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REPORT ON

RESPONSE TO FURTHER INFORMATION REQUEST

WALSHESTOWN PIT RESTORATION

PLANNING REF. NO. 08/2159

Submitted to:

Planning Department
Kildare Co. Council
Aras Chill Dara
Devoy Park
Naas
Co. Kildare

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Definition of Version Code:

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INTRODUCTION

This document presents the Applicant's response to the Request for Further Information (RFI) from Kildare Co. Co. dated 25th February 2009. This response has been prepared to address each of the Planning Authority's comments/requests. This response includes text, figures and appendices.

Each of the 36 no. items highlighted in the RFI are answered in 36 separate sections listed below. There are 10 no. Further Information Figures FI-01 to FI-10 (inclusive), supporting the RFI response.

As highlighted in this RFI, the revised scheme is ca. 44% less than the original scheme, and in keeping with this, pertinent Planning Drawings and EIS Figures have been revised to reflect this reduced scheme, and are listed below. The revised Drawings/Figures are included at the end of the document.

Table 1: Summary of Planning Drawings and EIS Revised from original submitted in Dec 2008.

Drawing Ref.	Revision	Description
PA-01	B	Site Location Map
PA-05A	B	Initial Development Plan Showing Drainage
PA-05B	B	Proposal Final Restoration Surface
PA-06	B	Proposed Final Restoration Surface (Graphic)
PA-08A	B	Final Restoration Surface Cross Sections 1 to 7
PA-08C	B	Cross Sections 11 & 12
PA-09	B	Initial Development Plan Illustrating Distances to Boundary
EIS Ref. No.	Revision	Description
8.1	B	Existing Site Conditions
8.2	B	Aerial Photo (2005)
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A copy of the Request for Further Information received from Kildare is attached in Appendix 1. The Kildare Co. Council letter allowing a 3-month extension is also attached for reference in Appendix 1.

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1.0 RESPONSE TO ITEM 1

Comment by Planning Authority

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.

Response by Applicant

The Applicant is very pleased that the Planning Authority supports in principal the restoration of the Walshestown Pit. With regard to the concerns expressed by the Planning Authority, the Applicant would like to outline that these concerns are dealt with in great detail in this Further Information submission.

From the outset, it is important to outline that a meeting was held between the Planning Authority, the Applicant and Golder on 6 May 2009 to discuss the content of the Further Information Request. During this meeting, Golder presented an alternative restoration plan, which was significantly reduced in terms of elevation, finished restoration surface, and volumes proposed for importation. The reduced landform was then further adjusted to take into account comments made by the Planning Authority at the 6 May 2009 meeting. The following table highlights the significant differences between the original proposed restoration scheme and the recently revised scheme as a result of this consultation meeting with the Planning Authority:

Table 2: Differences between December 2008 and revised September 2009 proposed Restoration Plan for Walshestown Pit

Details	Original Proposal December 2008	Revised Proposal August 2009	Net reduction	Net reduction in %
Volumes	4.2 million m ³	2.4 million m ³	1.8 million m ³	ca. 44%
Tonnages	7.6 million tonnes	4.3 million tonnes	3.3 million tonnes	
Tonnes per annum	600,000 tonnes	330,000 tonnes	270,000 tonnes	

As can be observed from the above table, the proposed amount of inert materials to be imported into the Application Site has been reduced by ca. 44% from the original proposal in December 2008. This will result in a significant reduction in the throughput of inert materials imported onto the Site per on an annual basis, and associated traffic movements, and can only be seen as a positive in terms of reducing the potential impacts on the local community and environment relative to the first scheme proposed in December 2008.

Due to the fact that some of the lands have already been restored, and there are some existing ecological features (created as a result of quarrying operations) that will be protected and retained by the applicant, the pre-quarry landform cannot be restored to its original status.

The applicant's original proposal and the current proposal do not purport to be a reinstatement of the lands to the original profile. As highlighted in the December 2008 EIS the applicant intends to:

- import sufficient materials to re-contour the Site to a profile in keeping with Eastern Kildare Transition character (See EIS, Section 4.6)
- continue to restore the worked out sand and gravel pit to create a landform that is in keeping with the rolling nature of the Eastern Kildare Transition Character (EIS Section 8.0)
- re-contour the Site generally to re-instate the landform back to a rising landform which merges with the surrounding topography and landscape; (EIS Section 16.0); and
- integrate the final landform into the local landscape and in keeping with the Eastern Kildare Transition character area; (EIS Section 16.0).

2.0 RESPONSE TO ITEM 2

Comment by Planning Authority

Having regard to the above (Item 1), 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

Response by Applicant

The following efforts were made in order to trace details of the original landform prior to extraction in the early 1970's:

Table 3: Sources of Information Searched in relation to the Original Ground Levels and Conditions on the Site

Source	Details
Local Parish	Contacted the Local Parish, no information available, Fr. Sean Breen was the most likely person (the Racing Priest) however he passed away in Jan 09. Also called Naas Priest and he had no leads
Punchestown	Consulted the recent publication entitled: " Peerless Punchestown – 150 years of Glorious Tradition " (Smith, 2000).
Geological Survey	Golder visited GSI and viewed aerial photography from early 1970's using stereoscopic glasses to confirm location of Priests' Hill, and associated 'kame and kettle' land formations.
Trinity College	Golder in receipt of historical mapping dating back to 1850's. Regarding topographic information, only 500 ft contour available on the early 1900's mapping. Historical mapping from the OSI dated 1974/75 interestingly shows the extent of quarrying at that time but no information is provided on the heights of the Priests' Hill.
Aerial Surveys Ltd.	Carried out survey work previously on site, however it is understood that this company closed in the 1980's.
Local Historians	Spoke with a number of historians from Naas, Newbridge and Athy. The main recommendation was to consult historical footage of racing events on the following website: http://www.pathe.co.uk/ . This resulted in viewing black & white footage of the Priests' Hill during the 1930's.

