

ATTACHMENT B3 – PLANNING PERMISSION

No planning permission was ever issued in respect of former quarrying activities at the application site as it was established and operating prior to the introduction of planning controls under the Local Government (Planning and Development) Act of 1963.

Planning permission for the existing construction and demolition waste recycling activities at the application site was granted by Bord Pleanala on appeal in July 2004 (Wicklow County Council Planning Ref. No. 03/9501, Bord Pleanala Ref. No. PL27.206464). An application for renewal of this planning permission is under consideration by Wicklow County Council. A copy of the existing planning permission is attached.

A planning application to provide for the backfilling and restoration of the existing void at Fassaroe was submitted to Wicklow County Council in July 2008. A final grant of planning permission was issued by Wicklow County Council (Planning Register Reference No. 08/1258). Notification of a decision to grant planning permission was issued by Wicklow County Council on 21 January 2009. A copy of the notification of decision to grant is attached.

Roadstone Dublin has operated a construction and demolition waste facility at the application site since 2004. The facility has also operated in accordance with the conditions of a waste permit (Reference Number ESS/15/8/12). issued by Wicklow County Council for an initial three year period in 2004. The waste permit was subsequently renewed for a further three year period by Wicklow County Council in July 2008 (Ref. No. ESS/15/8/12-339). A copy of this waste permit is attached.

A separate waste permit application was submitted to Wicklow County Council in May 2008 to provide for commencement of soil recovery activities and partial backfilling of the worked out quarry. This waste permit was issued in April 2009.

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Comhairle Chontae Chill Mhantáin

WICKLOW COUNTY COUNCIL

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Your Ref: Ess/15/8/12(339)
Our Ref: LB/JC

21ST July, 2008.

**Roadstone Dublin Ltd
Belgard
Fortunestown
Dublin 24**

**Re: Waste Management Acts, 1996 to 2007
Waste Management (Permit) Regulations, 1998
Application for Waste Permit – Roadstone Dublin Ltd,
Belgard, Fortunestown, Dublin 24
Location: Fassaroe Sand and Gravel Pit,
Fassaroe, Bray, Co. Wicklow**

A Chara,

I enclose, herewith, Waste Permit granted for a **Class 4 & 13 Recovery** activity located at **Fassaroe Sand and Gravel Pit, Fassaroe, Bray, Co. Wicklow** and dated **21ST July, 2008**.

This matter is being dealt with by Ann Whelan at 0404 20100 ext. 2502.

Mise, le meas,


**MARTINA BYRNE,
A/SENIOR EXECUTIVE OFFICER
WATER AND ENVIRONMENTAL SERVICES.**

**WICKLOW COUNTY COUNCIL
COUNTY BUILDINGS
WICKLOW**

Waste Management Acts, 1996 to 2007
Waste Management (Permit) Regulations, 1998 – S.I. 165 of 1998

WASTE PERMIT

PERMIT NO: Ess/15/8/12

WASTE PERMIT REGISTER NO: 339

PERMIT HOLDER: Roadstone Dublin Ltd
Belgard
Fortunestown
Dublin 24

LOCATION OF SITE: Fassaroe Sand and Gravel
Pit
Fasaroe
Bray
Co. Wicklow

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Reasons for the Decision

Wicklow County Council is satisfied, on the basis of the application received and the information available, that subject to compliance with the conditions of this Waste Permit, the activities concerned will not cause environmental pollution and any emissions from the activities will comply with and not contravene any of the requirements of Section 5 of the Waste Management (Permit) Regulations 1998.

Part 1: Activities Permitted

In pursuance of the powers conferred on it by the Waste Management Acts, 1996 to 2007 and the Waste Management (Permit) Regulations 1998, Wicklow County Council proposes, under Section 5 of the said Regulations to grant this Waste Permit to **Roadstone Dublin Ltd, Belgard, Fortunestown, Dublin 24** to carry out the waste recovery activities listed below subject to 11 conditions, with the reasons therefore.

Permitted Waste Recovery Activity in accordance with the First Schedule of the Waste Management (Permit) Regulations 1998 is as follows:

Activity 4 The recovery of scrap metal or other metal waste.

Activity 5 The recovery of waste (other than hazardous waste) at a facility (other than a facility for the composting of waste where the waste held at the facility exceeds 1000 cubic meters at any time).

The waste recovery activity is in accordance with the Fourth Schedule of the Waste Management Acts, 1996 to 2007; the activity concerned being Class **4 & 10**

CLASS	DESCRIPTION
4	Recycling or reclaiming of other inorganic materials.

