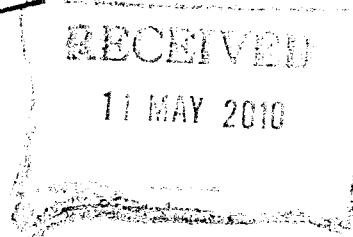




Date: 10/05/2010

Pl. Ref: 08/2159

Cemex Limited  
Conor Wall  
Golder Associates Ireland Ltd  
Town Centre House  
Dublin Road  
Naas Co.Kildare



Planning Register Number: 08/2159  
Application Receipt Date: 23/12/2008

PERMISSION for the continuation of restoration activities at their existing sand and gravel pit in the townlands of Walshestown, Blackhall Tipperkevin and Bawnogue Co.Kildare. It is the intention of the Applicant to restore the lands back to Eastern Kildare etc AT Walshestown Blackhall Tipperkevin Bawnogue Co.Kildare **IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.**

In pursuance of the powers conferred upon them by the Planning and Development Acts 2000-2007, Kildare County Council have by Order dated 10/12/2009 GRANTED PERMISSION to the above named, for the above development subject to 61 conditions set out in the attached schedule

Consent of copy for information purposes only. Consent of copy for any other purpose required for any other purpose.

Date: 10/05/2010

Signed:   
Senior Executive Officer, Planning  
Kildare County Council.

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NOTE: The permission herein granted shall, on the expiration of the period of 5 years beginning on the date of the granting of permission, cease to have effect as regards:

- (1) In case the development to which the permission relates is not commenced during the period, the entire development, and
- (2) In case such development is so commenced, so much thereof as is not completed within that period.

It should be noted that outline permission will cease to have effect after a period of 3 years and also that such permission is subject to the subsequent grant of permission consequent on the grant of permission by the Planning Authority and that until such permission has been obtained to detailed plans of the development proposed, the development is NOT AUTHORISED.

**Re: Planning Permission is sought for the continuation of restoration activities at their existing sand and gravel pit in the townlands of Walshestown, Blackhall, Tipperkevin and Bawnogue Co.Kildare. It is the intention of the Applicant to restore the lands back to Eastern Kildare Uplands Transition Character, and to meet a Specific Objective (Walshestown Pit No. 9) of the Kildare County Development Plan 2005 – 2011. The application area for restoration works is circa 40.0 hectares, within an overall site area of circa 68.0 hectares. Access to the application Site will be from the Local Road L6042. The development will consist of: (a) importation and placement of inert materials over a period of circa. 15 years; (b) inert materials processing and stockpile area; (c) processing of inert materials including crushing, screening, and magnetic separation using mobile machinery for the purposes of recovery and recycling of engineering material; (d) wheelwash (1 no.); (e) quarantine areas within existing sheds (change of use) and on a concrete hardstand; (f) provision of vehicle maintenance sheds (change of use); (g) surface water management features including all ponds, swales, ditches, infiltration trenches and soakholes; (h) 2 no. bunded fuel tanks (5,000 litre) and associated concrete hardstanding and full retention surface water separator; (i) ducting and services, piping and manholes; (j) facility notice board at existing site entrance; (k) earthworks, site levelling, landscaping berms and other related works; and (l) fencing, lighting and all other associated ancillary works. The application relates to a restoration development which comprises or is for the purpose of an activity requiring a waste licence to be issued by the Environmental Protection Agency. An Environmental Impact Statement will be submitted to the Planning Authority with the Application.**

**Cemex (ROI) Limited 08/2159**

**Schedule 1: Considerations and Reasons on which this Decision is based as required by Article 31 of the Planning and Development Regulations 2001.**

Having regard to:

- The Planning history of the site
- The fact that the site will only be used for the disposal of inert waste
- The proposals submitted by the applicant relating to the restoration, operation and management of the site
- The development being consistent with the provisions of the current County Development Plan in relation to the extractive industry

It is considered that, subject to compliance with the conditions set out in the Second Schedule, and the implementation of mitigation measures as outlined in the EIS, the proposed development would not seriously affect the amenities of the residential property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

**Schedule 2: Conditions to apply.**

1. The development shall be carried out and completed in accordance with drawings submitted to the Planning Authority on 23/12/2008 and as altered by revised documentation and details submitted on the 16/10/2009, except where altered or amended by conditions in this permission.

