



June 2013

**APPLICANT: CEMEX (ROI) LTD**

# **WL0254-01 - Article 16(1) Further Information Responses - Walshestown Co. Kildare**

**Submitted to:**

Administration  
Licensing Unit  
Office of Climate Change  
Licensing & Resource Use  
Environmental Protection Agency  
Headquarters  
PO Box 3000  
Johnstown Castle Estate  
Co. Wexford

REPORT



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## ARTICLE 16(1) RESPONSES

### Record of Issue

Company	Client Contact	Version	Date Issued	Method of Delivery
EPA	Eva Babiarczyk	B.0	June 2013	Post



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Drawing No. WLA05 Rev. B



### PREAMBLE

On behalf of Cemex (ROI) Ltd. (the Applicant), Golder Associates (“Golder”) submitted a Waste Licence Application to the Environmental Protection Agency (EPA) in December 2008 (W0254-01). The site is located at Walshestown, Naas, Co. Kildare (the “Site”). On 19 April and 17 May 2013, in accordance with Article 16(1) of the Waste Management (Licensing) Regulations, the EPA requested information from the Applicant in order to further process the waste licence application. A copy of the Article 16(1) requests is contained in **Appendix 1** of this document.

Each of the six items highlighted in the Article 16(1) requests are responded to in Sections 1.0 to 6.0 below (details of the request for information are highlighted in italics at the beginning of each section).

It is also worth noting that a telephone conversation was held between the EPA and Golder on 22 May 2013, during which the content of the response to this Article 16(1) request was discussed. The following persons attended this telecon:

- Eva Babiarczyk (EPA)
- Brain Meany (EPA)
- Conor Wall (Golder)

There are four appendices (1 to 4 inclusive) to support this response.





## ARTICLE 16(1) RESPONSES

### 1.0 ITEM 1

1. *In accordance with section 53(1) of the Waste Management Acts 1996 to 2012, please furnish particulars in respect of the ability of Cemex (ROI) Limited to meet the financial commitments of liabilities that will be entered into or incurred in carrying on the proposed activity and provide evidence that Cemex (ROI) Limited will be in position to make financial provision that is adequate to discharge these financial commitments. Specifically:*

(a) *Prepare a fully detailed and costed Closure, Restoration and Aftercare Management Plan (CRAMP) for the facility, to include as a minimum the following:*

- *A scope statement for the plan.*
  - *The criteria which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact to the environment.*
  - *A programme to achieve the stated criteria.*
  - *Where relevant, a test programme to demonstrate the successful implementation of the plan.*
  - *Details of the long-term supervision, monitoring, control, maintenance and reporting requirements for the restored facility.*
  - *Details of the costings for the plan and the financial provisions to underwrite those costs.*

(b) *Prepare a fully detailed and costed Environmental Liabilities Risk Assessment (ELRA) which addresses the liabilities and potential liabilities from past and proposed activities, including those liabilities and costs identified in the CRAMP. Provide evidence that the assessment was*

*prepared or reviewed, and was found to be complete and accurate, by an independent and appropriate qualified consultant or expert.*

(c) *Provide a proposal for financial provision to cover any liabilities associated with the operation and identified in the ELRA (including closure, restoration and aftercare and unanticipated accidents, incidents and liabilities). Provide evidence that Cemex (ROI) Limited will be in a position to put such financial provision in place in the event that a waste licence is granted and prior to development works commencing.*

*The preparation of the CRAMP and ELRA and evaluation of the amount and form of financial provision should have regard to Environmental Protection Agency guidance including Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision (2006).*

#### Response:

A fully detailed and costed CRAMP and ELRA is included in **Appendix 2** of this document.



### 2.0 ITEM 2

2. *Provide information on the mechanism for setting landfill gate fees such that the requirements of section 53A of the Waste Management Acts 1996 to 2012 are met.*

#### Response:

The Landfill Directive and Section 53(A) of the Waste Management Act, 1996 (as amended) requires that the price charged for disposal of waste in a landfill must not be less than the total costs necessary for the three purposes set out in Section 53A(4). These are:

- The costs of acquisition or development;
- The costs of operating (including the costs of financial provision); and
- The estimated costs, during a period of not less than 30 years or such greater period as may be prescribed, of the closure, restoration, remediation or aftercare of the facility.

The Applicant will ensure that the long-term aftercare of the facility will be considered and will be reflected in the charging structure during the operation of the facility.

Cemex (ROI) Ltd will apply the EPA's bespoke landfill gate fees financial model (as available on [www.epa.ie](http://www.epa.ie)) for determining and reporting to the EPA in compliance with Section 53A. The model will be completed and reported to the Agency prior to the commencement of waste acceptance at the Walshestown facility and annually thereafter as part of the Annual Environmental Report (AER).

It is noted that charging relates to the period of time from the date of commencement of waste disposal in the facility to the predicted date of cessation of waste disposal in the Facility; and that the charging structure proposed will include acquisition, development, closure, restoration, remediation and aftercare costs. Details and records pertaining to costs, budgets and estimates will be fully documented by Cemex (ROI) Ltd and independently verified, where necessary, in line with business and financial planning and management requirements.

In accordance with the EPA financial model, consideration of revenue and costs will include the following items (for example):

#### Operating costs:

- Staff;
- Monitoring and control;
- Administrative costs;
- Resources (electricity and fuel); and
- Data management and reporting.

#### Infrastructure outside of the cell construction/development costs:

- Land, roads, weighbridge, wheelwash, fencing, buildings, carpark;
- Drainage, interceptors, settlement ponds/lagoons, oil separators;
- Plant, machinery, vehicles;
- Monitoring infrastructure;
- Services (surface water, foul water, watermain, power);
- Bunded oil storage;



## ARTICLE 16(1) RESPONSES

- Waste quarantine area;
- Traffic management barriers;
- CCTV;
- Alarms;
- Spill control equipment; and
- Lighting.

### Cell construction/development costs

- Excavation and replacement of soft materials;
- Grading to formation levels;
- Embankments;
- Basal liner system; and
- Capping costs - incurred and future.

### Restoration and aftercare costs:

- Cap management cost post closure;
- Aftercare;
- Monitoring; and
- Security.

## 3.0 ITEM 3

3. *Provide a description of any works carried on at the facility where the details of these works have not previously been submitted in the application or further information to the Agency. The information should include additional drawings as appropriate.*

### Response:

No works have been carried out on the facility since the submission of this Licence Application to the Agency in December 2008.

## 4.0 ITEM 4

*Provide any additional environmental monitoring information which has been obtained but not previously forwarded to the Agency as part of the application. An assessment of the results should also be provided.*

### Response:

No additional environmental monitoring has been obtained at this facility since the submission of this Licence Application to the Agency in December 2008.



## ARTICLE 16(1) RESPONSES

### 5.0 ITEM 5

*Provide a copy of the Planning Inspector's Report associated with Planning Permission reference No. 08/2159.*

#### Response:

Two planning reports obtained from the Kildare Co. Council website are provided in **Appendix 3** of this document.

### 6.0 ITEM 6

*Provide details on the management of soiled water arising from wheel/vehicle washing and other dirty water as may be generated within the facility. In particular, describe how such dirty water will be treated and disposed of.*

#### Response:

This item was discussed with the Agency in our telecom on 22 May 2013. We refer to Drawing Ref. no. WLA05 Rev. B attached in **Appendix 4** of this document. This drawing depicts an oil water separator and percolation area, which currently services the proposed refuelling and quarantine areas. It is noted that the proposed hard standing area and wheelwash are not connected to the oil water separator. The Applicant invites a condition from the Agency to ensure that all potentially 'soiled' or 'dirty' water arising from the facility will pass through the appropriate treatment such as an oil water separator, other treatment that is considered best available practice.

### 7.0 CONCLUSION

All drawings submitted in this document have been previously submitted to the Agency, either as part of the original application in December 2008, or subsequent responses to Article 14 and Article 16 requests. No additional revisions have been undertaken.

In addition, information provided in this document does not impinge on the non-technical summary previously submitted to the Agency.



## Report Signature Page

### GOLDER ASSOCIATES IRELAND LIMITED

A handwritten signature in blue ink, reading "Thomas Vainio-Mattila".

Thomas Vainio-Mattila  
Senior Consultant

A handwritten signature in blue ink, reading "Conor Wall".

Conor Wall  
Principal

Date: 6 June 2013

Author: TVM/CW/aw

Registered in Ireland Registration No. 297875  
Town Centre House, Dublin Road, Naas, Co. Kildare, Ireland  
Directors: M. Gilligan A. Harris (British)  
VAT No.: 8297875W



# **APPENDIX 1**

## **Article 16(1) Requests from EPA**

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22 APR 2013



Mr Conor Wall  
Golder Associates Ireland Limited  
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LoCall: 1890 33 55 99

19 April 2013

Reg. No. W0254-01

**re : Notice in accordance with Article 16(1) of the Waste Management (Licensing) Regulations**

Dear Mr Wall,

I am to refer to the above referenced application for a waste licence relating to a facility at Cemex (ROI) Limited, Walshestown, Blackhall, Tipperkevin and Bawnoge, Naas, Co. Kildare. The stage has now been reached where the Agency is giving detailed consideration to the application and to complete this task the following information, particulars and evidence are required in accordance with Article 16(1) of the Regulations.

**ARTICLE 16(1) - FURTHER INFORMATION, PARTICULARS AND EVIDENCE**

1. In accordance with section 53(1) of the Waste Management Acts 1996 to 2012, please furnish particulars in respect of the ability of Cemex (ROI) Limited to meet the financial commitments of liabilities that will be entered into or incurred in carrying on the proposed activity and provide evidence that Cemex (ROI) Limited will be in position to make financial provision that is adequate to discharge these financial commitments. Specifically:
  - (a) Prepare a fully detailed and costed Closure, Restoration and Aftercare Management Plan (CRAMP) for the facility, to include as a minimum the following:
    - A scope statement for the plan.
    - The criteria which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact to the environment.
    - A programme to achieve the stated criteria.
    - Where relevant, a test programme to demonstrate the successful implementation of the plan.
    - Details of the long-term supervision, monitoring, control, maintenance and reporting requirements for the restored facility.
    - Details of the costings for the plan and the financial provisions to underwrite those costs.
  - (b) Prepare a fully detailed and costed Environmental Liabilities Risk Assessment (ELRA) which addresses the liabilities and potential liabilities from past and proposed activities, including those liabilities and costs identified in the CRAMP. Provide evidence that the assessment was





prepared or reviewed, and was found to be complete and accurate, by an independent and appropriate qualified consultant or expert.

- (c) Provide a proposal for financial provision to cover any liabilities associated with the operation and identified in the ELRA (including closure, restoration and aftercare and unanticipated accidents, incidents and liabilities). Provide evidence that Cemex (ROI) Limited will be in a position to put such financial provision in place in the event that a waste licence is granted and prior to development works commencing.

The preparation of the CRAMP and ELRA and evaluation of the amount and form of financial provision should have regard to Environmental Protection Agency guidance including *Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision (2006)*.


2. Provide information on the mechanism for setting landfill gate fees such that the requirements of section 53A of the Waste Management Acts 1996 to 2012 are met.
3. Provide a description of any works carried on at the facility where the details of these works have not previously been submitted in the application or further information to the Agency. The information should include additional drawings as appropriate.
4. Provide any additional environmental monitoring information which has been obtained but not previously forwarded to the Agency as part of the application. An assessment of the results should also be provided.

In the case where any drawings already submitted are subject to revision consequent on this request for further information, a revised drawing should be prepared in each case. It is not sufficient to annotate the original drawing with a textual correction. Where such revised drawings are submitted, provide a list of drawing titles, drawing numbers and revision status, which correlates the revised drawings with the superseded versions. Your reply to this notice should include a revised non-technical summary (EIS and Application Form), which reflects the further information you supply in compliance with the notice, insofar as that information impinges on the relevant *non-technical summary*.

Please supply the information in the form of a one original plus two copies within **eight weeks** of the date of this notice. In addition submit sixteen copies of the requested information to the Agency in electronic searchable PDF format on CD-ROM. Please note that all maps/drawings should not exceed A3 in size.

Please note that the application's register number is Reg. No. W0254-01. Please direct all correspondence in relation to this matter to *Administration, Licensing Unit, Office of Climate Change, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



Ewa Babiarczyk

Inspector

Office of Climate Change, Licensing & Resource Use



Mr Conor Wall  
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17 May 2013

Reg. No. W0254-01

**re : Notice in accordance with Article 16(1) of the Waste Management (Licensing) Regulations**

Dear Mr Wall,

I am to refer to the above referenced application for a waste licence relating to a facility at Cemex (ROI) Limited, Walshestown, Blackhall, Tipperkevin and Bawnoge, Naas, Co. Kildare.

The stage has now been reached where the Agency is giving detailed consideration to the application and to complete this task the following information, particulars and evidence are required in accordance with Article 16(1) of the Regulations.

Please provide complete answers to each question.

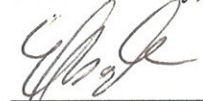
**ARTICLE 16(1) - FURTHER INFORMATION, PARTICULARS AND EVIDENCE**

1. Provide a copy of the Planning Inspector's Report associated with Planning Permission reference No. 08/2159.
2. Provide details on the management of soiled water arising from wheel/vehicle washing and other dirty water as may be generated within the facility. In particular, describe how such dirty water will be treated and disposed of.

Please supply the information in the form of a one original plus one copy within two weeks of the date of this notice. In addition submit sixteen copies of the requested information to the Agency in electronic searchable PDF format on CD-ROM. As an alternative to CD-ROMs, you may provide a total of eighteen (18) copies of the documents.

