



Planning Department

PLANNING CONTROL SECTION
045-980839
Our Ref. UD4759

6th February 2017

Ewa Babiarczyk,
Environmental Protection Agency,
Headquarters, PO Box 3000
Johnstown Castle Estate,
Co.Wexford



RE: Unauthorised Development at 'The Pit' Kilmeague, Naas Co. Kildare

Dear Ms. Babiarczyk,

I refer to your letter of the 20th January 2017 pertaining to the licence application received from N & C Enterprises Ltd in respect of their facility located at 'The Pit', Kilmeague, Naas, Co. Kildare, Licence Registration Number W0292-01.

Please be advised the following is the relevant planning history on the lands:

03/1773: Planning permission granted to N & C Enterprises Ltd for the importation and placement of materials in an existing sand and gravel pit to enable restoration of the ca. 6.5 hectare application site to a contoured land form that will be in keeping with the surrounding landscape. The development includes boundary landscaping and ancillary site roads. This permission expired on or around the 28th June 2012.

Condition No.4 states:

'Materials used for in-filling shall be in accordance with that set out in the waste permit when granted by Kildare County Council'.

12/373: Planning permission granted to N & C Enterprises Ltd for the extension of duration of the development consisting of the importation and placement of materials in an existing sand and gravel pit to enable restoration of the ca. 6.5 hectare application site to a contoured land form that will be in keeping with the surrounding landscape. The development includes boundary landscaping and ancillary site roads. This permission expires on the 28th June 2017.

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Comhairle Contae Chill Dara
Kildare County Council



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Please find attached a copy of Final Grant of Planning Reg.Ref 03/1773.

Yours sincerely,

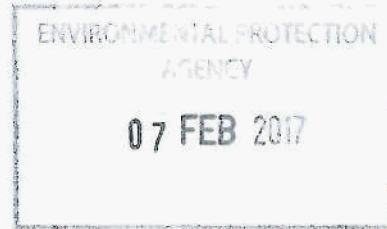
K. Kavanagh
Senior Executive Officer.

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Date: 03/07/2004
Pl Ref.: 03/1773

N & C Enterprises Ltd
Environment & Resource Mgmt Ltd,
3 Tara Court
Dublin Rd,
Naas
Co. Kildare



PLANNING REGISTER NUMBER: 03/1773
APPLICATION RECEIPT DATE: 04/09/2003

PERMISSION sought for importation and placement of materials in an existing sand & gravel pit to enable restoration of the ca. 9.5 ha. application site to a contoured landform that will be in keeping with the surrounding landscape & etc. at The Birr, Naas

In pursuance of the powers conferred upon them by the Planning and Development Acts 1963 - 2000, Kildare County Council have by order granted PERMISSION to the above named, for the above development subject to the 41 conditions set out in the Schedule attached.

Date: 03/07/2004

Signed: _____
Senior Executive Officer Planning &
Public Safety
Kildare County Council

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 outline 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.

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RE:/ Planning Permission is sought for a development at 'The Pit', Kilmeague, Naas, Co. Kildare. The development will be the importation and placement of materials in an existing sand and gravel pit to enable restoration of the ca.6.5ha application site to a contoured landform that will be in keeping with the surrounding landscape. The development will include boundary landscaping and ancillary site roads. The site will be assessed from the L-7081-1, An Environmental Impact Statement will be submitted to the planning authority with the planning application – N. & C. Enterprises Ltd – Planning Ref: 1773/03

Schedule 1:

Considerations

Having regard to the mitigation measures outlined in the Environmental Impact Statement and the other drawings and particulars submitted with this planning application, having regard to the Kildare Development Plan 1999 and other relevant requirements, and the fact that permission is sought for a temporary period only it is considered that subject to compliance with the conditions listed in Schedule 2 the development would be in accordance with the proper planning and development of the area.

Schedule 2:

Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on the 4th September 2003 and all mitigation measures outlined in the accompanying Environmental Impact Statement, as amended by the further information received by the Planning Authority on the 25th November 2003 as clarified by the information received on the 7th April 2004 except where altered or amended by conditions in this permission.

Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. This permission is for a temporary period only and shall expire upon the cessation of in-filling operations and not later than the 28th June 2012, unless before that date a further permission is made.

Reason: In the interests of proper planning and development.

3. Prior to commencement of the development, a waste permit shall be obtained from the Local Authority, in accordance with the Waste Management (Permit) Regulations 1998.

Reason: In the interest of public health

4. Material used for in-filling shall be in accordance with that set out in the waste permit when granted by Kildare County Council

Reason: In the interests of public health

5. The on-site operations associated with the proposed development shall be carried out only between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours to 14.00 hours on Saturdays. No operations shall be carried out on Sundays or Bank Holidays.

