

Attachments - Section B

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Attachment B.1 - Applicant Details

B.1 Applicant Details

The applicants, James Kiernan and James V. Kiernan of Kiernan Sand & Gravel Ltd are the owners of the application area lands.

Figure B.1.1 shows the ownership area of the lands (colored blue).

B.1. (a). A Copy of the Certificate of Incorporation

A copy of the Certificate of Incorporation is attached to this section

B.1. (b). Company's Registration Number

The Company Registration Number is 177048

B.1. (c). List of Company Directors.

The Company Directors are James Kiernan and James V Kiernan

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B.1. (a). A Copy of the Certificate of Incorporation

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DUPLICATE FOR THE FILE

NUMBER

177048

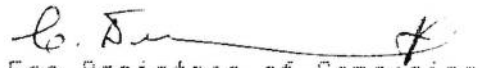
Certificate of Incorporation

I hereby certify that

KIERNAN SAND & GRAVEL LIMITED


is this day incorporated under
the Companies Acts 1963 to 1990
and that the company is limited.

Given under my hand at Dublin, this
Monday, the 29th day of July, 1991


For Registrar of Companies

Certificate received by:

MCCANN, MARGARET, SOLR,

Signed: 

Date: 8/6/91
RP.

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Attachment B.2 - Location of Activity

The site is located in Foxtown Townland, Summerhill, County Meath. Grid Reference
285633E 253005N

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B.3 Planning Authority

The lands have a history of sand and gravel working. Sand and gravel is continuing to be extracted subject to compliance with the terms and conditions of planning (P.A. Ref. QY/48 PL17 .QC2113) granted under Section 261 of the Planning and Development Act 2000. Copy of permission included in Attachment B.3.1.

The lands are being progressively restored subject to a Waste Management Permit. The current waste management permit (Waste Permit Reg. No. WMP 2007/22) was granted by Meath County Council for a 36 month period on 16th August 2007 (Refer to attachment B.3.2).

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ATTACHMENT B.3.1 – Planning Permission

Permission No. QY 48, PL17 .QC2113

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Comhairle Chontae na Mí

Halla an Chontae, An Uaimh, Contae na Mí

Fón: 046-9097000 / Fax: 046-9097001

R-phost: info@meathcoco.ie

Web: www.meath.ie



Meath County Council

County Hall, Navan, Co. Meath

Tel: 046-9097000 / Fax: 046-9097001

E-mail: info@meathcoco.ie

Web: www.meath.ie

Our Ref: QY/48.

Planning Section.

20th April, 2007.

**James Kiernan & James V. Kiernan,
Foxtown,
Summerhill,
Co. Meath.**

**Re: QY/48 – Application for Registration of a Quarry under Section 261 of the
Planning & Development Act, 2000.**

Dear Sir,

I refer to an application received by the Planning Authority on 27th April, 2005 for registration of a quarry at Foxtown, Summerhill, Co. Meath under Section 261 of the Planning & Development Act, 2000.

I refer also to letter dated 14th December, 2006 from the Planning Authority together with a draft schedule of conditions. I also note that you made a submission in respect of the draft schedule of conditions.

The Planning Authority having considered your application and your submission in respect of the draft schedule of conditions, have decided to impose conditions (20 conditions) under Section 261 (6)(a)(i) of the Planning & Development Act 2000 on the operation of the quarry as set out in the schedule of conditions attached.

You may appeal the decision of the Planning Authority to impose conditions in accordance with subsection (6) to An Bord Pleanála within four weeks from the date of receipt of notification by the authority of those conditions.

NOTE: For information on Appeals you can contact An Bord Pleanála at: Tel: 01-8588100 or LoCall: 1890 275 175 Fax: 01-8722684 E-mail: bord@pleanala.ie
Web: www.pleanala.ie

Yours faithfully,


Michael Griffin,
Senior Executive Officer.

**Quarry Ref. QY/48 – James Kiernan & James V. Kiernan at
Foxtown, Summerhill, Co. Meath.**

SCHEDULE OF CONDITIONS

1. The quarry shall be operated in accordance with the plans and particulars submitted to the Planning Authority except where amended by Conditions hereunder.

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

2. This permission shall be for a period of 5 years from the beginning of the commencement of the date of this order. After this period, all plant and machinery items shall be removed from the site and the land shall be restored to agricultural use. No quarrying/excavation shall be permitted outside the black line as identified on the site map (Ref. No; Figure 1, Job No. 56) submitted to the Planning Authority on the 27/04/2005, unless a separate grant of planning permission has been obtained. No blasting is permitted on site.

Reason: To define the extent of this permission and in the interests of orderly development.

3. Within 6 months of the date of this order, the owner/operator of the quarry shall agree
 1. the exact area of the quarry within which future extraction shall be confined.
 2. the maximum depth of quarry excavation.

Reason: In the interests of orderly development.

4. The quarry shall only operate between the hours of 06:00am and 8:00pm hours Monday to Friday and 06.00am and 2.00pm Saturday. The quarry shall not operate on Sundays or public holidays.

