

Administration
Office of Environmental Sustainability
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
County Wexford
Y35 W821



27th January 2017

Dear EPA,

WL Application Ref:	W0295-01
Applicant Name:	Kildare Sand & Gravel Ltd.
Location of Facility:	Boherkill, Rathangan, Co. Kildare
Re:	Unsolicited Additional Information re. Planning Decision

In relation to above, Kildare County Council have by Order decided to grant planning permission for the restoration of the above site.

Please find enclosed copies of:

- (1) Chief Executive Order, and planning conditions
- (2) Report of the Planning Dept
- (3) Chief Executive Statement

Enclosed you will find 2 No. hardcopies and 2 No. copies of the content on CD-ROM. I declare that the content of the electronic files on the accompanying CD-ROM is a true copy of the original.

Yours sincerely,

A handwritten signature in black ink that reads 'Raphael Mc Evoy'.

Raphael Mc Evoy
RME Environmental

COMHAIRLE CHONDAE CHILL DARA KILDARE COUNTY COUNCIL



Chief Executive Order

I, Peter Carey, Chief Executive, am duly authorised to make the following Order in accordance with Section 154 of the Local Government, 2001, as amended.

ORDER NO: CE10449 **SECTION :** Planning

SUBJECT: 16/526
Michael Ennis c/o Kildare Architects & Design Ltd, Abbey House, White Abbey Road, Kildare Town, Co. Kildare. PERMISSION for Restoration of the existing excavated gravel pit (previously granted planning permission 01/1270, 07/188 and 15/515) to the original ground levels and use as agricultural land, in order to comply with condition 2(a) of planning permission 07/188, by importing c1,500,000 tonnes (I) of imported inert natural materials, principally excess soil, stones, and/or broken rock, excavated on construction sites, (ii) Recovery of imported inert construction materials, including stones, granular fill, concrete blocks, bricks and ceramic tile and (iii) reinstating existing overburden contained on site and all other associated site works for a period of 10 years. The planning application is accompanied by an Environmental Impact Statement (EIS). The application relates to a restoration development for the purpose of an activity requiring a waste licence to be issued by the Environmental Protection Agency at Boherhill, Rathangan, Co. Kildare

SUBMITTED: Planning Department Reports and recommendations together with an Environmental Impact Assessment as endorsed by the Director of Services.

ORDER : Pursuant to the provisions of the Planning & Development Act 2000-2015, and the Regulations made thereunder, and having considered only the proper planning and development of the area, regard being had to the provisions of the County Development Plan and other relevant matters referred to in Section 34 of the said Planning and Development Act 2000-2015 and reports from the Planning Department and the Council's Technical Officers thereon, the Council hereby decides to **Grant permission** for the said development subject to the 33 conditions set out in the attached schedule, and the applicant to be notified accordingly.

It is further decided that at the expiration of 4 weeks from the date of receipt by the applicant of the notification of decision, provided there is no appeal before An Bord Pleanala affecting this decision then the aforementioned application be and is granted.

20/01/2017



CHIEF EXECUTIVE OFFICER

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Planning Permission is sought for restoration of the existing excavated gravel pit (previously granted planning permission 01/1270, 07/188 and 15/515) to the original ground levels and use as agricultural land, in order to comply with condition 2(a) of planning permission 07/188, by importing c1,500,000 tonnes (i) of imported inert natural materials, principally excess soil, stones, and/or broken rock, excavated on construction sites, (ii) Recovery of imported inert construction materials, including stones, granular fill, concrete blocks, bricks and ceramic tile and (iii) reinstating existing overburden contained on site and all other associated site works for a period of 10 years. The planning application is accompanied by an Environmental Impact Statement (EIS). The application relates to a restoration development for the purpose of an activity requiring a waste licence to be issued by the Environmental Protection Agency at Boherhill, Rathangan, Co. Kildare - Michael Ennis – 16/526