INTERPRETATION

Act	The Waste Management Acts, 1996 to 2007
Agreement	Agreement in writing
Application	The application by the Permit Holder for this waste permit, including any other material submitted to Wicklow County Council in writing by this Permit Holder between the date of the application and the date of grant of this Permit.
Appropriate Facility	A waste management facility, duly authorised under relevant law and technically suitable.
Condition	A condition of this permit. In any case where this permit refers to a numbered condition, the reference shall be taken to mean the condition and any sub-condition therein which the context of the reference requires that reference is made to.
Drawing	Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this permit.
Emission	As defined in Section 5(4) of the Act.
Environmental Pollution	As defined in Section 5(1) of the Act.
European Waste Catalogue (EWC)	The EWC is a harmonised, non-exhaustive list of wastes drawn up by the European Commission and published as Commission Decision 94/3/EC and any subsequent amendment published in the Official Journal of the European Community.
Incident	Any reference to an incident in this permit means <ol style="list-style-type: none">(1) Any nuisance caused by the activity.(2) Any emergency.(3) Any material delivery not covered by this permit.(4) Any indication that environmental pollution has or may have taken place.
Permit Holder:	Roadstone Dublin Ltd, Belgard, Fortunestown, Dublin 24

Part 2 Conditions

Condition 1: Scope

- 1.1 For the purpose of these conditions the site is that outlined in red on drawing titled “Site Layout & Site Notices” which covers an area of 1.25 Hectares.
- 1.2 This permit shall only apply to the site described in condition 1.1 and detailed on drawing titled “Proposed Site Layout”. This Waste Permit is strictly non-transferable.
- 1.3 This permit is for the purposes of the Waste Management (Permit) Regulations 1998 only and no conditions in this permit shall be construed as negating the Permit Holders statutory obligation or requirement under any other enactments or regulations (i.e. Planning Acts). Conditions outlined in Planning Reg. Ref 03/9501 relevant to the proposed activity shall be complied with in their entirety.
- 1.4 This permit shall expire 36 months from the date of grant.
- 1.5 The maximum height of processed product and unprocessed waste materials stored within the permitted site shall not exceed a maximum height of 6 metres.
- 1.6 Continuous breaches of permit conditions will lead to a review of the permit and possible revocation.
- 1.7 Accumulated quantities of processed product and unprocessed waste materials shall not be of a quantity as to cause an environmental nuisance.

<i>Reason: To clarify the scope of this Permit.</i>

Condition 2: Management of the Activity

- 2.1 **The Permit Holder shall be responsible for ensuring that the waste activities shall be controlled, operated and maintained in strict accordance with the terms of the application as modified and/or controlled by the conditions attached to the permit.**
- 2.2 The Permit Holder shall establish procedures to ensure that corrective action is taken should any condition of this permit not be complied with. Wicklow County Council shall be notified of any such breach by telephone/fax and full details shall be forwarded in writing on the next working day.
- 2.3 The Permit Holder shall hold and maintain a copy of this permit at the site for inspection at all reasonable times.

- 2.4 The Permit Holder shall familiarise all staff, employees, leasees and agents associated with the site of the provisions and conditions of this permit.
- 2.5 The Permit Holder shall ensure that a person in charge, a site caretaker, shall be available on site at all times when the facility is in operation.
- 2.6 The hours of operation of the site shall be strictly adhered to and shall be as follows:
- Monday to Friday 0800- 1800 inclusive (excluding Bank and National holidays) and between the hours of 0830 and 1300 on Saturday.
- 2.7 Access to the permitted site shall be secured at all times other than during operational hours as set out in condition 2.6.
- 2.8 The Permit Holder shall ensure that the facility is operated in compliance with the Safety, Health and Welfare at Work Act 2007 and associated regulations.
- 2.9 Where Wicklow County Council considers non-compliance with any conditions with the conditions of this permit has occurred, it may take action where it considers necessary.

Reason: *To make provision for management of the facility on a planned basis.*

Condition 3: Notification and Record Keeping

- 3.1 The Permit Holder shall notify Wicklow County Council within seven days of
- The imposition of any requirement on the Permit Holder by order under section 57 or 58 of the Waste Management Acts 1996 to 2007 or
 - Any Conviction of the Permit Holder for an offence prescribed under Section 34(5) or 40(7) of the Waste Management Acts 1996 to 2007.
- 3.2 The Permit Holder shall maintain a written record for each load of material entering or leaving the site in an official site register.
- 3.3 Records shall be kept on site in a site register and shall include the following information:
- (i) Name of the carrier.
 - (ii) Description and origin of the material in each load.
 - (iii) The dates and times of all waste deliveries to the site and vehicle registration numbers.
 - (iii) The quantity of the materials, estimated in tonnes and recorded in loads.
 - (iv) Where loads are removed or rejected, details of the material and the place to which they were removed.

