising existing internal roads, weighbridge, utilities and administration facilities. The proposed new landfill will operate as a continuation of the existing landfilling practices at the site where it is estimated that the existing landfill will reach its maximum void capacity in 2026. The proposed new MSW Processing and Composting Facility will be developed as an extension to the existing Composting Facility benefitting from the existing composting infrastructure and utilities already in place. The proposed new Soils Processing Facility will assist in screening and sorting incoming waste for use in engineering applications as well as allowing for reclassification of suitable waste as non-waste materials.

The proposed development will provide additional critical disposal and recovery infrastructure to manage ever-increasing volumes of waste which are being generated in the country. The latest EPA waste statistics report<sup>1</sup> identifies that municipal waste generation per person in 2020 was 645 kg, up from 628 kg in 2019, 600 kg in 2018 and 577 kg in 2017<sup>2</sup>. This trend highlights the increasing quantity of waste being created by each person in the country for which some form of treatment is required. The proposed development will provide security of waste treatment capacity within the country for key non-hazardous waste types for the next 25 years and the proposal will ensure the maximum recovery of suitable waste materials from the incoming waste streams prior to landfilling.

This section will present a review of the current state of play in terms of waste management in Ireland and will assess the future needs of the country to provide appropriate and sustainable solutions for waste management in keeping with the Circular Economy provisions, the new European Green Deal and national Waste Policy which are described in Section 4.4.

The need for the proposed development is presented in terms of the following considerations:

- Review of historical waste intake at the Drehid WMF;
- Review of current waste generation statistics nationally for specific waste streams and the current waste management capacity in place to handle these waste streams;
- Examination of likely future waste arisings and the availability of infrastructure to handle waste in the future; and
- Assessment of the need for contingency/emergency capacity within the State.

<sup>1</sup> EPA, *National Waste Statistics: Summary Report for 2020* (December 2022)

<sup>2</sup> EPA, *National Waste Statistics: Summary Report for 2019* (2021)

### *4.2.1 Site Historical Context*

#### **Landfill**

The existing landfill at the Drehid WMF has been operational since February 2008 and current planning permission allows for landfilling of waste for a period of 20 years. As set out in the planning history summary in Table 4-7, planning permission was granted for intensification of landfilling at the facility during the period from October 2008 until 1 December 2015 and again from September 2016 until 1 December 2017. The intensification of waste acceptance permitted an increase in the maximum quantity of waste received for landfilling from 120,000 TPA to 360,000 TPA during the defined period of time. The principal rationale for the permitted intensification was the delay in the delivery of planned significant waste management infrastructure at the time, particularly the Dublin waste-to-energy (WtE) facility which commenced operations in June 2017.

In March 2016, all Local Authorities in the country simultaneously and collectively invoked their powers under Section 56 of the Waste Management Act 1996, as amended, to make Orders specifically in relation to making arrangements for a prescribed period up to 10 June 2016 for the activation of all immediately available landfill capacity and the taking of such other necessary measures to limit or prevent environmental pollution. The action was necessary to ensure that Kildare County Council, in turn, acted to make certain that available capacity at the Drehid WMF was provided for the safe disposal of waste for the defined period of time.

Additionally, in December 2021, the EPA granted Bord na Móna an additional contingency capacity of 27,500 tonnes, under Section 56A emergency measures, as a result of significant build-up of waste materials in pre-processing facilities and a lack of available permitted landfill capacity in the country.

The existing landfill is divided into 15 no. phases – construction of the final phase of the permitted infrastructure (Phase 15) is almost complete and a Construction Quality Assurance (CQA) Validation Report is anticipated to be submitted to the EPA for approval to accept waste in Q2 2023. Waste placement is currently ongoing in Phase 13 and Phase 14.

Although the existing facility is permitted to accept waste until 2028, it is likely based on the above information that the available permitted void space will be exhausted in advance of 2028, assuming there is no major shift in waste disposal rates.

#### **Composting Facility**

Waste acceptance and treatment at the composting facility commenced in 2011 and has operated with a maximum permitted intake of 25,000 TPA each year since.

Actual waste intake at the compost facility for the previous six years is shown in Table 4-1 illustrating that the facility is operating at its maximum permitted capacity on annual basis. It is noted that the composting facility often reaches its maximum annual intake before the end of year and ceases accepting new waste for a period of time until the available capacity is activated again from January 1 each year.

Table 4-1 – Summary of waste accepted at composting facility between 2017 and 2021

Year	Permitted Waste Intake (Tonnes)	Actual Waste Intake (Tonnes)
2022*	25,000	27,794***
2021*	25,000	27,066***
2020*	25,000	24,998
2019*	25,000	24,987
2018**	25,000	24,828
2017**	25,000	24,999

\* Total as provided by Bord na Móna

\*\* Total as reported in 2017 and 2018 AERs.

\*\*\* EPA granted contingency capacity of 27,500 tonnes for Drehid WMF in December 2021

## 4.2.2 Current Waste Management Context

It is important first to set out the current context with regard to waste generation and waste handling in Ireland. The information in this section is primarily sourced from the EPA who publish National Waste Statistics on their website as well as publishing National Waste Summary Reports on an annual basis. The EPA compile the national statistics to fulfil a number of statutory and non-statutory European and international reporting obligations, including:

- the EU Waste Framework Directive (2008/98/ EC as recast by 2018/851/EC);
- the EU Waste Statistics Regulation (2150/2002/ EC as amended);
- EU producer responsibility initiative directives:
- the Packaging Directive, WEEE Directive and ELV Directive;
- the Basel Convention on hazardous waste movements, incorporated into EU law via the Waste Shipment Regulation (1013/2006); and
- the OECD/Eurostat Sustainable Development Indicator SDI on Municipal Waste.

The most recent summary report published by the EPA (December 2022) is for the year 2020. The statistics in the report are noted as being preliminary and are subject to verification by Eurostat<sup>3</sup>.

The EPA also publishes more recent statistics on their website which are subject to checking and verification but are useful to identify current trends in the market and to provide information to the Regional Waste Management Planning Offices (RWMPOs) to identify potential market constraints and to inform future planning. These sources have been used to inform the following sections.

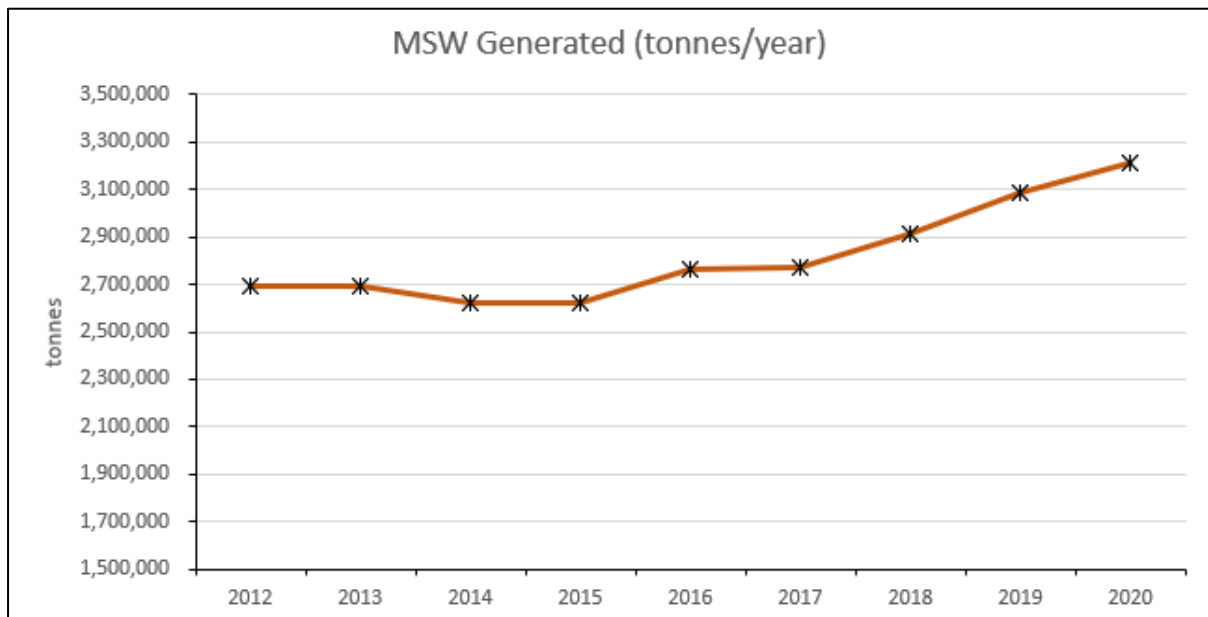
### 4.2.2.1 Waste Generation & Treatment

#### **Municipal Solid Waste - Disposal**

Municipal solid waste (MSW) refers to household waste as well as commercial and industrial waste which is common in its composition to household waste. The National Waste Statistics Summary Report for 2020 states that Ireland generated 3.2 million tonnes of MSW in 2020, up from 3.1 million tonnes in 2019. This trend is gradually increasing year on year as shown in Figure 4-2. The EPA links increased MSW generation to increased Gross National Income and also attributed increases in MSW generated in households in 2020 to the Covid-19 public health emergency restrictions which saw a lot of people confined to their homes for long periods of time and generating additional waste within the household as a result.

<sup>3</sup> Eurostat is the statistical office of the European Union.

Municipal waste generation per person in Ireland for 2020 was at 625 kg/year (Eurostat, 2022)<sup>4</sup> which is up 4 kg/year from 2019 and is 38 kg more than 1995. Ireland is 120kg/person/year above the EU average of 505 kg/person/year.



*Figure 4-2 - MSW Generated 2012 - 2020*

MSW generated is required to undergo some form of pre-treatment to remove recyclables and separate out smaller fraction materials (<60 mm) which typically have a high organic content and are referred to as organic fines. This 'organic fines' material is then sent for biological treatment (typically either composting or anaerobic digestion) to reduce the decomposition properties of the material before being disposed of (or recovered depending on its use) to landfill. When recyclables and organic fines have been removed, the remaining material is referred to as residual MSW (rMSW) and has limited further treatment options as it contains non-recyclable and non-compostable materials. This rMSW is typically sent for thermal treatment with energy recovery or for disposal to landfill. The EPA's 2020 report states that an estimated 39% (1.3 million tonnes) of municipal waste was exported abroad for treatment in 2020.

Figure 4-3 summarises the treatment of municipal waste generated in Ireland in 2020 illustrating that 517,301 tonnes of waste was landfilled and 1,352,727 tonnes was thermally treated. This corresponds to a landfill disposal rate of 16% of MSW generated in 2020 and thermal treatment of 43% of MSW generated.

<sup>4</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20220214-1>

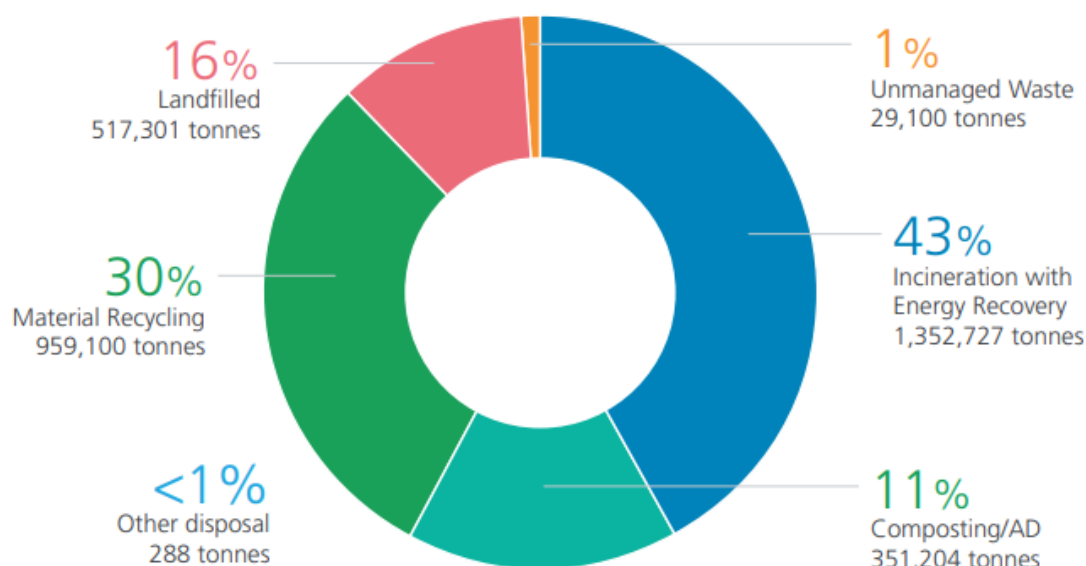


Figure 4-3 – Treatment of municipal waste in 2020 (Source: EPA National Waste Statistics Summary Report 2020)

The total quantity of rMSW requiring treatment as either recovery in thermal treatment facilities or disposal to landfill for 2020 is summarised in Table 4-2 using data from the EPA Summary Reports for 2020, 2019 and 2018.