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 nature of the proposed development, the previous planning permissions on the site which required the restoration of the gravel pit, and to the character of adjoining development, the provisions of the County Development Plan 2011-2017 in relation to quarry/pit restoration, it is considered that, subject to compliance with the conditions attached, the proposed development would not seriously injure the amenities of the area or of 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 in accordance with the plans and particulars and the EIS received by the Planning Authority on 23/05/2016 as amended by significant further information received by the Planning Authority on 21/10/2016 and revised public notices received on 18/11/2016, 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. This permission permits the phased restoration of the existing quarry over a 10 year period through the importation of inert natural materials, principally excess soil, stones, and/or broken rock, excavated on construction sites as indicated in the submitted documentation. No other material shall be used in the development. At the end of the 10 year period, all restoration shall be completed, the temporary structures, including wheelwash shall be removed from site and site shall be closed. No extension of works beyond 10 years shall take place without the benefit of planning permission.

Reason: In the interest of clarity and to ensure that the permission hereby granted relates to the permission sought.

3. The applicant shall apply for and obtain a Waste Licence from the Environmental Protection Agency prior to waste activities commencing on site.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

4. The phased restoration shall take place in a north-south direction and shall be in accordance with the details submitted in EIS received by the Planning Authority on 23/05/2016. Prior to the commencement of restoration works, and on an **annual basis** thereafter, the applicant/developer shall submit, for the written agreement of the Planning Authority, a detailed topographical survey, to indicate precise area of lands for restoration within that phase in conjunction with previous phases having taken place to date. Details shall include pre filled levels vis a vis restored levels and cross sections of the lands showing the fill levels to date and shall include a brief commentary on the progress of restoration at the site, including an estimated completion of each phase.

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

5. The applicant/developer shall submit to the Planning Authority, on an annual basis, from the date of final grant of permission, details of the tonnage of intake into the site during the preceding year.

Reason: In the interest of orderly development and to monitor the activities on site on an annual basis.

6. The site, including boundary treatment, shall be landscaped fully in accordance with the landscaping plan received by the Planning Authority on 21/10/2016, including the reinstatement of field boundaries as shown on the Landscape Plan Drawing No. 151324 - P - 08.

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

7. The site shall be developed in accordance with the mitigation measures outlined in the EIS received by the Planning Authority on 23/05/2016 and where relevant, revised following receipt of further information/revised plans received by the Planning Authority on 21/10/2016.

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

8. (a) The existing buffer area between the eastern edge of the quarry put and the western edge of Recorded Monument KD 017-026 (moated site), shall be maintained during all re-instatement works. The buffer area should be appropriately marked with temporary driven stakes and tape.

(b) No construction or other vehicles should enter this buffer area during the course of the re-instatement works

(c) Removal of the silt bund shall be monitored by an archaeologist as per the following requirement:

- The applicant is required to employ a qualified archaeologist to monitor the removal of the silt bund.
- A report of the monitoring should include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which photographs were taken should be included in the report. (An annotated site location map will suffice for this purpose).
- Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage Regional, Rural and Gaeltacht Affairs with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- The Planning Authority and the Department of Arts, Heritage Regional, Rural and Gaeltacht Affairs shall be furnished with a report describing the results of the monitoring.

Reason: In the interests of preserving archaeological material.

9. All wheels of trucks shall be washed prior to entering the site to reduce potential for infestation with Japanese Knotweed and/or other invasive species

Reason: In the interest of protection of the landscape and the rural character of the area.

10. All hauliers importing waste to or removing waste from the facility shall hold a valid waste collection permit in accordance with the Waste Management (Collection Permit) Regulations 2007, as amended.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

11. Surface and Groundwater Mitigation Measures specified in Sections 6.16.1 to 6.16.9 of the Environmental Impact Statement, written by Raphael McEvoy of RME Environmental, dated May 2016 shall be implemented and mitigation measures specified in Section 11 of the Hydrogeological Assessment, written by IE Consulting, dated 21st October 2016 shall be implemented.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

12. Air Quality Remedial or Reduction Measures specified in Section 7.8.1 to 7.8.3 of the Environmental Impact Statement, written by Raphael McEvoy of RME Environmental, dated May 2016 shall be implemented.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

13. Noise Mitigation Measures specified in Sections 8.10.1 and 8.10.2 of the Environmental Impact Statement written by Raphael McEvoy of RME Environmental, dated May 2016 shall be implemented.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

14. Noise Control

(a) Noise from the development shall not give rise to sound pressure levels (LAeq 30 minutes) measured at *noise sensitive locations which exceed the following limits:

- (i) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays)
- (ii) 45 dB(A) at any other time.