3.4 The Permit Holder shall immediately notify Wicklow County Council by telephone/fax of any incident which occurs as a result of the activity on the site, and which:

- (i) has the potential for environmental contamination of surface water or groundwater, or
- (ii) poses an environmental threat to air or land, or
- (iii) requires an emergency response by the Council

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

3.5 The Permit Holder shall maintain a written record of all complaints of an environmental nature related to the site. Each such record shall be contained on the site register and shall include the following information:

- (a) Date and time of complaint.
- (b) Name of complainant.
- (c) Details of the nature of the complaint.
- (d) Action taken on foot of the complaint.
- (e) Response to each complainant.

3.6 The Permit Holder shall submit a comprehensive Annual Environmental Report (AER) to the Council on the activities no later than the 28th day February in each year. Should the Permit duration date have expired before this day, an Environmental Report shall be submitted within one month from the date of activities ceasing. The Environmental Report shall include such information as that requested in an AER.

The Annual Environmental Report will include details of:

- (a) The management and staffing structure of the facility.
- (b) Any convictions or impositions as outlined above.
- (c) Summary of waste handled at the facility during year including waste types and quantities of waste accepted.
- (d) Reportable incidents, if any, under the Waste Management Acts (1996 to 2007).
- (e) Details of all complaints.
- (f) A written summary of compliance with all of the conditions attached to this Waste Permit.

Reason: *To provide for the notification of incidents and to provide for the keeping of records.*

Condition 4: Site Infrastructure

- 4.1 Within one month of the date of the grant of this Permit the Permit Holder shall provide and maintain a Site Notice Board at the entrance to the facility. The minimum dimension of the identification board shall be 1200mm by 750mm. The Board shall clearly show:
- (a) The name, address and telephone number of the Permit Holder.
 - (b) The permit number and date of grant of the permit.
 - (c) The normal opening hours of the facility.
 - (d) The name, address and telephone number of Wicklow County Council.
- 4.2 The site entrance and access roads shall be maintained to the satisfaction of Wicklow County Council. Roadways shall be maintained to ensure the safe movement of vehicles within the facility. No traffic queuing shall be allowed on the public road.
- 4.3 If required by Wicklow County Council, water-monitoring stations shall be established, numbered and indicated by suitable markers.
- 4.4 Adequate precautions shall be taken to prevent unauthorised access to the site.
- 4.5 Plant and equipment associated with the activity shall be painted in sympathetic colours as per proposal in application.
- 4.6 No fuel shall be stored within the permitted area and refuelling of crusher shall be mobile bunded fuel bowser only.
- 4.7 Storage areas for processed product and unprocessed waste shall be clearly delineated.
- 4.8 A quarantine area for unsuitable materials shall be established and clearly delineated and identifiable.
- 4.9 Effective screening of the proposed application shall be undertaken prior to processing activities commencing.

Reason: To provide for the protection of the environment.

Condition 5: Materials Acceptance and Handling

- 5.1 Only the following inert material may be accepted throughout the site in accordance with the EWC codes 17 01 01 Concrete, 17 01 02 bricks, 17 01 03 Tiles & Ceramics, 17 01 07 Mixture of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06 No other wastes are permitted onto the site. The Permit Holder shall ensure that adequate steps are taken to prevent acceptance of any other waste types.

- 5.2 The maximum tonnage of waste shall not exceed **50,000** tonnes per annum for the duration of this Permit.
- 5.3 All materials entering the site shall be subject to a visual inspection. All material inspected and deemed suitable shall be permitted onto the site. Any contaminated material shall be moved to the Waste Quarantine Area from where it shall be removed off-site by an authorized hauler to an appropriate facility.
- 5.4 The Permit Holder shall incur all cost for the removal of unsuitable material.
- 5.5 This permit is solely for the recovery of waste materials specified in condition 5.1. This permit does not constitute a disposal activity.
- 5.6 The site shall be adequately secured so as to avoid “fly tipping”. The Permit Holder shall remove any such material within 24 hours to an appropriate facility. A maximum of **30** trucks per day may enter and deposit material on the site. Records of these depositions shall be kept in strict accordance with Conditions 3.2 and 3.3 of this Permit.
- 5.7 The Permit Holder shall not allow any over-spill of waste or surface water run-off from non-vegetated areas beyond the site perimeter or into any watercourses or drains. Interceptor drains and settling ponds shall be regularly cleared of fine silts and clay.
- 5.8 The Permit Holder shall ensure that all contractors delivering to the site currently hold a valid Waste Collection Permit from the relevant Local Authority or has applied and is legally entitled to collect and transport waste material.
- 5.9 The accumulated quantity of processed and unprocessed waste shall not exceed a total combined weight of 50,000 tonnes within the permitted area.