Table 4-2 – MSW generated and rMSW quantities 2020

	2020	2019	2018
MSW Generated	3,209,720	3,085,376	2,912,384*
rMSW Treated	1,870,028	1,884,183	1,661,339
rMSW Treated as % of MSW Generated	58%	61%	57%

\* Quantity as per Eurostat Database -

[https://ec.europa.eu/eurostat/databrowser/view/TEN00108/default/table?lang=en&category=env.env\\_was.env\\_wasgt](https://ec.europa.eu/eurostat/databrowser/view/TEN00108/default/table?lang=en&category=env.env_was.env_wasgt) (Accessed on 01 December 2022)

The landfill disposal rate in Ireland is generally on a downward trend and the rate of recovery through thermal treatment has significantly increased over the past ten years. This trend is in keeping with the waste hierarchy preference for recovery of waste materials over disposal and has been facilitated by the development of two WtE facilities in Carranstown, Co. Meath (commenced acceptance of waste in Q3 2011) and in Poolbeg, Co. Dublin (commenced acceptance of waste in Q2 2017) in the country.

The EPA 2020 Report states that the disposal rate for MSW in 2010 was 58% with only 4% of MSW sent for thermal treatment. In 2010, the WtE facility in Carranstown was under construction and thermal treatment of waste within Ireland was only in the form of solid recovered fuel (SRF) for co-incineration as an alternative to fossil fuels in cement kilns.

Figure 4-4 shows the trend in the management of municipal waste in Ireland over the period from 2010 to 2020 and highlights the contrasting trends in disposal to landfill and energy recovery. It is notable from the graph in Figure 4-4 that the trendlines of disposal to landfill and energy recovery have generally levelled off in 2018 and 2019 with a slight reversal of the trends



in 2020. This may be attributable to high quantities of bulky waste generated during Covid restrictions in 2020 which may not have been suitable for energy recovery.

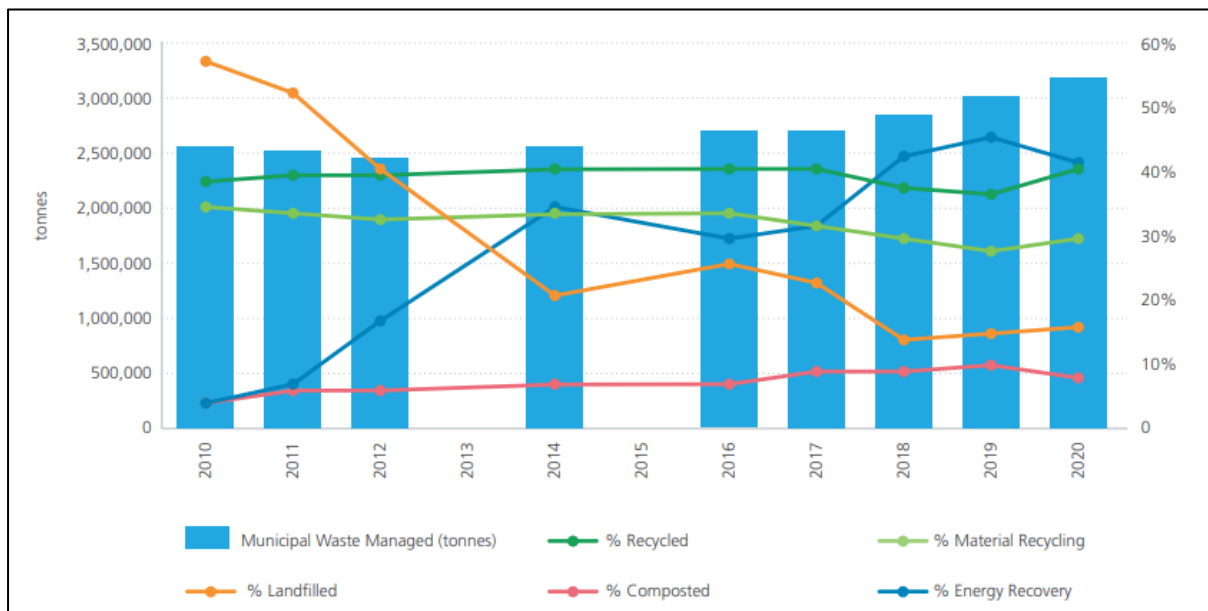


Figure 4-4 – Changes in municipal waste management from 2010 to 2020 (Source: EPA National Waste Statistics Summary Report 2020)

The 2020 Summary Report identifies that there were three landfills accepting MSW for disposal in 2020, namely:

- Drehid Landfill (W0201-03)
- Knockharley Landfill (W0146-02)
- Ballynagran Landfill, Co. Wicklow (W0165-02)

There has been a significant reduction in the number of facilities accepting MSW for disposal over recent years from 28 no. in 2010 to the above three in 2022<sup>5</sup>. The report identifies that the current landfill disposal capacity in the country provided by the above three facilities is 470,000 TPA. The EPA’s report notes that “Data submitted to the EPA for 2021 and 2022 shows that volumes of wastes disposed at landfills are reducing although the available void capacity remains fully utilised.” This commentary is highlighted by the fact that landfills accepted additional waste material, above their IE Licence limits, in 2016 and in 2021 at the direction of the EPA where there was a deficit in available treatment capacity for rMSW and emergency measures were required to prevent potential environmental pollution. This measure was invoked in accordance with Section 56 of the *Waste Management Act 1996*, as amended.

The RWMPO’s also collate data on waste capacity on a quarterly basis in association with the EPA, the Irish Waste Management Association (IWMA) and the waste industry. These reports present a quarterly view of the used and available capacity for landfilling and thermal recovery in Ireland and provide valuable indicators to the authorities and the waste market on where future constraints may occur. The reports prepared by the RWMPO’s provide more recent data on waste generation and treatment than that shown in Figure 4-4, however the data is produced and reported on in a quick manner so as to allow the authorities to respond and it is noted that detailed checking and validation is not carried out. The reports also note that there are some validation difficulties in assigning landfilled waste as being disposed of or being recovered,

<sup>5</sup> Ballaghveny Landfill in County Tipperary accepted MSW in 2022 from a remediation project (Source: Regional Waste Management Planning Offices – *Waste Treatment Capacity Analysis Q3 2022*)

therefore the data from the RWMPO’s reports may not be directly comparable to the EPA’s Summary Reports on waste statistics. Nonetheless Table 4-3 presents a summary of the latest data from Q1 2021 to Q3 2022 which is useful to illustrate the current MSW treatment trends.

*Table 4-3 – MSW treatment in 2021 and 2022 from RWMPO Capacity Reports*

Reporting Period	Energy Recovery (tonnes)	Disposal to Landfill (tonnes)
Q1 2021	253,437	81,307
Q2 2021	242,876	107,078
Q3 2021	258,090	99,576
Q4 2021	271,357	126,556
<b>2021 Total <sup>1</sup></b>	<b>1,025,760</b>	<b>414,517</b>
Q1 2022	242,692	128,196
Q2 2022	238,230	126,428
Q3 2022	296,585	76,635
Q4 2022	279,921	81,031
<b>2022 Total <sup>2</sup></b>	<b>1,057,428</b>	<b>412,290</b>

<sup>1</sup> Q4 2021 Report

<sup>2</sup> Q4 2022 Report

### **Municipal Solid Waste – Pre-Treatment**

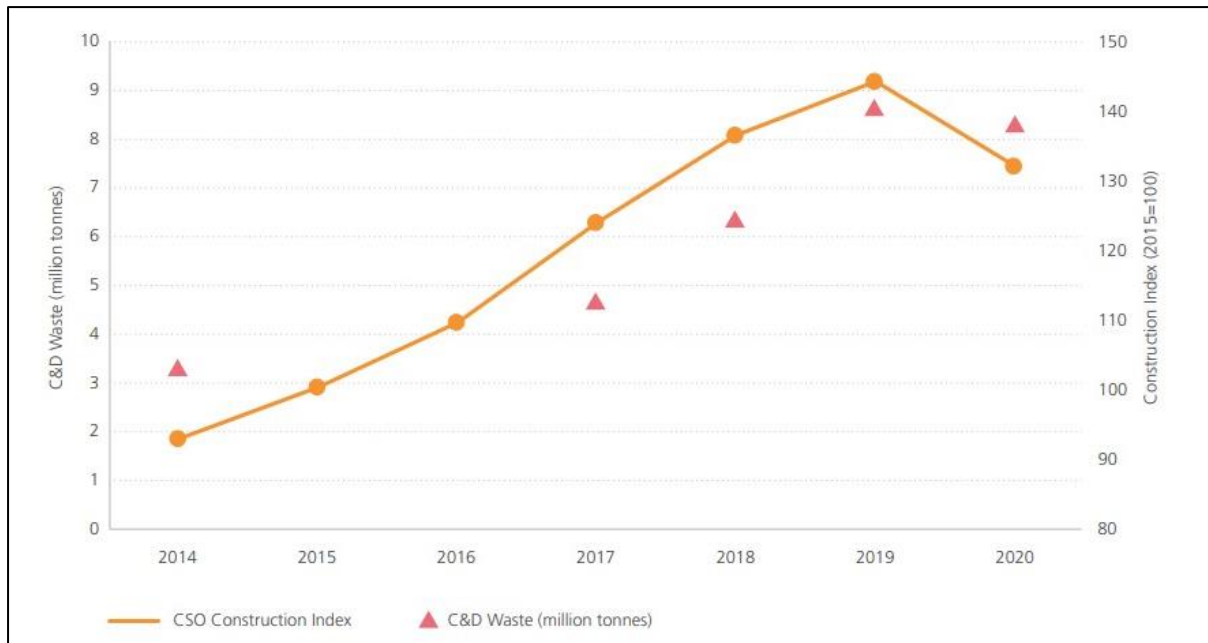
Following on from the MSW generation data set out above, it is proposed to develop an MSW processing facility at the Drehid WMF which will allow for the pre-treatment of MSW and separation of the waste into different streams for further processing on-site or off-site.

This incoming waste material is different from the rMSW proposed for acceptance directly to the landfill which will already have been pre-treated at other facilities off-site. The current trend in MSW generation which is proposed for acceptance to the new MSW Processing Facility is set out in Figure 4-2.

### **Non-Hazardous Soils & Stones and C&D Rubble**

The EPA’s 2020 Summary Report states that construction and demolition (C&D) waste generated in 2020 amounted to 8,228,404 tonnes, making it the largest waste stream generated in the country. Soils, stones and dredging spoil make up 84% (6,946,632 tonnes) of this total with concrete, brick, tile and gypsum making up 6% (524,605 tonnes) of the total.

The general trend in C&D waste generation over the previous decade has been upwards from a relatively low base in 2010 after the economic downturn. Figures for 2020 were reduced from 2019 which is due to the effect that Covid-19 restrictions had on the construction sector where construction activity was stopped at the height of severe restrictions. It is likely that 2021 and 2022 C&D figures will have recovered somewhat, although a number of factors, including rising energy costs, have affected the construction industry in 2022. Figure 4-5 shows the trend in the management of C&D waste since 2014 based on EPA Waste Summary Report data.



*Figure 4-5 – C&D waste managed compared with CSO construction index (2014 – 2020)  
(Source: EPA National Waste Statistics Summary Report 2020)*

Section 2.2.4.1 of Chapter 2 defines the characteristics of soils and stones proposed for acceptance as part of the proposed development. This material will be identical to that currently accepted at the existing landfill, i.e. non-hazardous soils and stones. Imported soils and stones material may be disposed of or recovered at the landfill facility depending on the nature of the material and its use.

As part of the proposed development, a new processing facility will be built to sort and screen incoming soil and stone waste as well as inert C&D rubble. This processing facility will allow for screening the incoming material to generate outputs which can be used for engineering purposes at the landfill both within the engineered liner and outside the liner, subject to meeting the requirements of Waste Acceptance Criteria (WAC) testing. It is envisioned that the use of this facility for screening and testing of soils, stones and C&D rubble will also allow Bord na Móna to seek End of Waste status for the materials in accordance with Article 28 of the *European Communities (Waste Directive) Regulations 2011*, as amended, and guidance from the EPA<sup>6</sup> which is currently in draft and is expected to be finalised in the coming months.