Ordnance Survey Ireland & DigiTech 3D Ltd (D3D).	After the above exhaustive search, the only option was to purchase stereo images from the OSI. 1973 dated stereo images were available at sufficient resolution to enable DigiTech 3D (mapping specialists) to generate a topographic model of the 1973 conditions. See Appendix 2)
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The DigiTech 3D Digital Image Data Processing Ltd. (DigiTech 3D) topographic model of the 1973 ground conditions is presented in Appendix 2. Figure FI-01 presents Golder's representation of the 1973 contour model, which shows shaded contour bands to illustrate the general relief of the Site and surrounding lands. The contours of the existing ground conditions have been shaded in a similar fashion in Figure FI-02. As shown on Figure FI-03 Golder has been able to approximately recreate the Priests' Hill and a 'kettle and kame' type landscape in the north part of the site as it existed in 1973, using the topographic model generated by DigiTech 3D. It can be noted when comparing Figure FI-01 to the levels on Figure FI-03, there are similarities in the landforms and the topography on the northern part of the site (Zone A on Figure FI-02). However, the pre-quarry landform could not be recreated exactly on the southern part of the Site Zones B to D for a number of reasons as follows:

- An area north/west of the existing residences on the east side of the site has already been restored (Zone B);
- The existing pond area immediately to the south of the proposed filling area has already been successfully restored therefore the decision was taken to preserve this area (Zone C);
- Due to presence of Lapwing (*Vanellus vanellus*) to the south of the proposed filling area, this area is to remain untouched (Zone C); and
- As an area of extreme groundwater vulnerability has been identified by the Geological Survey of Ireland (GSI) (Zone D), a decision was taken to remain >150 metres from this zone, which is taken into account in the detailed hydrogeological impact assessment referred to in the original planning application documents.

The Planning Authority has requested a copy of the original landscaping and restoration programme submitted under Reg. Ref. 340/76 Dwg. 75-121-11. This drawing is enclosed in Appendix 3

The Planning Authority has requested a detailed study comparing the original profile of the land pre-quarrying and as proposed by means of restoration. As stated above, the only historical mapping available is what has been created by DigiTech 3D on behalf of the Applicant. This mapping indicates the existence of a quarry so the original profile across the Site is not available. A "detailed study" of the profile mapped from 1973 photos and the proposed restoration profile is presented on Figures FI-01 and FI-03.

The proposed landform shown on Figure FI-03 is justified by the Applicant's intent to recreate a similar landscape that existed pre-quarry, in particular the historic Priests' Hill, and not to interfere with the existing environmental constraints on the Site (Zones B, C and D).

3.0 RESPONSE TO ITEM 3

Comment by Planning Authority

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.

Response by Applicant

As highlighted in Item 1, the proposed scheme has been reduced significantly by ca. 44% of the original proposal. Further details are provided in Items 1 and 2. The Applicant cannot find any reference in the County Development Plan to an objective that states the lands at Walshestown are to be restored to a visually acceptable state.

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4.0 RESPONSE TO ITEM 4

Comment by Planning Authority

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.

Response by Applicant

The Applicant and its consultants have reviewed the comments made by the Planning Authority under this item and are not clear on some of the points being raised. For the record, Section 8.7 of the EIS outlines the Applicants' Landscaping and Restoration proposals. Section 16 of the December 2008 EIS outlines the Applicant's assessment of the potential Landscape and Visual impacts of the restoration proposals submitted with the planning application in December 2008. Section 16 of the EIS outlines that the Site is in the Eastern Transition Lands and on pages 16-3 to 16-4 presents a description of the character of these lands.

It is accepted by the Applicant that any reference to Upland Character in the EIS is incorrect, and that the Site is located in the "Eastern Transition Land".

Page 16-11, Section 16.5.1 presents a summary of the predicted landscape impacts. The suggested potential impacts are now re-presented in slightly modified text as follows:

Summary of Predicted Landscape Impacts

The proposed restoration of the Walshestown Pit will principally result in a final landform that will be in keeping with the Eastern Transition character. Fields of similar size of those to the east will be created within a gently falling landform from east to west. The fields will be defined by hedgerows together with hedgerow trees. The more open landform of the Punchestown lands which abuts the Site's western edge will be visually connected by the proposed water feature with open areas of water being generally uncommon in the area.

Page 16-16, Section 16.7.1 of the December 2008 EIS summarises the visual impacts of the proposed restoration scheme (December 2008). The suggested potential impacts are now re-presented in slightly modified text as follows:

Summary of Visual Impacts

*The proposed development will have **substantial (short to medium term) adverse impact** on a small number of residential receptors during early establishment and operational phases (i.e. during first 3 years). Substantial adverse impact on views from Punchestown will also occur until the screening berms are constructed. This is primarily due to the fact that visually the Site will change relatively little during the operational phases. Despite the fact that screen mounding and planting will be put in place, some views of the restoration operations will be evident throughout the restoration process.*

*As the main elements of final restoration/post closure include the decommissioning and demolition of the plant Site and all built structures, restoring the openness and naturalistic nature of the landscape will be achieved. When combined with the areas of woodland planting, wetland and grassland creation the Site will take on a far more aesthetically pleasing form, as a result the visual impact moves from **substantial adverse to moderate/substantial beneficial**.*

The December 2008 EIS prepared by Golder Associates:

- does not state that the landscape for the Site is “not as visually sensitive as the upland landscape to the east”, as suggested in the F.I. request; and
- does not suggest that the restoration proposals will “not ensure that the visual and landscape impacts are minimised within acceptable standards”, again as suggested in the F.I. request.

It is accepted by the Applicant that the landform proposed in December 2008 would not be concealed entirely by hedgerows but it must be acknowledged that there are many fields in the Eastern Transition Land that are not concealed by hedgerows. In fact the LCA report by CAAS in October 2003 states that

.....Sloping land provides an area with its character and intensifies the visual prominence of any feature over greater distances.....

.....The grassland tillage fields and generally low hedgerows of this are usually uniform in appearance failing to break up vistas and allowing long distance visibility.....

Photomontages of views of an impression of the restored site were produced for the December 2008 EIS, see Figures 16.1(b), 16.2(b) and 16.3(b). These were compared with existing conditions see Figures 16.1(a), 16.2(a) and 16.3 (a). These photomontages show that the existing general landscape includes open views to fields, sloping ground and hedge lines, and that the proposed restored site would not significantly change this overall impression of the landscape.

As highlighted in Items 1 and 3 above, following detailed consultation with the Planning Authority, the scheme has been scaled back significantly from the December 2008 proposals.