**Reason:** To enable the Planning Authority to check the proposed development when completed, by reference to approved particulars.

2. The development shall be carried out, completed and maintained in accordance with undertakings for measures to mitigate its impacts as given in the Environmental Impact Statement lodged with the Planning Authority on 23/12/2008 and any additional measures undertaken subsequently, except where altered by the conditions of this permission.

**Reason:** To enable the Planning Authority to check the proposed development when completed, by reference to approve particulars and to restrict and minimise any adverse environmental impacts resulting from the development.

3. Activities at the facility shall be restricted to the restoration of the site with materials as set out in the documentation contained in the Environmental Impact Statement lodged with the Planning Authority on 23/12/2008, or as subsequently amended. No further excavation of material for sale/transport off the site is permitted.

**Reason:** In the interest of clarity.

4. This permission is for a period of **10 years** from the date of this permission unless at the end of this period a further permission has been granted for its continuance on site.

**Reason:** To regulate the development and to clarify the duration of the operation hereby permitted and to limit the life of the development, in the interests of amenity and proper planning and sustainable development and to allow the Planning Authority assess the development at the end of the stated time period.

5. Inert material only shall be used for the purposes of restoration of the site

**Reason:** In order to protect the local environment and to protect the residential amenities of the area

6. The applicant shall submit a revised restoration plan having regard to the timescale outlined in condition no. 4 above. All former internal field boundaries to be reinstated as part of this plan. Native hedgerows and tree species to be used in hedgerows/tree lines. All site boundary hedgerows are to be retained and infilled where gaps exist.

**Reason:** In order to ensure the restoration of the site within the specified period

7. **Six months** prior to the completion of the restoration works, the developer/landowner or their successors in consultation with Punchestown Race Course and all other interested parties (Kildare Planning Dept. Heritage Officer etc), shall submit proposals for the reinstating/linking the historic **Bridle Path** with Punchestown Race Course

**Reason:** In the interests of rural amenity and to secure objectives of the County Development Plan 2005-2011

8. Upon completion of the restoration, all structures and sheds shall be demolished and removed and as contained in the applicant's response to item 17 of the Further Information request

**Reason:** In the interests of visual amenities, safety and clarity

9. Within two months following this grant of permission, the applicant shall submit revised plans detailing a closer re-creation of 'Priests Hill'. The revision should demonstrate an actual hill reaching a contoured height of 160.0 (as denoted in DWG FI-04) rather than a taking the form of a convex slope which merges into the general topography of the area. The Priests Hill should take the form of the hill detailed on Appendix 6.1 of the response to Further Information submitted to the Planning Authority on the 16/10/2009

**Reason:** To more accurately re-create the former Priests Hill in close proximity to Punchestown Race Course

10. Upon completion of the restoration works the applicant shall place an interpretative panel on the Punchestown Race Course side of the lands in an area which is easily accessible and visible to the public who walk along the race course. The final contents of the panel shall be agreed with the Planning Authority.

**Reason:** In the interests of public amenity

11. All disused plant, machinery and scrap material shall be removed from the site following the restoration of the site. Scrap material shall be deemed to include all scrapped vehicles and other machinery parts, empty oil barrels, broken or otherwise unusable vehicle and digger parts, worn out conveyor belts/chains, batteries, tyres, etc.

**Reason:** To regulate the development, to control emissions from the site and to prevent environmental pollution.

12. All entrances to the site shall be locked shut at all times when the facility is closed or unsupervised so as to prevent entry of unauthorised persons or vehicles to the site.

**Reason:** To regulate the development in the interests of public safety and to prevent and control unauthorised dumping on site.

13. Within 2 months of the completion of restoration of the site, an inspection shall be carried out by a suitably qualified person(s) in order to confirm that the site has been restored. A detailed report, which shall include survey plans, sections and a coloured photographic survey of the site showing the restored landform shall be submitted to the Planning Authority for agreement.

**Reason:** In the interest of the proper planning and sustainable development of the area and of adequate development management.

**14.** When the proposed development is completed the site shall be used for agricultural-related and amenity purposes only, and not for any commercial, industrial, or other non-agricultural use, without the benefit of a separate planning permission.

**Reason:** In the interest of visual amenity and the proper planning and sustainable development of the area.

**15.** Any on-site lighting during restoration shall be cowled and directed away from the public road and adjoining dwellings and be shielded horizontally and vertically to prevent glare, light spillage and light pollution outside the site. All external lighting shall be of the sodium type. No mercury vapour lamps are to be used on the site.