Reason: In the interests of residential amenity

5. The quarry entrance shall be adequately signed from both directions on all approach roads and at the quarry entrances. Signs to be placed and maintained at approximately 150m from the quarry roadside entrance and shall be located so that they do not create a traffic hazard. Details of sightlines along the public road at the entrance to the site, of road signage warning the public of the entrance and of proposals for traffic management at the site entrance shall be submitted to and agreed in writing with Meath County Council within 6 months of the date of this order.

Reason: In the interests of traffic safety.

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6. The noise levels associated with day-to-day quarrying activity, when measured from any house in the vicinity of the quarry, shall not exceed 55 dB (A) leq over a measured time interval of one hour by day time and shall not exceed 45 dB (A) leq over a measured time of 15 minutes by night time. These levels may be exceeded to allow temporary but exceptionally noisy phases in the extraction process or for short term construction activity which is required to bring long-term environmental benefits following written consent by Meath County Council.

Reason: In the interests of residential amenity.

7. A noise survey and assessment programme shall be undertaken to assess the impact of noise emissions from the quarry and submitted to the Planning Authority for agreement and approval. The surveys and assessments shall as a minimum involve the following elements:

The measurement and assessment of noise levels at three noise sensitive locations (NSLs). The NSLs shall include the most vulnerable NSLs by reason of their proximity or elevation and all monitoring positions shall be agreed by the Planning Authority within 6 months from date of this order.

A comprehensive evaluation of all pertinent acoustical factors; including tonal elements, impulsive elements, and extraneous noise during the noise measurements.

A log of meteorological conditions, including cloud cover, precipitation, temperature, humidity and wind speed and direction for the duration of the noise measurements.

A log of all operating quarry plant and equipment shall be compiled for the duration of the noise measurements. This log shall also include details of the location of quarry plant and equipment.

Consideration shall be given to current noise assessment guidance published by the Environmental Protection Agency (EPA), e.g. EPA (2003) Environmental Noise Survey Guidance Document.

Where possible the assessment shall include details of the noise attributable to the quarry as opposed to the overall ambient noise and where necessary this may require short-term sampling techniques or the use of specialist acoustical equipment and/or software.

A detailed report on the noise assessment shall be prepared by a competent person and submitted to the Planning Authority within 4 weeks of the survey work being done.

QY/48

The noise assessment shall be undertaken in accordance with ISO1996/1-Acoustics-Description and Measurement of Environmental Noise Part 1(First Edition, 1982); Part 2, 1987 (E); and Part 3, 1996-3:1987 (E). As part of the assessment, appropriate penalties for tonal and impulsive elements should be applied to the measure LAeq values in accordance with ISO 1996 Part 2, 1987 (E) and ISO 9612, 1997(E), to determine the appropriate rating level (LArT).

If any doubt or dispute arises about the presence of an impulsive noise, then an objective assessment technique must be used, e.g., ISO 1996-2(1987). This method shall involve measuring the difference between the A-weighted sound pressure level, determined with time-weighting characteristic I, averaged over the same time interval, and LAeq,T. A value of greater than 2dB (i.e., where LAieq, T- LAeq, >2) indicates an impulsive characteristic (ISO 9612,1997(E)).

The above quoted methods shall be used to assess compliance with the pertinent noise limits. Alternative assessment methodologies or procedures shall be agreed in advance with the Planning Authority.

Reason: To ensure effective monitoring of the development, to protect amenities of adjacent properties and in the interest of the proper planning and development of the area.

8. The total dust deposition (soluble and insoluble) arising from the on site operations associated with the development shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days. No stripping of topsoil or overburden shall be carried in periods of dry and windy weather.

Reason: To protect the amenities of properties in the vicinity

9. No surface water shall be allowed to flow from the site onto the public road.

Reason: In the interest of traffic safety and to avoid pollution.

10. The developer shall not discharge any wastewaters within the proposed site to any existing ditches or watercourses unless otherwise agreed in writing with Meath County Council.

Reason: In the interest of environmental protection.

11. All surface water run-off from roads and paved areas shall be directed through adequately sized and located oil/petrol interceptors before discharge to surface water drainage. Refuelling shall only take place on such paved areas with interceptors.

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The developer shall ensure that all on site oil/petrol interceptors are adequately serviced and maintained. Detailed records of such services shall be kept on site.

Reason: In the interest of environmental protection.

12. All overground oil or other chemical storage tanks (if provided) shall be adequately bunded to protect against oil spillage. Bunding should be impermeable and capable of retaining a volume equal to 110% of the capacity of the largest tank. Drainage from bunded areas should be collected and disposed of in a safe manner. The integrity and impermeability of such structures should be assessed by the independent body annually (or as may otherwise be agreed in writing with Meath County Council) and a report submitted to Meath County Council. All waste oil should be removed from the site and disposed of to the satisfaction of Meath County Council.