Reason: To provide for the acceptance and management of materials authorised under this permit.

Condition 6: Environmental Nuisances

- 6.1 The Permit Holder shall ensure that the waste activities on the site shall be carried out in such a manner so as to not to have an adverse effect on the drainage of adjacent lands, on watercourses, on field drains or any other drainage system.
- 6.2 The road network in the vicinity of the site shall be kept free of any debris or litter caused by vehicles entering or leaving the site. Any debris or dirt shall be removed without delay. A road sweeper shall be available on the site to ensure that public roads are kept clean at all times.
- 6.3 Wheel washing shall be provided to prevent materials being carried onto the road or alternatively the entrance haul road shall be long enough and of sufficient quality so as to prevent materials being carried as far as the public roadway. 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.

- 6.4 Vehicles shall not be permitted to queue or park on the public road. Provision shall be made within the confines of the site for turning vehicles.
- 6.5 In dry weather appropriate measures shall be taken to reduce/eliminate airborne dust nuisance.
- 6.6 A water bowser shall be made available to dampen down haul roads and stockpiles of processed and unprocessed waste.
- 6.7 A sprinkler system shall be operated at all times during crushing operations.
- 6.8 Any loose litter accumulated within the site and its environs shall be removed and appropriately disposed of at an appropriate facility on a daily basis.

Reason: To provide for the control of nuisances.

Condition 7: Emissions and Environmental Impacts

- 7.1 The Permit Holder shall ensure that all operations on the site are carried out in a manner such that air emissions or odours or noise do not result in significant impairment of or significant interference with amenities or the environment beyond the boundary.
- 7.2 Noise levels from all onsite activities shall not exceed those set out in the EPA guidance note for noise in relation to scheduled activities which states that "the noise level at sensitive locations should be kept below an L_{A,T} 55 db(A) by daytime" when measuring at the nearest noise sensitive location or site boundary.

Reason: To control emissions from the site and provide for the protection of the environment.

Condition 8: Restoration and Aftercare

- 8.1 Following cessation of recycling activities within the permitted area the site shall be restored to conditions set out in part 2.3 of waste permit application.

Reason: To provide for the restoration of the site.

Condition 9: Environmental Monitoring

- 9.1 Authorised staff of Wicklow County Council shall have access to the site at all reasonable times, for the purpose of their functions under the Waste Management

Acts, 1996 to 2007, including such inspections, monitoring and investigations as are deemed necessary by the Council.

- 9.2 If required by Wicklow County Council, the Permit Holder shall carry out such monitoring at such locations and frequencies, as shall be specified from time to time by Wicklow County Council, at his own expense.
- 9.3 If required by Wicklow County Council, the Permit Holder shall at his own expense, within one month of issue of this permit, have carried out water quality tests at a well close to the site and agreed with Wicklow Co. Council, and thereafter carry out repeat tests at such intervals as requested by Wicklow Co. Co.
- 9.4 If required by Wicklow County Council, the Permit Holder shall at his own expense make available a suitable excavator 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.

Reason: To provide for a satisfactory monitoring system.

Condition 10: Contingency Arrangements

10.1 Unless otherwise notified in writing by Wicklow County Council in the event that any monitoring, sampling, complaints or observations indicate that an incident has, or may have, taken place the Permit Holder shall immediately:

- (a) Identify the date, time and place of the incident.
- (b) Carry out an immediate investigation to identify the nature, source and cause of the incident and any emission.
- (c) Isolate the source of the emission.
- (d) Evaluate the environmental pollution, if any caused by the incident.
- (e) Identify and execute measures to minimise the emissions/malfunctions and the effects thereof.
- (e) Provide a proposal to Wicklow County Council for its agreement within two weeks to (i) identify and put in place measures to avoid recurrence of the incidents and (ii) identify and put in place any other appropriate remedial action.

10.2 Failure to comply with permit conditions may result in legal proceedings being initiated.

Reason: To provide for the protection of the environment.