This final landform will also be in keeping with the local landscape, and the conclusions of the December 2008 EIS will still be valid in respect to Landscape and Visual impacts. Figures FI-03 to FI-05 provides detailed plans of the revised proposals. The proposed landform includes hillocks to mimic the original Priests' Hill landform and associated 'former kame and kettle' landscape similar to what existed prior to the commencement of quarrying activities.

Appendix 4 includes a detailed photographic survey and revised photomontages, which confirms that the proposed revised landform will be concealed by existing hedgerows from the approach roads to the north and south.

Appendix 5 includes an updated Section 8.7 of the EIS to document the current (proposed) Landscaping and Restoration Plan and an updated Section 16.0 (in full) to document the Applicants' assessment of the potential landscape and visual impacts of the currently proposed restoration scheme.

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5.0 RESPONSE TO ITEM 5

Comment by Planning Authority

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).

Response by Applicant

Appendix 4 includes photographs and panoramic views taken on Walshestown site, which include GPS co-ordinates for each of the photographs. A photographic roll is also included in this submission. All photographs were taken in the summer of 2009.

The photomontages of the proposed land restoration at the Application 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 A2 sheets in the enclosed photographic roll.

Priest's Hill has been re-created

As depicted in the photographic rolls, and using historical footage highlighted in Appendix 6, the Priest's Hill has been re-created. Further information is provided in Section 7.0 of this response.

Site is well screened due to existing hedgerows

It is important to highlight that due to very dense hedgerows and banks around the perimeter of the Site, it is very difficult in most cases to get views of the existing and eventually the proposed Site. This point is highlighted throughout views 3 to 21 inclusive in the Photographic Report attached in Appendix 4. In particular View 21, which highlights that the existing plant at the Site cannot be seen due to existing topographical conditions.

6.0 RESPONSE TO ITEM 6

Comment by Planning Authority

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.

Response by Applicant

As highlighted in Item 1 above, the proposed restoration scheme has been significantly reduced by 44% from the original proposal. This will result in a significant reduction in the throughput of inert materials imported onto the Site per annum and associated traffic movements, and can only be seen as a positive in terms of reducing potential impacts on the local community and environment relative to the first scheme proposed in December 2008.

According to the Central Statistics Office/Construction Index etc., construction activities in 2008 were down ca. 44% on 2006 levels. The proposed reduction of 44% of the original waste volumes is in keeping with this reduction in construction activity. The Applicant acknowledges that the current economic conditions in the country are challenging.

However, it is important to highlight that according to the Economic and Social Research Institute document "Recovery Scenarios For Ireland" dated May 2009, this document estimates that the Irish economy will return to growth in 2011 and suggests that the potential growth rate of the economy will be around 3% per year.

The proposed reduction of the overall scheme by 44%, coupled with economic growth of 3% per annum from 2011 (approximate commencement date of this scheme), the potential for sporadic truck movements is less likely than the original December 2008 scheme.

Furthermore, and as highlighted in Section 4.5 of the December 2008 EIS, all permitted sites are now limited to 100,000 tonnes (total) under the new 2008 Waste Facility Permit Regulations. It is likely therefore that many of these permitted sites will close in the coming 12 to 18 months as it is not economically feasible for these sites to operate as licensed facilities, and if they have exceeded the 100,000 tonnes threshold already they will now require to submit a Waste Licence Application since 1 June 2008 (no 'grandfather' clause). As a result, the demand for facilities such as the Walshestown Site will be necessary as economic growth returns to the Irish economy.

7.0 RESPONSE TO ITEM 7

Comment by Planning Authority

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

Response by Applicant

Figure FI-01 provides details of the previous height and location of the former Priest's Hill, which was taken from aerial photographs taken in 1973, and a model generated by DigiTech 3D Digital Image Data Processing Ltd. Appendix 2).

Figure FI-03 provides details of the proposed height and location of the re-created Priests' Hill, as proposed in the revised/reduced restoration scheme.

As indicated in Item 2 considerable efforts have been made to document the previous height and location of Priests' Hill. In addition a number of clips from British Pathé film footage of the Punchestown races in the early 20th Century are presented in Appendix 6.1 which clearly shows a prominent ridge/hill upon which people are standing. This ridge hill is believed to be Priests' Hill. Additional footage in Appendix 6.2 depicts views from the Priests' Hill looking down at the passing racehorses.

The 1973 contours depicted on the DigiTech 3D drawing show two small hillocks, and a higher raised ridge. It is believed that this area as noted on Figures FI-01 and FI-03 is Priests' Hill.

Finally an artist's impression of the landscape to the east of the Punchestown race course in 1872 is displayed in the book entitled "Peerless Punchestown – 150 Years of Glorious Tradition" (2000) (See Appendix 6.3)

8.0 RESPONSE TO ITEM 8

Comment by Planning Authority

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

Response by Applicant

As detailed in Item 9 below, and subsequent to detailed discussions with adjoining landowners who have made 3rd Party submissions relating to the proposed internal walkway, the Applicant has revised the proposal to exclude the pathway due to fears from the local residences that this might invite unsocial behaviour. Furthermore, due to public liability issues, the Applicant does not intend to allow public access across the Site either during or post restoration works.

Details of cross sections of the proposed walking track are therefore not necessary.

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9.0 RESPONSE TO ITEM 9

Comment by Planning Authority

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.

Response by Applicant

It is noted that two 3rd Party submissions/observations relating to the proposed entrance and associated car park were received during the 5 week consultation period. A summary of these two submissions include the following:

The large car park will encourage anti-social behaviour in the area (Fay)

The proposed car park and walkway through the site could lead to anti-social behaviour and accordingly add no value to the application (Behan)

In response to the Behan submission quoted above, the Applicant held a meeting with Mr. Behan and his consultants on 23rd January 2009. As a result of this meeting, the Applicant gave the following assurances in writing to Mr. Behan on 28th January 2009:

During our meeting on Friday last, concerns were raised about the possibility of unsocial behaviour at the proposed car park and walking track. In order to alleviate these concerns, CEMEX proposes to remove these two items from the proposal. CEMEX will inform both the Planning Authority and the EPA of this proposed change in writing. This will be carried out at 'Further Information' stages of the planning and licensing process.