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

Note: *Noise sensitive location:

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

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

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

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

16. Applicant shall use "Best Practicable Means" to prevent/minimise noise and dust emissions during the operational phase of the development, through the provision and proper maintenance, use and operation of all machinery all to the satisfaction of the Planning Authority.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

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

within the area, whichever is greater. Filling and offtake points shall be located within the bunded areas.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

18. All Waste Water from the facility shall be diverted to a holding tank. The contractor collecting the waste water shall hold a valid waste collection permit in accordance with the Waste Management (Collection Permit) Regulations 2007, as amended. The wastewater shall be brought to an authorised waste water treatment plant.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

19. Prior to commencement of development, the applicant/developer shall submit for the written consent of the Planning Authority, details on how the water from the wheel wash system will be collected/stored and recycled.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

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

Reason: In the interest of traffic safety.

21 Lines of sight at entrance to the site shall be provided strictly in accordance with the requirements of the Design Manual for Roads and Bridges.

Reason: In the interest of traffic safety.

22. Prior to commencement of the development the existing front boundary to the north of the existing entrance shall be removed and a new boundary hedge shall be erected along the sight visibility line as shown on Kildare Architects & Design drawing numbers 151324-P-08 and 151324-P-10 received 21/10/16.

Reason: In the interest of traffic safety.

23. The applicant shall erect appropriate warning signage in the vicinity of the proposed entrance for the benefit of all those passing the entrance and those entering and exiting from the site.

Reason: In the interest of traffic and pedestrian safety.

24. The existing wheelwash facility on site is inadequate and shall be removed. The applicant shall install a mains or diesel powered wheelwash facility with wheel and under carriage power wash installations. The size and type of wheelwash facility shall be agreed in writing with the Planning Authority prior to commencement of the development.

Reason: In the interest of minimising the deposition of debris on the public road.

25. The applicant shall ensure that all trucks travelling to and from the site follow the haul route submitted by Kildare Architects & Design Ltd. in Section 15 of their letter responding to the request for further information received 21/10/16. There should be no trucks travelling through the Market Square Kildare Town and through the Dunmurray Road Railway Overbridge for this development. A maximum of 35 inbound and outbound trucks in both directions shall be allowed to access this site for the duration of the 10 year period.

Reason: In the interest of traffic safety.

26. The applicant shall keep a record of all traffic movements in and out of the site. This record shall contain details of all traffic movements (including origin and destination of vehicles, registration and type of vehicle) and shall be available for inspection on site by the Planning Authority during working hours.

Reason: To assess the impact of the development on the existing road network and to ensure that the levels of generated traffic are as per applicants' submission.

27. The applicant shall ensure that no vehicles access the site which exceeds the legal maximum axle weight limit.

Reason: To ensure the road network serving the development is protected.

28. No queuing of delivery trucks shall take place on the R401. Should a large volume of deliveries take place on a given day, the site entrance and access road shall be capable of accommodating all deliveries to the site.

Reason: In the interest of traffic safety.

29. Sufficient car and truck parking and turning space shall be provided within the curtilage of the site for all operations carried out in association with the permitted site activities. Car parking spaces shall be in accordance with the Kildare County Development Plan.

Reason: In the interest of traffic safety.

30. No spoil, 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 construction phase. All wheels of trucks shall be washed prior to exiting the site. The applicant shall arrange for vehicles leaving the site to be kept clean. A special bond of €10,000 shall be paid to Kildare County Council to ensure satisfactory compliance with this condition.

Reason: In the interest of traffic safety.

31. Land and roadside drainage shall not be impaired. Drainage shall be provided at the entrance which shall discharge to drainage on site.

Reason: To ensure proper servicing of the development.