Reason: In the interest of environmental protection.

13. The developer shall maintain on site an adequate supply of containment booms and suitable absorbent materials to contain and absorb any spillage.

Reason: In the interest of environmental protection.

14. The developer shall carry out monitoring of surface water and groundwater in the vicinity of the site. The monitoring locations, frequency of sampling and suite of water quality parameters to be tested for should be as agreed in advance with, and reported to Meath County Council. Monitoring should be carried out on a quarterly basis (or as otherwise agreed in writing with Meath County Council) and commenced within 16 weeks of the date of this order.

Reason: To protect the environment

15. Within 6 months of the date of this order, the developer shall submit in writing to the Planning Authority a landscaping and restoration programme for the site for written agreement by Meath County Council. Phased restoration should be considered where appropriate. The site shall be fully restored in accordance with the agreed plans following the ceasing of the quarrying and extraction operation on site.

Reason: To ensure satisfactory completion of the development and in the interests of visual amenity.

16. A wheel wash facility shall be provided at the quarry. Full details of the location, maintenance and type of facility to be installed to cater for HGV traffic entering the site shall be submitted to and agreed in writing with Meath County Council within 16 weeks of the date of the grant of this permission. No dirt shall be carried out on to the public roadway.

Reason: To keep the roadway clean and to protect the amenities of the area

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17. Details of the proposed boundary treatment including landscaping and fencing details for the site shall be submitted to and agreed in writing with the planning authority within 6 months of date of this order.

Reason: In the interest of visual amenity

18. The developer shall forward, within 6 months of the date of this order, details of the current and proposed sewage treatment/disposal arrangements to the Meath County Council for consideration. The developer shall carry out works to upgrade or provide such facilities where required within 12 weeks of receipt of notice to do so.

Reason: For the protection of public health and to avoid water pollution.

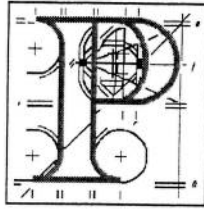
19. The developer shall lodge with the Planning Authority a bond for €50,000.00 (fifty thousand euro) of an insurance company, or other security to secure the satisfactory completion and restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion and restoration of the site. The security to be lodged shall be an approved insurance company bond in a sum to be agreed.

Reason: To ensure satisfactory completion and restoration of the site

20. The developer shall pay a sum of €30,000.00 (thirty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of road improvement works facilitating the proposed development. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Meath County

Reference Number: QY/48

An Bord Pleanála Reference Number: 17.QC.2113

APPEAL by Kiernan Sand and Gravel Limited care of William Sheils of 31 Athlumney Castle, Navan, County Meath against the decision made on the 20th day of April, 2007 by Meath County Council to impose conditions on the operation of a quarry at Foxtown, Summerhill, County Meath.

DECISION

The Board, in accordance with subsection (9)(b) of section 261 of the Planning and Development Act, 2000, based on the reasons and considerations set out below, confirms with modifications the decision of the planning authority and directs the said Council to **ATTACH** condition number 19 and the reason therefore and to **REMOVE** condition number 20 and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to the pre-1964 status of the quarry and to the decision of the planning authority to impose conditions on the operation of the quarry in accordance with the provisions of section 261(6)(a)(i) of the Planning and Development Act, 2000, it is considered that it is reasonable for the planning authority to impose a condition requiring the provision of security in the form of the bond as conditioned to ensure the satisfactory reinstatement of the land on which the quarry is situated in accordance with an agreed scheme for reinstatement. Furthermore, the Board has concluded that there is no provision in section 261 of the said Act that would authorise the imposition of a condition requiring the payment of a financial contribution.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 21st day of September, 2007.

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ATTACHMENT B.3.2

Waste Permit Reg. No. WMP 2007/22

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Comhairle Chontae na Mí

Halla an Chontae, An Uaimh, Contae na Mí

Fón: 046 - 9097000

Cuirtear Fáilte Roimh Chomhfhreagrás í nGaeilge



Meath County Council

County Hall, Navan, Co. Meath.

Fax No: 046 - 9097001

E - Mail: info@meathcoco.ie www.meath.ie

Our ref: RMcM 8'07/WMP 2007/22

Environment Section

16th August, 2007

Mr. James Kiernan,
C/o Williams Shiels Ltd.,
31 Athlumney Castle,
Navan,
Co Meath.

RE: Waste Management Permit Application WMP 2007/22

Location: Foxtown, Summerhill, Co Meath.

Dear Mr. Kieran,

I refer to the above and now enclose same.

You are advised to study all the permit conditions very carefully, as these require actions or works that you might not have included or anticipated when applying.

If you have any doubts about the interpretation of the permit conditions, you shall contact this Office and make an appointment to meet with Mr. Sean Breslin, A/Chief Technician, so she can go through the permit with you and explain it.

Finally you are advised to contact the planning section of Meath County Council about obligations arising under the Planning and Development Act 2000.