REASON: In order to protect the amenities of the area and in the interests of proper planning and development.

6. Car parking space shall be provided for all vehicles associated with the running of the business, staff cars, trucks etc on a durable permanent macadam surface within the curtilage of the site. Each car space shall be marked in 2.5*5.0 metre bays in 100mm wide white lines with a durable permanent material. Circulation aisles shall be 6m wide.

Reason: In the interest of traffic safety.

7. Car parking shall be monitored and in the event of the Planning Authority deciding that a shortfall in car parking spaces exists, the developer shall provide such extra car parking as the Planning Authority may specify at an approved location adjacent to the site or within the curtilage of the site.

Reason: In the interest of traffic safety and to ensure that adequate car parking facilities are provided on site.

8. Before development is commenced the developer to arrange for the payment to Kildare County Council of contribution of €100,000 towards expenditure which the Council has or may incur in respect of the provision of road improvements services which facilitate the proposed development.

Reason: The provision of such services in the area facilitate the proposed development and it is considered reasonable that the developer should contribute to the cost of providing same.

9. Before development is commenced the developer to arrange for the payment to Kildare County Council of contribution of €24,000 towards expenditure which the Council has or may incur in respect of the provision of footpath and public lighting which facilitate the proposed development.

Reason: The provision of such services in the area facilitate the proposed development and it is considered reasonable that the developer should contribute to the cost of providing same.

10. The developer shall provide a concrete apron, minimum 200mm thick to the general shape shown on Drawing No. E1516/D attached but extending from the road edge to the access gates of the development.

Reason: In the interests of traffic safety.

11. The developer shall ensure that the wheels of all vehicles transporting all materials to or from the site shall, prior to the exit of such vehicles onto the public road be washed in an approved wheel washing facility.

Reason: In the interests of traffic safety and the amenities of the area.

12. The developer 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: In the interests of traffic safety and the amenities of the area.

13. Public lighting shall be provided throughout the site to the standards laid down by the E.S.B. and to the satisfaction of the Planning Authority.

Reason: In the interest of traffic safety.

14. Surface water shall be collected and road gullies shall be provided in accordance with Section 3.19 of the Recommendations for Site Development Works for Housing Areas by the Department of the Environment & Local Government. All gullies shall be fitted with suitable locking type covers or gratings.

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

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

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

16. The developer shall 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 assess the impact of the development on the existing road network and to ensure that levels of generated traffic are in accordance with the applicants submission.

17. The developer shall ensure that no vehicles which exceed the maximum legal axle weight shall use the public road.

Reason: To ensure that the road system serving the development is protected, in the interests of proper planning and development of the area.

18. Prior to the commencement of the development, the developer shall agree with the Planning Authority the traffic routes for both laden and unladen haulage trucks and shall install suitable signage at all junctions directing which roads are to be used and which roads are prohibited.

Reason: In the interest of traffic safety and road capacity.

19. Upon completion of the development, the developer shall provide a footpath from the public road at the entrance to the site to a point within the site to be agreed between the developer and the Planning Authority.

Reason: To ensure proper planning and development of the area.

20. The applicants shall take adequate precautions to prevent undue noise, fumes, dust, grit, untidiness, or other nuisance during the course of the works which would result in significant impairment of, or significant interference with the amenities of the environment beyond the site boundary.

REASON: In the interest of the protection of the amenities of the area and proper planning and development.

21. Before the acceptance of material commences, the floor of the pit shall be levelled and a 1m thick barrier of compacted silt/clay shall be installed. Another 1m layer of compacted silt / clay shall be placed over the surface of the restoration prior to top-soiling of the restored area. The restoration and design of the capping layer shall be based on the EPA landfill restoration manual.

REASON: In the interests of the protection of groundwater and the proper planning and development of the area.

22. All waste activities on the site shall be carried out in such a manner so as not to have an adverse effect on the drainage of adjacent lands, on water courses, on field drains or any other drainage system including the public roadway.

REASON: In the interests of proper planning and development.

23. The noise level attributable to all on-site operations between the hours of 08:00-18:00 Monday to Friday inclusive (excluding bank holidays) and 08:00-14:00 Saturdays, from the development shall not exceed 55 dBA Leq(15min) , at any point along the boundary of the development site.

REASON: In the interests of proper planning and development, residential amenity and to prevent noise pollution.

24. In dry weather appropriate measures shall be taken to reduce/ eliminate airborne dust nuisance. The operator shall ensure that activities on the site shall be carried out in a manner such that emissions do not result in significant impairment of, or significant interference with the environment beyond the site boundary.

The total dust emission arising from the on-site operations associated with the proposed development shall not exceed 130 milligrams per square meter 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. No stripping of topsoil or overburden shall be carried out in periods of dry weather.