Condition 11: Charges and Financial Provision

- 11.1 The Permit Holder shall pay a total contribution of €5,000 to Wicklow County Council towards the cost of inspecting, monitoring or otherwise performing any functions in relation to the permit activity. The Permit Holder shall pay Wicklow County Council **prior to issuance of the Permit. Upon payment, the Permit will be released to the Permit Holder so that operations may commence. No Activities may take place at the site until such time as the Permit is released.**
- 11.2 In the event that the frequency or extent of monitoring or other functions carried out by Wicklow County Council need to be increased for whatever reason the Permit Holder shall contribute such sums as are determined by Wicklow County Council to defray costs.
- 11.3 If requested the Permit Holder shall enter into an agreement with the relevant Area Engineer at any time with regard to meeting some of the costs related to maintenance of the local road network during the life span of the permit.

Reason: To provide for adequate financing for monitoring and financial provision for measures to protect the environment.

Waste Permit is dated this 21ST July, 2008.

Signed: _____

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**PHILIP DUFFY,
A/DIRECTOR OF SERVICES
WATER AND ENVIRONMENTAL SERVICES**



Comhairle Chontae Chill Mhantáin

WICKLOW COUNTY COUNCIL

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23 JAN 2009

Your Ref:

Our Ref:

PLANNING & DEVELOPMENT ACTS 2000 - 2006

NOTIFICATION OF DECISION TO GRANT

Roadstone Dublin Ltd
C/o John Barnett & Associates Ltd
7 Dundrum Business Park
Windy Arbour
Dublin 14

Planning Register Number: 08/1258

Valid Application Received: 16/07/2008

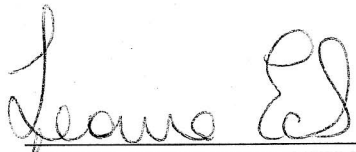
Further Information Received Date: 18/12/2008

In pursuance of the powers conferred upon them by the above-mentioned Act, Wicklow County Council has by Order dated 21/1/09 decided to GRANT PERMISSION for development of land, namely:-

Backfill the existing quarry void to former ground level using imported inert soil and stones. The proposed development requires a waste licence from the Environmental Protection Agency at Fassaroe Bray Co. Wicklow.

Subject to the 15 conditions set out in the attached schedule.

Signed on behalf of Wicklow County Council.


SEAMUS EGAN
SENIOR EXECUTIVE OFFICER
PLANNING & ECONOMIC DEV

Date: 21/1/2009

PLANNING AND DEVELOPMENT ACTS 2000 – 2006

Reference Number in Register: 08/1258

SCHEDULE

Pursuant to the Planning & Development Acts 2000 – 2006, permission is hereby granted, having regard to the history of activity on site, the site specific nature of the proposal and the need for such facilities, it is considered that the development would be acceptable at this location, would accord with County Development Plan policy and would not be seriously detrimental to the amenities of the area or adjoining residents. Subject to compliance with the attached conditions the development would accord with proper planning and sustainable development.

General and Financial

1. This permission refers to the development as described in the documents lodged, as revised by the details submitted on the 16th September 2008 and the 18th December 2008, save as the conditions hereunder require.

REASON: For clarification.

2. This permission shall be for a period of 10 years from the date of the final grant

REASON: In the interest of clarification

3. Working hours shall accord with the provision of Section 2.2.1 of the Planning Application report carried out by John Barnett & Associates and submitted on the 16th July 2008. In particular no work shall take place on Sundays or Bank Holidays.

REASON: In the interest of residential amenity.

4. Before development commences, the developer shall pay the sum of €24,750 (updated at the time of payment in accordance with changes in the Consumer Price Index as published by the Central Statistics Office) to the Planning Authority as a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme and Section 48(1) of the Planning and Development Acts 2000 to 2002.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

 21/1/09

Surface Water/ Dust/ Noise/ Waste

5. Prior to the commencement of any backfilling works pursuant to this permission, proposals shall be submitted to and agreed in writing with the Environment and Water Services Section of Wicklow County Council to manage the discharge of surface water from the area proposed for infilling. Any proposals shall include as a minimum adequate measures to prevent surface water discharging directly to any stream or watercourse or impacting on lands in the vicinity. In addition proposals for monitoring of the surface water during backfilling operations shall be included. All proposals shall be effected at the applicants own expense.

REASON: In the interests of public health, the protection of surface waters and ground water and to protect existing amenities of the area.

6. Dust emissions from the site shall not exceed 350 milligrams/square metre per day averaged over a continuous period of 30 days, measured as deposition of insoluble particulate matter, at any position along the site boundary. Suitable arrangements shall be made to suppress and control dust arising from the handling and transportation of inert materials. The deposition of dust on surrounding lands in excess of allowed limits, or spillage onto public roads shall be prevented at all times. Within three months of the issuing of conditions, details of management and monitoring arrangements to ensure compliance with this requirement shall be submitted to the Environment Section of Wicklow County Council for approval. When approval is granted, they shall be included in the Environmental Management System.