You are informed of the following: -

1. No site recovery works to be undertaken until such time as a decision of the appeal that is presently lodged with An Bord Pleanála, for the registration of the existing quarry at Foxtown, Summerhill, Co. Meath is decided upon.
2. You are informed that this waste permit is granted for the restoration/recovery works of Phase 1 only.
3. That no restoration/recovery works are to be undertaken on Phase 2 and Phase 3.

Yours sincerely,

Rose McManus,
Assistant Staff Officer.



WASTE MANAGEMENT ACTS 1996-2005

WASTE MANAGEMENT (PERMIT) REGULATIONS 1998

Meath County Council

To

Mr. James Kiernan,
C/o Williams Shiels Ltd.,
31 Athlumney Castle,
Navan,
Co. Meath.

Ref. No. in Register WMP 2007/22

Location of Facility

Foxtown,
Summerhill,
Co. Meath.

In pursuance of the powers conferred on it by the Waste Management Act, 1996 – 2005, and in accordance with Article 5(1) of the First Schedule of the Waste Management (Permit) Regulations, 1998, Meath County Council, hereby grants this waste permit under of the Regulations to Mr. James Kiernan, C/o Williams Shiels Ltd., 31 Athlumney Castle, Navan, Co. Meath, to carry on at Foxtown, Summerhill, Co. Meath the waste activity listed below, subject to eight conditions.

Activity 5: The Recovery of waste (other than hazardous waste) at a facility (other than a facility for the composting of waste where the amount of compost and waste held at the facility exceeds 1000 cubic metres at any time).

**Permitted Waste Activity, in accordance with the Fourth Schedule
of the Waste Management Act, 1996:**

Class 10: The treatment of any waste on land with a consequential benefit for an agricultural activity or ecological system.

To: **Mr. James Kiernan, c/o William Shiels Ltd., 31 Athlumney Castle, Navan, Co. Meath,**

Location of proposed development: **Foxtown, Summerhill, Co. Meath.**

Subject to 8 conditions as set out on the Schedule attached hereto.

SIGNED:



DIRECTOR OF SERVICES

Dated this day 9th Aug 2007 Environment Order No 270/2007.



REASON FOR THE DECISION

Meath County Council has considered the application and supporting documentation received from the applicant and is satisfied, that subject to compliance with the conditions of this permit that:

- (a) The activity concerned shall not cause, or be likely to cause, environmental pollution.
- (b) Any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment.
- (c) The best available technology will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned.

INTERPRETATION

All terms in this permit should be interpreted in accordance with the definitions in the Waste Management Acts 1996 to 2005, and its associated Regulations.

NOTE:

THE GRANTING OF THIS PERMIT, AND ANY CONDITION IMPOSED BY IT, DOES NOT EXEMPT THE HOLDER OF THE PERMIT FROM COMPLYING WITH THE STATUTORY OBLIGATIONS OF ANY RELEVANT LEGISLATION, INCLUDING WATER POLLUTION, AIR POLLUTION, WASTE, LITTER AND PLANNING LEGISLATION.



Scope of Permit:

- 1.1 This waste permit is issued under the Waste Management (Permit) Regulations, 1998 to James Kiernan, c/o William Shiels Ltd., 31 Athlumney Castle, Navan, Co. Meath, in respect of a facility at Foxtown, Summerhill, Co. Meath. **This permit is strictly non-transferable.**
- 1.2 The permit shall be granted for a maximum period of **36 months** from the date of commencement of waste activities on site.
- 1.3 All waste activities shall be confined to the area as detailed on Map Reference No. WS-145 submitted with the application which was received in the offices of Meath County Council on the 5th. March 2007.
- 1.4 The site area (existing quarry) is to be recovered in a phased basis, Phase 1, Phase 2, Phase 3, when Phase 1 is completed, Phase 2 will commence, when Phase 2 is completed, Phase 3 will commence, as detailed and shown on the longitudinal (North – South) section detail submitted on the 5th. March 2007, as follows :
 - a) **Phase No. 1**, will commence from existing ground level, 63.39 for 220m, to existing ground level 71.56. This phase to be completed, restored, and recovered prior to the commencement of Phase No 2.
 - b) **Phase No. 2**, will commence from existing ground level, 84.58 for 200m, to existing ground level 75.97. This phase to be completed, restored, and recovered prior to the commencement of Phase No 3.
 - c) **Phase No. 3**, will commence from existing ground level, 75.97 for 120m, to existing ground level 71.56. This phase is the last to be completed, restored, and recovered.
- 1.5 Where Meath County Council considers that a non-compliance with the conditions of this permit has occurred, it may serve a notice on the permit holder specifying:
 - (a) that only those wastes as specified, if any, in the notice are to be accepted at the facility after the date specified in the notice; and,
 - (b) that the permit holder shall undertake the works stipulated in the notice, and/or otherwise comply with the requirements of the notice as set down therein, within any time-scale contained in the notice.