**Reason:** To regulate the development and to control emissions from the site to prevent light pollution and in the interests of traffic safety and adjoining residential amenity.

**16.** Restoration activity on site shall be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activities shall be permitted on Sundays or public holidays.

**Reason:** To regulate the development in the interests of controlling the hours of operation of the quarry in the interest of the amenity and proper planning and sustainable development of the area.

**17.** Within 3 months of this permission, or such other time period as agreed with the Planning Authority, the applicant shall submit details of all existing and proposed signage located or to be located at the site entrance. These details shall also provide for a sign indicating the name of the operator, contact telephone number of the site, permitted working hours, the name of the Planning Authority and the planning register number of the development.

**Reason:** To regulate the development in the interests of proper planning and sustainable development.

**18.** The operator shall ensure that all public roadways in the vicinity of the site are swept clear of all loose material daily, and that all loose material is removed from the road verges.

**Reason:** To regulate the development in the interests of road safety and the amenity of the area.

**19.** The operator shall ensure that access arrangements prevent vehicles from reversing onto the public road or from queuing on the public road before entering the site.

**Reason:** To regulate the development in the interests of traffic safety.

**20.** A stock and trespass proof fence shall be erected around the full perimeter of the site.

**Reason:** To regulate the development in the interest of orderly development and public safety.

**21. (a)** Within 3 months of the date of this permission, or such other time period as agreed with the Planning Authority, the operator shall lodge with the Planning Authority a bond of an insurance company, a cash deposit, or other security as agreed to secure the provision and satisfactory completion and restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the site including all necessary demolition and removal.

**(b)** The bond shall be for a total of **€150,000**

All such security provided shall be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index - Building and Construction (published by the Central Statistics Office). The bond shall remain in full force and effect until discharged by the Council.

**Reason:** To regulate the development and to ensure the satisfactory reinstatement of the site.

**22.** No muck, dirt, debris or other materials shall be deposited on the public road, footpath or verge by machinery or vehicles travelling to or from the development site during the development. The applicant shall arrange for vehicles leaving the site to be kept clean. A bond of €5,000 shall be paid to the Planning Authority to ensure satisfactory compliance with this condition within 2 months following the date of this permission.

**Reason:** In the interest of traffic safety, amenity and orderly development.

**23.** All contaminated surface water arising on site shall pass through adequately sized and sited petrol/oil interceptors and settlement lagoons before being discharged to the surface water system. Contaminated surface water arising on site shall be contained on site and shall not be allowed discharge to any open drain or watercourse. Only clean uncontaminated surface water shall discharge to the surface water system.

**Reason:** In the interest of public health and to protect the quality of surface and ground water.

**24.** Surface water shall be collected and disposed of to a soakway designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365. All soakways located in public areas shall be lined and unfilled, safely rooted and provided with access manholes.

**Reason:** To ensure proper servicing of the development.

**25.** Petrol/oil/silt separators should be installed on the surface water outfall to minimise pollution

**Reason:** In the interest of public health and to ensure proper servicing of the development

**26.** Land drains and surface water outfall (streams, rivers, ditches) should not be affected.

**Reason:** To ensure proper development and minimise flooding

27. Proposed development should not have any impact on ground water. Ground water should be protected in accordance with current Legislation's and Regulations.

**Reason:** In the interest of proper planning and development.

28. All contaminated surface water and surface water from the oil and fuel storage tanks and from the waste quarantine area shall pass through adequately sized and sited grit traps, petrol/oil interceptors before being discharged to the surface water system

**Reason:** In the interest of proper planning and development.

29. The applicant shall ensure that the initial drainage works shall be designed to protect groundwater, manage runoff and prevent silting of the natural watercourse located downstream of the site in accordance with Section 8.5.1.2 of the Environmental Impact Statement dated October 2009.

**Reason:** In the interest of proper planning and development.

30. The applicant shall ensure that Surface Water Management Works during and post completion of the restoration works are carried out in accordance with Section 8.6.4 of the Environmental Impact Statement October 2009.

**Reason:** In the interest of proper planning and development.

31. It is necessary that the catchment area for Pond C is 38,000m<sup>2</sup> in order to provide sufficient time for settlement so that the discharge from Pond C does not adversely affect the receiving watercourse.