### **Organic Waste**

The EPA's 2020 Summary Report identifies that 11% of MSW generated was subject to biological treatment, either through composting or anaerobic digestion which equates to 351,204 tonnes. This is increased from 294,761 tonnes in 2019 and 244,160 tonnes in 2018. The 2020 report identifies the two key pieces of legislation which deal with biodegradable municipal waste (BMW), namely:

- the Landfill Directive, which requires the diversion of BMW from landfill; and
- the Waste Framework Directive, which requires measures to encourage the separate collection and recovery of food waste and garden park waste (biowaste).

<sup>6</sup> EPA, *Draft End-of-Waste Guidance Document – Part 1: Introducing End-of-Waste* (May 2020) and EPA, *Draft End-of-Waste Guidance Document – Part 2: Preparing an End-of-Waste Application* (May 2020).

The Landfill Directive sets a limit on the quantity of BMW going to landfill. By 2020, Ireland was required to reduce BMW going to landfill to 35% of the total quantity (by weight) of BMW produced in 1995 (i.e., <610,000 tonnes). Ireland has achieved this target and the latest EPA statistics on Ireland’s progress to EU targets<sup>7</sup> state that in 2021 only 109,000 tonnes of BMW was disposed of to landfill.

**4.2.2.2 Current Capacity**

**Municipal Solid Waste – Recovery & Disposal**

According to the EPA’s 2020 Summary Report (published in December 2022), the current (December 2022) waste treatment capacity for rMSW is as per Table 4-4.

*Table 4-4 – rMSW treatment capacity in Ireland in 2022*

<b>Landfill Disposal Capacity</b>	470,000 TPA
<b>Thermal Treatment Capacity</b>	WtE Facilities – 835,000 TPA + Cement Kilns – 585,000 TPA Total = 1,420,000 TPA
<b>Total</b>	1,890,000 TPA

Table 4-2 shows that rMSW requiring treatment in 2020 was 1,870,028 tonnes which highlights that the available capacity for both disposal and recovery of rMSW is close to the total quantity requiring treatment. Given that MSW generation is on the increase, rMSW generation is likely to remain at a similar level to 2020 or to increase, unless there are improvements in recycling and biological treatment rates.

**Municipal Solid Waste – Pre-Treatment**

Pre-treatment of MSW is an essential step in the sustainable and effective management of this waste stream. While the primary focus still needs to be on maximising segregation of waste at source, it is recognised that segregated collection facilities, particularly for organic waste, are not yet rolled out to every household and business. As a result, mixed MSW, typically referred to as ‘black bin’ waste, is still required to undergo pre-treatment to maximise the removal of recyclable materials and to separate out the fines material which is typically high in organic content and needs to be stabilised prior to disposal or recovery in landfill.

**Non-Hazardous Soils & Stones and C&D Rubble**

The RWMPOs published a report on soil and stone recovery and disposal capacity in 2016 which was updated in December 2020<sup>8</sup>. This report was compiled to “*quantify and analyse national capacity within the market for the management of soil and stone waste arisings, including hazardous, based on 2018 data*”.

The report identifies that, in 2020, there were 106 no. authorised facilities in the Eastern-Midlands Region which could accept inert soils, however there were only three facilities

<sup>7</sup> EPA, *Progress to EU Waste Targets* - <https://www.epa.ie/our-services/monitoring--assessment/waste/national-waste-statistics/progress-to-eu-targets/> (Accessed on 26 May 2023)

<sup>8</sup> RWMPOs, *Construction & Demolition Waste – Soil and Stone Recovery/Disposal Capacity* (December 2020)

(Drehid, Knockharely and Ballynagran) with engineered liners which could accept non-hazardous soils for recovery or disposal, which do not meet the relevant WAC for recovery as inert waste. The report notes that *“The data shows that current capacity for the acceptance of non-hazardous soil wastes for disposal is limited and disposal intake at active facilities has reduced. Available void capacity at non-hazardous landfills is prioritised for other streams principally residual municipal waste. There is a need particularly in the short/medium term for additional non-hazardous capacity at existing disposal facilities.”*

### **Organic Waste**

Organic waste treatment does not only include the biowaste fraction of MSW, but also includes wastes from other industries such as agriculture, horticulture, wastewater treatment, water treatment and food preparation/processing. The EPA 2020 Summary Report identifies that 597,000 tonnes of biowaste were treated by composting (48%) and anaerobic digestion (52%) in 2020 and also notes that 27% of the waste generated was treated in Northern Ireland with more favourable gate fees in Northern Ireland being attributed as the main driver for this trend.

Section 4.2.1 illustrates that the existing composting facility at the Drehid WMF is consistently operating at maximum permitted waste intake and Bord na Móna’s insights into the waste collection and treatment industry have identified that there is a need for additional treatment infrastructure in the market for organic waste. This was also identified during discussions at the 2023 Irish Waste Management Conference, held in Dublin on the 9<sup>th</sup> March 2023.

### ***4.2.3 Future Waste Management Needs***

#### **Municipal Solid Waste**

The Climate Action Plan 2023 (CAP23) was launched in December 2023 and is the second annual update to Ireland’s Climate Action Plan 2019. The Plan implements the carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. In respect of waste management, CAP23 identifies the links between waste generation and atmospheric emissions and describes a key metric to deliver a reduction in emissions as the reduction in the amount of municipal waste landfilled to 10% by 2035, as required under the *EU Landfill Directive (1999/31/EC as amended)*. This reduction in landfilling of municipal waste will reduce the associated methane emissions which are a significant contribution of greenhouse gas emissions.

The current Regional Waste Management Plans (RWMPs) prepared by the RWMPOs were published in 2015 and cover the period from 2015 to 2021. As set out in the Government’s current waste policy<sup>9</sup>, a new *National Waste Management Plan for a Circular Economy* has been prepared and was published for public consultation in May 2023. Until this national waste management plan is formally adopted, the existing RWMPs remain the relevant guidance on the management and planning for waste treatment infrastructure<sup>10</sup>.

Each of the three regional waste management plans published in 2015 provides projections of regional waste generation which, when combined, present future national waste generation projections. Given that these projections form the basis on which the policy objectives within

<sup>9</sup> A Waste Action Plan for a Circular Economy 2020 - 2025

<sup>10</sup> The project team held two consultation meetings with the RWMPOs in October 2022 and requested data on updated projections for MSW via email in November 2022, however this data was not received in advance of submitting the planning application for the proposed development. Data as published in the Draft National Waste Management Plan has been considered below.

the regional plans are made, it is considered appropriate to utilise the projections made within these plans here. In addition, updated MSW generation projections are provided in the *Draft National Waste Management Plan for a Circular Economy* which have been taken into account.

Table 4-5 presents the regional and national summaries of future MSW projections which are provided in the current regional plans. The regional plans set out the projections from 2013<sup>11</sup> up to 2021. These projections within the plans reflect a year-on-year growth of 2-3% for both household and commercial wastes and are generated “using waste, economic and demographic data that was available at the time combined with reasonable assumptions on future developments”.

Taking the same rationale as used by the RWMPOs to make further projections beyond 2021, it is estimated that approximately 4.5 million tonnes of MSW will be generated by 2035. This is calculated by taking a growth factor of 2.5% year-on-year from 2021 to 2035 (average of the 2-3% growth rate presented in the RWMPs) and the projected quantities every two years are set out in Table 4-5. Estimates of future waste generation rates are difficult to make as there are a range of factors which can influence trends including economic variances, policy and legislation changes and significant unforeseen events, such as the Covid-19 pandemic. A growth rate of 2.5% has been used to align with the projections set out in the 2015-2021 RWMPs. The projections are extended to 2035 as this year is an important milestone for compliance with the target set out in the *EU Landfill Directive (1999/31/EC as amended)* for reducing MSW disposal to less than 10% and is a central target of the CAP23.

The *Draft National Waste Management Plan for a Circular Economy* covering the period from 2023 to 2039 was published in May 2023 and set out the projections for MSW generation over the life of the Plan. This is estimated at 3.6 to 3.7 million tonnes in 2029 (representing a 16-19% increase above 2019 levels) without accounting for waste policy interventions and c. 3.4 million tonnes when policy interventions are factored in. These estimates are below those projected in Table 4-5 below, however they still represent an increase in MSW generation year on year for which some form of ongoing treatment infrastructure is required. For comparison, the MSW generation projections from the draft national waste plan are included in Table 4-5 (the projections are estimates from Figure 1.1 in Volume I of the Plan).

Note that the RWMPs allow for total MSW Generated, rather than MSW Managed, the difference being ‘unmanaged waste’, for which an assumption is annually included in national waste reporting (see Figure 4-3). The 2012 base figures on which the regional plans are based incorporate a value of 214,200 tonnes of ‘uncollected waste’ which is approx. 8% of MSW Generation in 2012. The 2020 Summary Report shows ‘Unmanaged Waste’ equal to only 1% of Total MSW Generated (i.e., 29,100 tonnes), therefore a 1% reduction is applied to the MSW Generated figure from 2021 to 2035 to allow for the fraction of MSW Generated which is not taken forward for treatment. It is considered that this will provide an underestimate of the future MSW quantities requiring treatment, as improvements in waste collection, public awareness and enforcement would be expected to reduce the fraction of ‘unmanaged’ waste from the total generated in future years.

Note also that the RWMPs have used ‘High Range (Consumption and GNP Scenarios)’ and ‘Low Range (Consumption and GNP Scenarios)’ figures in their projections. For ease, Table 4-5 takes the mid-point of this range. Table 4-5 also includes the actual MSW quantities reported by the EPA for the years from 2013 to 2020.

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<sup>11</sup> The Regional Waste Management Plans were published in 2015 and used the data from the National Waste Report 2012 as a starting point for the waste projections.

*Table 4-5 – MSW Generation Projections 2012 to 2035*

	2013	2015	2017	2019	2020 <sup>2</sup>	2021	2023	2025	2027	2029	2031	2033	2035
	Projections as per 2015 RWMPs						Projections made in this Assessment						
Eastern-Midlands Region <sup>3</sup>	1,316,134	1,398,995	1,473,106	1,552,461	1,589,148	1,625,835	1,708,143	1,794,618	1,885,470	1,980,922	2,081,206	2,186,567	2,297,262
Southern Region <sup>3</sup>	888,407	937,138	980,057	1,026,102	1,048,492	1,070,882	1,125,095	1,182,053	1,241,894	1,304,765	1,370,819	1,440,217	1,513,128
Connacht-Ulster Region <sup>3</sup>	430,255	452,263	472,267	494,022	504,511	515,001	541,073	568,465	597,243	627,479	659,245	692,619	727,683
Total Projected MSW Generated	2,634,796	2,788,396	2,925,429	3,072,584	3,142,151	3,211,718	3,374,311	3,545,135	3,724,608	3,913,166	4,111,270	4,319,403	4,538,073
Total Projected MSW Managed	2,420,596	2,574,196	2,711,229	2,858,384	2,927,951	2,997,518	3,340,568	3,509,684	3,687,362	3,874,034	4,070,157	4,276,209	4,492,692
Total Projected MSW Generated (Draft National Waste Plan) <sup>4</sup>	-	-	-	-	-	3,090,000	3,225,000	3,280,000	3,325,000	3,375,000	-	-	-
Actual MSW Generated	2,692,537 <sub>1</sub>	2,619,000 <sub>1</sub>	2,768,043	3,085,652	3,209,720	Verified data not available	-	-	-	-	-	-	-

<sup>1</sup> Note that verified data for 2013 and 2015 is not available. EU Eurostat database uses records from 2012 and 2014 in lieu of available data.

<sup>2</sup> 2020 data is included for comparison against the most recently published statistics from the EPA. Estimates for 2020 are interpolated from the presented 2019 and 2021 quantities set out in the RWMPs.

<sup>3</sup> The RWMPs present High Range and Low Range estimates. Figures provided in Table 4-5 are mid-way between high range and low range.

<sup>4</sup> Interpreted estimates from Figure 1.1 of Volume I of the Plan accounting for waste prevention interventions

Table 4-5 identifies that using the basis for projecting MSW Generation rates as set out in the current RWMPs, the estimated quantity of MSW requiring management in 2035 will be 4,492,692 tonnes. As noted previously, the RWMPO's have set out projections for MSW generation from 2023 to 2029 in the *Draft National Waste Management Plan for a Circular Economy* which benefits from more detailed sectoral analysis and makes provision for reductions in the rate of MSW generation growth in future years when policy measures on waste prevention are taken into account. While the projections from the draft national waste plan are less than those calculated for this assessment (using the same approach as the RWMPs), it is clear that MSW generation will continue to increase, and a number of waste policy interventions are required to slow down the rate of growth.