When the notice has been complied with, the permit holder shall provide written confirmation to the local authority that the requirements of the notice have been carried out. No waste, other than that, which is stipulated in the notice, shall be accepted at the facility until written confirmation is received from the Council that the notice is withdrawn.

2. Management of the activity:

- 2.1 A copy of the permit shall be kept on site at all times.
- 2.2 The permit holder shall provide a suitable site office, canteen and toilet facilities, as referred to in his submission Job No. WS-145, Drawing No. D03, for all personell working on the site.
- 2.2A The permit holder shall acquaint all staff, employees, lessees and agents, including replacement personnel, of the provisions and conditions of this permit.



- 2.3 Waste shall only be accepted at the site between the hours of 0800 and 1800 Monday to Friday inclusive and between 0800 and 1400 on Saturday (excluding Bank and National Holidays). No waste activities shall be carried on Sundays.
- 2.4 The site shall be adequately manned and supervised at all times. It shall be maintained to the satisfaction of Meath County Council, and adequate precautions shall be taken to prevent unauthorised access to the site.

3. Notification and record keeping:

- 3.1 The permit holder shall maintain a register of the following records on the site:
- The quantities and types of waste received at the site.
 - The quantities and type of waste not accepted at the site, and details of where these wastes were sent.
 - The dates and times of all waste deliveries to the site.
 - The names of the carriers and the vehicle registration numbers.
 - The origin of each delivery of waste.
- 3.2 The permit holder shall immediately notify Meath County Council by telephone, fax or e-mail of any incident which occurs as a result of the activity on the site, and which:
- has the potential for environmental contamination of surface water or ground water, or
 - poses an environmental threat to air or land, or
 - requires an emergency response by the Council.

Full details shall be forwarded in writing on the next working day.

The permit holder shall include as part of the notification:

- the date and time of the incident,
- details of the incident and circumstances giving rise to it,
- an evaluation of environmental pollution caused, if any,
- actions taken to minimise the effect on the environment,
- steps taken to avoid reoccurrence,
- any other remedial action taken.

The permit holder shall make a record of any such incident in a register to be maintained on the site.

- 3.3 All communications with Meath County Council shall be addressed to the Senior Executive Officer, Environment Department.

Address: County Hall,
Railway Street,
Navan,
Co. Meath.

Telephone Number (normal working hours): 046 – 9097000
Fax Number: 046 – 9097001
e-mail: info@meathcoco.ie



- 3.4 The permit holder shall make all records maintained on the site available to Meath County Council staff at all reasonable times, and shall provide any relevant information when so requested by an authorised person of Meath County Council.
- 3.5 The permit holder shall notify Meath County Council, in writing, within 7 days of:
- The imposition of any requirement on the permit holder by order under Section 57 or 58 of the Waste Management Act 1996, or
 - Any conviction of the permit holder for an offence under the Waste Management Act, 1996.
- 3.6 The permit holder shall submit to Meath County Council, an Annual Environmental Report (AER) for the preceding calendar year by no later than February 28th of each year. The first AER shall be submitted by 28th February in the year following commencement of waste activities in respect of the period from the date of commencement of waste activities on the site to 31st December of the year when waste activities commenced. The AER shall include details of:
- (a) the management and staffing structure of the facility;
 - (b) details of any impositions or convictions imposed as outlined above;
 - (c) County of origin, name of carrier, quantity and type of all wastes accepted and disposed of at the facility during the year;
 - (d) details of any loads rejected at the facility during the year;
 - (e) reportable incidents.
- 3.7 In addition, the permit holder shall include in the report, a written summary of compliance with all of the conditions attached to this permit. The information specified above shall be filled in on the Annual Environmental Report Form, which is available on the Meath County Council website at the following internet address <http://www.meath.ie/Environment/default.htm>. The completed form shall be submitted by the 28th February each year in respect of the preceding calendar year to Meath County Council by e-mail to annualenvironreport@meathcoco.ie, unless otherwise agreed in writing with Meath County Council.
- 3.8 Within one month of waste activities ceasing on the entire site, (A & B) the permit holder shall submit a report to Meath County Council which shall include the information contained in the registers described above, and details of any impositions or convictions imposed under the Waste Management Act, 1996 - 2005. In addition, the permit holder shall include in the report a written summary of compliance with all of the conditions attached to the permit.

4. Waste acceptance and handling:

- 4.1 A minimum notice of **five (5)** working days shall be given in writing to Meath County Council of the commencement of waste activities at the site.
- 4.2 The permit holder shall construct a haul road using good clean quality hardcore material, sourced from Mr. Kiernan's quarry. The haul road shall be fitted with an access / entrance gate, this gate to be secured and locked at the close of business each day. This is also a means to prevent any unauthorised vehicles entering and exiting the subject site.
- 4.3 Prior to the commencement of the waste recovery activities on the site the permit holder shall submit to Meath County Council for approval the phased restoration plan for the site area, as



detailed on the attached 1 : 500 scale map, Job No. WS – 145, Drawing No. DO4, as submitted to the Council on the 5th. March 2007. The restoration of the overall site shall be in accordance with the approved site restoration plan.

