

Date: 25/02/2009
Pl. Ref: 08/2159



REGISTERED POST

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

Re: Planning Reference:08/2159 - Cemex Limited - PERMISSION, for the continuation of restoration activities at their existing sand and gravel pit in the townlands of Walshestown, Blackhall Tipperkevin and Bawnogue Co.Kildare. It is the intention of the Applicant to restore the lands back to Eastern Kildare etc at Walshestown Blackhall Tipperkevin Bawnogue Co.Kildare

REQUEST FOR FURTHER INFORMATION

Dear Sir/Madam

I refer to your application in respect of the above development and now request you to please submit the further information as set out on the attached schedule.

Please submit detailed replies to all matters raised, quoting the above reference number.

As your application cannot receive further consideration until all issues are fully addressed, all of the necessary information should be submitted at the same time.

Under the Planning and Development Act 2000-2007, in the event that a reply in writing is not received to a request for further information within a period of 6 months, the application will be deemed to have been withdrawn. Please note that should an Environmental Impact Statement form part of this application you may request in writing an extension of time period of an additional 3 months to reply to this request for further information.

When replying please submit six copies of all documentation.

Yours faithfully



Authorised Officer
Kildare County Council

**Re: Planning Permission is sought for the continuation of restoration activities at their existing sand and gravel pit in the townlands of Walshestown, Blackhall, Tipperkevin and Bawnogue Co.Kildare. It is the intention of the Applicant to restore the lands back to Eastern Kildare Uplands Transition Character, and to meet a Specific Objective (Walshestown Pit No. 9) of the Kildare County Development Plan 2005 – 2011. The application area for restoration works is circa 40.0 hectares, within an overall site area of circa 68.0 hectares. Access to the application Site will be from the Local Road L6042. The development will consist of: (a) importation and placement of inert materials over a period of circa. 15 years; (b) inert materials processing and stockpile area; (c) processing of inert materials including crushing, screening, and magnetic separation using mobile machinery for the purposes of recovery and recycling of engineering material; (d) wheelwash (1 no.); (e) quarantine areas within existing sheds (change of use) and on a concrete hardstand; (f) provision of vehicle maintenance sheds (change of use); (g) surface water management features including all ponds, swales, ditches, infiltration trenches and soakholes; (h) 2 no. bunded fuel tanks (5,000 litre) and associated concrete hardstanding and full retention surface water separator; (i) ducting and services, piping and manholes; (j) facility notice board at existing site entrance; (k) earthworks, site levelling, landscaping berms and other related works; and (l) fencing, lighting and all other associated ancillary works. The application relates to a restoration development which comprises or is for the purpose of an activity requiring a waste licence to be issued by the Environmental Protection Agency. An Environmental Impact Statement will be submitted to the Planning Authority with the Application.
Cemex (ROI) Limited 08/2159**

Only one reply to Further Information requests will be accepted and the documents submitted will be taken as a full and final response to the Further Information request. Failure to fully address all items of Further Information may lead to Clarification of Further Information and/or a decision may be made in the absence of the information requested.

1. The Planning Authority supports the restoration of the Walshestown Pit, with the recreation of a number of walking routes, in accordance with Chapter 14 of the Kildare County Development Plan. There are however a number of serious concerns which should be directly addressed by the applicant.

These principally relate to the nature and volume of material proposed to restore the site. It would appear that the applicant seeks to restore the disused quarry above and beyond that envisaged by the Planning Authority.

The proposal as presented is unacceptable to the planning authority in its current form for the following reasons:

- The proposal as presented is above and beyond a simple 'restoration' project. Primarily it represents a commercial venture which seeks to maximise a financial return on site beyond the original lifespan of the quarry
- The importation of 7.56 million tonnes over 13 years (600,000 tonnes per annum) with an estimated 190 HGV trips per day is unacceptable.
- It does not seek to 'restore' the lands to the original profile but rather creates a new convex landform to maximise the potential volume of inert material to be processed on site, sourced from the Greater Dublin Region
- No evidence has been submitted to support the claim that the land is actually being restored to its original profile

2. Having regard to the above, the applicant is thereby requested to submit the following:
 - Applicant to provide a copy of the original site survey (with contours) and a copy of the original landscaping and restoration programme as submitted to the Planning Authority under Reg. Ref. 340/76 Dwg. 75-121-11
 - A detailed study comparing the original profile of the land pre –quarrying and as proposed by means of restoration
 - Justify the proposed convex landform and back up with documentary evidence that that proposed replicates the original landform

3. Having assessed the cross sections as presented in Dwgs PA-08A and PA-08B, it would appear that the scale of the development proposed is considerably in excess of that required to realise the objective of the County Development Plan to restore the lands to a visually acceptable state. The applicant is requested to significantly reduce the scale of the project and show how the restoration of the lands can be achieved with minimal intervention. Please submit a revised proposal addressing the above.