It is notable that the actual MSW Generated in 2019 and 2020 is greater than the projected MSW Generated quantities in the RWMPs. This may be a result of greater economic activity or population growth than was factored into projections in 2015 (when the RWMPs were prepared and published). It is also likely that the Covid-19 pandemic had an influence on MSW generation in 2020 as noted by the EPA in the 2020 Waste Summary Report, "*The proportion of municipal waste from households has increased by 4%, which is likely due to national Covid restrictions that required most people to stay at home for months during 2020.*" The rate of increase in actual MSW Generated in the three most recent years of verified data (i.e., 2018 (5% increase on 2017), 2019 (6% increase on 2018) and 2020 (4% increase on 2019) is higher than that used in the projections in Table 4-5 (i.e., 2.5%), however these years results are likely to be impacted by the Covid-19 pandemic. Therefore, it is considered reasonable to take the same growth rate used in the 2015 - 2021 RWMPs forward to 2035, in the absence of detailed and comprehensive economical modelling.

Establishing future treatment requirements for rMSW can be achieved by considering the projected quantities of MSW Managed and deducting projected recycling and biological treatment volumes. The EPA 2020 Summary Report collates material recycling and biological treatment (composting/anaerobic digestion) together, for the purpose of reporting against Ireland's EU targets as set out in the *EU Waste Framework Directive (2008/98/EC)* as amended. Therefore, in 2020, Ireland's recycling rate is taken as 41%<sup>12</sup> of MSW Managed.

The future targets for recycling as set out in the Waste Framework Directive are as follows:

- ≥55% by 2025
- ≥60% by 2030
- ≥65% by 2035

Taking the 2035 target of 65% recycling and applying a linear incremental increase in recycling from 2020, this will require an increase in recycling rates of 1.6% per year. Table 4-6 sets out these projected recycling rates and identifies the rMSW quantities remaining from 2020 to 2035 (every two years) for which treatment, either by thermal treatment or disposal to landfill, are required. These estimates are based on the projected MSW Generated quantities calculated by TOBIN as part of this assessment.

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<sup>12</sup> The calculation method for this metric is based on the OECD/Eurostat municipal indicator. The fraction remains at 41% of MSW Managed when the 'Unmanaged Waste' portion from 2020 data is omitted.



*Table 4-6 - Projected rMSW Quantities 2020 to 2035*

Year	MSW Managed Projection (tonnes)	Projected Recycling Rate	Recycling Projection (tonnes)	rMSW Projection (tonnes)
2021	2,997,518	42.6%	1,276,942	1,720,575
2023	3,340,568	45.8%	1,529,980	1,810,588
2025	3,509,684	49.0%	1,719,745	1,789,939
2027	3,687,362	52.2%	1,924,803	1,762,559
2029	3,874,034	55.4%	2,146,215	1,727,819
2031	4,070,157	58.6%	2,385,112	1,685,045
2033	4,276,209	61.8%	2,642,697	1,633,512
2035	4,492,692	65.0%	2,920,250	1,572,442

It is acknowledged that predicting waste generation and recycling quantities for the next 15 years is not an exact science, however the above estimates are based on historical trends and linear variations into the future.

Figure 1.2 of Volume I of the *Draft National Waste Management Plan for a Circular Economy* predicts a rMSW quantity of c. 1.7 million tonnes in 2029 when accounting for a high recycling rate of 50% by 2029. This rMSW projection for 2029 is similar to that presented in Table 4-6. When accounting for a low (45%) recycling rate, the draft national waste plan predicts an rMSW total of c. 1,875,000. While the projections in the draft national waste plan do not extend to 2035, it is considered that those quantities outlined in Table 4-6 are broadly in line with the projections prepared by the national waste bodies.

The reduced reliance on landfilling in Ireland is a welcome progression and a number of policy measures have driven this change, including the introduction of the landfill levy in 2013, pre-treatment of MSW prior to landfill, reduction in biodegradable waste content going to landfill and strict reporting requirements on landfill operators to monitor void space availability and capacity in the market. These measures along with EU targets on recycling and diversion from landfill have seen a significant drop in the proportion of MSW generated which is disposed of in landfill. This reduction in disposal volume has seen a dramatic reduction in the number of operational landfills from 28 no. in 2010 to three in 2022.

In summarising on MSW projections, the draft national waste plan states that *“Projections show continued growth in MSW generation taking account of the estimated effect of the planned interventions to incentivise waste prevention and better recycling. It is imperative that the intervention and key deliverables outlined are implemented effectively and expeditiously to deliver meaningful change in MSW generation, recycling and the ultimate need for rMSW treatment”*.

While acknowledging the need to continue implementing measures to divert waste from landfill, improve recycling rates and to move Ireland from a linear economy to a circular economy where the generation of waste materials is designed out to the maximum extent possible, it must also be acknowledged that there are wastes for which no other treatment options exist other than thermal treatment and disposal to landfill. Therefore, capacity for the treatment of these waste materials must be maintained as part of the overall waste infrastructure mix. Measures to control the use of disposal capacity on a sustainable basis, so as to maximise the duration of available capacity and not hinder efforts to increase recycling and reuse rates, are already in place in the market and the RWMPO's carry out quarterly capacity analysis to inform the market on waste disposal trends.

In addition, as part of this application, a cap on the maximum annual quantity of rMSW (120,000 TPA) to be disposed of at the Drehid WMF is being applied. This cap has been discussed with the RWMPO's and is considered appropriate to ensure there is future capacity for rMSW available while providing a limit on the quantity that can be accepted in each year. The RWMPO's have advised that they will be recommending this limit in any submission they make to An Bord Pleanála as part of consultation on the planning application. This cap is based on the current waste disposal limit set in the IE Licence for the existing and operational facility.

The EPA's 2020 Summary Report notes that the current disposal capacity available is 470,000 tonnes but states that *"two of the three operational landfills will approach their maximum lifetime consented capacity by 2027 if additional capacity is not authorised."* In addition, in the EPA's State of the Environment Report 2020<sup>13</sup>, the Agency stated *"National municipal landfills and waste-to-energy facilities are operating at capacity and Ireland has some significant waste infrastructure deficits, as evidenced by its high dependence on export markets for treating municipal and hazardous wastes. There is a risk to the state in the event of export markets closing at short notice and the planned contingency landfill capacity needs to be secured without delay. Developing new recycling industries and markets in Ireland would build its self-sufficiency, while recognising that viability may be an issue given the volumes produced here."*

Knockharley Landfill was granted planning permission in 2020 to increase waste intake at the facility from 175,000 TPA to 440,000 TPA, which includes for the acceptance of residual household, commercial and industrial wastes, construction/demolition wastes, IBA and stable non-reactive hazardous waste. An IE Licence to authorise this waste intake was granted in May 2023. No operational lifetime for the proposed landfill expansion at Knockharley is set out in the application documents which state that *"Permission is sought for the acceptance of waste until the landfill cells are full"*.

The available landfill disposal capacity at the Drehid WMF is authorised until 2028, however based on the current projections, it is anticipated that the void space will be practically exhausted in advance of this date, most likely in 2026. After this date, 120,000 TPA capacity for rMSW disposal will be lost without authorisation of further capacity at the facility.

The Project Team held pre-application meetings with the RWMPO's in October 2022 where the need for future landfill disposal capacity was discussed along with the provision for contingency capacity as described in Section 2.2.1.1 of Chapter 2 of this EIAR. The authorities stated in the meeting on 05 October 2022 that the Drehid WMF is considered to be a nationally important piece of infrastructure and that this will be set out in the *National Waste Management Plan for a Circular Economy*. A record of consultation with the RWMPOs setting out the proposed waste quantities, the required contingency capacity and setting a cap on the quantity of MSW to be accepted at the facility is summarised in Table 1-2 of this EIAR and included in Appendix 1-3.

The policies on waste treatment infrastructure set out in the *Draft National Waste Management Plan for a Circular Economy* which support the proposed development are discussed in Section 4.4. In concluding on the delivery of Infrastructure in Volume III, the Plan states that, *"To support the planning process for waste infrastructure, there is a need to develop transparent criteria to describe infrastructure that is deemed nationally important"*. The Drehid WMF is identified in the Plan as nationally important infrastructure and the Plan also states that *"This infrastructure is deemed essential to ensure a functioning waste market as well as growing circular market."*

<sup>13</sup> State of the Environment Reports are produced on a four-yearly cycle.

## **Illegal Waste and Repatriated Waste**

In addition to the capacity required for rMSW which is being generated on a daily basis in the region and nationally, there is a significant quantity of material that requires management arising from legacy obligations to deal with illegally deposited waste, where the waste is generated from the remediation of the illegal sites. In some cases, in-situ management may be a suitable treatment method, but where this is unsuitable, the removal of deposited wastes and placement in suitably lined engineered landfills may be the only alternative, if it is not appropriate to treat the waste at energy recovery facilities.

There is also a requirement for the disposal of repatriated MSW from Northern Ireland as part of the intergovernmental agreement on the repatriation of waste. The Eastern Midlands Region Waste Management Plan 2015-2021 estimated that 120,000 tonnes of waste remains to be repatriated. This estimate is increased to 170,000 tonnes in the *Draft National Waste Management Plan for a Circular Economy*.

The EPA's *State of the Environment Report 2020* states that "Waste treatment capacity is finely balanced, particularly for municipal and non-inert C&D wastes" and that "Lack of capacity has affected the state's availability to repatriate certain legacy waste that had been deposited illegally at sites in Northern Ireland." It is noted that some repatriation is likely to have occurred since 2020 and that the Knockharley Landfill facility includes for the disposal of repatriated wastes and is located closer to the source of the waste (Northern Ireland), therefore adhering better to the proximity principle outlined in the *Waste Framework Directive*. However, as with rMSW, available capacity for repatriated waste, and illegally disposed waste, will be in short supply in the coming years and measures need to be taken in the short-term to secure future suitable, engineered and legal void space. As such, it is envisaged that the proposed landfill infrastructure will provide a suitably designed and permitted facility to accept this waste where it arises.

## **Municipal Solid Waste – Pre-Treatment**

The current and future needs for MSW pre-treatment facilities are aligned with the overall generation of MSW set out in Figure 4-2, which is increasing, and the need to improve the recycling and recovery of waste from the MSW stream. This pre-treatment step reduces the future demands on disposal and thermal treatment capacity for rMSW, which as previously highlighted, is under strain. The co-location of the MSW processing facility with composting facilities and landfill capacity will allow for a centralised and integrated facility which maximises the efficiencies available and reduces haulage time, costs and embodied carbon. The waste sorting equipment in the MSW processing facility will be such as to maximise the removal of recyclables and refuse derived fuel (RDF), or feed material for solid recovered fuel (SRF), which will be exported from the site and diverted from landfill disposal. The mechanical fines generated from the MSW screening process will be composted on site, within the same building as the MSW processing is carried out, prior to disposal or recovery in the landfill. This allows the incoming waste to be retained internally to the maximum extent possible until it is ready to be exported or removed for disposal as appropriate.

The proposed development infrastructure will also allow Bord na Móna to consolidate waste collection in the local area with waste treatment, enabling MSW collected locally to the Drehid WMF to be brought directly into the facility for treatment.

## Non-Hazardous Soils & Stones and C&D Rubble

As set out in the RWMPO's December 2020 report, *"current capacity for the acceptance of non-hazardous soil wastes for disposal is limited..... There is a need particularly in the short/medium term for additional non-hazardous capacity at existing disposal facilities."* The proposed development will authorise for the continued acceptance of non-hazardous soils, stones and C&D waste for disposal to landfill which will maintain available capacity for this waste stream. More importantly, however, the development of the proposed processing facility for this waste type will allow Bord na Móna to accept waste soils, stones and C&D rubble at the facility and screen this incoming material to maximise the quantity of material which can be recovered in lieu of being disposed in the landfill. The use of the material for recovery purposes within the landfill will avoid the import and use of virgin aggregate materials for haul roads within the landfill waste body.

In addition to this, the processing facility and screening step will allow Bord na Móna to generate an output which, subject to testing, can be reclassified as non-waste material (i.e. End-of-Waste) which will allow this material (now a product, not a waste) to be used for suitable engineering purposes outside of the engineering landfill liner including for site access roads, storage yards and capping materials. This important step will help to divert beneficial materials away from the landfill, reserving space only for materials for which there are no alternative treatment options.