Please note that the application's register number is W0254-01. Please direct all correspondence in relation to this matter to Administration, Environmental Licensing Programme, Office of Climate Change, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford quoting the register number.

Yours sincerely,



Ewa Babiarczyk  
Inspector

Office of Climate Change, Licensing & Resource Use

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21 MAY 2013





# APPENDIX 2

## Fully costed CRAMP and ELRA



June 2013

## CEMEX (ROI) LTD - WALSHESTOWN PIT - W0254-01

# CRAMP & ELRA & FINANCIAL PROVISION

**Submitted to:**  
Administration,  
Licensing Unit,  
Office of Climate Change,  
Licensing & Resource Use  
Environmental Protection Agency  
Headquarters  
PO Box 3000  
Johnstown Castle Estate  
Co. Wexford

REPORT



**Report Number.** 13507150048.R02.B0

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## APPENDICES

### APPENDIX A

Figures and Drawings

Figure 1.2

Drawing WLA17

Drawing WLA05

Figure 8.4



### 1.0 INTRODUCTION

Cemex (ROI) Ltd (the Applicant) is in the process applying for a Waste Licence (W0254-01) for an inert waste management facility at their Site located at Walshestown, Blackhall, Tipperkevin and Bawnoge, Naas, Co Kildare – refer to Figure 1.2 for location details. The purpose of the Facility is to restore a worked out sand & gravel pit.

The Environmental Protection Agency (EPA) issued an Article 16(1) Request for Further Information to the Applicant Cemex (ROI) Ltd on 19 April 2013 (EPA Ref. No. W0254-01). This Further Information is requested to provide assurances that Cemex (ROI) Ltd. has the ability to meet the financial commitments of addressing potential environmental liabilities that may be incurred in undertaking the proposed activity at the Walshestown facility.

The Request for Further Information includes the following requests:

- Preparation of a fully detailed and costed Closure Restoration and Aftercare Management Plan (CRAMP) for the facility (Request 1a);
- Preparation of a detailed and costed Environmental Liability Risk Assessment (ELRA) (Request 1b);
- Provide a proposal for financial provision to cover any liabilities associated with the operation and identified in the ELRA (Request 1c);
- Information on the mechanism for setting landfill gate fees such that the requirements of section 53A of the Waste Management Acts 1996 to 2012 are met (Request 2);
- Provision of a description of any works carried on at the facility where the details of these works have not previously been submitted in the application or further information to the Agency (Request 3); and
- Provision of any additional environmental monitoring information that has not been previously forwarded to the Agency as part of the application. An assessment of the results should also be provided. (Request 4).

This report presents the Applicant's proposed Closure, Restoration and Aftercare Management Plan (CRAMP) - Request 1a - and a detailed and costed Environmental Liabilities Risk Assessment (ELRA) – Request 1b - for the proposed facility. Further the Financial Provisions (FP) – Request 1c - have been identified for the proposed facility. This submission has been developed in accordance with Guidance on Environmental Liabilities Risk Assessment, Residual Management Plans and Financial Provision (EPA, 2006).

Cemex (ROI) Ltd has retained Golder Associates Ireland (Golder) to provide advice and consultancy services in relation to the closure plan and to prepare this report.

### 1.1 Operational Risk Assessment

An operational risk assessment has been completed for the Facility, in accordance with Section 2 of Guidance on Environmental Liabilities Risk Assessment, Residual Management Plans and Financial Provision (EPA, 2006). An Overall Risk Score of <7 indicates that the Facility is considered low risk and that it falls within Risk Category 1, as outlined in Table 2.3 of the EPA's Guidance. A summary of these calculations are provided in Tables 1 and 2 below.



**Table 1: Operational Risk Assessment.**

Item	Score
Complexity	2
Environmental Sensitivity	2
Compliance Record	1
<b>Overall Risk Score</b>	<b>4 (2 x 2 x 1)</b>

A more detailed calculation is provided in following Table 2.

**Table 2: Detailed Risk Category Calculation.**

<b>COMPLEXITY</b>			
<b>Activity</b>	<b>Classification</b>	<b>Band (G1 – G5)</b>	<b>Score</b>
Class D5	Specially Engineered Inert LF	G2	2
<b>ENVIRONMENTAL SENSITIVITY</b>			
<b>Environmental Attribute</b>	<b>Classification</b>	<b>Sub-Matrix Score</b>	<b>Score</b>
Human Occupation	50m – 250m	3	
Groundwater Protection	Gravel – Locally Important (1) Bedrock – Poor Aquifer (0)	1	
Groundwater Vulnerability	High (GSI) – 2, Moderate (Golder) - 1	2	
Sensitivity of Receiving Waters	Morell River – Q4, Fair Quality (EPA)	3	
Non-Eutrophic Status	n/a	0	
Air Quality and Topography	Simple Terrain	0	
Protected Ecological Sites	>1km from nearest protected Site	0	
Sensitivity Agricultural Receptors	>150m from the activity footprint	0	
<b>TOTAL</b>		<b>9</b>	
Environmental Sensitivity Class (Moderate – Score between 7–12)			2
<b>COMPLIANCE RECORD</b>			
<b>Classification</b>			<b>Score</b>
Compliance Record / New Facility	No Non-Compliances		1
<b>Product of Individual Scores (2 x 2 x 1 = 4)</b>			<b>4</b>
<b>Corresponding Site-specific Risk Category = 1 (Low)</b>			

## 2.0 CLOSURE, RESTORATION AND AFTERCARE MANAGEMENT PLAN (CRAMP)

Table 3.1 of the EPA Guidance, requires facilities falling within this category (low risk – as classified in above section 1.1) to complete one element of the Closure, Restoration and Aftercare Plan, that being a Closure Plan.

The aim of a Closure Plan is to provide criteria against which the successful closure of the facility can be measured. The closure plan should address the known environmental liabilities associated with the facility,





such as the decommissioning and removal of plant. Moreover, monitoring undertaken should demonstrate that there are no outstanding environmental issues at the facility.

As mentioned above, low risk facilities are only required to complete a Closure Plan of the CRAMP. To this end, the Applicant has developed the following Closure Plan. Table 3 below provides a summary of the Closure Plan.

**Table 3: Closure Plan Summary.**

Stage	Activity	Assessment
<b>Closure</b>	Wastes will be stopped from entering the Facility when it has been restored to its final contours, as agreed with the Agency.	The type of closure can be categorised as either a Clean Closure or a Non-Clean Closure. Upon cessation of operations and subsequent decommissioning, there will be no remaining liabilities, thus this is considered a “ <b>clean closure</b> ”. On-going monitoring at the Site will be required as part of the closure process, for a limited period of 5 years post closure.
<b>Decommissioning</b>	The decommissioning of the Inert Waste Facility will take the form of the removal of the non-permanent infrastructure at the Site. All plant equipment and vehicle use will cease and the final capping will be checked.	The activity at the Site will cease except for the on-going medium-term monitoring (5 years).
<b>Restoration</b>	<p>The restoration stage will be undertaken in conjunction with the closure and decommissioning stages. After placement of the capping layer, the subsoil and growth medium will be placed across the capped surface. The final restored levels are shown in Figure WLA17.</p> <p>The restored surface will be developed into a variety of habitats to promote biodiversity, and will include a surface drainage system comprising perimeter infiltration drains. The area will be fenced by enhancing existing dense hedgerows and installing 1.2 metre high post-and-wire fencing where required.</p>	The restoration process will be full and complete, leaving a landscaped finish and ultimately improving the condition of the area both visually and in terms of the reduced health and safety risks.
<b>Aftercare Management Plan</b>	An aftercare management plan comes in the form of engineering works maintenance, landscape management and potential emission control. The Facility will not be surrendered or transferred until the 5 year monitoring period has elapsed.	Monitoring for 5 years, annual grazing each September.

## 2.1 Scope of the Closure Plan

This Closure Plan covers the cessation of operations at the proposed Cemex (ROI) Ltd inert waste disposal facility located at Walshestown, Blackhall, Tipperkevin and Bawnoge, Naas, Co Kildare.

As mentioned previously, the purpose of the Facility will be to restore a worked out sand pit.

The Closure Plan will be considered completed once the facility has been successfully capped and a closure validation report has been produced.

Activities that will be undertaken as part of the Closure Plan, will include the following; capping of the waste body, decommissioning of the plant and equipment used in the facilities operation, the completion of site landscaping plan and the inspection of the completed capping system.





## 2.2 Programme of the Closure Plan

The Applicant proposes the following programme for the completion of a Closure Plan for the Walshestown facility – refer to Table 4 below.

**Table 4: Programme for Closure Plan.**

Stage	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Continue filling void to the required restoration plan																				
Place capping layer																				
Undertake landscaping plan																				
Decommission and removal of plant and infrastructure																				
Commence monitoring of final cap																				
Aftercare environmental monitoring																				
Surrender licence																				
Decommission environmental monitoring infrastructure																				

The programme for the Closure Plan assumes that the Site is restored within 15 years of commencement of waste activities. The stages following the restoration have been assumed to last a further 5 years up to the licence surrender and decommissioning of environmental monitoring infrastructure.

## 2.3 Criteria for Successful Closure of the Facility

The Applicant proposes that successful closure of the Facility will be achieved when the following criteria are met:

- The site has been restored to its final contours (Figure WLA17) as agreed with the Agency;
- The landfill has been capped in accordance with Waste Licence Register W0254-01, or as subsequently agreed with the Agency;
- All plant and equipment not required for the future use of the facility has been decommissioned and removed from site;
- All wastes generated from the operation of the Facility, have been removed from site and disposed of to a suitably authorised facility;
- Records of waste received and removed from the site are held on file by the Applicant;
- The landscaping plan presented in Licence Application W0254-01 is completed and the Site has been left suitable for its intended after use;
- Environmental monitoring indicates that there are no outstanding environmental issues associated with the site;
- Monitoring of the final capping indicates that there are no outstanding issues associated with its stability or integrity; and
- A Closure Validation Report has been submitted to the Agency.



## 2.4 Site Evaluation

### 2.4.1 Description and History of Operations at the Facility

The Application Site is owned by Cemex (ROI) Ltd and located within the townlands of Walshestown, Tipperkevin, Bawnogue and Blackhall, ca. 5 km south east of Naas and ca. 6 km north west of the town Blessington, Co. Wicklow – refer to Figure 1.2 for location.

The general topography of the application area and surroundings is one of undulating rolling landscape, and is located within the Eastern Kildare Uplands (Transition) character area as defined in the Kildare County Development Plan.

The subject Site is approximately 68 hectares in size and has been worked as a gravel pit since the early 1970s. Restoration activities have been on-going at the Site under previous planning permissions and under Waste Permit register numbers 71/2002 and 236/2006.

It is noted that should the Agency grant a Waste Licence for this Facility, the waste materials historically deposited under Waste Permit register numbers 71/2002 and 236/2006, will be removed in preparation of the inert waste cells at the Facility. The volumes of historically deposited inert materials at the Site have been estimated at approximately 76,560 tonnes or 34,800 m<sup>3</sup> as described in Article 16(1) response (Golder, 2012).

### 2.4.2 Compliance History of the Facility

The Applicant has had a good compliance history with its waste permits 71/2002 and 236/2006. There have been no incidents of emission non-compliances at the Site served on the Applicant. One notice (Section 55) is understood to have been served on the former owner Readymix, which was subsequently resolved with Kildare Co. Council in ca. 2007.

### 2.4.3 Proposed Process and Activities to be Undertaken

It is proposed to accept, process, recover and use inert materials, including inert wastes to restore the Site that includes extensive areas of worked out sand and gravel extraction, partially restored lands, silt ponds, processing plant, concrete batching plant and surface water ponds.

The historically recovered concrete (under waste permits 71/2002 and 236/2006) will be recycled at the Inert Waste Processing Area (Figure WLA05) and reused as secondary aggregate for development at the Facility, subject to Agency's approval.

Source segregated inert materials (ca. 85% of the proposed waste volume) and on-site processed and segregated inert wastes will be used at the Site to achieve the final restoration surface. It is assumed that circa 15% of inert waste materials arriving at the Site have not been source segregated and require processing on-site, prior to emplacement.

The types of imported materials to be used to restore the Walshestown pit will be confined to inert dry wastes arising mainly from civil engineering and building construction and demolition projects. The types acceptable for restoration purposes will include inert material such as soil and stone, glass, concrete, brick, tiles and ceramics. Putrescible household and commercial wastes will not be accepted at the Facility.

Best practice engineering requirements of the EPA will be satisfied by:

- Placing inert materials into individual cells with engineered base liner and capping system;
- Internal surface water management, such as internal drainage systems to handle runoff, and settlement ponds; and
- Perimeter bunds or berms to control runoff, as required, and provide visual screening.



### 2.4.4 Site Building, Infrastructure and Plant

The existing and proposed site buildings, infrastructure and plant at the Facility are displayed on Figure WLA05 and are outlined below.

#### 2.4.4.1 Site Buildings

Site existing and proposed Site buildings comprise:

- Office/Store (existing);
- Canteen/toilets (existing);
- Shed (existing);
- Equipment compound (proposed); and
- Site laboratory (proposed).

#### 2.4.4.2 Site Infrastructure

Site existing and proposed Site infrastructure will comprise:

- Weighbridge x 2 (existing/proposed);
- Fresh water well (existing);
- Waste processing area (proposed);
- Fresh water well (existing);
- Foul water treatment (proposed);
- Wheelwash (proposed);
- Fuel storage areas (proposed);
- Full retention oil water separator with associated percolation area (proposed);
- Waste inspection area (proposed);
- Waste quarantine area (proposed);
- Macadam paved roads (existing/proposed); and
- Site access roads (existing/proposed).