**Reason:** In the interest of proper planning and development.

32. Contaminated surface water arising on site shall be contained on site and shall not be allowed discharge to any open drain or watercourse. Only clean uncontaminated surface water shall discharge to the surface water system.

**Reason:** In the interest of proper planning and development.

33. All overground oil, diesel fuel and chemical storage tank(s) shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume equal or greater than 100% of the capacity of the largest tank within the bunding area or 25% of the total volume of the substance which could be stored within the area, whichever is greater. Filling and offtake points shall be located within the bunded areas.

**Reason:** In the interest of proper planning and development.

34. The applicant shall comply with all conditions specified in the Waste Facility Permit granted by Kildare County Council. The waste facility permit shall cease when a Waste Licence has been granted or refused by the Environmental Protection Agency.

**Reason:** In the interest of proper planning and development.

**35.** The applicant shall comply with all conditions specified in the Waste Licence granted by the Environmental Protection Agency.

**Reason:** In the interest of proper planning and development.

**36.** The applicant shall ensure that all mitigation measures in relation to surface water outlined in Section 12.5.5 of the Environmental Impact Statement December 2008 shall be complied with.

**Reason:** In the interest of proper planning and development.

**37.** The applicant shall ensure that all mitigation measures in relation to Groundwater outlined in Section 12.4.5 of the Environmental Impact Statement December 2008 shall be complied with.

**Reason:** In the interest of proper planning and development.

**38.** The total dust emission arising from all the on-site operations associated with the proposed development shall not exceed 350 milligrams per metre squared per day, averaged over a continuous period of 30 days, when measured as deposition of insoluble particulate matter at any position along the boundary of the site.

**Reason:** In the interest of proper planning and development.

**39.** The applicant shall ensure that the Proposed Dust Mitigation Measures – Construction and Operation outlined in Sections 14.5.1 and 14.5.2 of the Environmental Impact Statement December 2008 shall be complied with.

**Reason:** In the interest of proper planning and development.

**40.** It is necessary that noise levels from the site during the construction phase shall not exceed the National Roads Authority "Guidelines for the treatment of noise and vibration in normal road schemes.

**Reason:** In the interest of proper planning and development.

**41. (a)** During the operation phase it is necessary that the proposed facility shall not give rise to noise levels off site, at noise sensitive locations\*, which exceed the following sound pressure limits (Leq, 15 minute):

Daytime: 55 dB(A) 08.00 – 18.00 hours (Monday to Friday excluding bank holidays and Saturday 08.00 to 13.00)

Night-time: 45 dB(A) any other time



**(b)** There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.

**Note: \*Noise sensitive location:**

**Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.**

**Reason:** In the interest of proper planning and development.

**42.** The applicant shall ensure that the noise mitigation measures outlined in Sections 15.7.1 and 15.7.2 of the Environmental Impact Statement December 2008 shall be complied with.

**Reason:** In the interest of proper planning and development.

**43.** The applicant shall ensure that air, noise, groundwater and surface water monitoring shall be carried out in accordance with Section 19 – Environmental Monitoring and After Care Management of the Environmental Impact Statement December 2008.

**Reason:** In the interest of proper planning and development.

**44. (a)** All foul waste and soiled water shall discharge to the Irish Agrément Board approved Oakstown BAF wastewater treatment system.

**(b)** The wastewater treatment system shall be located not nearer than **7** metres from any dwelling, not nearer than **10** metres from any watercourse/stream, not nearer than **3** metres from the site boundary and not nearer than **4** metres from a road or slope break/cut. The wastewater treatment system shall be located not nearer than **\*40** metres from any water supply source unless such source is from a public piped supply.

**Reason:** In the interest of proper planning and development.

**45. (a)** The treated effluent from the **Oakstown BAF** wastewater treatment system shall be discharged to a polishing filter, which shall be designed and constructed in accordance with the EPA Wastewater Treatment Manual "Treatment Systems for Single Houses".

**(b)** The polishing filter shall be located not nearer than **10** metres from any dwelling, not nearer than **10** metres from any watercourse/stream, not nearer than **3** metres from the site boundary, not nearer than **4** metres from a road or slope break/cut and not nearer than **\*40** metres from any water supply source unless such source is from a public piped supply.

**(c)** A suitably qualified engineer familiar with the Site Characterisation Form prepared for the site shall design the polishing filter, supervise its construction and submit certification to the Planning Authority that all works have been completed in compliance with the requirements of the EPA Wastewater Treatment Manual "Treatment Systems for Single Houses".