Attached in Appendix 7 is a copy of correspondence sent to SLR Consulting Ltd., who are acting on behalf of Mr. Behan. It is noted that this Item is set out to meet the commitment the Applicant gave to the closest 3rd party member to the proposed car park, that is the assurance that this feature would be removed from the proposed plans, along with the proposed pathway across the Site.

Furthermore, due to public liability issues, the Applicant does not intend to allow public access across the Site either during or post restoration works.

The access to the Site will be retained by means of a standard double farm gate which will be installed following decommissioning of the existing entrance. Access will be retained to allow ongoing maintenance of grass swards, drains, ditches and ponds, and environmental monitoring as requested by the Environmental Protection Agency (EPA).

No further action is considered necessary by the Applicant.

10.0 RESPONSE TO ITEM 10

Comment by Planning Authority

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.

Response by Applicant

As highlighted in Item 9, it is noted that two 3rd Party submissions/observations relating to the proposed entrance and associated car park were received during the 5 week consultation period. As a result of these submissions, and meetings held with the relevant 3rd Parties, the Applicant has given a commitment to remove the car park and associated pathway from the proposals.

As a result, there will be no need for erecting signage as suggested by this item above. Access will be provided only to allow maintenance and monitoring activities post completion of the works.

No further action is considered necessary by the Applicant.

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11.0 RESPONSE TO ITEM 11

Comment by Planning Authority

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.

Response by Applicant

Figure 12.7 of the December EIS shows the GSI classification of the Site. Comparing Figure 12.7 with Figure 8.4 of the December EIS it can be seen that the proposed footprint of the filling activity has been positioned in order to avoid entirely the south eastern part of the site which was classified by the GSI as being of extreme vulnerability. Figure FI-02 shows the area of extreme vulnerability (Zone D) and the currently proposed footprint of filling activity (Zone A). Figure FI-02 shows that there is no intention to deposit materials in the extreme zone of vulnerability.

Regarding the remainder of the site, consultation by a Golder geoscientist by telephone on 25 June 2009 with the GSI (Ms Taly Hunter Williams) confirmed that:

- this classification was based on the data available to the GSI, and was mapped at a scale of 1:50,000 i.e. it was not “fine-tuned”; and
- the site investigation conducted by Golder was extensive enough for it to be appropriate to review the GSI classification by using the Vulnerability Mapping Guidelines matrix (Table 1) provided in the DoELG, EPA and GSI 1999 guidelines ‘Groundwater Protection Schemes’.

Table 1 from the guidelines is presented in the EIS as Table 12.11, and it can be seen that the classification is based on soil type and thickness. An evaluation of the site investigation data using this matrix, and presented at the bottom of page 12-16 of the EIS, found that a vulnerability rating of Moderate is more appropriate for the Site. The bedrock aquifer is classified by the GSI as being poor and generally unproductive, and it is considered that there is no longer a significant sand and gravel aquifer beneath the site due to historical quarrying in the area.

For the above reasons it was found that the appropriate Groundwater Protection Response for a landfill on the site is R1: - Acceptable subject to guidance in the EPA Landfill Design Manual or conditions of a waste licence. It is noted that the GSI’s Response matrix is for Non Hazardous waste landfills and not necessarily for facilities accepting inert soil, therefore a facility at Walshestown accepting inert soils is considered to be acceptable.

12.0 RESPONSE TO ITEM 12

Comment by Planning Authority

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

Response by Applicant

Appendix 4 (Photographic Roll) presents a Photomontage from the Punchestown Race Course Stand. Figure FI-09 presents a cross section from the stand at Punchestown Race Course. Figure FI-10 provides further cross-sections of the proposed landform.

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13.0 RESPONSE TO ITEM 13

Comment by Planning Authority

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.

Response by Applicant

The Applicant does not wish to consider the possibility of creating a water feature for public amenity use for the following reasons:

- The local residents have requested that no public access is made available as there is a concern about antisocial behaviour if any public access to the lands if given (Items 9 and 10 above); and
- An accessible water feature would potentially give rise to both a health & safety public liability issues. This issue is amplified when one takes into consideration that the Punchestown Facility hosts a number of very large events during its calendar, including Oxegen, which can see in excess of 100,000 people visiting the complex over a single weekend. In addition, a number of other large rock concerts and other events such as Punchestown race week are carried out during the year. This gives rise to added risk from a public safety point of view which is evident in the case of Slane Castle, where a number of concert goers have lost their lives in the past by drowning.

It is proposed therefore that no access is granted to the public to any part of the Application Site during or upon completion of the proposed restoration works.

14.0 RESPONSE TO ITEM 14

Comment by Planning Authority

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.

Response by Applicant

In total 7 no. submissions/observations/objections were made with regard to this Application:

- 3 no. submissions/observations (Lane, Hyland & Behan)
- 3 no. objections (O'Sullivan, Cahill and Fay)
- 1 no. An Taisce submission

14.1 Air

Four comments were made relating to Air; a summary of these is provided as follows:

It is stated on the application that inert materials shall be the source of filling for this site. Therefore, there should be no need whatsoever for any type of bio-mass/composting facility on site... (Lane).

The EIS A.2 section 7-3 has a table which indicates the Inert Waste which will be accepted at the facility. However in the small print there is reference to material with a low content of organic material ... the above opens the door for composting and other biological processes

Air – airborne dust and potential dust deposition – no clear mitigation measures (Cahill).

In response to the former two submissions, please refer to the clarification provided for Item No. 26.

In response to the Cahill submission, we refer to Section 14.5 of the EIS originally submitted with the Application, which provides detailed information on proposed dust minimisation measures which will be employed on the Site during both the Construction and Operation stages.

14.2 Human beings

Fourteen comments were made relating to Human beings; a summary of these is provided below.

Site security, anti-social behaviour

The large car park will encourage anti-social behaviour in the area (Fay)

The proposed car park and walkway through the site could lead to anti-social behaviour and accordingly add no value to the application (Behan)

As highlighted in Items 9 and 10 above, the Applicant has given a commitment to remove the car park and associated pathway from the proposals. No further action is considered necessary by the Applicant.

Hours of work

We would hope that opening hours on a Saturday would be restricted to a half day (Hyland).