REASON: To protect existing amenities of the area and in the interests of road safety

7. Equivalent sound levels attributable to all on-site operations associated with the development shall not exceed 55 dB(A) (Leq) over a continuous one hour period between 0800 hours and 1800 hours on Monday to Friday inclusive, and 0800 hours and 1300 hours on Saturday, when measured at any noise sensitive receptor. Sound levels shall not exceed 45 dB(A) over a continuous one hour period at any other time.

REASON: In the interest of residential amenity.

Safety

8. Adequate Fencing shall be provided and maintained to prevent access to the edge of all slopes.

REASON: In the interests of public safety.

Roads

9. The Owner / operator shall be responsible for maintaining the adjoining public roadway in a clean state, free from mud and other debris caused by the haulage of materials to the quarry.

REASON: In the interests of traffic safety and amenity.

10. All vehicles exiting the site shall use the wheel washing facility.

REASON: In order to prevent dust emissions in the interests of amenity and proper planning and development, and in the interest of traffic safety.

11. At no time over the course of the permission shall the HGV numbers associated with the development exceed a total of 20 HGV movements per hour as delineated in the WSP Ireland Ltd report submitted on the 18th December 2008. A record of all HGV movements with respect to the works shall be kept on site and shall be made available for inspection by the Planning Authority when requested.

REASON: In the interests of traffic safety and amenity.

12. Prior to the commencement of any backfilling works, the improved traffic calming measures as identified in the WSP Ireland Ltd report submitted on the 18th December 2008 shall be carried out in full.

REASON: In the interest of traffic safety.

Environmental Monitoring

13. On an annual basis (by the end of February each year) for the lifetime of the permission, the operator shall submit to the Environment Section of Wicklow County Council three copies of an environmental audit. Independent environmental auditors, whose names shall be submitted to the Environment Section of Wicklow County Council for prior approval, shall carry out this audit. This audit shall be carried out at the expense of the operator. This audit shall contain -

- (a) A copy of all of the environmental monitoring results for the year,
- (b) A full record of any breaches over the previous year for noise, dust, surface water,
- (c) A written record of all complaints, including actions taken on each complaint

A full interpretative report, prepared by the person carrying out the monitoring, shall accompany all monitoring records.

Notwithstanding the above annual audit requirements, all incidents where levels of noise or dust exceed agreed levels shall be notified to the Environment Section within two working days. Incidents of surface or

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groundwater pollution, or incidents that may result in groundwater pollution, shall be notified to the Environment Section without delay.

REASON: In the interest of residential amenity and to ensure a sustainable use of non-renewable resources.

14. Within three months of the grant of this permission the applicant shall submit to the Environment Section of Wicklow County Council, for their written agreement, a proposal for a site specific Environmental Management System (EMS) for the works. This shall include the following
- (a) A list of all monitoring locations
 - (b) A description and specification of all monitoring equipment to be used, and the proposed frequency of monitoring and reporting. An interpretation of the results shall accompany all monitoring reports.
 - (c) The identity and qualifications of persons responsible for the proposals for the suppression of on-site noise (in order to comply with the planning conditions),
 - (d) Proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity of the quarry. The monitoring shall record L_{Aeq} (1 hr), L_{A10} (1 hr) and L_{A90} (1 hr) levels. The results of such surveys shall include details of, inter alia:-
 - (i) Type of monitoring equipment used, sensitivity or calibration evidence, and the methodology of the survey.
 - (ii) Prevailing climatic conditions at the time of the survey.
 - (iii) The time interval over which the survey was conducted.
 - (iv) What machinery was operating at the time of the survey and number of HGV's entering and leaving the site.
 - (e) Proposals for the suppression of dust on site, from access roads and wind blown,
 - (f) Proposals for complying with the Aquifer Protection Scheme as adopted by Wicklow County Council
 - (g) Details of safety measures for the land around the infill area, to include warning signs and stock proof fencing.

All actions required under the Environmental Management System shall be implemented within six months of the date of agreement by the Environment Section.

21/1/09

REASON: In the interest of proper planning and development, safeguarding local amenities, and public health.

Landscaping:

15.

- a) Proposals shall be submitted to provide for landscaping of the overall site so as to re-establish hedges/ field boundaries. Details of such landscaping which shall be undertaken by a suitably qualified professional shall be submitted to and agreed in writing by the Planning Authority no later than 6 months from the date of commencement of works on site.
- b) Upon completion of each phase of back-filling, the area shall be covered in a layer of topsoil and grassed, and landscaping carried out in accordance with the details agreed under (a) above.