4. The site is situated in a transitional landscape between the lowland agricultural area to the west and the high amenity upland area to the east (as detailed in Figure 16.1 of the Environmental Impact Statement). It is submitted that the site and landscape in the vicinity of the site is not as visually sensitive as the upland landscape to the east and that the restoration proposals contained in the EIS and planning application will not ensure that the visual and landscape impacts are minimised within acceptable standards. In the application, the site is continually referred to/classified as embodying characteristics associated with an upland area. It is considered that reference to such has been used to justify the quantum of inert fill proposed. It is therefore reasonable to expect that the final landform should be concealed by hedgerows and be no higher than the surrounding lands. Please address the above in a revised site layout and documentation.

5. Having regard to item no. 3 above please submit detailed photomontages of the final restoration plan from a number of viewpoints from both local approach roads. You are also requested to submit alternative photomontages of the existing/proposed views showing an intermediate 'flat' restored site. In particular a revised view should be submitted for Figure 16.3 (b) and (c).

6. The complete restoration of the site is projected over 15 years with active filling of 600,000 tonnes of inert waste per annum over 13 years. This will result in 195 HGV trips daily. This will result in an unacceptable impact on the residential amenity and local road network in the area. In the event that the material cannot be sourced and the restoration completed within the specified timescale, the development could result in sporadic truck movements over a protracted period of time. Please comment.

7. Please document the previous height and location of the former Priests Hill and show how the final restoration plan achieves this.

8. Please submit a cross section of the proposed walking track and detail the materials proposed to construct same.

9. Please clarify whether it is proposed to retain the entrance as shown after year 15 when the site is fully restored and comment on who will retain ownership of the lands and whether these will be open to the public.

10. In the event that a permanent access point is envisaged, the applicant is requested to explore the possibility of erecting an information sign detailing the history/evolution of the site on a visually pleasing signage with maps, photos and text.

11. Figure 12.7 (Section 12 of the EIS) shows that the site is located in an area where the Groundwater Vulnerability is classified as High to Extreme (on a restricted portion on the south east corner of the site) due to the nature of the underlying aquifer. Please clarify how the proposed restoration programme deals with the sensitive nature of the site and how this has been tailored for the extreme sensitive area. Please document whether the applicant has liaised with Geological Survey Ireland in this regard.

12. Please submit a cross section and photomontages from the stand at Punchestown Racecourse to the site

13. The introduction of a lake along the western boundary is noted and will prove an attractive feature at the backdrop to the Racecourse. Please explore the possibility of creating a feature which could be actively used (for example for a water sport) by the public following the complete restoration of the site.

14. The applicant's attention is drawn to the number of objections/submissions received on file. You are requested to respond and address, in full, all aspects of same and submit revised plans and particulars accordingly.

15. Please confirm compliance with the County Development Plan wherein it states that *'Rights of way across large pits are important in order to link Punchestown Race Course with future bridle path along road 211'*.

16. Please confirm the management of the restored site after year 15 in terms of grazing rights etc.

17. The applicant is requested to justify the proposed change of use for the existing sheds (over 500 sq. m.) to quarantine sheds considering the distance between the structures and the main area of activity during the restoration period. Please comment.

18. Whilst it is noted that the applicant indicates sightlines of 120m at the site entrance, this standard applies to roadways with speed limits of 70kph. Applicant to indicate details of how it is proposed to achieve the required line of sight in accordance with the Design Manual for Roads and Bridges for the appropriate speed limit.

19. The proposals to achieve required lines of sight will require boundaries on adjoining lands to be set back. The applicant is to submit letter of agreement from adjoining landowner confirming that he will relocate his front boundary in order to facilitate achievement of the required sight lines.