## Organic Waste

The *Waste Action Plan for a Circular Economy* policy document identifies the following measures in respect of infrastructure for food waste management, *"We want to realise the Anaerobic Digestion (AD) and composting potential of the food waste resource. AD and composting provide opportunities for regional development with benefits for communities through sales of locally generated energy and compost."*

In relation to MSW, the Plan addresses issues around correct segregation of waste including the provision of standardised bin colours and looking at measures to improve recycling of waste materials. The Plan states that *"The EPA has estimated that correct use of the three household bins could reduce the volume of the general waste bin by a third, and that municipal recycling (including organic waste for composting and anaerobic digestion through the organic bin) rate could increase by 50% (from 40%)"*.

Taking action in this area will lead to increased segregation of food waste from MSW and increased capacity requirements for the treatment of organic wastes. This increase will also be driven by the roll-out of the brown bins to all households rather than just those in urban areas which is part of the current Government policy. While it is acknowledged that the current regional waste management plans are set to be replaced, current policy set out in the Eastern-Midlands RWMP, Policy E17, states the following:

*"The waste plan supports the development of at least 70,000 tonnes of additional biological treatment capacity in the region for the treatment of bio-wastes (food waste and green waste) primarily from the region to ensure there is adequate and competitive treatment in the market. The development of such treatment facilities needs to comply with the relevant environmental protection criteria in the plan"*.

The proposed intake of MSW for pre-treatment at the facility will generate organic fines from the screening process which will require additional on-site treatment capacity. This will be provided within the same building in the form of composting tunnels with the existing on-site infrastructure and expertise utilised to manage the process.

## 4.3 PLANNING HISTORY

### 4.3.1 Relevant Planning History for the Bord na Móna Landholding

The planning files associated with the development of the infrastructure at the site are set out in Table 4-7 below. This includes the historical development of the existing facility as well as amendments and alterations to the parent permission which have taken place. Details of environmental licences issued by the EPA are also included for reference. Details of planning consent for the MBT facility are also included due to its proximity to the proposed development, although it is noted that Bord na Móna has confirmed its decision not to proceed with the development of the MBT facility.

*Table 4-7: Planning applications within the Bord na Móna Landholding (associated with the Drehid WMF)*

BRIEF DESCRIPTION OF PREVIOUS APPLICATIONS	REG. NO.	GRANT DATE	Current Status
Construction of Drehid Waste Management Facility consisting of an engineered landfill site and composting facility for an operational lifespan of 20 years	04/371 / PL09.2120 59	13/04/05/ 21/11/05	Operational
Proposed extension and intensification of the Drehid Waste Management Facility	PL09.PA0 004	31/10/08	Operational
Bord Na Móna sought a declaration whether or not the deposition of stable, non-reactive hazardous waste, including bound asbestos at this facility is development or exempted development. The Planning Authority (KCC) referred the case to ABP and on 30 <sup>th</sup> August 2010 ABP issued its declaration that it is development and is not exempted development.	09.RL.274 2	30/08/10	Not being pursued.
Extension of the appropriate period of the planning permission granted in 2005 under KCC reg. ref. 04/371 and ABP ref. PL09 212059 – this related chiefly to the permitted composting facility which was not yet constructed	10/1172	25/02/11	Operational
Development of a landfill gas utilisation plant which will be phased and will generate up to 4.99MW of electricity for input into the national grid.	11/537	19/10/11	Operational
An extension (with a gross floor space of approximately 383 square metres) to the previously permitted composting facility.	11/902	02/11/11	Not being pursued.
Development of a mechanical biological treatment (MBT) facility with a capacity of 250,000 tonnes per annum of waste (principally municipal solid waste).	PL09.PA0 027	15/03/13	Not being pursued.

BRIEF DESCRIPTION OF PREVIOUS APPLICATIONS	REG. NO.	GRANT DATE	Current Status
Section 146B request to ABP to permit intensification for 7yrs as originally requested in PA0004 (i.e. for an additional 2yrs to Dec. 2015).	PL09.PM0003	23/12/13	Progressed but TPA changed back to 120,000 TPA (i.e. extant)
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 thereafter. No physical change to footprint proposed No change to the final overall volume of waste proposed	PL09.PM0008	12/09/16	Progressed but TPA changed back to 120,000 TPA (i.e. extant)
Private Development Condition referral Point of detail regarding compliance with on Appeal Reference Number PL09.212059, Application Reference Number 09.PA0004 and Alteration Request Reference Number 09.PM0008.	PF09.PF0002	11/04/2017	This is now closed.
Private Development – Application for increase in waste material at facility. Application Refused Permission by An Bord Pleanála on the 11th November 2020	PA09.300506	Please see note	Not pursued.

#### Grant of Planning Permission November 2005 and EPA Waste Licence in August 2005 (Ref. 04/371/ PL.09.212059)

The Drehid Waste Management facility was granted permission by Kildare County Council (KCC) in April 2005, under KCC Reg. Ref No. 04/371 subject to a number of conditions. In November 2005 An Bord Pleanála (ABP) upheld that planning decision with revised conditions (ABP Ref No. PL.09.212059), following an appeal and an Oral Hearing. The Environmental Protection Agency (EPA) issued a Waste Licence for the facility in August 2005 (EPA Ref No. W0201-01).

Under the aforementioned planning permission, and in accordance with the aforementioned Waste Licence, 120,000 TPA (tonnes per annum) of waste can be disposed of to the engineered landfill site with an additional 25,000 TPA permitted for treatment at a composting facility. The operational life of this facility is 20 years.

This planning permission also provided for all associated site development works, including the development of an access road from the R403 regional road to the location of the landfill and composting facility. Construction of the facility commenced in August 2006 and it commenced accepting waste in February 2008.

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**Grant of Planning Permission, October 2008 and EPA Waste Licence, April 2009 (Ref.PL09.PA0004)**

In April 2008 a Planning Application was lodged directly with An Bord Pleanála (under the provisions of the Planning and Development (Strategic Infrastructure) Act 2006) to intensify waste acceptance and to extend the landfill footprint of the facility.

The Planning Application proposed the disposal of an additional 240,000 TPA of waste (over and above that previously permitted) for 7 years, with the development reverting back to receiving the previously permitted 120,000 TPA thereafter.

In October 2008, following an Oral Hearing, An Bord Pleanála granted planning permission (ABP Ref No. PL09 .PA0004) to intensify waste acceptance (for disposal to landfill) to 360,000 TPA until December 2013, with tonnage for disposal at the landfill element of the facility, thereafter, to be restricted to the 120,000 TPA maximum previously permitted.

The permission also included for a landfill facility extension, which involves the construction of additional landfill capacity in the form of lined and contained cells, to ensure that the previously permitted overall life span, and/or the annual capacity of the landfill element of the facility, is not reduced as a consequence of the temporary intensification (ABP Ref No. PL.09.212059). The Environmental Protection Agency issued a revised Waste Licence for the facility in April 2009 (EPA Ref No. W0201-02).

**Grant of Revised Waste Licence, March 2010**

In June 2009 the EPA initiated a Waste Licence review for the Drehid Waste Management Facility. The grounds for the review related to the introduction of limits on the acceptance of biodegradable municipal waste at landfill following the publishing of a technical guidance document on Municipal Solid Waste Pre-treatment and Residuals Management. The Environmental Protection Agency issued a revised Waste Licence for the facility in March 2010 (EPA Ref No. W0201-03).

**Declaration from An Bord Pleanála on Exempted Development Query, August 2010 (Ref. 09.RL.2742)**

Bord na Móna requested a declaration on whether the deposition of stable non-reactive hazardous waste, including bound asbestos at the Drehid Waste Management Facility, is or is not development, or is or is not exempted development. This case was referred to An Bord Pleanála by Kildare County Council on the 23rd of April, 2010. An Bord Pleanála issued its declaration on the 30th of August 2010 that the deposition of stable, non-reactive hazardous waste, including bound asbestos, is development and is not exempted development.

**Extension of Duration of Planning Permission, February 2011 (Ref. 10/1172)**

In November 2010, Bord na Móna applied, under Section 42 of the Planning and Development Act, 2000 (as amended), for the extension, by an additional two years, of the appropriate period of the Planning Permission granted in 2005 (KCC Reg. Ref No. 04/371, An Bord Pleanála Ref No. PL09.212059).

In February 2011 Kildare County Council (KCC Reg. Ref No. 10/1172) granted an extension of the duration of the aforementioned Planning Permission for construction of the Drehid Waste Management Facility for a period of two years from the 14th of January 2011. This was chiefly to cover construction of the composting facility which had not yet been constructed.

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**Grant of Planning Permission for Landfill Gas Utilisation Plant, October 2011 (Ref. 11/537)**

In May 2011, Bord na Móna lodged a Planning Application with Kildare County Council (KCC Reg. Ref No. 11/537) for the development of a landfill gas utilisation plant. The construction of the landfill gas utilisation plant was carried out on a phased basis and has capacity to export up to 4.99 MW of electricity and also generate an additional c. 0.5 MW for use at the facility (house load). Planning permission was granted for this application in October 2011 and the plant is currently operational.

**Planning Permission Granted for a Composting Facility Extension, November 2011 (Ref. 11/902)**

Also in 2011, a planning application was lodged for an extension (with a gross floor space of approximately 383 square metres) to the previously permitted composting facility. No increase to the previously permitted waste acceptance of 25,000 tonnes per annum at the composting facility was proposed, rather, the application sought only an extension to provide additional floor space. Planning permission was granted for this development by Kildare County Council in November 2011.

**Grant of Permission for the development of a MBT Facility, March 2013 (Ref. 09.PA0027)**

Bord na Móna applied for planning permission for the development of a Mechanical Biological Treatment (MBT) facility which would primarily accept and process municipal solid waste (MSW) and provided for an overall capacity of 250,000 tonnes per annum (TPA). The application for the proposed development was made directly to An Bord Pleanála as 'Strategic Infrastructure Development' under the provisions of Section 37 of the Planning and Development (Strategic Infrastructure) Act, 2006, the Planning and Development Act, 2000 as amended. Planning permission was granted for this development in March 2013, following an Oral Hearing.

The Environmental Protection Agency issued a Licence for the facility in February 2014 (EPA Ref No. W0283-01).

Planning permission for the development of this facility expires in 2023 and Bord na Móna has taken the decision not to proceed with the development of the MBT facility.

**Grant of Planning Permission for the intensification of the Drehid Waste Facility, December 2013 (Ref. 09. PM0003)**

In June 2013 Bord na Móna, under section 146B of the Planning and Development Act 2000, submitted a request to An Bord Pleanála (ABP) to alter Condition 1 attached to the approved grant under reference 09.PA0004 in relation to the extension and intensification of the Drehid Waste Management Facility.

The request was for the alteration to the terms of the permission in order to allow municipal solid waste to be disposed of at the Drehid facility at a higher rate of 360,000 tonnes per annum (TPA) until the 1st of December 2015. After this period the disposal of waste would be limited to 120,000 TPA.

This was the first request for an alteration to the terms of the permission.

In September 2013 An Bord Pleanála informed Bord an Móna that it had decided that the proposed alteration was a material change. This in turn invoked the provisions of section 146B



(8) of the Act, which required Bord na Móna to provide a public notice of the amendment and invite submissions from the public and certain prescribed bodies. Submissions, to which Bord na Móna subsequently responded, were received by An Bord Pleanála on the case.

The Section 146B request was granted by the Board in December 2013.

### **Activation of immediately available landfill capacity by Local Authorities, March 2016**

On the 10th March 2016, all Local Authorities simultaneously and collectively invoked their powers under Section 56 of the Waste Management Act, to make Orders specifically in relation to making arrangements for a prescribed period up to 10th June 2016 for the activation of all immediately available landfill capacity and the taking of such other necessary measures to limit or prevent environmental pollution. The three Waste Management Planning Lead Authorities (the Southern Waste Region, the Connacht - Ulster Waste Region and the Eastern - Midlands Waste Region) highlighted, during the development of the New Waste Management Plans in 2015, that there is a potential shortfall in capacity nationally to deal with residual waste. The issuing of collective Section 56 Orders by all other Local Authorities was necessary to ensure that Kildare County Council in turn acted to make certain that available capacity at the Drehid Waste Management Facility was provided for disposal of waste for a defined time period until 10th June 2016. The additional capacity required to be provided at Drehid is 138,000 tonnes (6,000 tonnes per week for 23 weeks up to the 10th June 2016).

### **Grant of Section 146B request to An Bord Pleanála, September 2016 (Ref. PL09.PM0008)**

In April 2016 Bord na Móna, under section 146B of the Planning and Development Act 2000, submitted a request to An Bord Pleanála (ABP) to alter Condition 1 attached to the approved grant under reference 09.PA0004 in relation to the extension and intensification of the Drehid Waste Management Facility.