REASON: To ensure the satisfactory restoration of the site in the interests of the amenities and proper planning and sustainable development of the area.

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S. 2. 11/09

PLANNING AND DEVELOPMENT ACT 2000 - 2002

Reference Number in Register: 03/9501

S C H E D U L E

Pursuant to the Planning & Development Act 2000-2002, permission is hereby granted, having regard to the policies and objectives of the Wicklow County Development Plan 1999, the nature of the proposed development and the history of uses on the site and the nature of the subject site, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the surrounding area or of adjoining properties and that the proposed development would be in accordance with the proper planning and sustainable development of the area:

1. This permission refers to the development as described in the documents lodged, as revised by the documents submitted on 26 January 2004 save as the conditions hereunder require.

REASON: For clarification.

2. Before development commences, the developer shall pay the sum of €11,860 (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 contribution to expenditure that was and/or is proposed to be incurred by the Planning Authority in respect of the provision of roads facilitating the proposed development.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provision of Section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be seven years from the date of the receipt of the full payment of the contribution.

REASON: The said works will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

3. The permission granted hereunder shall expire five years from the date of grant and all activities on the site shall cease on this date save where a prior grant of permission has been received from the relevant planning authority.

REASON: To allow the impact of the proposed development to be fully assessed and to protect the amenities of adjoining residential properties.

4. No development shall commence on the site until the applicants have submitted evidence in writing that a waste permit/waste license, as appropriate, has been obtained from the relevant issuing authority.

REASON: In the interest of proper planning and development.

5. The landscaping and tree planting, contained in the submission to the Planning Authority of 26/1/04, shall be carried out prior to the commencement of development on the site. Any plants which become seriously damaged shall be replaced by others of similar size and species.

REASON: In order to assimilate development on this site into the surrounding area, in the interests of visual amenity and proper planning and development.

6. Prior to the commencement of operations on the site, the proposed junction improvements detailed on drawing no. JBA 2803 D05, submitted to the Planning Authority on 26/10/03, shall be fully completed.

REASON: In the interests of road safety.

7. No trade effluent from the plant shall discharge to surface or ground waters/public sewer, other than in accordance with the terms of a current licence granted under the relevant provisions of the Local Government (Water Pollution) Acts, 1977 - 1990.

REASON: In the interests of public health and to prevent water pollution.

- 8(a) The noise level arising from this development shall not exceed 55 dB(A) Leq (1 hour) with a maximum peak of 65 dB(A) between 0800 to 1800 hours, Monday to Saturday inclusive, but excluding public

holidays, when measured at site boundaries. At all other times the noise level shall not exceed 45 dB(A) Leq (1 hour) measured at the same locations. No pure tones should be audible at any time.

- (b) As and when required by the Planning Authority, a survey of noise levels at monitoring stations on adjacent properties (to be agreed with the Planning Authority) shall be undertaken by an agreed professional (at the expense of the developer) and the results submitted to the Planning Authority within one month of such a request.

The results of such surveys shall include, inter alia:-

- (i) Type of monitoring, equipment used, sensitivity or calibration evidence, and the methodology of the survey.
- (ii) Prevailing climatic conditions at the time of the survey.
- (iii) The time interval over which the survey was conducted.
- (iv) What machinery was operating at the time of the survey.

The results should be submitted to the Planning Authority within 2 weeks of the survey date in each case. If the noise survey has not been carried out, or the results not submitted to the Planning Authority within one month, the Planning Authority shall arrange to have such a survey carried out and the cost of the survey shall be recouped from the developer.

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

9. Fencing shall be provided and maintained to prevent access to the edge of all steep slopes exceeding 3m in height.

REASON: In the interests of public safety.

- 10(a) All surface water from the plant area, quarry floor and internal haul roads shall be directed to sumps and pumped from there to the settling lagoons.

- (b) The settling lagoons shall be of an adequate size and properly maintained to ensure the efficient removal of suspended solids.

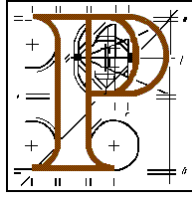
REASON: To protect existing amenities of the area and in the interests of road safety.