20. The transportation assessment received is noted. However the following items are required;

- (a) Full outputs of all PICADY files used to determine junction capacity.
- (b) Full details of the classified counts undertaken.

- (c) Applicant is requested to clarify the number of trips used for the purposes of the assessment. It is noted in Section 3.2.1 of the report that it is proposed to have 190 HGV trips daily to and from the proposed development. Subsequently it is noted in section 3.4 that a peak factor of 1.3 is used to account for short term peaking (this would result in 248 HGV trips daily). If the higher trip rate is used for the Cemex plant then the peak factor should also be applied to the figures presented for CPI Limited and Behans Land Restoration Limited. *It may prove beneficial to use the higher trip rate as a sensitivity test on the various junctions within the assessment.*
- (d) It is noted that Junction 3 (R410 / L2023) operates at capacity in 2018 and over capacity in subsequent years. The Transportation Department considers that it is appropriate that developments that contribute to traffic impact and reduce road safety also contribute to the alleviation of same. Applicant to comment.

21. Applicant to submit alternative site plan that incorporates these requirements.

22. Applicant to amend the proposed layout to meet these requirements.

23. According to Section 8 of the Environmental Impact Statement the run-off from the processing area is going to Pond C. Please submit details on how Pond C is being sized and designed to provide sufficient time for settlement so that the discharge from Pond C doesn't adversely affect the receiving watercourse.

24. Please submit **certification** from a competent person with a recognised technical qualification and accredited with the FAS National Certificate Training Programme in Site Suitability Assessments for On-Site Wastewater Treatment Systems and that a copy of their professional indemnity insurance shall also be submitted, that the hydraulic and biological loading generated by the proposed development can be catered for in the existing septic tank system and percolation area. Design details and calculations shall be included as part of the report.

Please note that if the existing system requires upgrading to achieve compliance with NSAI SR6 or the requirements of the EPA Wastewater Treatment Manuals then a fully completed '**Site Characterisation Form for an On-Site Wastewater Treatment System**' shall be submitted. A "Site Characterisation Form for an On-Site Wastewater Treatment System" (copy attached) shall be completed in full and signed by a competent person with a recognised technical qualification accredited with the FAS National Certificate Training Programme in Site Suitability for On-Site Wastewater Treatment Systems and that a copy of their professional indemnity insurance shall also be submitted. The Site Characterisation Form shall be completed in accordance with the requirements of the EPA Wastewater Treatment Manual, entitled "Treatment Systems for Single Houses".

If a proprietary wastewater treatment system is proposed, then a **Site Suitability Report**, prepared by the manufacturers/suppliers of the Irish Agrément Board approved wastewater treatment system, shall be submitted. The Site Suitability Report shall be based on a site visit by the manufacturers/suppliers of the wastewater treatment system, and on a fully completed **Site Characterisation Form** for an on-site wastewater treatment system. The design and location of the wastewater treatment system and polishing filter shall be indicated clearly on a Site Layout Plan all in accordance with the requirements of the EPA Wastewater Treatment Manual, entitled "Treatment Systems for Single Houses".

25. Please indicate on a Site Layout Plan (1:500 scale) the exact location of any septic tanks/wastewater treatment systems and wells on or adjoining the site and the extent of all streams/ditches that are on, bordering, or adjacent to the site.

26. The Environmental Health Officer has raised the following concerns:

Regarding this application it is noted in section 7.1 (ix) "No non-hazardous waste will be accepted at the application site" and that "non-inert construction and demolition waste will be removed from the site." There is an ambiguity in this wording.

In section 7.2 it is stated that the waste types acceptable for restoration purposes under any future Waste Licence will include inert materials such as stone and soils, glass, concrete, bricks, tiles, ceramics etc. In section 7.4 it is noted that "It is the intention that the facility will aim to accept waste from Contractors who practice the Construction Industry initiative aimed at prevention, minimisation and recycling of construction and demolition waste" etc. Whilst such aspirations are commendable this office remains to be convinced that there will be sufficient amounts of construction and demolition waste to warrant a disposal site of this magnitude i.e. 68 hectares.

The application by Cemex Ltd, to the E.P.A for a Waste Licence for this site, the subject of this Planning Application, includes the following text, transcribed from Waste Management Acts.