#### 2.4.4.3 Plant

The proposed machinery used on site will include;

- Crusher;
- Screener;
- Loading shovels;
- Excavators;
- Dump trucks;
- Tractor; and



- Browser.

## 2.5 Closure Considerations

### 2.5.1 Type of Closure

Due to the inert nature of the material received at the Facility, and the absence of any record of environmental pollution, the Applicant considers that **clean closure** will be achieved when the criteria set out in Section 2.1 are achieved.

Clean closure, as outlined in Section 3.3.3 of the EPA Guidance requires that 'upon cessation of operations and subsequent decommissioning at the Facility, there are no remaining environmental liabilities.'

The tasks required to achieve clean closure of the Facility and to meet the criteria set out Section 2.1 of this report, are outlined below:

#### A. *Permanent Capping Works*

The Facility will be capped in accordance with Attachment D.6 of Waste Licence Application (Golder, December 2008), which describes the cap to comply with BAT for inert waste landfill facilities comprising a minimum of 150 mm of topsoil and no less than 850 mm of subsoil, so that thickness of the topsoil and subsoil is at least 1 metre.

Surface water drainage works will be undertaken so that any runoff from the capped surface will be collected via perimeter infiltration swales and associated surface water feature.

Details of the final restoration surface and associated surface drainage patterns are depicted on Figure 8.4.

#### B. *Plant and Infrastructure Requiring Disposal, Decommissioning or Recovery*

The proposed facility will be a temporary development in operation for the lifetime of the restoration programme, which is estimated to be a 13 year period plus a 2 year final restoration period.

Successful decommissioning will only be complete when all buildings, equipment, material wastes or any other materials, which could result in environmental pollution, are removed from the Facility in accordance with the conditions of the planning permission, waste licence and other pertinent regulations.

All plant will be decommissioned in accordance with the steps outlined below.

#### C. *Plant and Infrastructure Decontamination Requirements*

The following decontamination steps will be undertaken prior to the removal, decommissioning or disposal of plant from the facility;

- An assessment of the level of residual contamination contained on or in any piece of plant or infrastructure will be undertaken prior to its removal or disposal;
- All contaminants will be removed, drained or flushed from all plant prior to its removal or disposal. Any residuals containing fuels, oils or other contaminants will be disposed of by a licensed contractor in accordance with statutory requirements;
- All plant and surfaces will be hosed down and/or flushed out with high pressure water. The wash water will be retained as necessary; and
- Any area of ground with visual evidence of contamination will be excavated directly for testing and treatment where required.

#### D. *Restoration Plan*

The proposed final restoration Site layout is depicted on attached Figure WLA17.

- Monitoring of the Capped Surface



It is anticipated that the Applicant will undertake regular inspections of the capped surfaces for period of 12 months after capping works have been complete. These inspections will consider the following;

- The health of site vegetation and any requirements for further landscaping due to vegetation die back,
- The stability of the capped surface in particular consideration will be given to surface depressions, cracks or loss of material due to erosion; and
- The effectiveness of drains and silt traps to remove surface water from the facility. Where inadequacies are noted in the drainage system repairs/ alterations will be made accordingly.

## 2.6 Closure Plan Costing

The following Table 5 depicts estimated Closure costs for a Clean Closure scenario, i.e. upon cessation of operations and subsequent decommissioning at the Facility, there are no remaining environmental liabilities.

**Table 5: Estimated Costs for Facility Closure - known Liabilities.**

Closure Item	Estimated Costs
Plant Removal	€50,000
Decontamination	€40,000
Waste Disposal / Recovery	€40,000
Decommissioning Supervision	€10,000
Demolition	€15,000
Test Programme	€15,000
Verification Audit / Certification	€5,000
Reporting to the EPA	€7,500
Other Relevant Items	€30,000
<b>TOTAL in Euro</b>	<b>€212,500</b>

The following Table 6 depicts estimated Aftercare Management costs for a Clean Closure scenario.

**Table 6: Estimated Costs for Aftercare Management - known Liabilities.**

Closure Item	Estimated Costs
Environmental Monitoring (for 5 years – assumed €10,000 per annum)	€50,000
Reporting to the EPA	€10,000
<b>TOTAL in Euro</b>	<b>€60,000</b>

The above estimated costs are valid at the time of this report. These costs need to be updated annually or as agreed with the Agency.

## 2.7 Update and Review of the Closure Plan

This Closure Plan will be reviewed annually after the waste activities have commenced at the Site. Any changes in the Closure Plan will be reported to the Agency in the Annual Environmental Report.

## 2.8 Notice Period

The Applicant will notify the Agency, upon the decommissioning and removal of the site buildings, plant and infrastructure, that the Facility has been closed. The Applicant will then undertake twelve months of monitoring of the capped surface. Once this period is complete, and the stability of the cap is confirmed, the Applicant will submit to the Agency, a validation report as outlined in Section 2.9 below.



### 2.9 Validation of the Closure Plan

A final validation report, including a certificate of completion, will be produced upon the successful completion of the Closure Plan. The validation report will consider the criteria set out in Section 2.1 of this report.

It is anticipated that the Applicant will seek to surrender the Waste Licence upon the submitting the Validation Report and completion of the 5 year aftercare monitoring at the facility.

### 3.0 ENVIRONMENTAL LIABILITY RISK ASSESSMENT (ELRA)

Risk may be defined as the combination of the probability or frequency of occurrence of a defined hazard and the magnitude of the consequences of the occurrence on a receptor. A key consideration in this regard is the pathway between the identified hazards and receptors. If there is no connection or pathway between the hazard and receptor, then intuitively there can be no risk.

The framework for Risk Assessments may include the following elements:

- Source and Hazard Identification;
- Pathway Description;
- Receptor Identification;
- Estimating Exposure Frequency;
- Toxicity Assessment; and
- Health Risk Assessment.

Given that the Cemex (ROI) Ltd facility at Walshestown, Naas, Co Kildare is a proposed inert facility, it is not necessary to consider all of these elements to identify the environmental liabilities associated with it. Also, the Risk Assessment may take the form of a qualitative and/or semi quantitative assessment.

In regard to the Cemex Walshestown facility, the framework of the assessment is as follows:

- Source Identification;
- Hazard Identification;
- Pathway Description;
- Receptor Identification;
- Potential Environmental Liabilities Assessment; and
- Mitigation Measures and Risk Management.

The risks associated with the Cemex Walshestown facility may represent environmental risks, which may result in a financial liability. These are inferred to be environmental liabilities against which costs may be assigned.

Other risks associated with the Cemex Walshestown facility may be related to injury or death of humans or damage to plant, equipment or other property. These other risks also may result in financial liabilities against which costs may be assigned.



### 3.1 Category 1 Facility – Approach

As described in Section 1.1 of this report, the Cemex Walshestown facility scored an overall Risk Score of <7 indicating that the Facility is considered low risk and that it falls within Risk Category 1, as outlined in Table 2.3 of the EPA's Guidance.

According to the EPA's Guidance for Category 1 facilities, there is no requirement for detailed environmental liabilities assessment. The main requirement is to ensure that there is financial provision through the company's ability to financially operate.

### 3.2 Hazards/Pathways/Receptors/Liabilities

The recognised hazards/pathways/receptors and liabilities that have been evaluated are presented below.

#### 3.2.1 Formation of Leachate

Leachate forms when water is in contact with waste. The strength and hazard associated with leachate is dependent on contact time, the nature of the waste and numerous other physical parameters.

##### 3.2.1.1 Hazard

The volume or mass of leachate and the constituents of the leachate would quantify the hazard. In this case the constituents of the leachate are not expected to be of concern due to the nature of the wastes that may be accepted at the facility (inert only).

##### 3.2.1.2 Receptors

The primary receptors of leachate in the environment are groundwater and surface water. The secondary receptors of leachate in the environment are humans or livestock. The latter two are the only receptors if a pathway is established between leachate contaminated water and humans or livestock via ingestion of leachate contaminated water.

##### 3.2.1.3 Pathways

The primary pathway of leachate from the waste to the receptors is overland or through the ground into the groundwater or surface water bodies or the adjoining watermain. The pathway between leachate and offsite groundwater and surface water is through the man-made soil fills and natural geological deposits that underlie the floor and comprise the side slopes of the pit. The pathway is long and comprises materials that will attenuate the constituents of the leachate. The pathway also comprises the natural groundwater and surface water flow, which will also attenuate the constituents of the leachate, via dilution.

##### 3.2.1.4 Potential Environmental Risk and Liability

The potential environmental risk and liability is leachate seeping into the groundwater or surface water.

##### 3.2.1.5 Potential Financial Liabilities

Should impairment of groundwater and surface water result in the worst case the financial liabilities may include groundwater cut-off walls, pumping systems, replacement wells or provision of alternative drinking water supplies and third party claims due to property damage or injury.

##### 3.2.1.6 Mitigation Measures and Risk Management

- Surface water drainage works will be undertaken so that any runoff from the capped surface will be collected via perimeter infiltration swales and associated surface water feature. Runoff from the inert waste processing area, fuel pad, wheelwash and quarantine areas will be collected and treated by an oil water separator prior to discharge to ground;
- The base and sides of the proposed waste handling and inert waste recovery/disposal areas will comprise engineered/constructed mineral soil layers, which will be in place for the protection of the groundwater;





- Monitoring of incoming inert wastes/fill materials will be carried out at a designated area for inspecting/holding, recovery and quarantine of wastes as described in the Waste Acceptance and Characterisation Procedures submitted to the Agency along with the Waste Licence Application report. Any unsuitable wastes for recovery or disposal at the facility will be quarantined in the designated area; and
- Monitoring of surface water; groundwater and incoming wastes will be carried out to provide an early warning of a potential risk to the nearby surface water and groundwater.

### 3.2.2 Leakage of Fuels during operations

Diesel fuel used for the plant on-site will be stored in tanks located near the entrance to the facility. The tanks will be bunded by concrete walls and floor to hold a volume of 110% of the combined capacity of the tanks in accordance with available BAT Guidelines.

#### 3.2.2.1 Hazards

Hazards include leaks in the bunded fuel tanks and fuel being spilled during refuelling activities.

#### 3.2.2.2 Receptors

Potential primary receptors include soil and groundwater beneath the site. Secondary receptors include humans and the local surface water drains.

#### 3.2.2.3 Pathways

The pathway would be from the concrete fuel bund or refuelling vehicle or equipment being refuelled to the surrounding environment.

The vertical pathway would include vertical migration of product into subsurface environment; potentially impacting soil and groundwater beneath the site.

#### 3.2.2.4 Potential Environmental Risk and Liability

The potential environmental risk and liability is fuel leaching into the soil, groundwater and surface water.

#### 3.2.2.5 Potential Financial Liability

The potential financial liability, without the mitigation measure in place, is related to clean up of minor spills that have a low risk or major spills, which are considered to be unlikely.

#### 3.2.2.6 Mitigation Measures and Risk Management

To mitigate the potential risk, the Applicant will be installing the following mitigation measures:

- The bunded and lined fuel loading area will be placed adjacent to the storage tanks to collect any spillages that might occur during refuelling. The area will be connected to a silt trap and full retention oil interceptor. This will mitigate the potential effects of a fuel spill on the hardstands;
- An engineered soil fill liner at the base of the waste recovery/handling areas. This material will provide the same level of protection, as a layer of mineral soil 1 metre thick with a hydraulic conductivity of  $1 \times 10^{-7}$  m/sec; and
- Absorbent booms and absorbent materials are kept close to fuel storage and re-fuelling areas in the event of a spill. Any contaminated absorbent material will be collected and stored in a designated container within the quarantine area pending disposal by a suitably certified waste disposal contractor.

### 3.2.3 Waste Lorries and Plant Involved in Accidents

The accidents that may be conceived are:

- i) Collisions between lorries or plant and pedestrians/workers onsite or offsite, and





- ii) Vehicles overturning on roads.

In these circumstances there may be a risk to human health and of damage to third party property. Litter nuisances may also arise if wastes are dumped on or beside a public road.

### **3.2.3.1 Hazards**

The hazards are moving lorries, plant or cars.

### **3.2.3.2 Pathways**

The pathways are the physical interactions of vehicles and humans.

### **3.2.3.3 Receptors**

The receptors are humans and third party property.

### **3.2.3.4 Potential Environmental Risk and Liability**

The potential environmental risk and liability would be waste spilled on the road from an overturned lorry.

### **3.2.3.5 Potential Financial Liabilities**

Financial liabilities may include third party claims due to death, injury or property damage if the vehicles are owned and operated by the licensee. This liability will be covered by the licensee's third party insurance. Another financial liability is the clean-up of waste if it is spilled on a road. This would not be a significant financial liability and may not necessarily be the responsibility of the licensee if the waste is from a third party's vehicle.

### **3.2.3.6 Mitigation Measures and Risk Management**

The environmental risks and thus the associated financial liabilities may be mitigated at the licensed facility by providing adequate lighting, adequate road designs and markings and posting a low speed limit on the site such as 20 mph.

## **3.2.4 Fugitive Emissions**

### **3.2.4.1 Hazards**

There are two potential fugitive emissions associated with the facility – dust and noise that represent a potential hazard.

Dust arises as wastes are tipped, particularly during periods of dry weather prior to reloading. Dust will also arise from lorry traffic in the inert waste processing area.

Noise emissions arise from equipment used during unloading and reloading at the site, lorry traffic and the waste processing area.

### **3.2.4.2 Pathway**

The pathway for these emissions is air.

### **3.2.4.3 Receptors**

Receptors of emissions are site operatives and local residents.