The request was for the alteration to the terms of the permission in order to allow municipal solid waste to be disposed of at the Drehid facility at a higher rate of 360,000 tonnes per annum (TPA) until the 1st of December 2017. After this period the disposal of waste would be limited to 120,000 TPA.

This was the second request for an alteration to the terms of the permission. An Bord Pleanála previously made a decision to alter Condition 1 of the permission to allow for a higher rate of waste to be accepted at the facility until the 1st of December 2015 under case reference 09.PM0003.

In June 2016 An Bord Pleanála informed Bord na Móna that it had decided that the proposed alteration was a material change. This in turn invoked the provisions of section 146B (8) of the Act, which required Bord na Móna to provide a public notice of the amendment and invite submissions from the public and certain prescribed bodies. Submissions, to which Bord na Móna subsequently responded, were received by An Bord Pleanála on the case.

The Section 146B request was granted by the Board in September 2016.

### **Board Direction for Private Development Condition Referral to An Bord Pleanála, April 2017 (Ref. PF09.PF0002)**

Brief Description of Referral: Point of detail regarding compliance with conditions as set out below of An Bord Pleanála decision on Associated Appeal Reference Number PL09.212059,

Application Reference Number 09.PA0004 and Alteration Request Reference Number 09.PM0008.

Decision: Requirement for agreement:

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

### **Refusal of Strategic Infrastructure Development Application to An Bord Pleanála, November 2020 (Ref. PA09.300506)**

An application for increase in waste material at the existing disposal facility was refused permission by An Bord Pleanála on the 11th November 2020.

The proposed development can be summarised as follows:

- 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.

The proposed development was refused permission on the basis that the proposed development would give rise to impacts which are significantly negative. The following reasons for refusal are set out in the Board Order which should be consulted for the full set of reasons:

- On the basis of the information provided with the application and appeal, 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 European site No. 002162, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission. Having regard to the complex hydrological and hydrogeological conditions obtaining on-site, to the limited investigation carried out of those conditions and hence to the potentially inadequate mitigation impacts associated with the proposed development, it is considered that 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 SAC site code 002162, a designated Special Area of Conservation. The proposed development would, therefore, have a significant adverse effect on the conservation and protection of the Barrow River Special Area of Conservation, and would therefore be contrary to the proper planning and sustainable development of the area.
- The Board is not satisfied, with the application documentation and further information, 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 site can be used for the safe disposal of this material. The proposed development would, therefore, be a hazard to public health and thus contrary to the proper planning and sustainable development of the area.
- Having regard to the Drehid facility 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.

Please refer to Appendix 4-1, which provides a planning report to address the matters arising from this previous refusal.

### **Activation of immediately available landfill capacity by Local Authorities, November 2021**

In December 2021, the EPA again used their powers to invoke Section 56A of the *Waste Management Act 1996*, as amended, to provide emergency contingency capacity for waste treatment. An additional 27,500 tonnes was granted to Bord na Móna for acceptance at the Drehid WMF.

### *4.3.2 Planning History for Area Surrounding the Bord na Móna Landholding*

As the proposed development is situated in a rural part of County Kildare, a thorough search of Kildare County Council's website was carried out. This indicated that the majority of planning applications made in recent years in the vicinity of the proposed development have been for small developments such as single dwellings.

For a detailed list of planning applications made in the last 10 years in the area surrounding the subject site and the Drehid WMF please refer to Appendix 4-2 of this EIAR.

### *4.3.3 Other Developments and Cumulative Impact Assessments*

The EIA Directive and associated guidance documents state that as well as considering any indirect, secondary, transboundary, short, medium and long-term, permanent and temporary, positive and negative effects of the project (all of which are considered in the various chapters of this EIAR), the description of likely significant effects should include an assessment of cumulative impacts that may arise. The factors to be considered in relation to cumulative effects include population and human health, biodiversity, land, soil, water, air, climate, material assets, landscape, and cultural heritage as well as the interactions between these factors.

To gather a comprehensive view of cumulative impacts on these environmental considerations and to inform the EIA process being undertaken by the consenting authority, each relevant chapter within this EIAR includes a cumulative impact assessment. The potential for cumulative impacts arising from other projects have therefore been fully considered within this EIAR.

The projects considered in relation to the potential for cumulative impacts and for which all relevant data was reviewed include those listed in Appendices 4-3.

For the purpose of the evaluation of potential cumulative impacts the following have been considered:

- Any permitted waste developments, or proposed developments currently in the planning process
- Permitted or proposed developments with the potential for significant cumulative effects with the proposed development, e.g. major infrastructure development, such as proposed road development, wind farms, solar farms, other Strategic Infrastructure Development (SID), or public utilities and services in the vicinity of the proposed development site.

For a detailed list of planning applications made in the last 10 years in the area surrounding the subject site and the Drehid WMF please refer to Appendix 4-2 of this EIAR. The cumulative impact of the proposed development in association with other plans and projects has been assessed in the relevant sections of this EIAR.

A review of the relevant local authority planning register documents approved projects and planning applications pending decision in the vicinity of the proposed development site was carried out, most of which relate to the provision and/or alteration of one-off rural housing and agriculture-related structures. These existing, approved and in-planning projects have been taken into account in describing the baseline environment and in the relevant assessments.

Details of all these developments in the wider area of the site are provided in Appendix 4-2, which provides a full list of approved projects and developments for which applications are being considered by the local planning authority to be considered cumulatively with the

proposed project. Below are a number of key relevant planning applications/projects in terms of the cumulative impact assessment for the area surrounding the proposed development site:

- Planning Ref No. 1967 – development at existing quarry, all within an overall area of 29.6 Hectares consists of continuance of the development granted under P.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 Pl. 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.
- Planning Ref No. 181534 – 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 on-site electricity substation to the existing Dunfiirth substation within the townland of Dunfiirth 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. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) accompany this planning application. Revised by significant further information consisting of; changes in regard to the EIAR and NIS submitted. Located within the townlands of Ballynamullagh, Coolree, Drehid, Dunfiirth, 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). Planning Appeal for Development of a wind farm. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) accompany this planning application. Revised by significant further information consisting of; changes in regard to the EIAR and NIS submitted (181534). Located within the townlands of Ballynamullagh, Coolree Drehid Dunfiirth, Killyon Kilmurry and Mulgeeth, Co. Kildare. This was granted planning permission by An Bord Pleanála on the 8th Sep. 2020.
- Planning Ref No. 19888 – 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. Located in

townlands of Hortland and Knockanally , Donadea , Naas, Co. Kildare. This was granted by Kildare County Council on the 20th Dec. 2019.

- Planning Ref No. 151172 – Solar PV panel array consisting of up to 66,000m<sup>2</sup> 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.
- Planning Ref No. 161265 – 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.
- Planning Ref No. 171222 – 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.
- Planning Ref No. 17799 – 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.
- Planning Ref No. 1894 – A temporary (27 years) ground mounted solar photovoltaic (PV) farm to generate renewable electricity on a 13.6 hectare (ha) site, comprising access gate, security fencing, solar arrays and racking system, electricity substations, electrical control cabinets, grid connection building, energy storage area, energy storage containers, temporary construction compound, CCTV, cabling, hardstanding, new access track, and ecologically beneficial landscape works. Located at Ovidstown Development Site, Ballyvoneen, Enfield, Co. Kildare. This was granted by Kildare County Council on the 23rd Jan. 2019.
- Planning Ref No. 221203 – 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 project is currently in the planning system and is awaiting further information before a decision is made.

- 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.
- Ballydermot Wind Farm – This is a proposed project which is currently at pre-application consultation stage with An Bord Pleanála (ABP case ref. PC19.31014). The proposed development study area comprises of 14 bogs, known as the Ballydermot Bog Group located in Counties Kildare and Offaly. The Bog Group is close to the communities of Allenwood, Clonbullogue, Derrinturn, Edenderry and Rathangan. The latest (anticipated to be final) layout comprises of 47 wind turbines. Apart from the turbines themselves, the other principal components of the wind farm are the foundations to support the turbine towers, access, crane hard standings, underground cables between the turbines, an on-site electricity substation and an electrical connection to the appropriate node on the National Grid. The application is anticipated to be lodged soon.
- Water Supply Pipeline - The project comprises of an abstraction of water from the lower River Shannon at Parteen Basin in Co. Tipperary, with a new water treatment plant nearby at Birdhill. Treated water will then be piped 170 km to a termination point reservoir at Peamount in County Dublin, connecting into the Greater Dublin Area. The project will also facilitate options to reinforce supplies of treated water to communities along the route. The project has already gone through extensive non-statutory public consultation. The route of the planned pipeline is to the north of the Drehid Waste Facility<sup>14</sup>. The project is still at the pre-planning stage.
- Existing Drehid Waste Management Facility – The existing activities and infrastructure at the Drehid Waste Management Facility are considered cumulatively for this EIAR. This includes all elements referred to in Table 4-7 above.

#### ***4.3.4 European Legislative and Policy Context***

##### ***4.3.4.1 The Waste Framework Directive 2008/98/EC***

The Waste Framework Directive (2008/98/EC) (hereafter referred to as the WFD) sets the legal framework for waste management in the European Union. It establishes a hierarchy of waste management and was transposed into Irish Law (Section 21A of the Waste Management Act 1996 – as inserted by article 7 of the European Communities (Waste Directive) Regulations 2011 (S.I. No.126 of 2011)).

It sets out the basic concepts and definitions relating to waste management and was introduced in 2008. The WFD places a strong emphasis on optimising resource efficiency, prevention, reuse and the recovery of mixed residual wastes, whilst also introducing the “polluter pays principle” and the “extended producer responsibility”. In addition to the above, it incorporates provisions on hazardous waste and waste oils. The WFD imposes a number of obligations on Member States regarding waste management, including;

<sup>14</sup> <https://www.water.ie/projects/national-projects/water-supply-project-east-1/publications/>

- The application of a waste hierarchy as a priority in waste prevention and waste management legislation and policy;
- To ensure that waste is recovered (including separate collection to facilitate recovery where technically, environmentally and economically practicable) or, where it is not recovered, to ensure that waste is disposed of without causing risks to human health and the environment; and
- To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal wastes – aiming for EU self-sufficiency and for member states individually to move towards self-sufficiency.

The principles of self-sufficiency and proximity are also highlighted within Article 16 of the WFD, requiring that:

- “Member States shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households including where such collection also covers such waste from other producers, taking into account best available techniques.
- The network shall be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in the recovery of waste referred to in paragraph 1, and to enable Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.
- The network shall enable waste to be disposed of, or waste referred to in paragraph 1 to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health”. The Landfill Directive (Council Directive 1999/31/EC) regulates waste management of EU landfills.

#### **4.3.4.2 Landfill Directive 1999/31/EC & Amendment Directive (EU) 2018/850**

The Landfill Directive sets operational requirements for landfill sites across Europe. The aim of the directive is to protect both human health and the environment by preventing and reducing negative impacts arising from landfills on surface water, groundwater, soil, air and human health. Landfills can be categorised as landfills for hazardous waste, non-hazardous waste and inert waste. The Directive seeks to restrict the use of landfills for the disposal of waste by:

- Introducing restrictions on landfilling of all waste that is suitable for recycling or other material or energy recovery from 2030;
- Limiting the share of municipal waste landfilled to 10% by 2035;
- Introducing rules on calculating the attainment of municipal waste targets and by requiring EU countries to put in place an effective quality control and traceability system for municipal waste landfilled;
- Requiring the European Commission, with the European Environment Agency, to draw up early warning reports 3 years before each deadline to identify shortcomings in attaining the targets and recommending action to be taken; and by
- Allowing EU countries to use economic instruments and other measures to encourage applying the waste hierarchy.

In respect of the above, waste disposal to landfills is restricted, and those that are permitted, are subject to a standard waste acceptance procedure. The implementation of this Directive



through the setting of medium and long-term targets for reducing landfilling, has enabled a better definition of waste strategies and the continuous monitoring of their progress<sup>15</sup>.

In 2018, the EU issued an amendment to the Landfill Directive, Directive (EU) 2018/850, which was transposed into Irish law through the publication of the European Union (Landfill) Regulations 2020.