Fourth Schedule (Waste Recovery Activities)

"Other activities to be carried out at the site, as specified in the Fourth Schedule to Waste Managements Acts, 1996 to 2007 are as follows:-

"2. Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological processes)."

13. Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule".

This above text is not included in this planning application.

It would appear that this text is included in the Waste Licence application in order to pave the way for the carrying out the activities of recycling or reclamation of organic substances including composting and other biological processes, and for the storage of waste for any other purpose.

Complaints of noxious and malodourous emissions from Landfill/ Quarry Reclamation/ Recycling facilities licensed by the E.P.A have been received by this office. The clause above, **(in bold type)** has been cited as equating to the granting of permission for processes which have caused widespread revulsion and complaints of serious environmental pollution from residents of Johnstown, Kill, Naas, Straffan and the surrounding country-side of County Kildare.

This office has investigated several such complaints and concludes that such activities are grossly offensive to residents over a wide area and constitute a Public Health Nuisance. It is feared that (in the absence of sufficient Construction & Demolition waste) volumes of putrecible waste will be disposed of in this vast site over the coming 13 years.

In relation to the volume of waste to be accepted, i.e. 600,000 tonnes yearly over 13 years, it is improbable that this will be generated from Construction & Demolition waste in this economic climate. The applicant should be asked to substantiate this proposal.

Please submit revised proposals accordingly.

27. Please contact Mr. Michael Fitzsimons, Chief Fire Officer, Central Fire Station on 045 431370 to ascertain any requirements that he may have and submit proposals to his requests with your formal response to the further information

28. Please contact Peter Black, Conservation Officer, Kildare County Council, 045-980807 to ascertain any requirements that he may have and submit proposals to his request with your formal response to the further information.

29. The Heritage Officer has raised the following concerns:

The restoration plan has no reference to the Pilgrim walk and the installation of an interpretative panel as stated in the EIS. Where will the interpretative panel be installed? Will the reinstatement of the Pilgrim walk be promoted and accessible to the public?

Will there be public access to the restored "Priests Hill" identified on the site?

30. The applicant is requested to comment on the An Taisce submission on file.

31. Given the scale, type & duration of traffic associated with the proposed development, Applicant is requested to undertake and submit analysis & results of a pavement assessment survey (PAS) of public road L6042 from its junction with public road L2023 to the existing site entrance. PAS is necessary to establish the baseline structural condition of the existing pavement. PAS should make recommendations with regard to the required improvement of the existing pavement structure incl. increased widths to adequately accommodate the scale and type of traffic that will be generated by the proposed development. It is proposed that any grant of permission should be conditional on the recommended road improvements being implemented by the Applicant.

32. Please refer the Transport & Traffic Assessment (TTA) to Road Design section for evaluation & verification. In addition to recommending improvements to R410/L2023 junction (Beggars End Cross), TTA also recommends that the sight-lines at 3no. junctions incl. the site entrance, be improved to facilitate traffic associated with the proposed development. These sight-line improvements should be quantified & conditioned on any grant of permission. TTA evaluation should consider if any capacity/alignment improvements, incl. right turn lane, entrance upgrading etc. are required at the site entrance.

33. Applicant to submit additional surface water drainage details for the proposed development. Particular attention should be given to the prevention of surface water run-off to or from the adjacent public roads at interfaces with the site boundary, including at the site entrance. The submitted details are not deemed adequate in this regard.

34. Applicant to submit additional details regarding the prevention of earth, clay or other debris deposition onto the adjacent public roads. Such details may include an agreed written legal agreement and/or draft p.p. condition to satisfactorily address the above requirement. The submitted details are not deemed adequate in this regard.

35. Applicant to submit proposed road signage details, incl. advance warning signage for the proposed development. Signage should be in accordance with the requirements of Dept of Transport Traffic Signs Manual. Any directional signage for the proposed development will be subject to a separate Section 254 application.

36. Applicant to submit details regarding the proposed routes for access and egress to the site of the proposed development. It is recommended that the optimal route is via N7, R445, R410, L2023 & L6042. Such details may include an agreed written legal agreement and/or draft p.p. condition to satisfactorily address the above requirement.