4.4 The permit holder shall carry out recovery works as detailed on 1 : 500 scale map, Job No. WS – 145, Drawing No. DO3, for Phase 1 only, as submitted to the Council on the 5th. March 2007, no waste recovery activities shall take on Phase 2, & Phase 3, until the recovery activity is fully completed on Phase 1.

4.5 Prior to the commencement of waste activities the permit holder shall erect a 1.0meter high post and wire fence between Phase 1, and Phase 3, see drawing Scale 1: 500, Job No. WS – 145, Drawing No. DO4, of the permitted site, as submitted to the Council on the 5th. March 2007.

4.6 The following waste, which conforms to the European Waste Catalogue (2002 edition) code references shall only be accepted at the site:

17 05 04 Soil and Stone

The permit holder shall ensure that adequate steps are taken to prevent acceptance of any other waste types.

4.7 The permit holder shall erect markers indicating the finished levels at sufficient locations around the site to ensure that the finished levels comply with the topographical drawings submitted to the Council on the 5th. March 2007.

4.8 The permit holder shall construct a temporary bench mark (T.B.M.) to be positioned in a secured location on site, to be read in conjunction with the ordnance survey datum as indicated on the topographical detailed drawings submitted to the Council on the 5th. March 2007. Details to be submitted to the Council.

4.9 The permit holder shall ensure that all Contractors delivering waste material to the site are operating in compliance with the Waste Management (Collection Permit) Regulations, 2001 (SI No. 402 of 2001).

4.10 Only rigid body or articulated tipper trucks shall be allowed to access the site. No dump trucks shall be permitted access to the site to deliver material.

4.11 The permit holder shall provide sufficient hardcore material or better at the site entrance to allow easy access to the site by trucks and reduce / avoid damage to the public road at the site entrance.

4.12 The permit holder shall erect warning signs on the approach roads to the site, indicating that heavy vehicles are crossing the roads. The locations and sizes of the signs shall be as agreed with the Area Engineer, or his representative.

4.13 Only uncontaminated soil and stone waste, which conforms to the European Waste Catalogue (2002 edition) code reference 17 05 04 (soil and stones) may be accepted at the site. Concrete waste, conforming to European Waste Catalogue code reference 17 01 01, may be accepted on

the site **only** for the purposes of constructing the haul road. No other waste types shall be to prevent acceptance of any other waste types.

- 4.14 All waste arriving at the facility shall be subject to a visual inspection by the permit holder, or his staff, employees, lessees or agents. Materials other than those permitted shall be removed immediately from the site. Such waste shall be disposed of (or recovered) at an alternative facility with an appropriate waste permit or waste licence. Following delivery of such unauthorised waste to the site, Meath County Council shall be immediately notified by telephone, fax or e-mail and full details shall be forwarded in writing on the next working day.
- 4.15 The permit holder shall remove immediately any waste placed on or in the vicinity of the site other than in accordance with the requirements of the permit. If such waste is discovered it shall be taken to a facility with a waste licence or waste permit authorising acceptance of such waste.
- 4.16 The permit holder shall not allow any over-spill of waste outside the site perimeter, as outlined on the site plan submitted with the permit application.

5. Nuisances, emissions and environmental impacts:

- 5.1 The permit holder shall ensure that the 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 watercourses, on field drains or on any other drainage system.
- 5.2 If in the opinion of the Trim Area Engineer, or his representative, damage is occurring to the public road, the Engineer, or his representative, shall be empowered to verbally instruct the permit holder to cease accepting waste at the site from the end of the day on which instruction issues. The permit holder shall close the site and lock the gates. Activities shall not re-commence until the Engineer, or his representative, gives authorisation to re-commence.
- 5.3 The permit holder shall take adequate steps to ensure that no material of any sort can fall or be blown from vehicles delivering waste to the site.
- 5.4 The permit holder shall take adequate steps to ensure that vehicles exiting from the site do not deposit material of any sort onto the public roadway or adjoining lands.
- 5.5 The permit holder shall take adequate precautions to prevent undue noise, fumes, dust, grit, untidiness and other nuisances during the course of the works which would result in a significant impairment of, or a significant interference with, amenities or the environment beyond the site boundary. If unacceptable levels occur, the permit holder shall abide by the Council's abatement requirements, which may include immediate cessation of operations.
- 5.6 The permit holder shall spray current working areas and site access roads with clean water during periods of dry weather if dust is being generated to such an extent as to reasonably present a risk of nuisance to neighbouring properties.
- 5.7 The permit holder shall ensure that a mechanical road sweeper is on site at all times during wet weather when mud on the public road (CR No. 468,) is liable to pose a hazard to other road users. Any material deposited on the public road shall be removed without delay.