### 4.3.5 National Legislative and Policy Context

#### 4.3.5.1 A Waste Action Plan for a Circular Economy 2020-2025

Ireland's waste management policy is based on the EU waste hierarchy and establishes a priority order for waste handling and treatment as set out in Figure 4-6

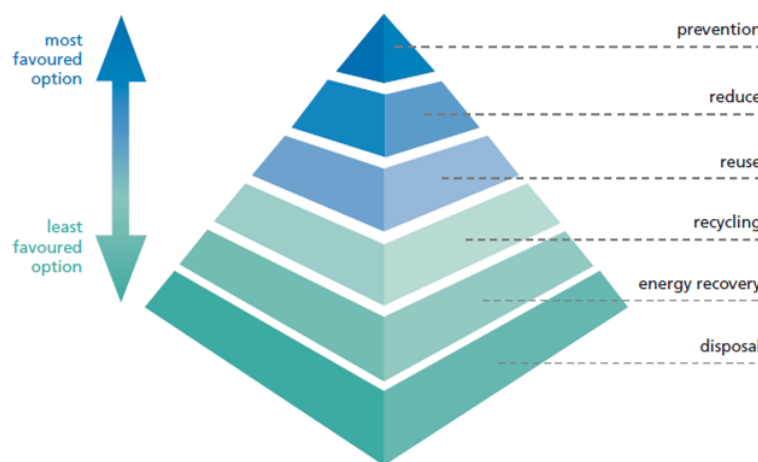


Figure 4-6: Waste Management Hierarchy (Source: EPA)

The current government policy document on waste, which covers the period from 2020 – 2025, is entitled A Waste Action Plan for a Circular Economy and was published in June 2020. This document is Ireland's new roadmap for waste planning and management and replaces the previous policy document, A Resource Opportunity – Waste Management Policy in Ireland published in 2012.

The Plan aims to embed climate action in all strands of public policy and shifts focus away from waste disposal and looks instead to how the country can preserve resources by creating a circular economy.

The Plan outlines the contribution of the sector to the achievement of a number of other national plans and policies including the Climate Action Plan. It also matches the level of ambition being shown across the European Union through the European Green Deal which encompasses a range of actions supporting circularity and sustainability.

<sup>15</sup> EEA Report No. 7/2009

The key targets under the Waste Action Plan in relation to households and businesses are:

- Recycling targets for waste collectors;
- Standardised bin colours across the State: green for recycling, brown for organic waste and black for residual;
- Environmental levies for waste recovery and single use coffee cups to encourage recycling and reuse;
- Waste oversight body to manage consumer rights; and
- Education and awareness campaign to improve waste segregation.

Most notably in respect of the proposed commercial development, the new Waste Action Plan commits to working with stakeholders to *“improve waste segregation in the commercial sector, including an awareness campaign and enforcement actions requiring segregated waste bins and incentivised charging to ensure waste minimisation and proper segregation”*.

The Plan also states that *“We will develop a quality waste management assurance scheme for businesses (including apartments serviced by management companies) to sign up to. This will verify that premises are complying with best waste management practice in terms of waste prevention and recycling (including organic waste).”*

#### 4.3.5.2 Ireland 2040 – Our Plan (National Planning Framework) [2018]

Ireland 2040 - National Planning Framework, hereafter referred to as the NPF, published by the Government in February 2018, is a 20-year planning framework designed to guide public and private investment, to create and promote opportunities for Irish citizens, and to protect and enhance Ireland’s built and natural environment. The new framework sets out five strategic actions required to achieve this vision:

- Developing a new region-focused strategy for managing growth;
- Linking this to a new 10-year investment plan, the Project Ireland 2040 National Development Plan 2018-2027;
- Using state lands for certain strategic purposes;
- Supporting this with strengthened, more environmentally focused planning at local level; and
- Backing the framework up in law with an Independent Office of the Planning Regulator.

The NPF notes that the population of Ireland is projected to increase by approximately 1 million people by 2040 which will result in a population of roughly 5.7 million. This growth will place further demand on both the built and natural environment as well as the social and economic fabric of the country. In order to strengthen and facilitate more environmentally focused planning at the local level, the NPF states that future planning and development will need to address our environmental challenges to become resource efficient and to transition to a low carbon economy by managing waste and by providing adequate capacity and systems to manage waste in an environmentally safe and sustainable manner. It states:

*“Ireland has actively improved its waste management systems, but we remain heavily reliant on export markets for the treatment of residual waste, recyclable wastes and hazardous waste. A population increase of around one million people, alongside economic growth to 2040, will increase pressure on waste management capacity, as consumption is still a key driver of waste generation.*

*While the ultimate aim is to decouple, as much as possible, consumption from waste generation over time, additional investment in waste management infrastructure, and in particular different types of waste treatment, will be required.*

*In managing our waste needs, the NPF supports circular economy principles that minimise waste going to landfill and maximise waste as a resource. This means that prevention, preparation for reuse, recycling and recovery are prioritised in that order, over the disposal of waste.”*

The Plan covers a wide range of national policy objectives and National Strategic Outcomes (NSO). However, those most relevant in the overall context of the proposed development are:

*Table 4-8: National Policy Objectives and National Strategic Outcomes*

National Policy Objective	Description
NPO 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.
NSO	Sustainable Management of Water and other environmental resources:  <i>Ireland has abundant natural and environmental resources such as our water sources that are critical to our environmental and economic wellbeing into the future. Conserving and enhancing the quality of these resources will also become more important in a crowded and competitive world as well as our capacity to create beneficial uses from products previously considered as waste, creating circular economic benefits.</i>

#### **4.3.5.3 National Development Plan 2021-2030**

The National Development Plan 2021-2030, hereafter referred to as the NDP, sets out the investment priorities at national, regional and local planning levels that will facilitate the implementation of the NPF.

In the context of the proposed development, the principal objective of the NDP is support the transition of the country to a circular economy and to encourage investment in re-use, remanufacturing, repair and refurbishment and eco design. The NDP states that *“Investment in waste management infrastructure is critical to our environment and well-being for a growing population and to achieving a circular economy and climate objectives.”*

The NDP recognises that the national objective of transitioning by 2050 to a competitive low-carbon, climate resilient, and environmentally sustainable economy and society must influence public capital investment choices over the next 10 years. The NDP states that:

*“Capacity will continue to be built in waste facilities, including anaerobic digestion, hazardous waste treatment, plastics processing, recycling, waste to energy, and landfill and landfill remediation, to meet future waste objectives. The infrastructure to deliver waste management policy has been, to date, largely delivered through private investment with some public sector investment. Significant infrastructure capacity development will be required to separate and process various waste streams at municipal and national levels to achieve new EU legally binding targets and the additional investment may include a potential role for public investment.”*

#### 4.3.5.4 Climate Action Plan 2023 (CAP23) Changing Ireland for the Better

CAP23 sets out the government's ongoing and urgent response to the climate crisis. The Plan implements carbon budgets and sectoral emission ceilings, first introduced in 2022 and builds on previous climate action plans, which set a roadmap to halve Ireland's emissions by 2030 and reach net zero no later than 2050. The Plan 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.

The updated action plan has a greater focus on system change and recognises the milestones already achieved such as the start of Ireland's offshore wind energy programme. The Plan lists six vital high impact sectors, with Powering Renewables identified as being critical to decarbonising the power section as well as enabling the electrification of other technologies. The Plan seeks to accelerate the delivery of onshore wind by providing up to 9 GW of onshore wind.

The Plan outlines the current state of play across key sectors including Electricity, Transport, Built Environment, Industry and Agriculture and charts a course towards ambitious decarbonisation targets. The Plan also acknowledges that some sectors and communities will be more impacted than others with the costs of transition to a low carbon economy. To address this, the Plan embodies Just Transition principles and a Just Transition Commission will be established to provide advice to the Government.

Section 19 of the plan deals with the Circular Economy. It notes that the circular economy offers an alternative to today's linear ('take-make-waste') model of production and consumption. Ireland has a circularity rate of 1.8%, some way behind the EU average of 12.8%. Some of the main actions from this are to: implement the Waste Action Plan for a Circular Economy and the Whole-of-Government Circular Economy Strategy; Priority areas for prevention planning are in plastics, food, construction and commercial waste, and; Encourage recycling and reuse. This will ultimately lead to savings in greenhouse gas emissions through maximising the efficiency of our material use.

#### 4.3.5.5 The Circular Economy and Miscellaneous Provisions Act 2022

The Circular Economy and Miscellaneous Provisions Act 2022 underpins Ireland's shift from a "take-make-waste" linear model to a more sustainable pattern of production and consumption, that retains the value of resources in our economy for as long as possible and that will to significantly reduce our greenhouse gas emissions.

In a circular economy, waste and resource use are minimised. The use and value of products and materials is maintained for as long as possible. When a product has reached the end of its life its parts are used again and again – to create further useful products, instead of being discarded which is an all too familiar pattern now.

The Act introduces levies on all single-use packaging over time and where more sustainable alternatives are available and it comprises more social protections, including measures to protect low-income households and people with disabilities. The Act also ensures that we have a fit-for-purpose regulatory system in place – to allow hundreds of thousands of tonnes of material to be safely and sustainably re-used as secondary raw materials, which could be particularly important for the construction sector.

#### 4.3.5.6 Waste Management Act, 1996 (as amended) – Revised 2022

This Revised Act<sup>16</sup> is an administrative consolidation of the Waste Management Act 1996. It is prepared by the Law Reform Commission in accordance with its function under the Law Reform Commission Act 1975 (3/1975) to keep the law under review and to undertake revision and consolidation of statute law. All Acts up to and including the Electricity Costs (Domestic Electricity Accounts) Emergency Measures Act 2022 (1/2022), enacted 4 March 2022, and all statutory instruments up to and including the Waste Management (Prohibition of Waste Disposal by Burning) (Amendment) Regulations 2022 (S.I. No. 51 of 2022), made 9 February 2022, were considered in the preparation of this Revised Act.

#### 4.3.5.7 Draft National Waste Management Plan for a Circular Economy 2023 – 2029

The RWMPOs published the *Draft National Waste Management Plan for a Circular Economy* (Draft WMP), covering the period from 2023 – 2029, for public consultation on 03 May 2023. This Plan is the first national waste plan and sets out a framework for the prevention and management of waste in Ireland. The requirement to prepare a national plan was set out in the Government’s *A Waste Action Plan for a Circular Economy 2020-2025* and the *Circular Economy Act 2022* also sets out details which are required to be included in a national waste management plan.

The Draft WMP is divided into four volumes as follows:

- Volume I: Current Situation and Challenges
- Volume II: Policy Responses and Actions
- Volume III: Delivery Roadmap
- Volume IV: Supporting Documentation

In relation to Current Situation and Challenges, the Draft WMP describes the current waste management infrastructure in the country and states that *“The continued demand for landfill for the disposal of residual municipal waste currently exceeds the available capacity on an annual basis”*.

The Plan sets out 16 focus areas for which targeted policies and priority actions have been identified. Focus Area 15 is in relation to disposal infrastructure and states as its purpose: *“To maintain adequate disposal capacity at landfills and provide for contingency capacity for unforeseen events”*.

In addition, the Plan sets out 13 Core Policies which provide a frame of reference for the operation and development of the wider waste and circular economies. Core Policy 12 refers to Nationally Important Infrastructure stating that *“The Plan recognises and supports the need for nationally important waste infrastructure, including infrastructure of the type, scale and proximity essential to maintain waste services and infrastructure that contributes to the ambition and policies of the Plan”*. The Plan explains that Nationally Important Infrastructure relates to infrastructure which is of the type and scale deemed essential to maintain a functioning waste market within the State. Section 5.9 of the Plan describes this infrastructure as including, among others, non-hazardous landfills with capacity greater than 100,000 tonnes per annum. Facilities matching these criteria are listed in Table 5.8 of the Plan and includes the Drehid Waste Management Facility.

<sup>16</sup> <https://revisedacts.lawreform.ie/eli/1996/act/10/front/revised/en/html>

In Volume III: Delivery Roadmap of the Plan, Key Deliverable 19 on Nationally Important Infrastructure states that “*The LAS [Local Authorities] will liaise with ABP {An Bord Pleanála} and planning authorities on the application of the criteria for Nationally Important Infrastructure*”. The Plan also states that “*To provide clarity and transparency to both regulators and developers, this Plan presents criteria to describe infrastructure that is deemed nationally important. The need for this infrastructure is supported and endorsed by the Plan*”.

### 4.3.6 Regional Policy Context

#### 4.3.6.1 Eastern – Midland Region Waste Management Plan 2015 - 2021

For the purposes of waste planning, Ireland has been divided into three waste regions, namely the Eastern-Midlands Waste Region, the Southern Waste Region and the Connacht-Ulster Waste Region.

The relevant regional waste plan associated with the proposed development is the Eastern - Midlands Region Waste Management Plan (EMRWMP). It provides a framework for the safe and sustainable management and prevention of waste and comprises of 12 no. local authority areas:

Eastern-Midlands Waste Region	
Louth County Council	Dublin City Council
Offaly County Council	Fingal County Council
Meath City Council	Dún Laoighaire Rathdown County Council
Wicklow County Council	Kildare County Council
Westmeath County Council	Laois County Council
South Dublin County Council	Longford County Council

The EMRWMP provides an evaluation of existing waste management practices in the region and the formulation of new policies and measures for the improvement of waste prevention and management in the region.