Note to Applicant

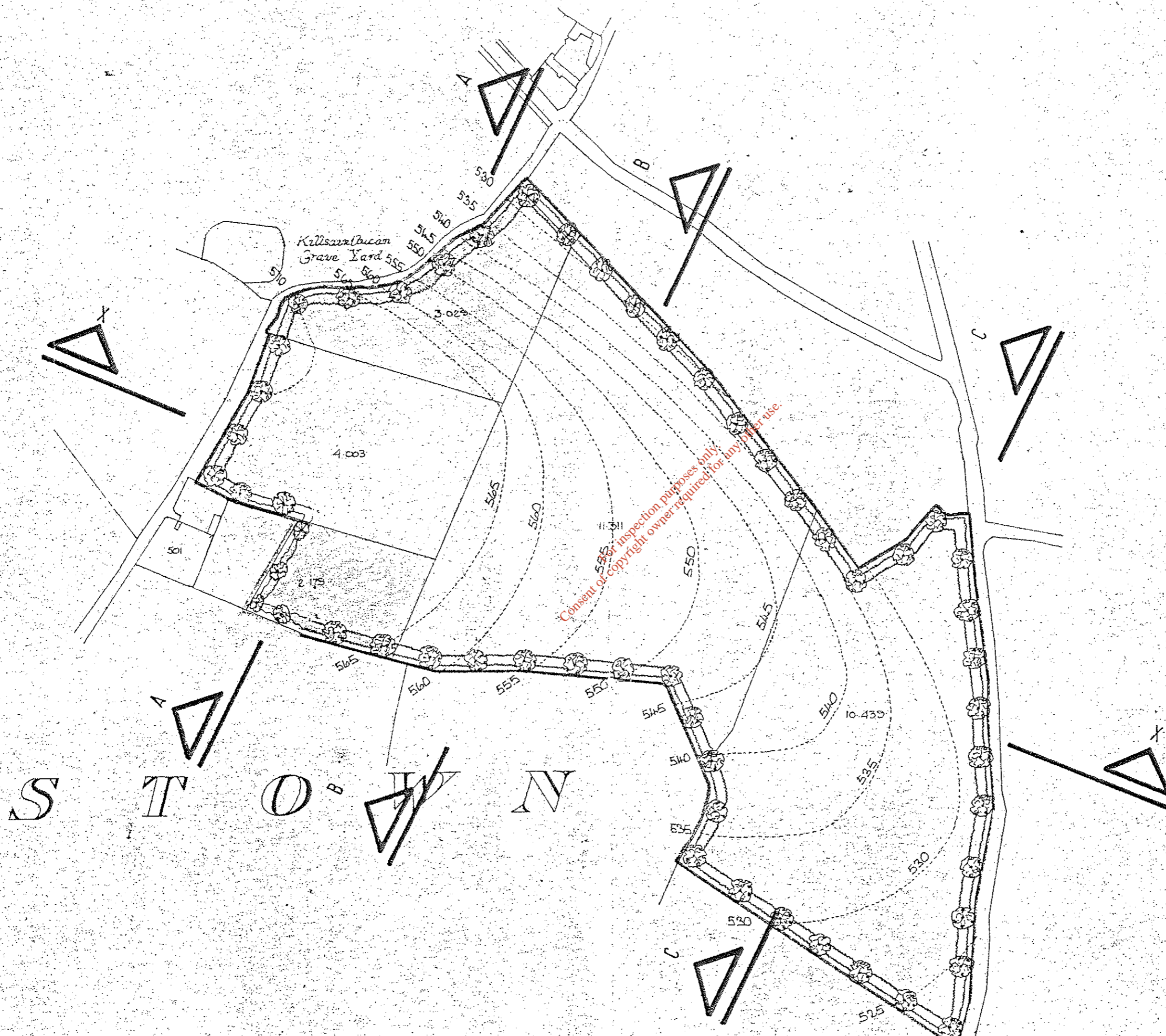
You should note that this request for further information is not an indication that your application will receive favourable consideration, but is necessary to provide sufficient information in order to make a full assessment of your application.