REASON: In the interests of proper planning and development and residential amenity.

25. A programme for regular monitoring and sampling of groundwater on the site is to be agreed with the Planning Authority in writing prior to commencement of development.

REASON: To ensure that groundwater resources are protected.

26. An emergency hydrocarbon spill kit shall be maintained on site at all times.

REASON: To ensure that groundwater resources are protected.

27. All hydrocarbons/ chemicals shall be stored in tanks bunded to hold 110% of the volume of the tank (whether mobile or fixed).

REASON: To ensure that groundwater resources are protected.

28. All water contaminated with hydrocarbons including storm water from bunded or refuelling areas shall be discharged via grit traps and oil interceptor to a soakaway area.

REASON: To ensure that groundwater resources are protected.

29. Discharge from the wheelwash shall be directed into an oil interceptor via a silt trap. Disposal methods for silt/ sludge shall be agreed with the Planning Authority in writing prior to commencement of development.

REASON: To ensure that groundwater resources are protected.

30. All areas on site over which loading and unloading of hydrocarbons takes place or where maintenance of vehicles takes place or where there is any risk of spillage shall be paved with an impermeable surface such as concrete and drainage channels shall be provided. All joints shall be sealed using a proprietary water bar or approved sealing joint. Drainage from these areas shall be through an oil interceptor.

REASON: To ensure that groundwater resources are protected.

31. A maintenance agreement for the proposed portaloo toilets shall be entered into with the supplier of the system.

REASON: To ensure that groundwater resources are protected.

32. Prior to commencement of development a detailed scheme for the landscaping indicated on Drawing 12 Rev. A shall be submitted to the Planning Authority for its written agreement. The proposal shall include full details of proposed species and densities, and a timetable for the completion of the work.

REASON: In the interests of visual amenity and to screen the development within an appropriate period of time.

33. As soon as is practicable following completion of the in-filling activities, the site shall be seeded with grass.

Prior to seeding, topsoil shall be spread evenly over the site to a minimum depth, after firming, of 150 – 200 mm. The topsoil shall be good quality, and shall comply with BS 3882 : 1991. The topsoil shall not be spread in wet conditions. The topsoil shall be adequately prepared for seeding by raking or harrowing and by rolling. Seed shall be spread at a minimum rate of 30 grams per square metre.

REASON: In the interests of proper planning and development

34. Where development ancillary to the in-filling operations (such as service roadways etc) is to take place on previously undeveloped land the Heritage Section of the Department of the Environment, Heritage and Local Government shall be consulted prior to commencement of works.

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

35. Within 2 months of the cessation of restoration operations on the site a topographic survey shall be carried out in order to confirm that the site has been restored in accordance with that proposed in the planning application and accompanying Environmental Impact Statement. Within one month of the survey plans and sections shall be submitted to the Planning Authority showing the final restored landform. The sections at an interval of not less than 20 metres shall show the restored landform and that proposed within the planning application and Environmental Impact Statement.

REASON: In the interests of proper planning and development.

36. All existing trees and hedgerows along the boundaries of the site shall be retained and any gaps carefully replanted.

REASON: To protect the visual amenities of the area.

37. Prior to commencement of development the developer is to consult with the Kildare County Council Heritage Officer and mitigation measures agreed in writing with regard to the sand martins currently nesting within the existing pit. Any mitigation measures required by the Heritage Officer shall be adhered to by the developer.

REASON: In the interests of nature conservation and the proper planning and development of the area.

38. The quantity of material accepted into the site shall be limited to 50 truck loads per day.

REASON: In the interests of protection of amenities and the proper planning and development of the area.

39. Prior to commencement of development the developer shall provide proposals for the written agreement of the Planning Authority for the provision of landscaping and access pathway to the site in order to reintegrate the site with the village.

REASON: In order that the site is reintegrated with the village upon cessation of restoration operations and in the interests of proper planning and development.

40. The applicants shall lodge with the Planning Authority a cash deposit, a bond of an insurance company or other security to the value of amount to be agreed to secure the reinstatement, final restoration and making safe of the site, coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory completion of the development and restoration of the site. The form of the security and the amount shall be agreed in writing with the Planning Authority.

REASON: To safeguard the amenities of the area.

41. Before any development commences the applicant shall submit an Agreement in accordance with Section 47 of the Planning and Development Act 2000 transferring the ownership to Kildare County Council of the lands outlined in green as shown on Drawing 20 Rev. A submitted to the Planning Authority on the 7th April 2004 as agreed in letter submitted to the Planning Authority on the same date.

REASON: In the interests of the proper planning and development of the area.

23rd July 2004

Senior Executive Officer

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