The EMRWM Plan sets policy for infrastructural development for the region by taking market analysis into account. The policies are largely relevant and targeted at lead authorities, local authorities and operators in the waste market. Policies relevant to the proposed development are as follows:

- The waste plan supports the development of up to 300,000 tonnes of additional thermal recovery capacity for the treatment of non-hazardous waste nationally;
- The waste plan supports 75,000 tonnes of additional capacity to treat biowaste (food and green waste) for the region;

Many of the policies set out within the EMRWM Plan have a direct association with the proposed development at the Drehid Waste Management Facility. This can be clearly seen in policies which address waste disposal capacity with regard to non-hazardous waste, and the treatment of biowaste, all of which are elements of the proposed development.

The EMRWM Plan also identifies waste projects that should be considered for strategic application status and these include:

- A waste disposal installation for (a) the incineration, or (b) the chemical treatment, or (c) the landfill, of non-hazardous waste with a capacity for an annual intake greater than 100,000 tonnes; and
- An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

Within section 16.4.3, the Plan notes that “local authorities anticipate there will be an ongoing need for landfill capacity during the plan period for processed residual wastes”. The EMRWM Plan presents the following policies in support of the proposed development:

*Table 4-9: EMRWM Plan Policies*

Policy	Description
<b>E8</b>	The waste plan supports the development of disposal capacity for the treatment of hazardous and non-hazardous wastes at existing landfill facilities in the region subject to the appropriate statutory approvals being granted in line with the appropriate siting criteria.
<b>E9b</b>	The waste plan supports the need for on-going disposal capacity to be developed for on-site generated non-hazardous/hazardous industrial waste over the plan period.
<b>E10</b>	The waste plan recognises the need for ongoing disposal capacity to be available in response to events which pose a risk to the environment and/ or health of humans. The lead authorities of each region will monitor available contingency capacity annually.
<b>E17</b>	The waste plan supports the development of at least 75,000 tonnes of additional biological treatment capacity in the region 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.
<b>E19</b>	The waste plan supports the development of indigenous reprocessing and recycling capacity for the treatment of non-hazardous and hazardous wastes where technically, economically and environmentally practicable. The relevant environmental protection criteria for the planning and development of such activities need to be applied.

As set out in the Waste Action Plan for a Circular Economy policy document, the three regional waste management plans are due to be replaced by a single national plan referred to as the *National Waste Management Plan for a Circular Economy*. The Draft National Waste Plan was published for public consultation on 03 May 2023 and is discussed in the previous section under 'National Policy Context'.

### **4.3.7 Local Policy Context**

#### **4.3.7.1 Kildare County Development Plan 2023-2029**

The Kildare County Development Plan (CDP) was adopted in January 2023 and sets an overall strategy for the proper planning and sustainable development of County Kildare. This section provides a summary and description of key CDP planning policy relevant to the proposed

development. It should be noted that this is not an exhaustive list however all relevant policies will be considered, as appropriate, in the respective chapters of the EIAR prepared in support of a future planning application.

#### 4.3.7.2 Economic Development

Chapter 4 of the CDP (Resilient Economy & Job Creation) recognises that adequate infrastructure is essential to facilitate the future economic development of the County. The CDP states that the Council will continue to work with infrastructure providers to secure adequate services such as waste management with the following policy in support of the proposed development:

*Table 4-10: CDP Policy: Economic Development*

CDP Policy / Objective	Description
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.

#### 4.3.7.3 Waste Management

Chapter 6 of the CDP (Infrastructure & Environmental Services) aims to “*create an environment characterised by high quality infrastructure networks and environmental services that complement the overall settlement and economic strategy and ensures the health and wellbeing of those who live and work in the County, also securing the economic future of the County.*”

Specifically with regards to waste management infrastructure, the CDP recognises the policies of the Eastern-Midlands Region Waste Management Plan 2015-2021 as a framework for waste management within the region.

The Plan highlights that the waste management policies and objectives contained within the CDP “are consistent with the EU Waste Hierarchy approach to waste which endorses prevention, preparing for re-use, recycling, energy recovery and sustainable disposal”. The following waste management policies are relevant to the proposed development:

*Table 4-11: CDP Policies: Waste Management*

CDP Policy / Objective	Description
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 O44	Encourage waste prevention, minimisation, re-use, recycling, and recovery as methods for managing waste.
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 O47	Support and facilitate the separation of waste at source into organic and non-organic streams or other waste management systems that divert waste from landfill and maximise the potential for each waste type to be re-used, recycled or composted
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.

#### 4.3.7.4 *Rural Development*

Chapter 9 of the CDP deals with “Our Rural Economy”. The proposed development is located in a rural area and therefore consideration of policies relating to Rural Economy and Rural Enterprise and boglands are set out below.

It is noted that under the CDP preferred development strategy, the Council will seek to support the work of local agencies and groups responsible for rural development within the county. A number of elements of the county’s rural economy will be promoted including 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 will be enhanced and protected from inappropriate development and/ or practices.

The CDP acknowledges that there is a role for rural employment in contributing to the general economic development of the county, and that in relation to this, there is a “need to balance social and economic activity with the protection of the environment and character of the rural landscape.”

The following rural development policies are relevant to the proposed development:

*Table 4-12: CDP Policies: Rural Economy and Rural Enterprise and Bogs and Peatlands*

CDP Policy / Objective	Description
RD O42	Facilitate agriculture, horticulture, forestry, tourism, energy production and rural resource-based enterprise within the rural settlements and in appropriate rural locations subject to relevant development management standards

RD O5	<p>Require new buildings and structures:</p> <ul style="list-style-type: none"> <li>• To be sited as unobtrusively as possible.</li> <li>• To be clustered to form a distinct and unified feature in the landscape.</li> <li>• To utilise suitable materials and colours.</li> <li>• To utilise native species in screen planting to integrate development into the landscape</li> </ul>
RD P7	<p>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 &amp; Climate Change Action Plan 2030.</p>
RD O32	<p>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</p>
RD O33	<p>Work with all relevant stakeholders including Bord na Móna to support the sustainable re-use and sustainable development<sup>17</sup> 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</p>
RD O34	<p>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:</p> <ol style="list-style-type: none"> <li>1. Identification of areas of greatest ecological value and how the proposal is compatible with peatland restoration.</li> <li>2. Identification of areas of greatest carbon sequestration value.</li> <li>3. Identification of areas of amenity value and potential, and incorporation of the Green Infrastructure Strategy (see Section 12.14.5).</li> </ol>

<sup>17</sup> 'Development' will be defined as that area that includes all structures, pylon bases, foundations, roads in, on or crossing over the land, solar PV panels, turbines, the area beneath any turbine blades and all lands measured from the outer edge of a turbine blade to the next or adjoining turbine blade where the distance is not greater than 1 km. Greenways/peatways/trailways/bridle ways or amenity spaces will not be included

	4. Identification of the subject site as a percentage of the overall landholding and justification for the proposed use having regard to Objective RD O33
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 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

#### 4.3.7.5 Landscape

The Landscape and Visual policy and setting is discussed in detail Chapter 11 (Landscape and Visual) of this EIAR. Chapter 14 of the CDP 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”.

Section 13.3.2 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”.

With respect to the proposed development ‘Industrial Projects’ are indicated as having a ‘Medium’ compatibility rating within the Western Boglands area. The likely compatibility between a range of land-uses and proximity to the principal Landscape Sensitivity Factors is also provided. In this respect, Industrial Projects are considered to be ‘Very unlikely to be compatible’ within Peat Bogs. Notwithstanding this and as noted above, the Plan acknowledges the uniqueness of individual developments and that these need to be assessed at micro / local level landscapes where their ability to absorb development varies, and that each site should be assessed on its individual merits. The following policies are relevant to the proposed development:

*Table 4-13: CDP Policies: General Landscape & Boglands Character Area*

CDP Policy / Objective	Description
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 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.

The subject site is an established waste management facility located within a large area of cut-away bogland, which is deemed suitable to absorb such developments due to the robust nature of these lands and its existing use. In addition to the above, it is noted that there is a perceived inconsistency between the landscape sensitivity classification of 'High' for Western Boglands (within which area the proposed development is located), and Policy LR O13, which recognises that some cutaway and cut over peatlands (which form a significant part of the Western Boglands) may represent degraded landscapes and thus may potentially be fit to absorb a variety of development. It is worth noting that both the existing Waste Management Facility and permitted MBT Facility at the proposed development site have previously been evaluated by Kildare County Council and An Bord Pleanála. Within this context, both authorities have previously noted that the development and operation of a waste management facility, in this location, is compliant with the policies relating to landscape character areas.

#### ***4.3.7.6 Movement and Transport***

Chapter 5 of the CDP (Sustainable Mobility & Transport) provides planning policy relating to movement and transport. The following policy is relevant to the proposed development:

*Table 4-14: CDP Policy: Traffic and Transportation Management*

CDP Policy / Objective	Description
TM O108	<p>Seek to channel HGV traffic associated with:</p> <p>(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</p> <p>(ii) to assess the potential for HGV management measures in town centres where appropriate</p>
TM O117	<p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>

**4.3.7.7 Climate**

Chapter 7 of the Kildare CDP (Energy & Communications) contains a number of policies relevant to the proposed development set out below.

It should be noted that landfill gas generated on the proposed development site will be utilised to generate green electricity at the existing facility’s landfill gas utilisation plant. This will prevent emissions of harmful methane into the future and will produce some needed power for the national grid. For further discussion around emissions and climate relating to the proposed development, see Chapter 12 of this EIAR (Air Quality and Climate).

*Table 4-15: CDP Policy: Climate*

CDP Policy / Objective	Description
EC O44	<p>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</p>

	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.

#### ***4.3.7.8 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”.

The proposed development has considered and complied with all relevant planning legislation and also with the appropriate documentation in respect of the site suitability and location.

The CDP requires that non-residential developments will provide facilities for the charging of electric cars as described in TM O117 in Chapter 5 of the CDP (See Section 4.4.1.9.5 above) in order to meet the targets of the Government's Electric Transport Programme and in response to ‘Climate Change the Government's National Policy Position on Climate Action and Low Carbon Development’. The above requirement has been taken into account and incorporated into the proposed development, incorporating the provision of electric car charging facilities at 3 No. designated car parking spaces thus providing a total of 7 at the facility..

#### ***4.3.8 Other relevant Plans and Policies***

The Bord na Móna Biodiversity Action Plan 2016-2021 builds on the original plan, peatland biodiversity management, restoration and conservation and aligns with the company's Sustainability 2030 report. Strategic Framework for Future Use of Peatlands sets out the current range of land uses, the range of future uses that will be considered, and factors influencing these choices. The framework has highlighted the most commercially viable uses for the sites including renewable energy projects, niche commercial opportunities, tourism and amenity, and biodiversity. The 5 objectives from the previous plan, 2010-2015 underpin the current plan, these include, policy and governance, understanding the baseline ecological condition of the Bord na Móna bogs, rehabilitating and restoring modified peatlands, communicating the value of biodiversity and raising awareness, and reviewing progress.

## 4.4 CONCLUSION

The proposed development is consistent with the overarching planning framework set out under European, National, Regional and Local level plans and policies. The existing site has an established and permitted/licensed use for waste treatment and disposal and there is a clear preference under local and regional policy to develop disposal capacity at existing landfill facilities. The rationale for this conclusion is based on the following:

### European

- The Waste Framework Directive 2008/98/EC (WFD)
- Landfill Directive 1999/31/EC & Amendment Directive (EU) 2018/850

### National

- National Planning Objective no. 56 seeks to “Sustainably manage waste generation, invest in different types of waste treatment” with an overall priority to “support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.”
- The National Development Plan sets out a requirement for additional waste treatment and disposal infrastructure by recognising that capacity will continue to be built in waste facilities.

### Regional

- The proposed development complies with the policies and objectives of the Eastern and Midlands Region Waste Management Plan 2015-2021.
- Specifically, policy E8 supports the development of disposal capacity for the treatment of non-hazardous wastes at existing landfill facilities in the region subject to the appropriate statutory approvals being granted in line with the appropriate siting criteria.
- As well as policy E9B, which supports the need for on-going disposal capacity to be developed for on-site generated non-hazardous industrial waste over the plan period.

### Local

- Policies and objective contained within the Kildare County Development Plan 2023 – 2029 (CDP) establish clear 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).
- 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 CDP 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).