### **3.2.4.4 Environmental Risks and Liabilities**

Excessive levels of dust and noise at the facility may affect the health and welfare of the operatives on the site. Excessive levels off-site may be a nuisance to the local residents. The financial liability would be a third party claim and the cost of a court defence. The licence requires that measures be taken to ensure that the levels of all emissions are maintained below a maximum limit value.



The licensee will be installing the necessary equipment and undertaking good management practices to ensure that the environmental risks are managed and the financial liabilities are minimised. An estimate of the cost of third party actions cannot be predicted.

### **3.2.4.5 Potential Financial Liability**

The potential financial liabilities may include third party claims due to nuisances caused by noise and dust.

### **3.2.4.6 Mitigation Measures and Risk Management**

Regarding noise emissions, the licensee will ascertain that all facility operations will be carried out during the licensed facility opening hours. Regarding dust emissions, the site will be wetted as required during periods of dry weather to minimise dust levels.

Further, all equipment will be maintained to meet max/min noise emission specifications and appropriate personal protection equipment i.e. ear defenders will be provided to all staff that may be affected.

## **3.3 Review of Risk Assessment**

At this point it appears that a measurable hazard at the site is a fuel spill occurring at the fuel storage area from fuelling or fuel storage activities. Mitigation measures to minimise a possible impact to the environment have been planned. At this point the risk is considered to be low.

Leachate appears to be a potentially minor hazard. The effects of any leachate that forms can be monitored in boreholes or in surface water bodies. There will be no direct pathway for leachate to migrate to groundwater, surface water or the water main. The risk is considered to be minimal to insignificant as the wastes managed at the facility will be inert in accordance with the licence.

## **3.4 Risk Classification and Identification**

The principal source of risk at the site is the inert waste that is being handled and disposed on the site. It is envisaged that ca. 85% of the proposed inert waste volume will be source segregated prior to on-site recovery to achieve the final restoration surface. Further it is assumed that circa 15% of inert waste materials arriving at the Site have not been source segregated and require processing on-site, prior to emplacement.

The inert wastes handled on the site will be inert construction and demolition (C&D) wastes.

Ancillary activities on the site – lorry movements and fuel storage/dispensing – may also give rise to environmental risks and liabilities. The lorry movements may give rise to dust and/or noise nuisances. A fuel leak could result in an unacceptable discharge to surface water or groundwater.

The following Table 7 depicts a summary of potential environmental liabilities at the facility.



**Table 7: Summary of Potential Environmental Liabilities at the Facility.**

Potential Risk	Leachate	Fuel Leakage	Waste Lorries / Plant	Fugitive Emissions
<b>Hazard</b>	Forms when water in contact with waste	Leakage during fuelling	Moving lorries, plant or cars.	Dust and noise emissions.
<b>Pathway</b>	Migration via soils and waters	Migration via soils and waters	Interactions between humans and vehicles.	Air
<b>Receptor</b>	Ground and surface waters, humans and livestock	Soils and groundwater, further surface water and humans.	Humans and third party property.	Site operatives and local residents.
<b>Environmental Risk and Liabilities</b>	Leachate seeping into groundwater and/or surface water.	Fuel leaching into soils, ground and surface waters.	Waste spilled on the road from the lorry.	Affecting the health and welfare of humans.
<b>Potential Financial Liability</b>	Remediation costs for groundwater and/or surface water clean-up.	Fuel spill clean-up.	Third party claim due death, injury or property damage. Clean-up of waste.	Third party claims due to nuisances caused by dust and noise.
<b>Mitigation Measures</b>	Inert wastes only. Proposed infrastructure (engineered landfill), procedures and good housekeeping.	Engineered liner, procedures, bunded tank, lined fuel pad, interceptor, spill kits and containment booms.	Adequate lighting, road design and low speed limits.	Inert waste only. All equipment maintained and roads wetted during dry periods.

The following Risk Classification follows the EPA Guidance section 4.4.3.1 – Risk Classification Tables. Each potential risk or liability is assigned a rate of ‘Occurrence’ (the probability of an event occurring) and ‘Severity’ (the magnitude of impact if the event occurs).

**Table 8: Risk Classification for Occurrence and Severity.**

Potential Risk	Leachate	Fuel Leakage	Waste Lorries / Plant	Fugitive Emissions
<b>Risk Classification - Occurrence</b>	2 (low)	2 (low)	2 (low)	3 (medium)
<b>Basis for Occurrence</b>	Proposed infrastructure, procedures and good housekeeping.	Engineered liner, procedures, bunded tank, lined fuel pad, interceptor, spill kits and containment booms.	Adequate lighting, road design and low speed limits.	All equipment maintained and roads wetted during dry periods.
<b>Risk Classification - Severity</b>	4 (major)	4 (major)	3 (moderate)	3 (moderate)
<b>Basis for Occurrence</b>	Leachate seeping into groundwater and/or surface water.	Fuel leaching into soils, ground and surface waters.	Waste spilled on the road from the lorry.	Affecting the health and welfare of humans.
<b>Risk Score (Severity x Occurrence)</b>	8	8	6	9

The above Table 8 has identified the risk occurrence and severity (as per Table 4.5 of EPA Guidance) to be lowest level risks and indicates a need for continuing awareness and monitoring on a regular basis. The guidance notes that whilst the identified risks are currently low or minor risks, some have potential to increase to medium risks and must therefore be regularly monitored.



### 3.5 Quantification of Unknown Environmental Liabilities

The known environmental liabilities for the facility were calculated as part of the CRAMP (Section 2.5 of this report).

For the unknown liabilities a financial model is necessary to estimate the environmental liability associated with the risks. These cost shave been estimated following the EPA Guidance section 4.4.7.

**Table 9: Financial Model for a Most Likely Scenario.**

Potential Risk	Occurrence Rating	Likelihood of Occurrence Range	Severity Rating	Cost Range	Median Probability	Median Severity	Most Likely Scenario Cost
Leachate	2	5 – 10%	4	€10,000 – €100,000	7.5%	€55,000	€4,125
Fuel Leakage	2	5 – 10%	4	€10,000 – €100,000	7.5%	€55,000	€4,125
Waste Lorries / Plant	2	5 – 10%	3	€5,000 – €10,000	7.5%	€7,500	€563
Fugitive Emissions	3	10 – 20%	3	€5,000 – €10,000	15%	€7,500	€1,125
<b>TOTAL Estimated Costs</b>							<b>€9,938</b>

The above Table 9 depicts a financial model for a most likely scenario. The estimated costs for environmental liabilities associated with unknown risks have been estimated at €9,938. A model assuming a worst case scenario would use the higher end of each range used in the calculations as depicted in Table 7 above. The costs for a worst case scenario are estimated at €23,000.

In summary Environmental Pollution Liabilities could include:

- Leachate formation and migration causing pollution of groundwater and/or surface water and/or water main;
- Fuel spill causing pollution of groundwater and/or surface water;
- Fuel spill causing soil pollution;
- Litter from overturned lorries; and
- Fugitive dust emissions causing excessive soiling of adjoining properties.

The cost of such liabilities will depend on the origin, nature and extent of the incident/environmental pollution. The Applicant proposes to obtain environmental pollution liability insurance with indemnity over 1 million euro to cover the costs of unexpected pollution. Operating revenues will be used to cover the premium for the insurance policy and addressing minor spills and nuisances.

According to the EPA Guidance a review of the ELRA should be undertaken on annual basis to reflect changes in the environmental risks.

The following Section of this report will discuss the financial instruments (Financial Provision) for unknown liabilities associated with Cemex Walshestown facility.



### 4.0 IDENTIFICATION OF FINANCIAL PROVISION (FP)

The main objective of Financial Provision (FP) is to ensure that sufficient financial resources are available to cover:

- Known environmental liabilities that will arise at the time of facility closure;
- Known environmental liabilities that are associated with the aftercare and maintenance of the facility until such time as the facility is considered to no longer pose a risk to the environment; and
- Unknown environmental liabilities that may occur during the operating life of the facility.

Financial Provision encompasses two aspects:

- Quantifying the financial amount of the environmental liabilities (known and unknown); and
- Selecting appropriate financial instrument(s) to underwrite the liabilities.

Cemex (ROI) Ltd is a member of the ICF (Irish Concrete Federation) and operates within the parameters of their Environmental Code of practise. The objectives of the Code include that Cemex (ROI) Ltd will make available the required financial resources to operate the policy in accordance with Best Available Techniques (BAT) principles.

#### 4.1 Calculation of Financial Provision

The amount of Financial Provision required for the Cemex Walshestown facility is determined using the CRAMP (Section 2.0) and ELRA (Section 3.0) of this report.

The following Table 10 outlines the Financial Provision required for the Cemex (ROI) Ltd Walshestown facility.

**Table 10: Outline Financial Provision.**

Liability Type	Description	Method of Quantification	Amount of Provision	Financial Instrument
Known Liability – Closure	Planned liabilities that will arise upon closure of the facility.	CRAMP (Section 2.0)	€212,500	Financial indemnity to be agreed
Known Liability – Restoration and Aftercare Management	Planned liabilities that will arise upon restoration and aftercare management of the facility – Environmental Monitoring for a period of 5 years.	CRAMP (Section 2.0)	€60,000	Financial indemnity to be agreed
Unknown Liability	Unplanned liabilities that have the potential to arise during the operational life of the facility.	ELRA (Section 3.0)	€23,000	Environmental Liability Insurance Policy

The Applicant invites the following condition or similar, to cover the above identified financial liabilities (taken from the most recent waste licence grant W0270-01):

*Within 6 months of the date of grant of this licence, the licensee shall, to the satisfaction of the Agency, make financial provision to cover any liabilities identified in Condition XXX (ELRA condition). The amount of indemnity held shall be reviewed and revised as necessary, but at least annually. Proof of renewal or revision of such financial indemnity shall be included in the annual 'Statement of Measures' report identified in Condition XXX (AER condition).*



## **5.0 CLOSURE**

The CRAMP, ELRA and Financial Provision will be reviewed annually after the waste activities have commenced at the Site. Any changes in these reports will be reported to the Agency in the Annual Environmental Report.



## Report Signature Page

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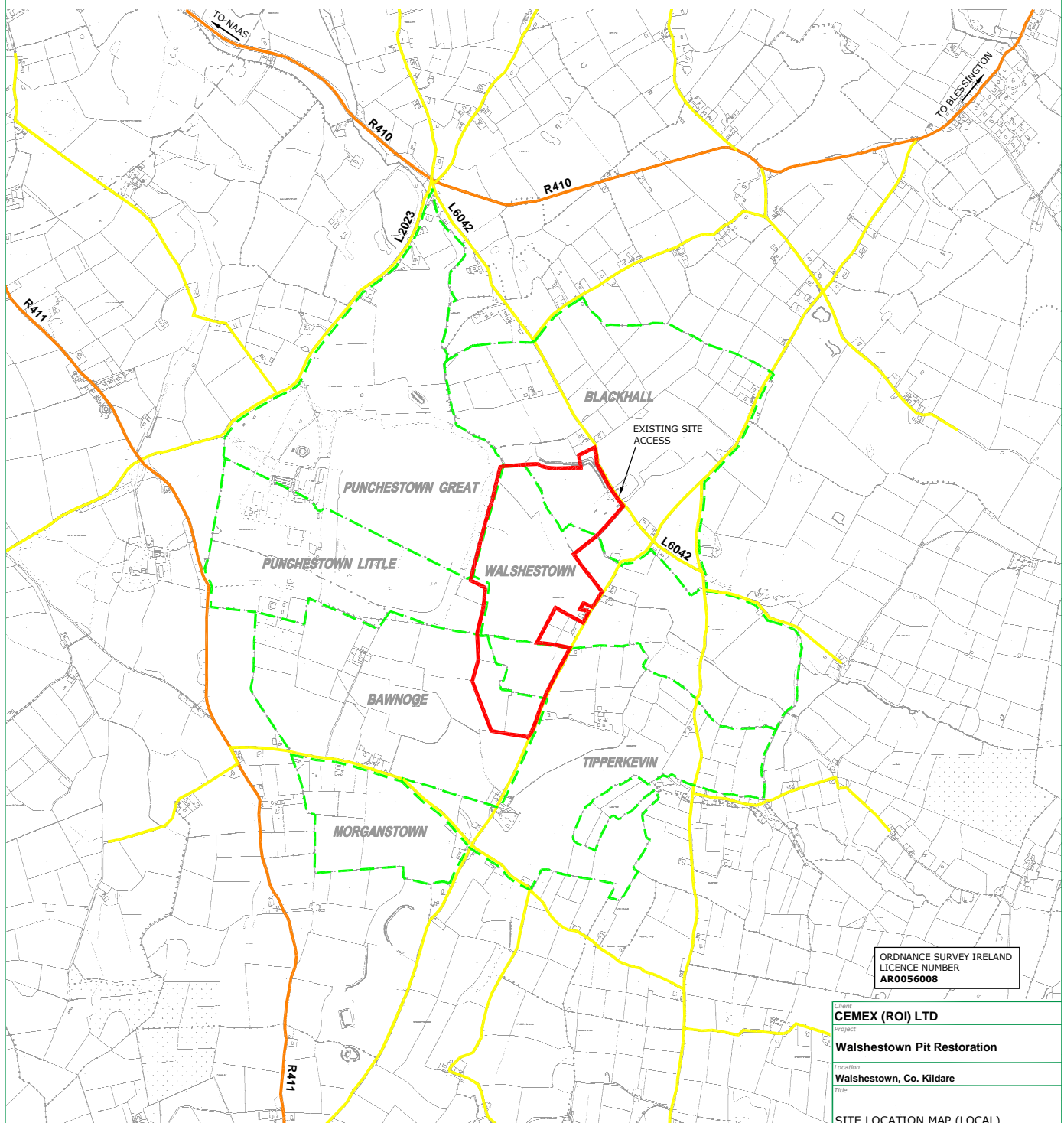