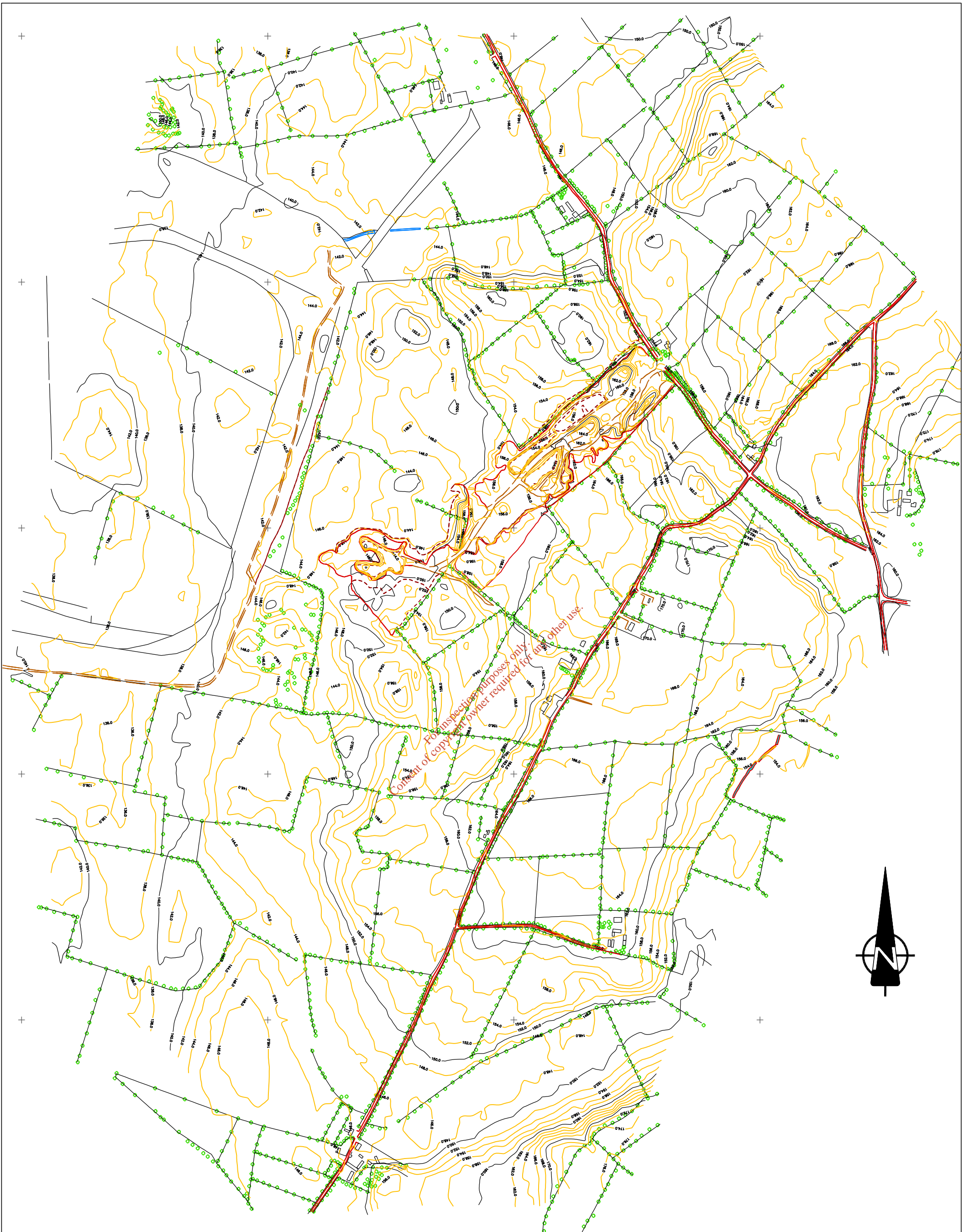
Please note that the reply to Further Information request must be received by the Planning Department.

Date: 25/02/2009

Signed  _____
Authorised Officer

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Conor Wall
Golders Associates Ireland
Town Centre House
Naas Co Kildare

Photography Date: 1973
Photocover: 1/20000
Horizontal Datum: A.D.
Level Datum: Irish
BM Used: OTT - TTT

Site: Cemex Walshstown
Scale: 1/2500
Dwg No.: 2156-2d
Date of Issue: August 2009

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Panoramic Photographs and Photomontages of proposed Cemex Walshestown Restoration

7th September 2009

Supplied are photographs and panoramic views taken on Walshestown site, which include GPS co-ordinates for each of the photographs. All photographs were taken in the summer of 2009.