- 5.8 The permit holder shall ensure that a mechanical road sweeper is on site at all times during wet weather when mud on the public road is liable to pose a hazard to other road users. Any material deposited on the public road shall be removed without delay.
- 5.9 The permit holder shall prior to the commencement of waste activities at the site, provide a wheelwash of suitable design and fit for purpose, that it is designed for. The wheelwash shall be constructed on the access road to the site. The position of the wheelwash, shall be agreed with the Environment Section of Meath County Council prior to the installation. The access road from the wheelwash to the site entrance gate, shall be surfaced and maintained to a suitable standard to prevent mud gathering on the wheels of trucks as they exit the site after using the wheelwash. All trucks exiting the site shall drive through the wheelwash.
- 5.10 The permit holder shall remove all litter from the site and its environs without delay.

6. Environmental monitoring:

- 6.1 Authorised staff of Meath County Council shall have unrestricted access to the site at all reasonable times for the purpose of their functions under the Waste Management Act, 1996 – 2005, including such inspections, monitoring and investigations as are deemed necessary by the Council.
- 6.2 If so requested by Meath County Council, the permit holder shall, at his own expense, make a suitable excavator available for the purposes of excavating trial holes in the waste material deposited on the site, and shall arrange for the excavator to carry out whatever works are required by the Council on the site.
- 6.3 If so requested by Meath County Council, the permit holder shall, at his own expense, carry out such further investigations and monitoring of the facility as required by the Council. The scope, detail and programme, including report structure and reporting schedule, for any such investigations and monitoring shall be in accordance with any written instructions issued by the Council.

7. Restoration and aftercare:

- 7.1 As soon as is practicable following completion of the waste activities, the quarry area, shall be returned to Mr. James Kiernan for beneficial agricultural use.

8. Charges and financial provisions:

- 8.1 The Permit holder shall pay an annual contribution of €1,764.48 to Meath County Council, or such sum as the Council from time to time determines, towards the costs incurred by the Council of monitoring the activity, to the extent that it considers necessary for the performance of its duties under the Waste Management Act, 1996. The Permit holder shall not later than 31st January of each year, pay to the Council this amount updated annually in accordance with Table 5 of the All Items Index (base at November 1975 = 100) published by the Central Statistics Office. The Council shall notify the updated amount to the Permit holder. When waste activities commence, the permit holder shall pay a *pro rata* amount from the date of commencement of waste activities at the site to 31st December, of that year.

- 8.2 In the event that the frequency or extent of monitoring or other functions carried out by the Council need to be increased for whatever reason, the permit holder shall contribute such sums as are determined by the Council to defray its costs.
- 8.3 Prior to the commencement of waste activities on site, the permit holder shall lodge with Meath County Council a cash deposit of **€5,000** or an equivalent bond or other approved financial provision, as a security for the satisfactory compliance by the permit holder with the terms and conditions attached to this permit, and in addition to provide security for damage to roads. This amount may be paid in instalments, subject to agreement with the Council. In the event of non-compliance by the permit holder with any terms or conditions attached to this permit, Meath County Council shall be empowered to apply the said funds or part thereof for the satisfactory compliance with the terms and conditions attached to this permit, including road repairs as necessary. Any amount not so used by the Council will be released to the permit holder, when all activities on site have ceased and the permit holder has fully complied with the terms and conditions attached to the permit, to the satisfaction of Meath County Council.

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ATTACHMENT B.4

Sanitary Authority

The facility does not plan to discharge effluent or other matter to any sewer system in the area. The site is serviced by an existing toilet facility, septic tank and percolation area.

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ATTACHMENT B.6

Notices and Advertisements

- B.6.1 Copy of the site notice (Location of Site Notice is shown on Figure B.6.1)
- B.6.2 Copy of Newspaper Notice - (The Weekender)
- B.6.3 Copy of Written Notification to Planning Authority of Application to the Environmental Protection Agency for a Waste Licence

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ATTACHMENT B.6.1

Site Notice

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SITE NOTICE

APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A WASTE LICENCE

Kiernan Sand and Gravel Ltd, Foxtown Townland, Summerhill, County Meath intends to apply to the Environmental Protection Agency for a waste licence for the continued operation of a waste recovery facility on lands at Foxtown Townland, Summerhill, County Meath (National Grid Reference 285633E 253005N).

The nature of the development is the continued phased restoration of a sand and gravel pit using imported inert soils, stone, and recovery of inert construction and demolition waste. It is proposed that circa 77,000 cubic metres per annum of inert materials will be accepted to site.

The principal activity is Class 4 (recycling or reclamation of inorganic materials) of the Fourth Schedule of the Waste Management Act, 1996 to 2008. Other activities include Class 13 of the Fourth Schedule (temporary storage pending recycling or reclamation).

A copy of the application for a waste licence and such further information relating to the application as may be furnished to the Agency in the course of the Agency's consideration of the application, will, as soon as practicable after receipt by the Agency, be available for inspection or purchase at the headquarters of the Agency.