# APPENDIX A


## Figures and Drawings

Figure 1.2  
Drawing WLA17  
Drawing WLA05  
Figure 8.4

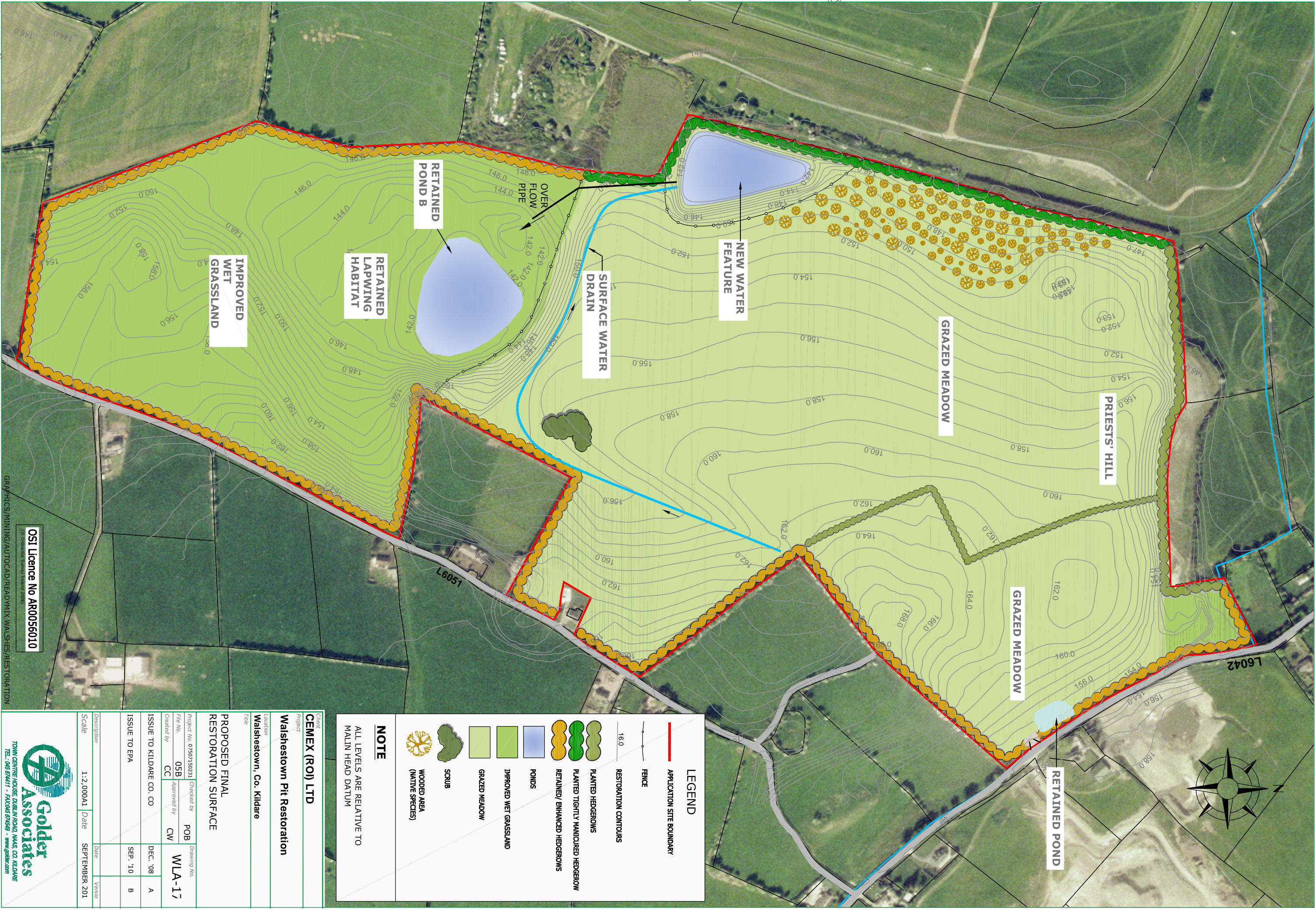




LEGEND	
<span style="color: red;">—</span>	APPLICATION SITE BOUNDARY
<span style="color: green;">- - -</span>	TOWNLAND BOUNDARY
<span style="color: orange;">—</span>	REGIONAL ROAD
<span style="color: yellow;">—</span>	LOCAL ROAD

CEMEX (ROI) LTD			
Project			
Walshestown Pit Restoration			
Location			
Walshestown, Co. Kildare			
Title			
SITE LOCATION MAP (LOCAL)			
Project No. 07507150231	Checked by	CW	FIGURE No.
File No. 1.2	Approved by	GFP	1.2
Created by	CC		
ISSUE TO KILDARE CO. CO	DEC. '08	A	
Description			
Scale	1:20,000 A3; 1:30,000 A4	Date	NOVEMBER 20
 <b>Golder Associates</b> <small>WORLDWIDE PROJECTS • EXPERTISE • INTEGRITY • INNOVATION • LEADERSHIP</small>			



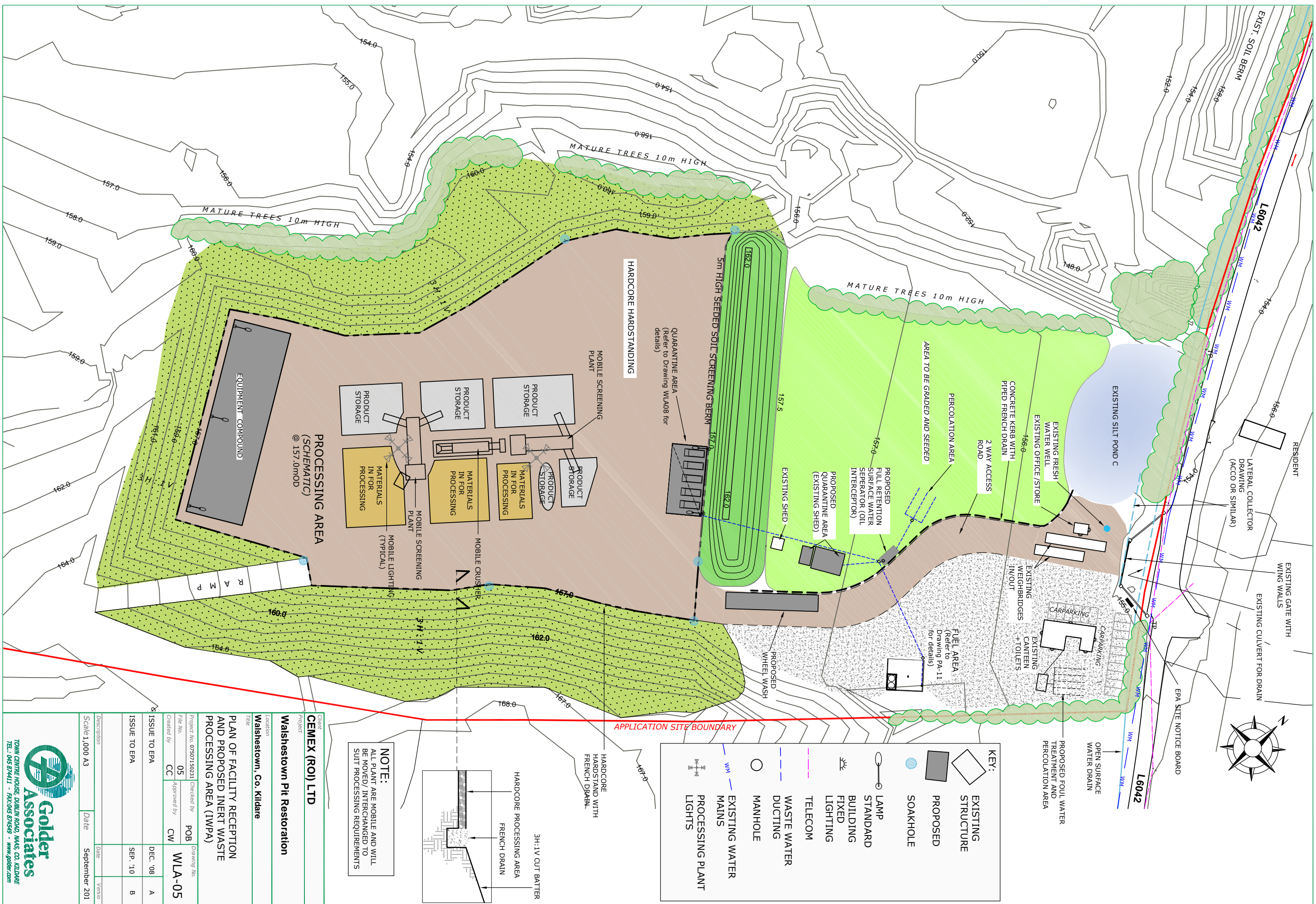


OSI Licence No AR0056010

GRAPHICS/MINING/AUTOCAD/READYMIX WALSHES/RESTORATION

Client <b>CEMEX (RO) LTD</b>			
Project <b>Walshestown Pit Restoration</b>			
Location <b>Walshestown, Co. Kildare</b>			
Title <b>PROPOSED FINAL RESTORATION SURFACE</b>			
Project No. 07507150231	Checked by POB	Drawing No. <b>WLA-17</b>	
File No. 05B	Approved by CW		
Created by CC			
ISSUE TO KILDARE CO. CO		DEC. '08	A
ISSUE TO EPA		SEP. 10	B
Description Scale	1:2,000A	Date SEPTEMBER 201	Versio









ORDNANCE SURVEY IRELAND  
LICENCE NUMBER  
AR0056010

Client		CEMEX (ROD) LTD	
Project		Walshestown Pit Restoration	
Location		Walshestown, Co. Kildare	
Project No.		8.4	
Created by		CC	
Approved by		CW	
Issue to Kildare Co. Co.		DEC-08	
Issue to EPA		SEP-10	
Description		Date	
Scale 1:2,000		4,000A3	
Date		September 21	



TOM GOLDER ASSOCIATES LTD  
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# APPENDIX 3

## Kildare Co. Council Planning Reports

F1  
due  
25/10

## KILDARE COUNTY COUNCIL

### PLANNING DEPARTMENT



Planning Report 1

Planning Ref No. 08/2159

<b>Name of Applicant</b>	<b>Cemex Limited</b>
<b>Address of Development</b>	<b>Walshestown, Blackhall Tipperkevin, Bawnogue, Co.Kildare.</b>
<b>Type of Development</b>	<b>Restoration of Quarry</b>
<b>Type of Permission</b>	<b>Permission</b>
<b>Date Inspected</b>	<b>20/02/09</b>
<b>Due Date</b>	<b>25/02/09</b>

#### Description of Proposed Development

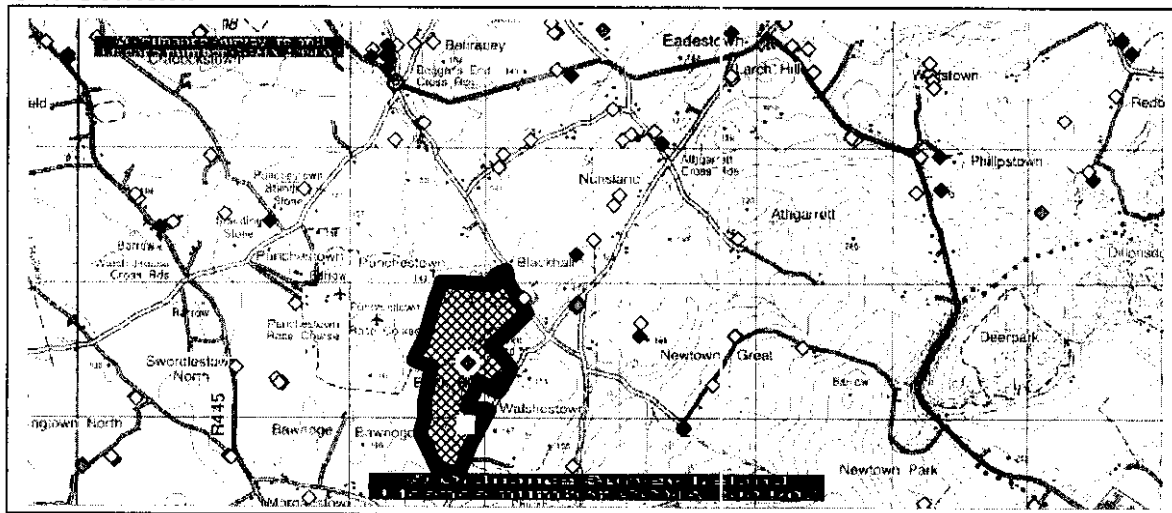
Permission is sought for the continuation of restoration activities at their existing sand and gravel pit in the townlands of Walshestown, Blackhall, Tipperkevin and Bawnogue Co. Kildare. It is the intention of the Applicant to restore the lands back to Eastern Kildare Uplands (transition) character, and to meet a specific objective of the Kildare County Development Plan 2005-2011 (Walshestown Pit No. 9). The site area for development is ca. 68.0 hectares. A copy of the detailed site notice is included as an Appendix 1 as part of this report.

#### Site Location/ Context

The site, irregular in shape, is located in the townlands of Bawnogue, Tipperkevin and Walshestown, to the west of the road leading from Walshestown Cross-Roads to Dowdenstown Cross-Roads, approximately 4 miles from Naas. Punchestown Racecourse lies directly to the north west of the site.