The photomontages of the proposed land restoration at the Cemex Walshestown site have been superimposed onto 2 of the panoramic views namely **views 1** (200mm lens) and **2** (200mm lens) and can be seen on enclosed A1 sheets.

All photomontages showing imagery of proposed land reconstruction was setup and designed in Adobe Photoshop CS3. Using a combination of proposed contour data of the site from AutoCAD software and a layering system in Photoshop it was possible to extrapolate this data into an isometric format establishing enough reference points to produce an accurate artistic impression of the proposed land reconstruction at Walshestown site.

Consent of EPA is required for any further use.

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Location Map showing sources of photography at Cemex Walshestown site.

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Panoramic view of Cemex Walshestown site photographed from Punchestown stand with a 200mm digital zoom lens.

GPS co-ordinates 291765 / 215865 (reading taken 20m in front of stand)

- (a) Proposed panoramic view showing the land restoration at the Cemex Walshestown site.
- (b) Existing panoramic view showing the Cemex Walshestown site. *enclosed A2 sheet*

View 2 - Figure 3

Panoramic view of Cemex quarry site photographed just off the L6042 with a 200mm digital zoom lens.

GPS co-ordinates 293006 / 216369

- (a) Detail view of proposed panoramic view showing 'Priests Hill' on the Cemex Walshestown site.
- (b) Proposed panoramic view showing the northern perimeter of the land restoration at the Cemex Walshestown site.
- (c) Existing panoramic view showing the northern perimeter of the Cemex Walshestown site. *enclosed A2 sheet*

Views 3, 4, 5 and 6

Photographs were taken on the L6042 approach road going south at approximately 100 metre intervals and looking towards the Cemex Walshestown site.

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Views 7, 8 and 9

Photographs were taken on the L6042 approach road going north at approximately 100 metre intervals and looking towards the Cemex Walshestown site.

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View 10

Photographs were taken on the L6042 approach road going south at approximately 100 metre intervals and looking towards the Cemex Walshestown site.

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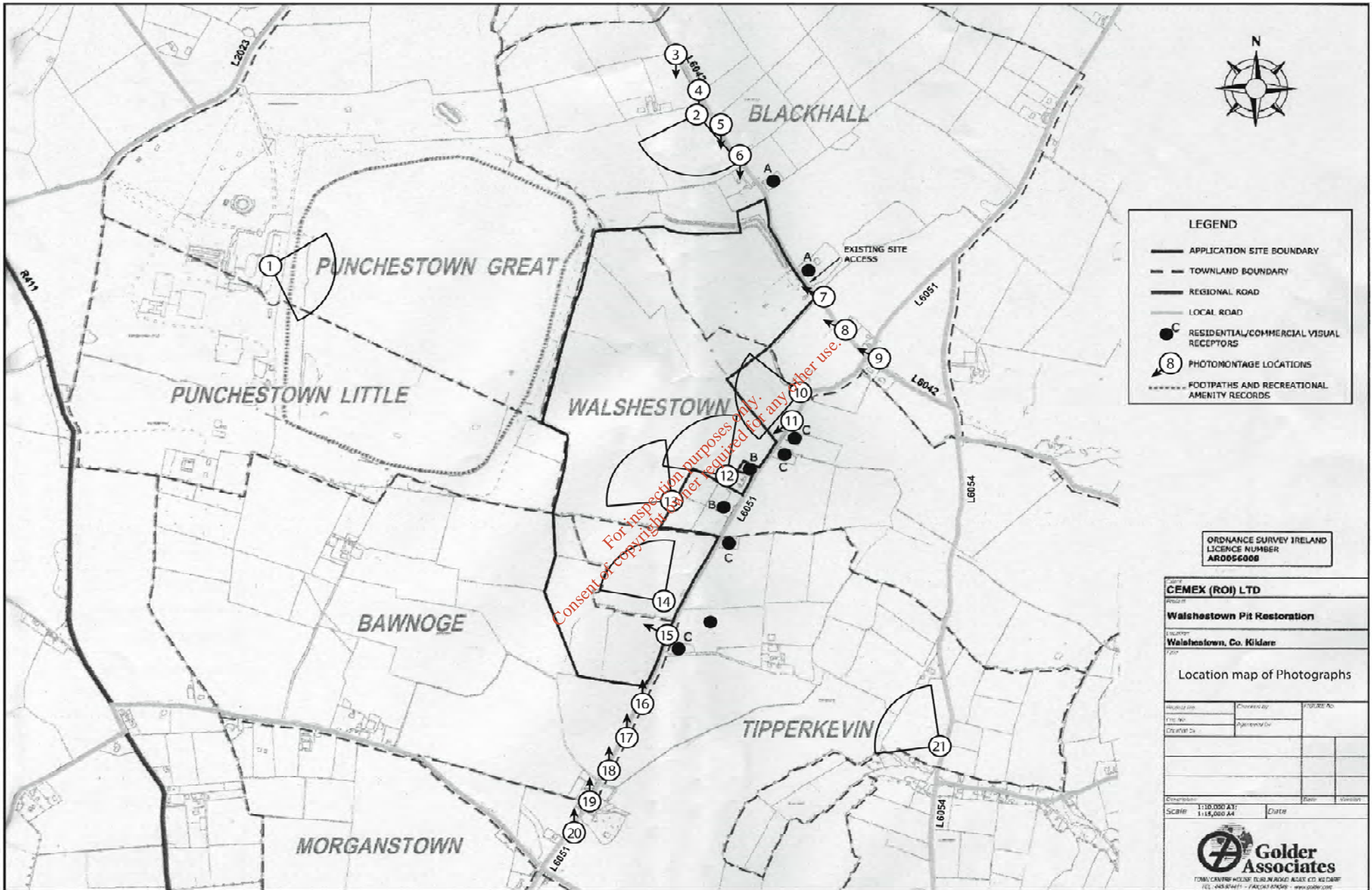