32. Hours of operation of the development shall be from 8am to 6pm weekdays (Monday to Friday) and 8am to 1pm Saturdays. There shall be no operation of the site on Sundays or Bank Holidays.

Reason: In the interest of residential amenity.

33. The applicant/developer to pay to Kildare County Council the sum of **€160,500.00** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 5th November 2015 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in accordance with Section 13 of Development Contribution Scheme adopted by Kildare County Council on 5th November 2015.

Note: Please note water and wastewater development contribution charges now form part of the water connection agreement, if applicable, with Irish Water.

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.

ADVICE NOTE TO APPLICANTS

All applicants are advised to make themselves aware of the requirements of the Building Control (Amendment) Regulations (S.I. No 9) 2014 which comes into effect on 1/3/2014 and the Construction Products Regulations (CPR) (Regulation (EU) no. 305/2011) which came into effect on 1/7/2013. Information leaflets can be viewed or downloaded on the council's website <http://kildare.ie/CountyCouncil/Planning/BuildingControlDepartment/> or the Department of the Environment Community and Local Government website <http://www.environ.ie/en/>

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KILDARE COUNTY COUNCIL
PLANNING DEPARTMENT

Planning Report 2



Planning Ref No. 16/526

Name of Applicant
Address of Development
Development

Michael Ennis
Boherkill, Rathangan, Co. Kildare
Restoration of the existing excavated gravel pit (previously granted planning permission 01/1270, 07/188 and 15/515) to the original ground levels and use as agricultural land, in order to comply with condition 2(a) of planning permission 07/188, by importing c.1,500,000 tonnes (i) of imported inert natural materials, principally excess soil, stones, and/or broken rock, excavated on construction sites, (ii) recovery of imported inert construction materials, including stones, granular fill, concrete blocks, bricks and ceramic tile and (iii) reinstating existing overburden contained on site and all other associated site works for a period of 10 years.

The planning application is accompanied by an Environmental Impact Statement (EIS). The application relates to a restoration development for the purpose of an activity requiring a waste licence to be issued by the Environmental Protection Agency

Type of Permission
Date Inspected
Due Date

Permission
17th January 2017
21st January 2017

Note: Refer to previous Planning Report dated 15.07.16

Further Information

On the 15th July 2016, the Planning Authority sought Further Information. The applicant submitted a response to Further Information on 21st October 2016 and the response was deemed by the Planning Authority to be significant.

Revised public notices were received by the Planning Authority on 18th November 2016.

The following lists the Further Information as it was requested and a summary of the applicant's response.

<p><u>Landscape & Visual Impacts</u></p> <p>1. The site is located in the 'Chair of Kildare' upland landscape character area, a fact which is informed by its location on the foothills of Dunmurry Hill, and by reason of its proximity to Grange Hill and Red Hill. Chapter 14 of the Kildare County Development Plan 2011-2017 identifies this landscape character area as having a high visual sensitivity and all three hills as being designated hilltop views. Chapter 14 also identifies a long section of the R401 Regional Road south of the site as a scenic route. It is considered that there are a number of shortcomings in the information provided with respect to landscape and visual impacts, which includes:</p>
<ul style="list-style-type: none">▪ The absence of a detailed assessment of the proposed development relative to the landscape designations for the area in Chapter 14 of the County Development Plan. Section 10.2.4 in the EIS refers to the elevated vistas in the rural area, elevated road levels and low vegetation, and the availability of extensive views, but does not correlate these characteristics with the proposed development.▪ A predominance of the examination of more localised views on the site and in the vicinity of the site;▪ No assessment of views from Dunmurry Hill or Grange Hill;▪ The absence of a site specific and separate landscaping plan to mitigate potential visual impacts;▪ Limited information provided in relation to existing planting to be retained/protected, proposed planting, the location of berming etc.
<p>You are requested to submit further information to address these issues, which should include:</p> <p>(a) A revised landscape impact assessment, to specifically take account of views from Dunmurry Hill, Grange Hill, and views from the R401 Regional Road</p>
<p>south of the site. The landscape impact assessment shall consider in detail the landscape designations in Chapter 14 of the County Development Plan.</p> <p>(b) A comprehensive (and dedicated) landscaping plan for the site. The plan shall clearly show the location and extent of existing trees and hedgerows, proposed planting, and the location and extent of existing and proposed berms/earth mounds.</p> <p>(c) East – west section drawings of the site at an appropriate scale detailing existing and proposed ground levels.</p>