The facility should close by 2.00pm on Saturdays (Behan)

As previously outlined in Section 8.12 of the EIS, CEMEX will conduct site activities and operations as follows:

In keeping with EPA Guidance, activity operations shall be confined to the hours between 07.00 and 18.00, Monday to Friday inclusive (excluding Bank Holidays) or as may be agreed with the Planning Authority/EPA, and between 07.00 and 14.00 on Saturdays, with no activities being permitted on Sundays or public holidays.

Scale of the development

...the figure of 600,000 tonnes is quite excessive considering the operation of two other sites of a quarry/restoration nature in existence using this road currently (Hyland)

As outlined in Item 1 above, the net reduction in the proposed scheme is ca. 44% for the proposed inert materials to be imported into the Application Site. This will result in a significant reduction in the throughput of inert materials imported onto the Site per annum and associated traffic movements, and can only be seen as a positive in terms of reducing the potential impacts on the local community and environment relative to the first scheme proposed in December 2008. The revised Traffic and Transport Assessment (TTA) dated September 2009 (Appendix 8) confirms this.

Planning & compliance to date

As highlighted in Section 4.2 of the December 2008 EIS, the Application Site and its environs have been operated under a number of planning permissions dating back as far as 1969. Furthermore the Site also operated under Waste Permit Ref. No. 71/2002 for the importation of inert materials. It is the intention of the Applicant to continue the importation of inert materials to

fully restore the Site, and as a result the Applicant is seeking planning permission for the continuation of this activity, which is the subject of this application (Planning ref. No. 08/2159). Furthermore, the Applicant is seeking a Waste Licence as requested by the EPA on 31st October 2008 (W0254-01).

Change of use of site buildings

The Applicant held a meeting with Mr. Alan Cunniffe at Kildare County Council buildings on 6th May 2009. During this meeting, the Applicant gave the following assurances to Mr. Cunniffe:

- The buildings in question, located to the east of the Site presented on Drawing No.PA-13 submitted with the planning application in December 2008, will not be used for the purpose originally proposed; and
- The buildings in question will ultimately be removed from the Site, and the lands reinstated to agricultural use.

The Applicant considers that this will address concerns previously expressed by Mr. Cahill in relation to use of these buildings highlighted in PA-13. No further action is considered necessary by the Applicant.

14.3 Traffic

Two comments were made relating to Traffic; these are summarised as follows:

The access roads from Beggars End to the proposed location are in bad repair and unfit for any heavy increase in traffic (Ray)

Please refer to the Revised Traffic and Transport Assessment (TTA) contained in Appendix 8, and the detailed Pavement Assessment Survey undertaken by Golder in July 2009 (Appendix 9) (Item 31).

14.4 Geology, soils and groundwater

Two comments were made relating to groundwater quality; these are summarised as follows.

We would be concerned over the risks in regard to contamination of the groundwater (as contained in the Environmental Impact Statement) both in regard to the water table and also in regard to the stream that flows from our land into the proposed site (Hyland)

There are or will be three active infill/extraction facilities in close proximity and the proposed scale of this facility could adversely affect the (ground) water quality (Lane)

As previously stated in the EIS, rigorous waste acceptance procedures (described in Section 7) will be enforced, to ensure that only inert material is accepted and deposited at the Site, and potential contaminant concentrations envisaged in the water impact assessment will not be

exceeded. Furthermore, the proposed filling area will be located a minimum of 150 metres from the area classified by the GSI as having extreme vulnerability.

Groundwater monitoring (as described in Sections 12.4.5, 12.5.5, 12.6.2 & 19.1.4), will be carried out during the life of the restoration works bi-annually both up-hydraulic gradient and down-hydraulic gradient; and up until three years following completion of all elements of the proposed restoration activities, to ensure the aquifer at the Site boundary and the local surface water bodies remain in compliance with relevant Standards. Also, please refer to the response provided for Items No.s. 23 and 33.

14.5 Noise

Two comments were made relating to potential noise disturbance; these are outlined as follows.

Noise – no evidence of mitigation measures in relation to sheds above as per EIS 2.7 (Cahill)

As previously stated in the EIS, providing all mitigation measures (as highlighted in EIS Section 15.8, Figure 15.2) are adopted, impacts on the noise environment will be negligible and are expected to remain below the NRA and EPA Guideline thresholds at the nearest sensitive receptor, during construction and operation phases respectively.

14.6 Surface water

Five comments were made expressing concerns relating to surface water quality and potential pollution; these are summarised as follows.

The proposed scale of this facility could adversely affect the water quality (Lane)

Water – Risk of contamination to well on dwelling site (Cahill)

As described in Section 12.5.3 of the EIS, there are no water features within the Application Site boundary in continuity with surface water – all surface water features on-Site are considered to be expressions of groundwater. The stream running past the entrance to the Application Site is considered to be perched and not in continuity with the groundwater environment (Ref. Section 12.3.3 of the EIS). For these reasons it is expected that there will be negligible effect on surface water quality due to the proposed operations on Site.

15.0 RESPONSE TO ITEM 15

Comments by Planning Authority

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.

Response by Applicant

As highlighted in Items 9 and 10, it is noted that two 3rd Party submissions/observations relating to the proposed entrance and associated car park were received during the 5 week consultation period. As a result of these submissions, and meetings held with the relevant 3rd Parties, the Applicant has given a commitment to remove the car park and associated pathway from the proposals.

Golder has had communications with the Planning Department of Kildare Co. Co. and it appears there was an objective in the 1999 plan to provide a bridle path from the uplands to the lowland across the Applicant's lands (See Correspondence in Appendix 10). It is not clear to the Applicant where Road 211 is located and how the Council was to provide a pathway across privately owned lands and a quarry.

Upon completion of the proposed works, some 15 years from commencement of the works, the Applicant will be pleased to discuss the possibility of a bridle path across its lands as shown on the Map 1.3 of County Development Plan 1999 with all of the relevant stakeholders at that time including officials in the Planning Department of Kildare Co. Co., the local residents and the management of Punchestown Race Course. If the management of Punchestown Race Course do not want a bridle path across its lands it would seem inappropriate to provide a bridle path across the Applicant's lands.

16.0 RESPONSE TO ITEM 16

Comments by Planning Authority

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

Response by Applicant

Following completion of the restoration works, the Applicant will lease lands for agricultural/grazing purposes. This is standard practice in Ireland where the lands are let to a local farmer for the purposes of managing the grazing of pastures. Any lease will include suitable clauses for the light agricultural grazing to maintain species rich grasslands, which will be in keeping with the surrounding landscape.