ATTACHMENT B.6.2

Newspaper Notice

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WASTE PERMIT

APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A WASTE LICENCE

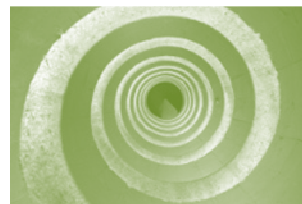
Kiernan Sand and Gravel Ltd, Foxtown Townland, Summerhill, County Meath intends to apply to the Environmental Protection Agency for a waste licence for the continued operation of a waste recovery facility on lands at Foxtown Townland, Summerhill, County Meath (National Grid Reference 285633E 253005N).
 The nature of the development is the continued phased restoration of a sand and gravel pit using imported inert soils, stone, and recovery of inert construction and demolition waste. It is proposed that circa 77,000 cubic metres per annum of inert materials will be accepted to site. The principal activity is Class 4 (recycling or reclamation of inorganic materials) of the Fourth Schedule of the Waste Management Act, 1996 to 2008. Other activities include Class 13 of the Fourth Schedule (temporary storage pending recycling or reclamation).
 A copy of the application for a waste licence and such further information relating to the application as may be furnished to the Agency in the course of the Agency's consideration of the application, will, as soon as practicable after receipt by the Agency, be available for inspection or purchase at the headquarters of the Agency.

ATTACHMENT B.6.3

Copy of Written Notification to Planning Authority of Application to the
Environmental Protection Agency for a Waste Licence

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Planning Department
Meath County Council
Abbey Mall
Abbey Road
Navan
County Meath



JSPE

Date: 11th February, 2009
Our Ref: JSPE 172_L01

J Sheils Planning & Environmental Ltd

31 Athlumney Castle, Navan, Co Meath

Phone/Fax: Ireland +353 46 9073997

Mobile: John Sheils +353 87 2730087

Email: johnsheils@jspe.ie

Re: Waste Licence Application by Kiernan Sand and Gravel Ltd for the continued operation of a waste recovery facility on lands at Foxtown Townland, Summerhill, County Meath (National Grid Reference 285633E 253005N).

To whom it may concern:

In accordance with Article 9 (1) of the Waste Management (Licensing) Regulations 2004 (S.I. No. 395 of 2004), we wish to inform you that J Sheils Planning & Environmental Ltd will be submitting a Waste License Application to the Environmental Protection Agency, on behalf of Kiernan Sand and Gravel Ltd of Foxtown Townland, Summerhill, Co. Meath. i.e.

APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A WASTE LICENCE

Kiernan Sand and Gravel Ltd, Foxtown Townland, Summerhill, County Meath intends to apply to the Environmental Protection Agency for a waste licence for the continued operation of a waste recovery facility on lands at Foxtown Townland, Summerhill, County Meath (National Grid Reference 285633E 253005N).

The nature of the development is the continued phased restoration of a sand and gravel pit using imported inert soils, stone, and recovery of inert construction and demolition waste. It is proposed that circa 77,000 cubic metres per annum of inert materials will be accepted to site.

The principal activity is Class 4 (recycling or reclamation of inorganic materials) of the Fourth Schedule of the Waste Management Act, 1996 to 2008. Other activities include Class 13 of the Fourth Schedule (temporary storage pending recycling or reclamation).

A copy of the application for a waste licence and such further information relating to the application as may be furnished to the Agency in the course of the Agency's consideration of the application, will, as soon as practicable after receipt by the Agency, be available for inspection or purchase at the headquarters of the Agency.

Yours Sincerely,

For J Sheils Planning & Environmental Ltd,

John Sheils ASCS MRICS

ATTACHMENT B.7 – Type of Waste Activity

B.7.1 Type of Waste Activity

The following sections detail the classes of activity for the site, which are in accordance with the Fourth Schedule to the Waste Management Acts 1996 to 2008, to which the application relates and includes a brief technical description of each of the activities specified.

B.7.2 Principal Activity

Class 4. Recycling or reclamation of other inorganic materials

Only inert soils, stone and clean construction and demolition waste will be accepted at the site. Further details with respect to the type of materials including European Waste Catalogue code references are provided in table Table H.1(ii). No other waste types shall be accepted or recovered at this facility.

B.7.3 Other Waste Recovery Activities - Fourth Schedule of WMA

Class 13. Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced.

Construction and demolition waste may be stored in stockpiles prior to processing, recovery and re-use for engineering purposes on the site or offsite (See Fourth Schedule - Waste Recovery Activity Class 4). Similarly topsoil/subsoil may be stored in temporary storage mounds awaiting placement as part of the restoration scheme.

Occasionally a load will contain minor contaminants (e.g. plastics, rebar, wood and paper). These items are removed on inspection by a site operative and stored in covered skips in a designated quarantine area pending removal offsite by a licensed waste disposal contractor to an appropriate disposal facility.

ATTACHMENT B.8

Sevoso II Regulation

The European Communities (Control of Major Accident Hazards involving Dangerous substances) Regulations, 2000 (S.I. No. 476 of 2000) do not apply as the establishment only accepts inert material for recovery.

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