Applicants Response

The applicant submits the following:

- landscape and visual impact assessment;
- dedicated landscaping plan for the site;
- east-west sections at a scale of 1:500

The Landscape and Visual Impact Assessment Report assesses the landscape and visual impacts arising from the proposed restoration of the

existing gravel pit. The report outlines the methodology employed in the assessment report and assesses the visual impact within a 2km study area.

The report at Section 2.2 includes reference to the “Landscape Baseline” which includes reference to the landscape designations outlined at Chapter 14 of the Kildare County Development Plan 2011-2017, including landscape character areas, landscape sensitivity, scenic routes and protected views, including views to and from hills.

The report also includes a “Visual Baseline”, which includes views of the site from locations north, south, east and west of the site and a number of visual receptors.

The report concludes that the landscape impacts of the proposed development in a post development and do-nothing scenario. It is indicated that the development is in accordance with Extractive Industry Policy outlined in the CDP and there are no visual impacts on the scenic routes and protected views on the vicinity. The do-nothing scenario would constitute the recolonisation of the site without reverting to the original land form and use of agriculture.

In terms of the visual impacts of the proposed restoration, the report concludes that the impacts will be medium positive and the significance of same will be moderate/major (positive).

A number of landscape mitigation measures are indicated including:

- Retaining hedgerows along site boundary and reinforce with additional planting;
- Provision for off-site removal, re-use and/or recovery of all buildings , plant, infrastructure and paved surfaces on completion of restoration activities;
- Ensuring the final restored landform is graded at a shallow angle to as to merge with surrounding landscape.

Plans & Particulars

2. You are requested to submit further information addressing (a) to (i) below:

- a) Clarify the planning status and existing/intended use of the mobile home on the site.
- b) Detail on a 1:250 and 1:500 scale site layout plans the exact location, area and design of proposed hardstanding, including specification drawings regarding materials to be used, depth etc.
- c) Detail on a 1:250 and 1:500 scale site layout plan the exact location, area of the proposed temporary waste inspection area (concrete slab), and provide suitably scaled plans/elevations for same.
- d) Clarity on status of, and proposals for, existing weighbridge and wheelwash facility on the site. Both are on the site but both are also identified as 'proposed' in Section 2.2.4 of the EIS. Specification drawings (suitably scaled plans and elevations) of the weighbridge and wheelwash should also be provided.
- e) Clarity regarding type of number of temporary buildings/sheds etc. to serve the development, detail same on a site layout plan and provide suitably scaled plans/elevations for same.
- f) Detail location(s) on site layout plan for the temporary stockpiling of topsoil and subsoil pending re-use as cover material for restoration.
- g) Detail the design and location of existing security fencing for the overall site (existing and proposed).

Applicant's Response

The applicant indicates that the existing and intended use of the mobile home on site is and will be used as a staff facility incorporating staff facilities. It is submitted that the mobile home featured in drawings and the permission granted under 07/188.

A drawing showing the location, area and design of the proposed hard standing area and a 10m x 10m x 150mm temporary hard standing / waste inspection area, concrete slab on blinded hardcore is submitted.

It is submitted that the existing weighbridge and wheelwash currently on site were permitted under 07/188 as extended by 15/515.

Further drawings showing the location of the existing office/weighbridge building and existing temporary staff facility (mobile home), location of temporary stockpiling of topsoil and subsoil for re-use as cover material for restoration and location of proposed security fencing are submitted.

3. You are requested to submit further information addressing (a) to (i) below:

- (a) A 1:500 scale site layout plan clearly delineating the boundaries of extracted areas and areas currently being extracted;
- (b) An overlay(s) of the details required in part (a) on previously permitted site layout plans in relation to reg. ref. 01/1270 and reg. ref. 07/188 (PL 09.226737);
- (c) Extraction (quarry floor) depths relative to the level of the water table/ground water.