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17.0 RESPONSE TO ITEM 17

Comments by Planning Authority

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.

Response by Applicant

Rather than the construction of new structures on Site, it was considered reasonable and sustainable to re-use existing structures on Site. In terms of distance from the main areas of activity, quarantined wastes not meeting the strict acceptance standards for inert waste may need to be housed indoors pending removal off site, which is standard practice. This will remove the risk of generating leachate during the period of storage. For these reasons, it was considered appropriate that the existing shed on Site would serve these purposes, as this structure is located ca. 50 meters from the main inert waste processing area, which is the main area of activity once materials arrive at the Site.

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18.0 RESPONSE TO ITEM 18

Comments by Planning Authority

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.

Response by Applicant

See Revised Transport and Traffic Assessment dated September 2009 (Appendix 8).

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19.0 RESPONSE TO ITEM 19

Comments by Planning Authority

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.

Response by Applicant

See Revised Transport and Traffic Assessment dated September 2009 (Appendix 8).

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20.0 RESPONSE TO ITEM 20

Comments by Planning Authority

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.*

Response by Applicant

See Revised Transport and Traffic Assessment dated September 2009 (Appendix 8).

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21.0 RESPONSE TO ITEM 21

Comments by Planning Authority

Applicant to submit alternative site plan that incorporates these requirements.

Response by Applicant

See Revised Transport and Traffic Assessment dated September 2009 (Appendix 8).

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22.0 RESPONSE TO ITEM 22

Comments by Planning Authority

Applicant to amend the proposed layout to meet these requirements.

Response by Applicant

See Revised Transport and Traffic Assessment dated September 2009 (Appendix 8).

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23.0 RESPONSE TO ITEM 23

Comments by Planning Authority

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.

Response by Applicant

Pond C has been in place on the Site for many years and has been used for settlement of particles in runoff from the area of the concrete batching plant. During the restoration works Pond C will be retained and maintained. It will receive runoff from restored lands and hardcore hardstands covering an area of 15,000 m² (See Figure FI-07). Upon completion of the filling operations and restoration works, and decommissioning of the Inert Waste Processing Area and the facility reception area, the catchment of Pond C will increase to approximately 38,000m² (See Figure FI-07).

Pond C has an area of about 1,180 m². The attached computations show that particle sizes as small as 0.002 mm will settle out in this pond during average winter rainfalls/flows (Appendix 11).

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24.0 RESPONSE TO ITEM 24

Comments by Planning Authority

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”.*

Response by Applicant

Mr Aidan Comerford of Waste Water Maintenance Ltd. was retained by Golder to undertake an on-site suitability assessment and percolation tests on this Site. Details of this assessment are included in Appendix 12. Mr Comerford has concluded that the existing system does not meet EPA guidelines. Rather than upgrading the existing system the Applicant proposes a new proprietary wastewater treatment system. Details of the proposed system and Mr Comerford’s Site Suitability Report and Site Characterisation Form are included in Appendix 12.

25.0 RESPONSE TO ITEM 25

Comments by Planning Authority

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.

Response by Applicant

See Figure FI-06.

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26.0 RESPONSE TO ITEM 26

Comments by Planning Authority

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 malodorous 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 putrescible 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.

Response by Applicant

The Applicant intends to use only inert materials meeting the Waste Acceptance Criteria (WAC) to restore the Site. Thus, only inert materials will be accepted for restoration purposes. Non-hazardous waste may be contained in certain loads of material. These wastes will not be accepted for use on Site. These wastes will be segregated, quarantined and removed from the Site. Furthermore, no composting or biological processes are proposed to be carried out at the Site. Class 2 activities were included in the Application as topsoil will need to be imported during operations to allow progressive restorations.

With regard to achieving 600,000 tonnes per annum of material, this figure has been significantly reduced to ca. 330,000 tonnes, i.e. ca. 44% reduction

According to the Central Statistics Office/Construction Index etc., construction activities in 2008 were down ca. 44% on 2006 levels. The proposed reduction of 44% of the original waste volumes is in keeping with this reduction in construction activity. The Applicant acknowledges that the current economic conditions in the country are challenging.

However, it is important to highlight that according to the Economic and Social Research Institute document "Recovery Scenarios For Ireland" dated May 2009, this document estimates that the Irish economy will return to growth in 2011 and suggests that the potential growth rate of the economy will be around 3% per year.

Furthermore, and as highlighted in Section 4.5 of the December 2008 EIS, all permitted sites are now limited to 100,000 tonnes (total) under the new 2008 Waste Facility Permit Regulations. It is likely therefore that many of these permitted sites will close in the coming 12 to 18 months as it is not economically feasible for these sites to operate as licensed facilities, and if they have exceeded the 100,000 tonnes threshold already they will now require to submit a Waste Licence Application since 1 June 2008. As a result, the demand for facilities such as the Walshestown Site will be necessary as economic growth returns to the Irish economy.

27.0 RESPONSE TO ITEM 27

Comments by Planning Authority

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

Response by Applicant

Mr. Michael Fitzsimons, Chief Fire Officer of the Central Fire Station was contacted in writing by Golder Associates on 21 May 2009.

During a follow-up phone call made on 24/08/09, Mr. Fitzsimons confirmed that he has no requirements in relation to this planning application. His report dated 22/05/2009, which he sent to Kildare County Council, states the following:

“With reference to yours of 16/02/2009 concerning the above application, I am to state that I have no objection to the GRANT of planning permission for this development. Please let me have a copy of the Councils final decision. I retain plans.”

The full report is included in Appendix 13.

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28.0 RESPONSE TO ITEM 28

Comments by Planning Authority

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.

Response by Applicant

Mr. Peter Black, Conservation Officer at Kildare County Council, was contacted in writing by Golder Associates on 21 May 2009 (Appendix 14).

Mr. Black was subsequently contact by phone on 09/06/09, during which he made the following request:

“That an RIAI grade 2 Conservation Architect or equivalent provide a Conservation Impact Statement and mitigation measures as a result of the proposed restoration works and their affect on existing vernacular, or NIAH , or Protected Structures and their historic designed landscape within or adjacent to the existing sand & gravel pit.”