The land is a worked out sand and gravel pit (disused quarry). There are a number of derelict buildings, old machinery and excavated pits on site. It is noted that the site is located in the *Eastern Transition Lands* of Kildare.

### Site Context:



This application was referred to the following, reports received as indicated below. Please refer to the specific report on file should further details be required.

1. **Area Engineer:** No report received to date ☒
2. **Environment:** Further Information Requested ☒
3. **EHO:** Further Information Requested ☒
4. **Transportation:** Further Information Requested ☒
5. **Water Services:** No objection subject to conditions ☒
6. **CFO:** No report received to date ☒
7. **Conservation Officer:** No report received to date ☒
8. **Heritage Officer:** Further Information Requested ☒

This application was referred to the following, reports received as indicated below. Please refer to the specific report on file should further details be required.

**Central Fisheries Board: No report received to date**



**EPA:** The agency has received a Waste Licence Application under W0254-01. This will be considered in due course and conditions (where relevant) shall be applied under the relevant legislation.

### **Pre-Planning Meeting**

Meeting was held with the Planning Dept. on the 04/09/2008.

### **Objections/Submissions/Observations**

I note that a number of objections and submissions were received. These are summarised as follows:

<b>Objections:</b>		
<b>Letter No.</b>	<b>Name/Address</b>	<b>Main Issues</b>
1	Joan & Michael Cahill, Iskereen, Walshestown, Punchestown, Co. Kildare.	<ul style="list-style-type: none"> <li>• Applicants live adjacent to the site</li> <li>• The state of existing derelict sheds and constructed with asbestos</li> <li>• Future use of the sheds</li> <li>• Regulation of restoration process and impacts on water, air traffic, environmental monitoring, health and safety, hours of opening, policing of work etc</li> <li>• Right of way issue</li> </ul>
2	Gerry & Siobhan O'Sullivan, Walshestown, Punchestown, Co. Kildare.	<ul style="list-style-type: none"> <li>• A large portion of the site is no longer used as a gravel pit but is in agricultural use</li> <li>• Applicant has not complied with conditions 7, 10, 13 of 96/100</li> <li>• Access is through existing agricultural land</li> <li>• The application is for a major dump over a protracted period. Issues over regulation of such activity and nature of materials</li> <li>• The nature of the PAH material is unacceptable and is an carcinogenic pollutant</li> <li>• Kildare Co. Council should impose a number of restrictions on the activity ranging from type of materials to future land use</li> </ul>

3	Patrick & Margaret Fay, Blackhall, Punchestown, Naas.	<ul style="list-style-type: none"> <li>• Company has been operating a dump without permission (Domestic and industrial rubbish)</li> <li>• Pollution of groundwater</li> <li>• Access is poor in the general area</li> <li>• HGV's and impact on local roads</li> <li>• No sweeping of roads</li> <li>• The large car park will encourage anti-social behaviour</li> </ul>
<b>Observations:</b>		
4	Brendan & Frankie Lane, Blackhall, Punchestown, Naas  Kieran Grainger Nunsland, Eadestown, Naas	<ul style="list-style-type: none"> <li>• Nature of materials proposed as fill</li> <li>• Quality of groundwater</li> <li>• Proximity of landfill to other sites in area</li> <li>• Significant level of disposing of material in past. Questions whether this was done with correct licensing.</li> <li>• This should be rectified prior to further disposing of material</li> </ul>
5	Patrick Hyland, Blackhall, Punchestown, Naas.	<ul style="list-style-type: none"> <li>• The quantity of material is excessive</li> <li>• Site should be classed as a waste recovery site rather than a disposal site</li> <li>• Our agricultural land adjoins the site</li> <li>• Devalue the property and impact on residential amenity</li> <li>• Odour and noise pollution</li> <li>• Regulation of restoration process</li> <li>• Licensing</li> <li>• Impact on water quality</li> <li>• Opening hours</li> </ul>
6	John & Norma Behan, Blackhall, Punchestown, Naas.	<ul style="list-style-type: none"> <li>• The large car park will encourage anti-social behaviour</li> <li>• Opening hours</li> </ul>
The planning merits relating to each letter of objection and each submission have been assessed and considered as part of the overall assessment of this proposed development.		

## Representations

None

## Relevant Planning History

**8359** Permission granted to Roadstone for the operation of a Gravel Pit at the site dated 17<sup>th</sup> December 1969.

**340/76** Permission granted to Roadstone for the extraction of sand and gravel at the site dated

**96/100** Permission refused to Readymix (Manufacturing) for extraction of gravel from an area of 17.2 hectares on an overall site of 18.1 hectares.

**09.098844** Granted on appeal to An Bord Pleanala subject to conditions.

The EIS states that over **15 planning permissions** relating to sand and gravel extraction at the site have been granted by Kildare County Council/ An Bord Pleanala since 1969. A full list is included in Appendix 2.

## Policy Context

### Kildare County Development Plan 2005 – 2011

- *Chapter 18 Landscape Character Areas: Section 18.5.1 Eastern Transition Lands*
- *Chapter 14 Extractive Industries: Section 14.8 Policy Statements.*

Having regard to the nature of the current application for restoration of a quarry, the following objective is relevant:

### 14.8 Policy Statement

**It is the policy of the Council:**

**EI 7** To ensure that all existing workings shall be rehabilitated to suitable land uses and that all future extraction activities will allow for the rehabilitation of pits and proper land use management. The use of land filling with inert material is the preferred method, however, each planning application in relation to extractive industries shall be considered on a case by case basis and where relevant will be dealt with under the Waste Management Strategy.

## Schedule 1 - Rural Planning Strategy (*Extract*)

Zone	Extractive Industry
Map Ref.	E
Planning Policy of Zone	To provide for extractive industry and secure subsequent restoration to suitable uses.
Specified Land Use(s) and Activities	Solely extractive but not including the manufacture of concrete products.
Specific Objectives	Secure Restoration of specified sites in accordance with procedures outlined in Schedule 2

<b>Broad Planning Concept/ Policy</b>	In the immediate term, to reserve land for Extractive Industry and avoid conflict with other uses. In the long term to restore extractive sites to various uses such as Agriculture, Forestry, Recreation, Woodlands and Urban Development. Of particular importance is the area to the north of Blessington which is to be transformed into part of an Upland Park
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## **Schedule 2 - List of Specific Objectives for Sand and Gravel Pits**

Map No Pit Area	<b>Walshestown Pits – No.9</b>
Specific Objectives	Limited extension to extraction* area allowed. Right of way across existing pit during rehabilitation programme to be investigated. Screening of adjoining lands essential on visual grounds.
Detailed Interpretation	Planning permission and a very weak rehabilitation clause applies to this large pit. Rehabilitation clauses are essential in any further planning permissions. Rights of way across large pits are important in order to link Punchestown Race Course with future bridle path along road 211.

**\*Note:** - in all cases this means such additional /extension of extraction shall not be greater than 3 acres in area.

**Map. Ref. 14.1 shows the boundary for Pit Area 9 - Walshestown Pits**

## **Summary of Key Planning Issues and Assessment**

### ***Brief Summary of the development proposal:***

The applicant intends to fully restore the lands back to their former Kildare Uplands Transition Character. This will involve the following activities:

- Importation and placement of inert soils and stones
- Planting of the restored surface with species rich and wet grasslands
- Development of a water feature for enhanced biodiversity potential
- Creation of a walking route from Tipperkevin Church across the restored lands to Punchestown Racecourse
- Recreation of the former 'Priest's Hill'

**Main points to note on the proposal:**

- The site is located in the *Eastern Transition Lands* and not the *Eastern Upland* as referred by the applicant in the EIS. Figure 16.1 of the EIS shows the site within the *Eastern Transition Lands*
- Total site area of 68 Ha. 50 Ha are subject to the restoration plan as 18 Ha were previously restored
- The site is in close proximity to Punchestown Race Course
- The construction and operational phase is expected to last approximately 15 years (includes 2 years for landscaping post-closure)
- 7.56 million tonnes are required to restore the Quarry to the level proposed level
- 600,000 tonnes of material per year over 13 years
- 95 loads per day of inert material
- 190 HGV trips per day
- There are a number of buildings on site totalling 518 sq. m.
- The site is not registered under Section 261 as the Quarry was not in use at the time
- Table 7.1 lists the Inert Waste to be accepted at the Facility
- A change of use is also proposed for existing sheds to quarantine sheds

**Principal of the Development:**

As noted above, Chapter 14 of the Kildare County Development Plan specifically requires the restoration of the Walshestown Pit No. 9 with the recreation of a number of walking routes. This is acceptable.

The two other main issues concerning the Planning Authority relate to the nature and volume of inert material and the impact on the surrounding environment, both natural (local environment) and man made (residential amenity, roads etc).

**Requirement for a Planning Application:**

The applicant has made this application following a meeting with officials from the Kildare County Council (KCC) Planning Dept. on 4<sup>th</sup> September 2008 in which it was clarified that planning permission would be required in addition to a Waste License Application for the proposed restoration of the site. Details of the requests raised by KCC are included in Section 5.3.1 of the EIS.

Under Reg. Ref. 96/100, Condition 10 requires the following relating to the restoration of the site and particulars regarding same. Please note 10 (C) which specifically provides for '*the use of imported materials*'. Copy attached to this report.

**Requirement for an EIS:**

The proposal is subject to an EIS for the stated reason (EIS, section 2.1):

In the case of this project, Part 2 Class 11(b) of Schedule 5 refers to "*Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule*". Since it is expected that there will be more than 25,000 tonnes of inert materials accepted at the Facility in a year, the development of the restoration plan falls under this Class requiring an EIS.

Furthermore the Waste Management (Licensing) Regulations 2004, Article 13(1) requires a Waste Licence Application to be accompanied by an EIS if it is of a class specified under Article 93 of the Planning and Development Regulations 2001 to 2006.

**Brief Summary of Waste Permit Application:**

- A waste permit for the site was granted in 2002 (WPR 71/2002) for acceptance of inert material, and this restoration activity continued during this permitted period
- June 2006, application was made to KCC to renew the permit. On 27<sup>th</sup> July KCC requested the applicant to submit a Waste Licence Application
- Temporary Waste Permit issues to the applicant on 23<sup>rd</sup> July 2008 pending the outcome of the Waste Licence Application for the site
- On 31<sup>st</sup> October 2008, the EPA instructed the applicant to submit a Waste Licence Application. The current EIS accompanies both the Waste Licence and Planning Applications for the EPA and KCC respectively

**Environmental Impact Statement:**

The planning application for the proposed development is accompanied by an Environmental Impact Statement which considers the proposed development under a number of headings set out below. The EIS follows the grouped format proposed in the EPA document entitled – Guidelines on the information to be contained in Environmental Impact Statements (EPA, 2002) and is divided as follows:

- Non –Technical Summary
- Volume I – Main text
- Volume II – Appendices

**Section 4.6** outlines the Consideration of Alternatives, in which the applicant explored 3 options, listed as follows:

**Option 1** – 'Do Nothing' Scenario

**Option 2** – Import sufficient materials to re-grade the site at existing levels

**Option 3** (Proposed Option) - Import sufficient materials to re-contour the site to a profile in keeping with Eastern Kildare Uplands Transition character.

Having considered the above, I note the concern raised by the EHO and one of the objections on file in which a specific material, 'inert brownfield soils up

to 100mg/kg total PAH' is referred. Only one other such facility in Ireland is licensed to accept material of this nature.

**Section 5.0** outlines the engagement process by the applicant with key stakeholders over a period of time. I note that Punchestown Management, Kildare County Council, EPA, An Taisce, DoEHLG, Conservation Officer and Wildlife Ranger were all identified as significant stakeholders in the process. Various meetings were held with representatives on both sides.

However I also note that there are a small number of residential properties adjacent/in close proximity to the site (Figure 9.1 shows all residences/business within a 500m radius). It would appear that no consultation took place with these parties.

**Table 7.1** lists the **Inert Waster to be accepted at the Facility**. Specifically I note that a number of materials listed are of concern and require testing. I note the reports by the Environment Dept. and EHO in this regard. The applicant should also be requested to comment on the concerns raised by the objections/submissions in this regard.

**Table 7.2** lists the **volume of material** to be accepted at the facility. A total of 7.56 million tonnes are required to restore the Quarry. This equates to 600,000 tonnes of material per year over 13 years. It is proposed to source all of this material within the Greater Dublin Area, as defined in the Regional Planning Guidelines 2004-2016. This would appear excessive and may prove difficult to source in the current climate. It could also prove difficult to regulate.

**Section 8.0** deals with the **Description of the Proposed Development**. In short there are 4 major elements to the facility;

- Reception Area where trucks carrying potential restoration materials will be received, checked in, and weighed;
- Inert Waste Processing Area (IWPA) to extract useful soils/fines and hardcore materials from inert waste streams arising at building and road works sites;
- A surface water management pond and screening berms on the western side of the Site, and screening berms on the northern side of the Site; and
- Zones where soils and like material will be placed on the ground to build up the surface contours to final design levels conceived by the project engineers, scientists and landscape architects.

The EIS also states the following:

*"The Site to be restored is ca. 68.0 ha. The development Site will include buffer lands (where no works will be carried out), reception/entrance area, an Inert Waste Processing Area, surface water management ponds, perimeter screening and landscaped berms, and engineered cells/zones where inert materials (soils) will be placed to restore the Site and recreate a new landform. The engineered Facility will have a number of elements and will be constructed in a number of stages. The principal elements are as follows:*

- *Facility Services and Infrastructure (Section 8.4)*
- *Initial Development/Restoration Works (Section 8.5)*
- *Ongoing Restoration Works (Section 8.6)*
- *Landscaping (Section 8.7)*
- *Monitoring Infrastructure (Section 8.8)*

A number of **permanent works** are also listed. This include drainage works, embankments, berms, access roads and monitoring and security measures.