Applicants Response

The applicant submits a number of drawings in response to this item and refers to the boundaries of the extracted areas currently being extracted as being within the boundary of the site permitted under 07/188 and extension of duration 15/515. Details of extraction depths (ground levels) are also indicated which are benchmarked against surrounding ground levels. Section drawings north south and east west are also submitted, showing the depths of works to date. The drawing shows the water table level at 84.426, a lowest extraction depth of 86.759 and a ground level at the public road of between 107 and 108m.

Consideration of Alternatives

4. The submitted EIS does not outline alternatives to the proposed development, and therefore provides no reasons as to why the proposed development, as an option, was chosen. Section 5.2 of the DECLG 'Guidelines for Planning

Authorities and An Bord Pleanala on carrying out Environmental Impact Assessment (2013)' states that:

The applicant/developer must also submit an outline of the main alternatives studied...

You are therefore requested to submit further information comprising a robust assessment of the alternatives considered to the proposed development as part of the preparation of the EIS.

Cumulative Impacts & Interaction of Effects

5. The submitted EIS does not provide a specific chapter or section dealing with cumulative impacts and interaction of effects. In addition, from the Planning Authority's assessment of content of the EIS, there appears to be an absence of a robust and tangible assessment of combined effects. Apart from the matter of traffic impacts, the main focus of the EIS appears more to be in relation to the effects of the restoration works to be carried out. You are therefore requested to submit further information comprising an assessment of cumulative impacts and interaction of effects. This assessment should consider:

- The combined effects of the proposed development with existing quarrying activities taking place on the site. The importation of material to raise ground levels will be taking place alongside quarrying/extraction activities.
- The combined effects of the proposed development with other similar developments (quarries and/or restoration works) being undertaken in the wider area.
- The combined effects of the proposed development with other significant developments in the area, whether existing/already operational, or existing extant planning permissions yet to be implemented.

Applicants Response (items 4 and 5)

A report is submitted by RME Environmental which addresses a number of items of the request for Further Information.

With regard to Item 4, the applicant submits an Assessment of Alternatives. It is submitted that the assessment of an alternative location is not required given that the proposed development is unique to the existing site from which

material has been excavated. It is submitted that the void space can only be filled where it exists. In terms of the availability of material used to restore the site, it is argued that the location of the site, proximate to waste recovery facilities and haul routes in the hinterland of Dublin renders it a suitable location and in this regard, no alternative location was deemed to be applicable.

It is submitted that within the development, alternative locations were assessed including alternative locations for weighbridge and offices and alternative locations for the materials inspection and quarantine areas. The assessment deemed that the current locations on site are most appropriate.

In assessing alternative site layout and project design, the report indicates that the proposed direction of the phased work over a 10 year period in a north-south configuration would be the most suitable option.

Other alternatives considered site layout and boundary considerations and final layout alternatives. It is submitted that the final design decisions were based on the results of the EIS insofar as it relates to ecology, landscape assessment, benefits of restoration to agricultural land, health and safety and economic benefit.

An assessment of alternative processes on site considered the possibility of providing an on-site screening, separation and reconstitution of waste material as it arrives at the site, with a view to the creation of alternative products for re-sale and re-distribution back to the construction industry. This alternative was deemed to be unsuitable given the relatively small annual volume required for the backfilling operation and complex operational and licensing of the facility, which could lead to delays in delivering the ultimate objective of a fully restored agricultural field.

The "Do Nothing" Alternative is also assessed which concludes that a do-nothing approach would be a wasted opportunity for the facility and loss of a number of opportunities locally.

In response to Item 5, the applicant indicates that the interactions of the impacts of the proposed development were discussed under the respective sub sections of the EIS, rather than a specific interactions section. In any event, the applicant submits a matrix of interactions and a commentary on the various headings of the EIS. Reference is also made to the proposed mitigation measures proposed to be put in place to address any significant effects on the environment.