**(d)** With regards to all other aspects of the wastewater treatment system and polishing filter installation, the Irish Agrément Certificate and Site Suitability Report dated 30/6/2009 shall be followed.

**Reason:** In the interest of proper planning and development.

46. The applicant shall enter a maintenance contract with **Waste Water Maintenance Ltd**, the manufacturers/suppliers of the **Oakstown BAF** wastewater treatment system to ensure satisfactory performance at all times.

**Reason:** In the interest of proper planning and development.

47. Only clean, uncontaminated surface water shall be discharged to adequately sized soakpit(s) or the surface water system.

**Reason:** In the interest of proper planning and development.

48. Any well shall be located not nearer than **\*40** metres from the **Oakstown BAF** wastewater treatment system and polishing filter and any other wastewater treatment systems and percolation areas/polishing filters.

\*See Table 4, P19, EPA Wastewater Treatment Manual "Treatment Systems for Single Houses" and DOELG/EPA/GSI "Groundwater Protection Responses for On-Site Wastewater Systems for Single Houses" for suggested minimum distances from a well.

**Reason:** In the interest of proper planning and development.

49. Prior to the commencement of development the developer shall submit proposals for the resurfacing, widening and drainage of the section of road from chainage 850m to 1,900m (reference dwg no. 01 Road L6042 pavement width survey and chainages as received by the planning authority on 16<sup>th</sup> October 09) for the written agreement of the Area Engineer. The agreed works shall be completed prior to the commencement of development on site.

**Reason:** In the interest of traffic safety.

50. Lines of sight at the entrance to the site shall be provided in accordance with drawing number figure 1 revision F as received by the planning authority on 16<sup>th</sup> October 09. The existing public roadway in the vicinity of the access shall be re-lined and advance warning signage shall be erected. Details to be agreed in writing in advance of the commencement of development with the planning authority.

**Reason:** In the interest of traffic safety.

51. Where the removal of the front boundary of the site in order to facilitate sight visibility lines as conditioned as part of this permission, exposes any utility poles. The applicant shall prior to the commencement of development liaise with the relevant statutory body and arrange for the relocation of utility poles. Evidence of such liaison shall be submitted to the Planning Authority prior to commencement of the development. The cost of any such works shall be borne by the applicant

**Reason:** In the interest of traffic safety.

**52.** A minimum of 10 car parking spaces shall be provided within the curtilage of the site. Car parking spaces shall be in accordance with the requirements of the Kildare County Development Plan.

**Reason:** In the interest of traffic safety.

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

**Reason:** In the interest of traffic safety.

**54.** The proposed development shall not interfere with or impair any existing surface water drainage system facilitating the application site.

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

**55.** The applicant is to keep a record of traffic movements in and out of the site. This record should contain details of all traffic movements (including origin and destination of vehicles, registration and type of vehicle) over the previous six months and should be available on site for inspection by the Planning Authority during working hours.

**Reason:** To ensure that the actual no. of traffic movements is consistent with those predicted in the E.I.S and to assess the impact of the development on the existing road network.

**56.** The Haul Route to and from the site shall be via the N7, R445, R410, L2023 & L6042.

**Reason:** In the interest of traffic safety.

**57.** The wheels of all vehicles transporting exiting the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility, which shall be constructed, installed and operated in accordance with the detailed requirements of the Planning Authority. The applicant to ensure that all public roadways in the vicinity of the site are swept clear of all loose material daily, and that all loose material is removed from the road verges.

**Reason:** To ensure traffic safety, and in the interest of amenity and convenience.

**58.** The applicant is required to employ a qualified archaeologist to monitor all groundworks associated with the development.

**Reason:** To ensure the preservation (either *in situ* or by record) of places, caves, sites, features or other objects or archaeological interest.

**59.** Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Heritage and Planning Division of the Department of Environment, Heritage and Local Government with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.

**Reason:** To ensure the preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

**60.** The Planning Authority and the Heritage and Planning Division of the Department of Environment, Heritage and Local Government shall be furnished with a report describing the results of the monitoring.

**Reason:** To ensure the preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

**61.** The mitigation measures relating to flora and fauna as outlined in the EIS shall be carried out in full.

**Reason:** In order to protect the national heritage, flora and fauna in the site and surrounding areas.

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