11. The following dust suppression measures shall be carried out by the developer:-

- (a) The quarry floor and internal haul roads shall be sprayed during periods of dry weather.
- (b) Water sprays fitted before and after all crushers and at head drums in the plant area shall be maintained in good working order at all times.
- (c) A wheelwash facility shall be provided in the vicinity of the plant area. All vehicles leaving the site must pass through the wheelwash, which shall be provided with a continuous water supply facility together with a suitable sump arrangement for the drawing off of waste waters arising.
- (d) Dust levels shall not exceed 130mg/sq.m/day, averaged over 30 days, when measured at the site boundary. The developer shall install two dust-monitoring stations within three months of commencement of operations and operate these for the lifetime of the workings. The location of these stations and type of equipment to be installed shall be agreed with the Planning Authority and the agency/organisation carrying out all monitoring shall be agreed in advance by the Planning Authority. Results of the monitoring shall be submitted to the Planning Authority when requested.

REASON: To protect the amenities of the area.

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS, 2000 TO 2002

Wicklow County

Planning Register Reference Number: 03/9501

An Bord Pleanála Reference Number: PL 27.206464

APPEAL by An Taisce of The Tailors' Hall, Back Lane, Dublin against the decision made on the 18th day of February, 2004 by Wicklow County Council to grant subject to conditions a permission to Roadstone Dublin Limited care of John Barnett and Associates Limited of CSA House, Units 6 and 7, Dundrum Business Park, Windy Arbour, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Recovery of pre-sorted construction and demolition waste (namely concrete, bricks, tiles and ceramics), construction of a hardstanding area for stockpiling and waste recovery and waste inspection area (200 metres square) and portocabin office (39 square metres). Operations to be carried out include crushing and stockpiling of material using mobile plant all on a 1.25 hectare site within its existing landholding at Fassaroe Sand and Gravel Pit, Fassaroe, Bray, County Wicklow.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the nature and extent of the existing and permitted development on the overall lands at Fassaroe,
- (b) the national waste management policy framework and strategy as outlined in the government policy statements 'Changing Our Ways' and 'Delivering Change' published by the Department of the Environment and Local Government in September, 1998, and March 2002 respectively,
- (c) the waste management strategy for Wicklow County Council as set out in the Wicklow County Waste Management Plan 2004-2010, and
- (d) the policies and zoning objectives of the current development plan for the area,

it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the revised details received by the planning authority on the 26th day of January, 2004, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This permission is for a period of five years from the date of this order. No further recovery/stockpiling shall be permitted without a prior grant of planning permission and the full restoration of the site shall be completed to the satisfaction of the planning authority within one year of the cessation of the works.

Reason: To allow monitoring of the impact arising from the proposed development

3. The extent of the area allocated to recovery and stockpiling shall be limited to the 1.65 hectare area indicated on drawings submitted at application stage.

Reason: To limit the extent and impact of the development on the visual amenities of the area.

4. No construction and demolition waste from outside sources shall be accepted prior to complete recovery/clearance of the existing construction and demolition waste material on the site including those arising from operations within the overall holding.

Reason: To limit the extent of the operations.

5. Prior to commencement of development, the developer shall put in place monitoring arrangements for the measurement of noise emissions, dust deposition and suspended solids of surface water run-off associated with the development. The developer shall submit to the planning authority, on a frequency to be determined by the planning authority, the results of the monitoring programme. Monitoring locations for the above shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the amenities of the area.

6. Dust deposition arising from the proposed development shall not exceed 130 milligrammes per square metre per day when measured at the site boundaries and averaged over 30 days.

Dust suppression measures shall be provided to the written requirements of the planning authority.

Reason: To protect the amenities of the area.

7. During the operation and restoration phase of the proposed development the noise level from the operations measured at the site boundaries shall not exceed

- (i) an Laeq T value of 55 dB(A) with a maximum peak of 65 dB(A) during the period 0800 hours to 1800 hours Monday to Saturday,
- (ii) an Laeq T value of 45 dB(A) at any other time.

All sound measurements shall be carried out in accordance with the ISO recommendations 1996 (assessment of noise with respect to community response) as amended by ISO Recommendations 1996/1, 2 and 3 (description and measurement of environmental noise (as appropriate)).

Reason: To protect the amenities of the properties in the vicinity.

8. The landscaping works along the perimeter of the site shall be carried out prior to commencement of development. These shall include additional rows of deciduous trees to provide a wooded belt of trees to a minimum width of 15 metres and extending to the site boundary in the case of the western side.

Reason: To reduce the impact of the proposed development.

9. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, full details of a restoration programme, which shall include grading and landscaping of the site.

Reason: In the interest of visual amenities.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act, 2000. The provisions of section 48 (10) (a) and (b) of the Act shall apply as respects an appeal to An Bord Pleanála in relation to the application of the Scheme.

Reason: It is considered reasonable that a contribution be made in accordance with a Development Contribution Scheme made for the area of the proposed development under section 48 of the Planning and Development Act, 2000.

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

Dated this day of 2004.