A number of **temporary works** are also listed. This include site accommodation, offices, canteen, weighbridge, hard-stand, wheel wash, fuel tanks, processing area, laboratory facilities, mobile crushing plant and compound plant area.

The following **Plans and Drawings** have been submitted:

- Detailed Restoration and Landscape Plans have been submitted and are contained in Section 8 under 'Figures'. A 'Water Feature' is proposed along part of the western boundary while the maximum height of the restored quarry will rise to 168m datum, approximately 12m above the road level at the main entrance. In short, it will appear as an undulating hill on the surrounding landscape
- A number of cross sections are also submitted. It would appear that at its greatest depth, 28m of fill is required to restore the quarry to the height of 168m datum
- A detailed site layout is submitted for the site infrastructure
- Conceptual Restoration Filling Plan from Year 0-1.0 to Year 13.0 – 13.5.
- Final restoration plan for year 15

**Section 9.0** assesses the impact of the proposal on Human Beings and Traffic. I note that under the Methodology, information was only obtained through desk based research and a field study. "*Site visits and drive by surveys of residences and local facilities*" is stated as forming part of this methodology. However no list is made of those whom were contacted (if at all) as part of the assessment.

The remaining sub sections of the EIS deal with the following:

- Flora And Fauna
- Soils And Geology
- Water
- Climate
- Air
- Noise
- Landscape And Visual Impact
- Material Assets
- Cultural Heritage And Archaeology
- Environmental Monitoring
- Interactions



**Section 16.0** deals with the **Landscape And Visual Impact**. It is stated that the unrestored working areas and plant site area amounts to circa 50 Ha with the remaining 18 Ha having been previously restored and currently used for grazing. The applicant shall be requested to show the existing grassed area within the overall landscaping plan.

The site is located in the Eastern Transition area (Figure 16.1). Having regard to this classification, the earlier referral to the site as lying within the former '*Kildare Uplands Transition Character*' would appear to be incorrect and is being used to justify an increased volume of inert material for the site.

A number of photomontages are submitted detailing the progress of the restoration plan over a period of time. The most defining photomontages are 16.3 (a) existing and 16.3 (b) after restoration (at 3 years)

The final contours are indicated on figure 16.6 of the EIS and Dwg. no. PA-06 of the planning application. It is not clear if the EIS has provided for a surcharge within cells to allow for the settling of waste over time.

The cross sections as detailed in Dwg. No.s PA-08A and PA-08B all show the restored ground profile in a **convex** form. Any final restoration plan should reflect the existing profile in the area. The creation of a convex slope also has the added benefit in attracting a significant level of additional inert fill for the applicant. This should be omitted and revised proposal submitted reflecting a more natural form of landscaping.

The other points to note from the remaining Sections are that:

- A small stream runs in a north-west to south-east direction along the main entrance
- 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

#### **Conclusion:**

The principal of the development is acceptable and is in accordance with the objectives of the Development Plan. The restoration of the site and reinstatement of walkways and old topographical features such as the 'Priest's Hill' is to be welcomed.

However concerns remain over the volume and nature of material proposed to realise the restoration plan. It would appear that the proposal to attract 600,000 tonnes of inert material on an annual basis is unjustified.

## **Recommendation:**

I recommend that **Further Information** be requested on the following issues:

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

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

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

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

2. Having regard to the above, the applicant is thereby requested to submit the following:

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

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

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

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

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

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

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

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

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

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

tailored for the extreme sensitive area. Please document whether the applicant has liaised with Geological Survey Ireland in this regard.

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

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

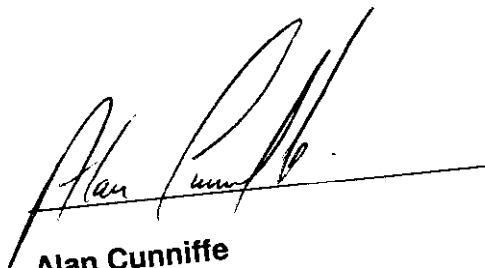
FOR  
14. The applicant's attention is drawn to the number of objections/submissions received on file. You are requested to respond and address, in full, all aspects of same and submit revised plans and particulars accordingly.

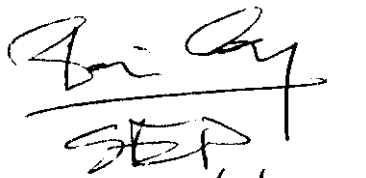
15. Please confirm compliance with the County Development Plan wherein it states that 'Rights of way across large pits are important in order to link Punchestown Race Course with future bridle path along road 211'.

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

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

18. As per reports.

  
Alan Cuniffe  
Executive Planner  
Date: 25/2/09.

  
STEP  
25/2/09.

~~also Engineer~~  
~~Planner~~  
~~to Engineer~~  
~~roads~~  
~~also~~  
~~also~~  
Please contact  
The Applicant is requested  
comment on the  
submissions on file  
~~Heritage off~~  
Please contact Peter  
etc.

## Appendix 1 Site Notice

**KILDARE COUNTY COUNCIL**

### SITE NOTICE

RECEIVED  
23 DEC 2008  
Kildare County Council  
Planning Department

We, Cemex (ROI) Limited are seeking Planning Permission for the continuation of restoration activities at their existing sand and gravel pit in the townlands of Walshestown, Blackhall, Tipperkevin and Bawnogue, Co. Kildare. It is the intention of the Applicant to restore the lands back to Eastern Kildare Uplands Transition Character, and to meet a Specific Objective (Walshestown Pit No. 9) of the Kildare County Development Plan 2005 to 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, and will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Planning Authority.

The planning application may be inspected or purchased at the offices of the Planning Authority during its public opening hours. A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application.

Signed: Brian Downes  
Mr. Brian Downes, Cemex (ROI) Ltd., Block A1, East Point Business Park, Dublin 3

Date of erection of site notice. 23<sup>rd</sup> December 2008

**Appendix 2 Reg. Ref. 96/100, Condition 10**

*10. The site of the proposed development shall be restored in accordance with a scheme which shall include detailed plans and particulars and which shall provide for phased and final restoration, profiling and landscaping and which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The restoration, profiling and landscaping scheme shall include the following:*

- (a) provisions for the removal from the site of structures and plant associated with the extraction operations and of waste materials that are not required for restoration purposes,*
- (b) details of the nature of any filling materials which may have to be imported into the site for restoration purposes and the method and timing of any filling operations arising from such importation,*
- (c) Provisions for the suitable preparation and grading of the area to be restored by the use of imported materials, waste materials or overburden materials,*
- (d) Provisions for spreading over the area to be restored, the subsoil and topsoil or imported subsoil and topsoil, if required,*
- (e) Details of the final surface levels of the restored area, which levels shall be such as to allow satisfactory drainage of and outfall from the site and provisions for the restoration of natural surface and subsoil drainage of the area to be restored,*
- (f) Details of the slopes to which the faces of the pit shall be graded,*
- (g) Details of the aftercare management, such as cultivation, seeding, planting and subsequent maintenance and management, which it is proposed to take in order to render such area of land restored under this condition suitable for use which shall be appropriate to the area, and*
- (h) A detailed programme for the implementation of the restoration operations required by this condition including an indication of the dates relative to the progress of the gravel extraction by which each phase of the restoration shall be completed.*

Grant  
Due 10/12

**KILDARE COUNTY COUNCIL**  
**PLANNING DEPARTMENT**



**Planning Report 2**

**Planning Ref No. 08/2159**

<b>Name of Applicant</b>	<b>Cemex Limited</b>
<b>Address of Development</b>	<b>Walshestown, Blackhall Tipperkevin, Bawnogue, Co.Kildare.</b>
<b>Type of Development</b>	<b>Restoration of Quarry</b>
<b>Type of Permission</b>	<b>Permission</b>
<b>Date inspected</b>	<b>20/02/09</b>
<b>Due Date</b>	<b>10/12/09</b>

**Description of Proposed Development**

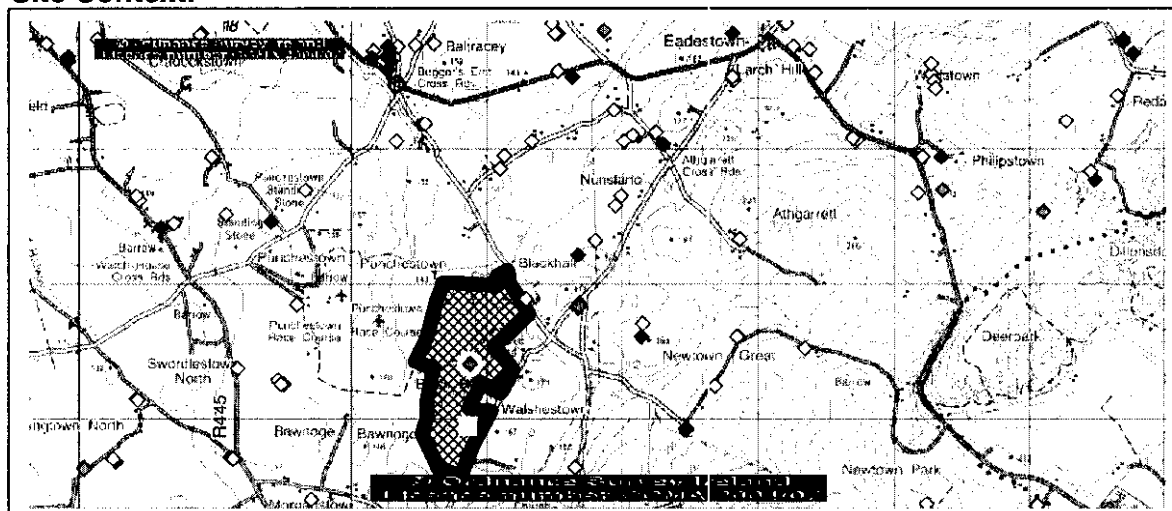
Permission is sought for the continuation of restoration activities at their existing sand and gravel pit in the townlands of Walshestown, Blackhall, Tipperkevin and Bawnogue Co. Kildare. It is the intention of the Applicant to restore the lands back to Eastern Kildare Uplands (transition) character, and to meet a specific objective of the Kildare County Development Plan 2005-2011 (Walshestown Pit No. 9). The site area for development is ca. 68.0 hectares. A copy of the detailed site notice is included as an Appendix 1 as part of previous report.

**Site Location/ Context**

The site, irregular in shape, is located in the townlands of Bawnogue, Tipperkevin and Walshestown, to the west of the road leading from Walshestown Cross-Roads to Dowdenstown Cross-Roads, approximately 4 miles from Naas. Punchestown Racecourse lies directly to the north west of the site.

The land is a worked out sand and gravel pit (disused quarry). There are a number of derelict buildings, old machinery and excavated pits on site. It is noted that the site is located in the *Eastern Transition Lands* of Kildare.

### Site Context:



This application was referred to the following, reports received as indicated below. Please refer to the specific report on file should further details be required.

- |    |                       |  |
|----|-----------------------|--|
| 1. | EHO:                  | The proposal cannot be recommended                 |
| 2. | Conservation Officer: | No comment   |
| 3. | Heritage Officer:     | No comment <i>no comment</i>                       |
| 4. | Area Engineer:        | No report received to date                         |
| 5. | Water Services:       | No objection subject to conditions <i>conds.</i>   |
| 6. | Environment:          | No objection subject to conditions <i>conds.</i> ✓ |
| 7. | Transportation:       | No objection subject to conditions <i>conds.</i> ✓ |
| 8. | CFO:                  | No report received to date                         |

This application was referred to the following, reports received as indicated below. Please refer to the specific report on file should further details be required.

DoEHLG (Natural Heritage): No objection subject to conditions  
DoEHLG (Applications unit): No report received to date



**Central Fisheries Board: No report received to date**

**EPA:** The agency has received a Waste Licence Application under W0254-01. This will be considered in due course and conditions (where relevant) shall be applied under the relevant legislation.

**Pre-Planning Meeting**

Meeting was held with the Planning Dept. on the 04/09/2008.

**Objections/Submissions/Observations**

*Please refer to my previous report*

**Representations**

None on file

**Relevant Planning History**

**8359** Permission granted to Roadstone for the operation of a Gravel Pit at the site dated 17<sup>th</sup> December 1969.

**340/76** Permission granted to Roadstone for the extraction of sand and gravel at the site dated

**96/100** Permission refused to Readymix (Manufacturing) for extraction of gravel from an area of 17.2 hectares on an overall site of 18.1 hectares.

**09.098844** Granted on appeal to An Bord Pleanala subject to conditions.

The EIS states that over **15 planning permissions** relating to sand and gravel extraction at the site have been granted by Kildare County Council/ An Bord Pleanala since 1969. A full list is included in Appendix 2.