Following consultation with several RIAI Grade 2 Conservation Architects, it was not immediately apparent why the provision of a Conservation Impact Statement was required, given that there are no Protected Structures, or Buildings or Structures classified under NIAH either within the site or adjacent to the site. After further subsequent consultation with Mr. Black, he provided the following response, confirming that he has no requirements in relation to this planning application:

“Following our telecon 24/8 you have confirmed that there is no Protected Structures, or Buildings or Structures classified under NIAH either within the site or adjacent to the site, therefore a Conservation Impact Statement is not required in this instance. For any Archaeological issues arising please contact the DEHLG Planning Advisory unit.”

See Appendix 14 for correspondence and email exchanges.

29.0 RESPONSE TO ITEM 29

Comments by Planning Authority

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?

Response by Applicant

As highlighted previously in this submission, the Applicant does not intent to allow public access to the restored Site. This decision has been made in response to several concerns, which are outlined as follows.

- A number of objections and submissions were made by local residents in relation to the possibility of car parks and public access giving rise to anti-social behaviour in the area (ref. Item 14 response).
- On completion of restoration, future Site ownership is uncertain; therefore continuing public access (if it were provided in the first place) could not be guaranteed.
- Health and safety concerns relating to the restored Site, and insurance issues associated with public access, limit the likelihood of provision of safe public access for all.

These concerns were raised in a meeting with Alan Cunniffe of Kildare County Council Planning department on 06 May 2009, and further discussed in a meeting with the Heritage Officer on 22 July 2009, and reiterated in a subsequent email sent on the same day. The Heritage Officer provided the following response on 31 July 2009 (Appendix 15).

“Your comments on the above file are noted. I appreciate the management of the proposed walk way and park would be difficult to plan given the uncertain future ownership of the site. While the restoration of the Pilgrim Walk may not now be feasible, the restoration of the Priests Hill should proceed. While the provision of an interpretative panel along the proposed Pilgrim Walk is not considered feasible now, I suggest you consider relocation one Panel to the Punchestown side of the site, where people walking in Punchestown can view the panel”

The Applicant is prepared to erect an interpretative Panel on the Punchestown Site, providing information on the history and significance of the Priests' Hill, subject to agreement with the Punchestown Management, where such a structure will not interfere with racing activities.

30.0 RESPONSE TO ITEM 30

Comments by Planning Authority

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

Response by Applicant

As highlighted in Section 4.2 of the December 2008 EIS, the Application Site and its environs have been operated under a number of planning permissions dating back as far as 1969. Furthermore the Site also operated under Waste Permit Ref. No. 71/2002 for the importation of inert materials. It is the intention of the Applicant to continue the importation of inert materials to fully restore the Site, and as a result the Applicant is seeking planning permission for the continuation of this activity, which is the subject of this application (Planning ref. No. 08/2159). Furthermore, the Applicant is seeking a Waste Licence as requested by the EPA on 31st October 2008 (W0254-01).

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31.0 RESPONSE TO ITEM 31

Comments by Planning Authority

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.

Response by Applicant

A Pavement Assessment Survey (PAS), which included a Falling Weight Deflectometer (FWD) survey was undertaken on the L6042 between the site access and the L6042/L2023 junction. The results of this survey indicated that future pavement strengthening works are required on the L6042 to cater for traffic generated by existing operations and also for the development traffic associated with this application (08/2159).

It is very clear from the PAS report and the Traffic and Transport Assessment (TTA) that there are 4 contributory sources to the current and future condition of the L6042, namely:

- Existing baseline traffic (public use);
- CPI Ltd. traffic movements associated with sand and gravel extraction (up to 300,000 tonnes per annum) – currently undertaken under P.P.R. No. (08/61);
- Behans Land Restoration Ltd. traffic movements associated with importation of soils and stones for restoration of their lands (up to 400,000 tonnes per annum, as indicated in Waste Licence Ref: W0247-01). Letter from Kildare County Council on file with EPA stating that "it is the view of the Planning Authority that the applicant has failed to demonstrate through the submission of appropriate documentation that a valid permission exists for the development proposed..." - copy of letter enclosed in Appendix 16; and
- Cemex (ROI) Ltd. traffic movements associated with this proposed scheme for restoration of the Walshestown Lands (up to 330,000 tonnes per annum).

The PAS report highlights 3 different scenarios to deal with the above contributory sources. However, it is proposed that one road upgrade is suitable, which will ensure that the L6042 can take all 4 contributory sources (i.e. Scenario 3).

The Applicant CEMEX (ROI) Ltd. is receptive to a condition from Kildare County Council to contribute funds to the upgrade of the L6042, as highlighted in Scenario 3. This contribution should be proportionate with the proposed CEMEX traffic volumes over and above the 3 other contributory sources highlighted above. This apportioned contribution can be calculated based on axle loading associated with this application which can be deduced from the Traffic and Transport Assessment, and Pavement Assessment Report and are as follows:

Table 4: Apportioned Contribution of Costs for Upgrade of L6042

Source	Millions of standard axel loads	%
Background	0.5132	22%
CPI	0.5141	22%
Behans	0.7173	31%
Cemex	0.5978	25%
Total	2.3424	100%

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32.0 RESPONSE TO ITEM 32

Comments by Planning Authority

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.

Response by Applicant

See Revised Transport and Traffic Assessment dated September 2009 (Appendix 8).

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33.0 RESPONSE TO ITEM 33

Comments by Planning Authority

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.

Response by Applicant

The proposed drainage measures at the Site entrance will include a macadam-paved road/apron, road side gullies, lateral acco-type drain and surface infiltration trenches (french drains with pipes). See Figures FI-07 and FI-08.

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34.0 RESPONSE TO ITEM 34

Comments by Planning Authority

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.

Response by Applicant

A wheel wash will be provided as shown on the Application drawings and Figure FI-07. The Applicant will sweep the paved areas on its own Site. Two other parties, i.e. Behans and CPI use the public road L6042 and may also contribute to the deposition of earth, clay or other debris. The Applicant is prepared to clean the L6042 on an ongoing basis to 50m north and south of the existing entrance to the Site.

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35.0 RESPONSE TO ITEM 35

Comments by Planning Authority

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.