Figure 1 Location Map showing the sources of photography at Cemex Walshestown site.

Views 3, 4, 5 and 6. Photographs were taken on the L6042 approach road going south at approximately 100 metre intervals and looking towards the Cemex Walshestown site.



View 3 29/05/09

GPS co-ordinates 292974 / 216460



View 4 29/05/09

GPS co-ordinates 293005 / 216392



View 5 29/05/09

GPS co-ordinates 293050 / 216311

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View 6 29/05/09

GPS co-ordinates 293140 / 216188

Views 7, 8 and 9 Photographs were taken on the L6042 approach road going north at approximately 100 metre intervals and looking towards the Cemex Walshestown site.



View 7 24/08/09

GPS co-ordinates 293336 / 215795



View 8 24/08/09

GPS co-ordinates 293392 / 215713



View 9 24/08/09

GPS co-ordinates 293485 / 215612

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View 10 24/08/09 Photograph was taken 10m off the L6051 road looking southwest at Cemex Walshestown site.
GPS co-ordinates 293289 / 215489



View 11 24/08/09 Photograph were taken on the L6051 approach road going south
GPS co-ordinates 293229 / 215346



View 12 (35mm lens) 24/08/09 Panoramic view taken on Cemex Walshestown site, 25m west of the L6051 looking northwest.
GPS co-ordinates 293675 / 215251



View 13 (35mm lens) 24/08/09 Panoramic view taken on Cemex Walshestown site looking west.
GPS co-ordinates 292938 / 215197



View 14 (50mm lens) 29/05/09 Panoramic view taken on Cemex Walshestown site looking northwest towards Pond'B'.
GPS co-ordinates 292900 / 214870



View 15 (35mm lens) 24/08/09 Photo taken on the L6051 looking northwest at Pond'B'.
GPS co-ordinates 292982 / 214927

Views 16, 17, 18, 19, and 20 Photographs were taken on the L6051 approach road going north (near the south boundary of the Cemex site) at approximately 100 metre intervals and looking towards the Cemex Walshestown site.



View 16 24/08/09

GPS co-ordinates 292924 / 214809



View 17 29/05/09

GPS co-ordinates 292802 / 214502



View 18 29/05/09

GPS co-ordinates 292746 / 214388



View 19 29/05/09

GPS co-ordinates 292718 / 214303



View 20 29/05/09

GPS co-ordinates 292669 / 214248

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View 21 (35mm lens) 24/08/09 Panoramic view taken on the L6054 looking northwest at Cemex Walshestown site.
GPS co-ordinates 293688 / 214345