**Policy Context**

*Please refer to my previous report*

**Summary of Key Planning Issues and Assessment**

*Please refer to my previous report*

**Further Information** was requested on the following issues:

**Planning:**

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

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

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

- The proposal as presented is above and beyond a simple 'restoration' project. Primarily it represents a commercial venture which seeks to

maximise a financial return on site beyond the original lifespan of the quarry

- The importation of 7.56 million tonnes over 13 years (600,000 tonnes per annum) with an estimated 190 HGV trips per day is unacceptable.
- It does not seek to 'restore' the lands to the original profile but rather creates a new convex landform to maximise the potential volume of inert material to be processed on site, sourced from the Greater Dublin Region
- No evidence has been submitted to support the claim that the land is actually being restored to its original profile

2. Having regard to the above, the applicant is thereby requested to submit the following:

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

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

**Response to items 1, 2 & 3:** *The applicant has submitted a detailed response to all of the above. The main points to note are as follows:*

- *The quantum of inert materials to be imported has reduced by 44%*
- *A list of the amendments to the tonnage is contained on page 4 of the RFI*
- *Survey of the original site survey (with contours) has been submitted following extensive consultation with a range groups, historical records*
- *Revised contours and landforms*

**Assessment:** *A meeting was held with the applicant to discuss the Further Information request on May 6<sup>th</sup>, 2009. The proposed amendments are acceptable.*

4. The site is situated in a transitional landscape between the lowland agricultural area to the west and the high amenity upland area to the east

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

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

**Response:** *The applicant has submitted a detailed response to the above assessing the impacts of the restoration process on local population and residential units.*

**Assessment:** *It is acknowledged that there will be some adverse impacts on the local population during the early restoration phase due to the movement of inert material etc. However the long-term benefits are also recognised. The photomontages as submitted verify this assumption.*

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

**Response:** *As per response to item no.1 above. The applicant has also stated that under the new Waste Facility Permit Regulations, permitted sites will be limited to 100,000 tonnes – this will help the Walshestown Pit to secure additional inert material.*

**Assessment:** *Noted*

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

**Response:** *The applicant has submitted revised plans detailing Priests Hill, an image from TV coverage, paintings etc all verifying the location of the hill.*

**Assessment:** *The applicant has provided an interesting and accurate account of the Priests Hill and this is commendable. However the final*

landform as proposed does not reflect accurately that which was mapped in the 1973 topographical survey.

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

**Response:** The applicant has decided to omit the proposed walking track through the lands in question due to concerns by local residents, anti-social behaviour etc.

**Assessment:** This was discussed at the meeting held on May 6<sup>th</sup> at Aras Cill Dara. The applicant was requested to clarify the exact nature and management of the proposed walkway. It is also contended that the quarry, when restored, will revert back to agricultural lands.

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

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

**Response:** The applicant has omitted the car park from the proposal following discussions with those who raised concerns on file

**Assessment:** Noted and acceptable. A double standard farm gate will be erected following the completion of the works. No signage is therefore required. Access will be maintained to permit access to ponds, ditches, EPA monitoring etc.

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

**Response:** There is not intention to deposit materials in this extreme zone of vulnerability. Most material will be deposited away from this zone.

**Assessment:** Noted and acceptable.

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

**Response:** The applicant has submitted the above

**Assessment:** This is acceptable.

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

**Response:** *The applicant does not wish to create a water feature open to the public. There are also health and safety issues.*

**Assessment:** *This is acceptable.*

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

**Response:** *The applicant has submitted a detailed response to each of the objections/submissions on file.*

**Assessment:** *I note that the applicant has amended the overall proposal having regard to the concerns raised by members of the public and the Planning Authority. I also note that the applicant gave a commitment to remove the existing agricultural buildings on site following completion of the works.*

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

**Response:** *The applicant wishes to discuss the possibility of a Bridal Path across the lands after the restoration of the site.*

**Assessment:** *Noted. There is a specific objective in this regard as contained in the current County Development Plan 2005-2011. However considering that to restore this pathway after so many years will be difficult to achieve. Notwithstanding this, a condition shall be applied to permit further negotiations on this issue.*

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

**Response:** *The applicant wishes to lease the lands to a local farmer for grazing of animals*

**Assessment:** *This is acceptable.*

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

**Response:** *The applicant wishes to use the existing sheds for quarantine of wastes which do not meet current standards.*

**Assessment:** *Noted. A condition shall be attached requiring the demolition of the sheds upon completion of the works.*

**Transportation:**

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

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

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

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

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

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

**Response to above:** *The applicant has submitted a detailed response to the above.*

**Assessment:** *Noted. I await an updated report from the Transportation dept. in this regard.*

**Environment:**

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

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

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

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

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

**Response to above:** The applicant has submitted a detailed response to the above.

**Assessment:** *Noted. I await an updated report from Environment in this regard.*

**Environmental Health Officer:**

**26.** The Environmental Health Officer has raised the following concerns: Regarding this application it is noted in section 7.1 (ix) "No non-hazardous waste will be accepted at the application site" and that "non-inert construction and demolition waste will be removed from the site." There is an ambiguity in this wording.

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

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

**Fourth Schedule (Waste Recovery Activities)**

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

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

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

This above text is not included in this planning application.

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

Complaints of noxious and 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 putrecible waste will be disposed of in this vast site over the coming 13 years.

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

Please submit revised proposals accordingly.

**Response to above:** *The applicant has submitted a detailed response to the above.*

**Assessment:** *Noted. I note the unfavourable report on file from the EHO. No conditions are recommended in the event that the Planning Authority decides to grant permission.*

**Chief Fire Officer:**

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

**Response to above:** *The applicant has submitted a detailed response to the above.*

**Assessment:** *Noted. I await an updated report from the CFO*

**Conservation Officer**

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

**Response to above:** *The applicant has submitted a detailed response to the above.*

**Assessment:** *Noted. I note that the Conservation Officer has no further comments*

**Heritage Officer**

29. The Heritage Officer has raised the following concerns:  
The restoration plan has no reference to the Pilgrim walk and the installation of an interpretative panel as stated in the EIS. Where will the interpretative

panel be installed? Will the reinstatement of the Pilgrim walk be promoted and accessible to the public?

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

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

**Response to above:** *The applicant has submitted a detailed response to the above.*

**Assessment:** *Noted. I note that the Heritage Officer has no further comments*

**Area Engineer:**

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

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

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

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

35. Applicant to submit proposed road signage details, incl. advance warning signage for the proposed development. Signage should be in accordance with

the requirements of Dept of Transport Traffic Signs Manual. Any directional signage for the proposed development will be subject to a separate Section 254 application.

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

**Response to above:** *The applicant has submitted a detailed response to the above.*

**Assessment:** *Noted. I await an updated report from the Area Engineer in this regard.*

### **Conclusion:**

The principle of the development remains acceptable and is in accordance with the objectives of the Development Plan. The restoration of the site and reinstatement of walkways and old topographical features such as the 'Priest's Hill' is to be welcomed and **I note that the applicant has submitted a comprehensive and detailed response to each of the items raised by the Planning Authority. The applicant is commended for the level of detail submitted in response to all of the above.**

In addition to the qualitative aspect of the response, the most recent proposal seeks to substantially reduce the level of fill for the site. A meeting was held with Cemex and the agent with respect to all of the issues raised as part of the Further Information request. Adequate assurances were given at this meeting and these have been reflected in the formal response. The main points to note are as follows;

- Overall reduction of quantum of material by 44%
- Net reduction of 1.8million cubic metres
- Net reduction of 3.3 million tonnes from 270,000 tonnes to 330,000 per annum
- Significant reduction in HGV movements

**The proposed development has a lifespan of 15 years. However it is considered reasonable to permit the development for 10 years at which time the applicant may decide to submit an application to continue with the restoration of the lands in question for the 5 remaining years or finalise all works within this period.**

Despite some initial impacts on the local resident population due to the volume of inert material required for the restoration of the site, there are substantial benefits to the wider public and local geographical area.

**Recommendation:**

I recommend that **permission be granted subject to conditions**, as set out in schedule 2 below.

**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. The wheels and undersides of all HGV vehicles, prior to the exit of such vehicles onto the public road, shall be washed in a wheel washing facility which shall be operated in accordance with the requirements of the planning authority.

**Reason:** In the interest of the amenities of the area and of traffic safety and convenience.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. (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.

23. 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.

24. 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.

25. Before development commences the applicant/developer shall pay to Kildare County Council the sum of **€XXX,XXX** 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.

26. As per Environment report  
27. As per Transportation report  
28. As per Water Services report  
29. Levies- Site area - ~~22.9~~ <sup>68</sup> Ha

Levies  
 $68 \text{ Ha} = 680,000 \text{ m}^2$   
 $\times \text{€5}$   

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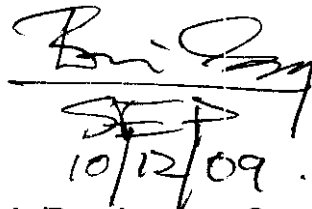
 $\text{€3,400,000}$

Al - l.

P. Lynn 11/12/09.



Alan Cuniffe  
Executive Planner  
Date: 07/12/2009

  
SEP  
10/12/09.

**A/O Senior Planner/Planning Admin/Development Contributions**

See  
Gnd  
22

It is recommended that a **bond** be secured from the developer to ensure the satisfactory restoration of the site. However there appears to be logistical problems in arriving at an agreed figure.

In the absence of an agreed sum, a bond of €150,000 is recommended to ensure;

- the final layer of topsoil is placed in situ
- all landscaping is carried out – including a significant number of trees
- buildings/scrap material is removed
- Priests Hill restored

Please check if **Condition No. 25** is appropriate in this instance.

Please note that the EHO appears to recommend that permission be refused. No conditions are recommended in the event of a decision to grant permission.

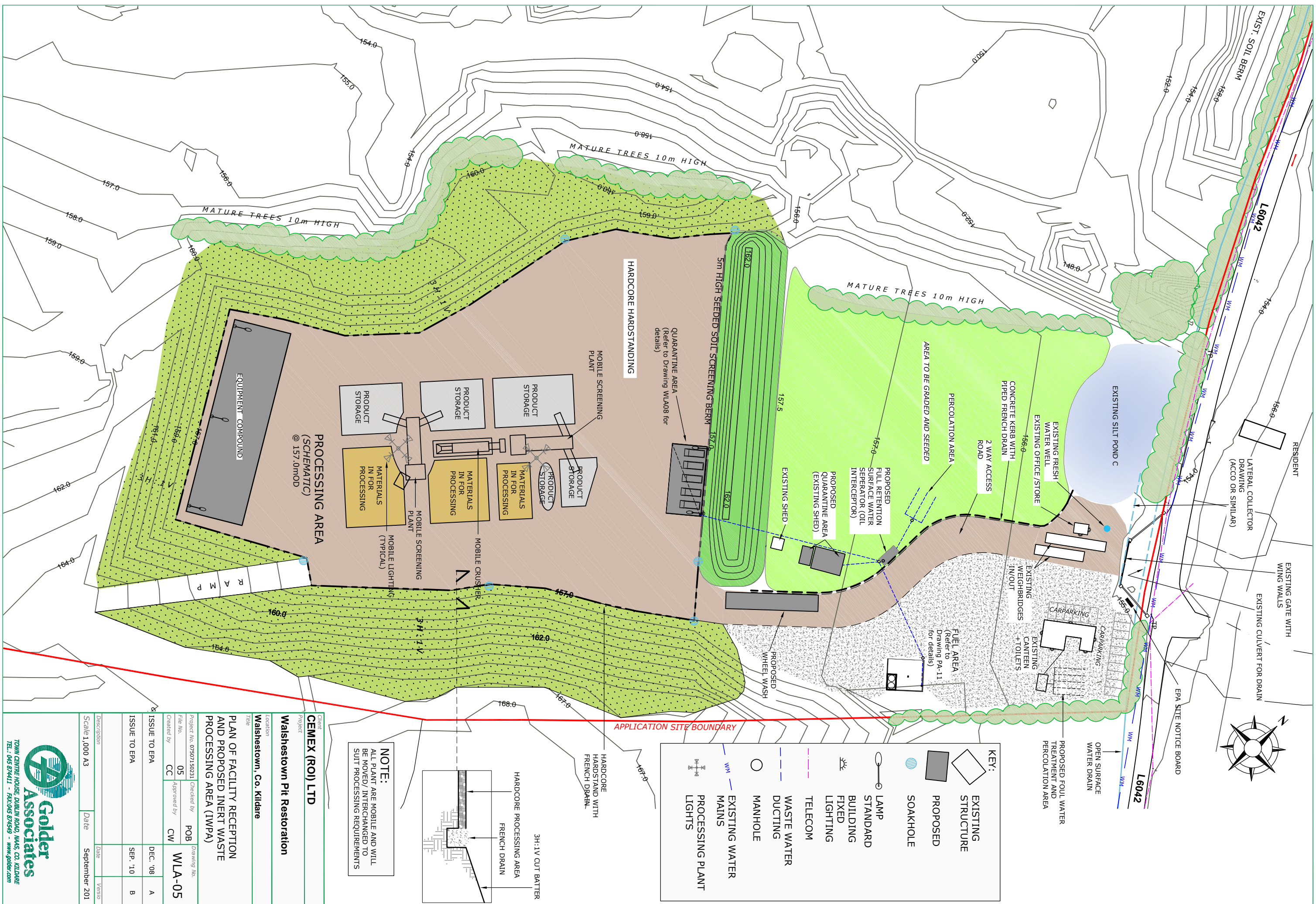
Grant (conds.)  
Planners report  
Water services  
Environment  
Roads  
Levies: €3,400,000  
Bond: €150,000

- DOE conds  
- Heritage  
Officer  
(as marked)



# **APPENDIX 4**

**Drawing No. WLA05 Rev. B**





At Golder Associates we strive to be the most respected global group of companies specialising in ground engineering and environmental services. Employee owned since our formation in 1960, we have created a unique culture with pride in ownership, resulting in long-term organisational stability. Golder professionals take the time to build an understanding of client needs and of the specific environments in which they operate. We continue to expand our technical capabilities and have experienced steady growth with employees now operating from offices located throughout Africa, Asia, Australasia, Europe, North America and South America.

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