Response by Applicant

See Revised Transport and Traffic Assessment dated September 2009 (Appendix 8).

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36.0 RESPONSE TO ITEM 36

Comments by Planning Authority

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.

Response by Applicant

As highlighted in Section 3.6 of the Traffic and Transport Assessment dated August 2009 (Appendix 8), it is anticipated that 75% of the imported material will be from sites in the Dublin Region with the remaining 25% of material being sourced in the Greater Leinster region. In keeping with these estimates, it is anticipated that in excess of 75% of HGV traffic transporting inert materials for backfill will come from the N7 (north & southbound), and use the R410 to access the Site. The remaining <25% of HGV traffic is anticipated to access the Site from the N81/R410, and/or the R411/L2023.

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FURTHER INFORMATION FIGURES FI-01 TO FI-10

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REVISED EIS FIGURES

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REVISED PLANNING APPLICATION DRAWINGS

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APPENDICES

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APPENDIX 1

**REQUEST FOR FURTHER INFORMATION DATED 25 FEBRUARY
2009
&
KCC 3 MONTH EXTENSION**

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APPENDIX 2

DIGITECH 3D TOPOGRAPHIC MAPPING OF 1973 CONDITIONS

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APPENDIX 3

PLANNING DRAWING REG. REF. 340/76 DWG. 75-121-11

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APPENDIX 4

PANORAMIC PHOTOGRAPHS & PHOTOMONTAGES BY AUX1 DESIGN

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APPENDIX 5

REVISED SECTIONS 8.0 AND 16.0 OF EIS

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APPENDIX 6.1

BRITISH PATHÉ FOOTAGE SHOWING VIEW OF PRIESTS' HILL

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APPENDIX 6.2

BRITISH PATHÉ FOOTAGE SHOWING VIEW FROM PRIESTS' HILL

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APPENDIX 6.3

PHOTOCOPY OF PAINTING

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APPENDIX 7

CEMEX LETTER TO SLR CONSULTING LTD. JANUARY 2009

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APPENDIX 8

TTA OCTOBER 2009

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APPENDIX 9

PAVEMENT SURVEY REPORT BY GEOTESTING

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APPENDIX 10

CORRESPONDENCE WITH ALAN CUNIFFE

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APPENDIX 11

SETTLING POND 'C' CALCULATIONS

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APPENDIX 12

REPORT BY AIDAN COMERFORD (WASTE WATER TREATMENT)

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APPENDIX 13

CORRESPONDENCE WITH FIRE OFFICER

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APPENDIX 14

CORRESPONDENCE WITH CONSERVATION OFFICER

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APPENDIX 15

CORRESPONDENCE WITH HERITAGE OFFICER

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APPENDIX 16

**LETTER FROM KCC REGARDING PLANNING STATUS OF BEHAN
RESTORATION (IRELAND) LTD. LANDS**

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Date: 10/12/2009
Pl. Ref.: 08/2159

REGISTERED POST

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

Notification of a decision under Section 34 of the Planning & Development Act 2000-2007

Planning Register Number: 08/2159
Application Received Date: 23/12/2008
Further Information Received Date: 16/10/2009

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 10/12/2009 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:-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 subject to 62 **conditions** set out in the schedule attached.

The reason for the imposition of the said conditions are also included. The Planning Authority have had regard to any submissions or representations made on this file. If there is no appeal against the said decision a **grant of permission** in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala (see footnote). It should be noted that until a grant of permission has been issued the development in question is **NOT AUTHORISED** and work should not commence.

Date: 10/12/2009


Senior Executive Officer, Planning
Kildare County Council

PLEASE ARRANGE TO REMOVE SITE NOTICE

Any appeal against the decision of a Planning Authority under Section 37 of the Planning and Development Act 2000 – 2007 may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1. First and third party objections must be received by the Bord within 4 weeks beginning on the day of making the decision by the Planning Authority. The appeal must be fully complete from the start - you are not permitted to submit any part of it later, even within the time limit.

Any appeal made to An Bord Pleanala will be invalid unless accompanied

- Confirmation of submission to Planning Authority
- The correct fee within the statutory appeal period, (Fees payable to the Board on or after 10th December 2007)
 1. Appeal by 1st party relating to commercial development where the application relates to unauthorised development €4,500 or €9,000 if EIS is involved.
 2. Appeal by 1st party relating to commercial development other than (1) above - €1,500 or €3,000 if EIS involved.
 3. Appeal by 1st party where the application relates to unauthorised development, other than (1) and (2) above - €660
 4. Appeal other than an appeal mentioned at (1), (2) and (3) above - €220

This guide does not purport to be a legal interpretation of the fees payable to the Board. Please contact the Board for further information.

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

Cemex (ROI) Limited 08/2159

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

Having regard to:

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

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

Schedule 2: Conditions to apply.

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

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

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

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

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

Reason: In the interest of clarity.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of public amenity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure proper servicing of the development.

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

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

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

Reason: To ensure proper development and minimise flooding

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

31. It is necessary that the catchment area for Pond C is 38,000m² in order to provide sufficient time for settlement so that the discharge from Pond C does not adversely affect the receiving watercourse.

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

37. The applicant shall ensure that all mitigation measures in relation to Groundwater outlined in Section 12.4.6 of the Environmental Impact Statement December 2008 shall be complied with.

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

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

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

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

Note: *Noise sensitive location:

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

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

Reason: In the interest of proper planning and development.

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

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

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

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of proper planning and development.

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

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

Reason: In the interest of proper planning and development.

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

Reason: In the interest of traffic safety.

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

Reason: In the interest of traffic safety.

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

Reason: In the interest of traffic safety.

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

Reason: In the interest of traffic safety.

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

Reason: In the interest of traffic safety.

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

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

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

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

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

Reason: In the interest of traffic safety.

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

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

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

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

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

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

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

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

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

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

62. Before development commences the applicant/developer shall pay to Kildare County Council the sum of **€3,400,000** being the appropriate special levy or special financial contribution toward recreation, amenity and community to be applied to this development in accordance with the Development Contributions Scheme adopted by Kildare County Council on 23rd February 2004 in accordance with Section 48 of the Planning and Development Act 2000. The amount payable under this condition shall be fully index-linked from the date of grant of permission.

Reason: It is considered reasonable that the developer should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

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