In terms of the cumulative impact of the continuation of extraction, the report indicates that:

- the proposal will result in less traffic movements generated at the site, than currently permitted;
- there will be some direct impacts associated with extraction and backfilling on the localised ecology within the quarry, but minor and capable of mitigation;

- all waste will be screened in accordance with waste acceptance criteria prior to being accepted at the site – all material will be inert and non-leaching;
- the proposal involves dry backfilling;
- there have been no transgressions below the water table;
- no predicted air emissions arising from traffic volumes - less than those of the permitted extraction;
- management of dust at the site will be to acceptable environmental norms;
- air quality impacts arising from traffic and dust can be mitigated against;
- EPA Licence conditions and operating parameters will control the development;
- no significant noise impacts at the nearest sensitive areas to the site – no cumulative impacts of running the site simultaneously;
- on site machinery similar for restoration and extraction;
- cumulative impact on landscape will be positive – creation of 10.7ha of newly constituted agricultural land – site not visible externally – restoration of visual amenity;
- negligible direct impacts in respect of interactions of the foregoing;

Hydrogeology

6. The applicant is requested to submit a detailed Hydrogeological Report, prepared by a suitably qualified Hydrologist who is registered with a relevant professional body. The report shall set out details and recommendations on the proposed restoration of the site, including:

- (a) Groundwater flow direction(s);
- (b) Water table levels;
- (c) Impacts on local wells,
- (d) Impacts on public groundwater supply i.e. Monasterevin/Rathangan Well Field,
- (e) Impacts on watercourses in the area; and,
- (f) How open ponds on the site will be reinstated.

7. Section 12.2.6 of the EIS details that it is not likely that many of the local houses in the vicinity of the application site source drinking water from the local aquifer as they are predominantly on a mains supply. However no figures or other survey data has been provided to substantiate this contention. You are therefore requested to submit accurate survey data of well water and public mains water supplies in the area.

Applicant's Response (items 6 and 7)

The applicant submits a Hydrogeological Assessment Report which addresses the issues raised in Items 6 and 7 of the Request for Further Information. A number of mitigation measures are suggested in order to reduce the impact of the existing site activities and proposed restoration works on groundwater and surface water receptors. The report also includes a Do-nothing scenario which outlines the potential risks to the site without the restoration. A survey of accessible wells within a 1.5km radius of the site identified 2 no. private wells to the north west and downgradient of the site.

The report concludes that any potential and existing risks to groundwater, downgradient wells and surface water from the proposed restoration works will be minimised / prevented through the adherence to the proposed

mitigation measures. It is submitted that the site is located outside the delineated zone of the Monasterevin / Rathangan well field and there is no predicted impact on the public supply wells.

Noise

8. Baseline noise levels have only been taken for two noise sensitive locations, identified as NSL 1 and NSL 4. You are therefore requested to carry out baseline noise monitoring at two other locations in order to determine noise emissions north and east of the site.
9. Table 8.7 in the EIS and Table 7.0 in the Noise Impact Assessment included in Appendix 6 details predicted noise levels for ten noise sensitive locations. However, baseline noise levels have only been provided for two locations. Please submit further information to address and clarify this matter. The further information shall also include predicted operational noise levels for at least four noise sensitive locations north, south, and west of the site.

Applicant's Response

The applicant submits a Noise Impact Assessment Report which includes the two additional noise monitoring locations requested by the Planning Authority. Additional sensitive receptors are included in the assessment. The report concludes that the resulting noise emissions from the proposed development will be within recommended noise limits at all Noise Sensitive Receptors subject to appropriate noise control measures.

Duration of Restoration Works

10. In Section 3.4 of the EIS it is proposed that the duration of restoration activities in the immediate vicinity of residences will be kept to a minimum. However, no details are provided on how it is intended to minimise the restoration works. You are therefore requested to submit further information to clarify and address this matter.

Applicant's Response

The applicant indicates that Section 3.4 referred to the duration of the works at a particular point on the site being kept to a minimum rather than the restoration works being kept to a minimum. It is intended that the works will commence at a point closest to the most sensitive residential receptors and would progressively move further away over the course of the phased restoration, thereby minimising the potential for impacts as time progresses.

Wastewater Management

11. Section 6.4 of the EIS states that wastewater from a toilet on the site is discharged to an existing septic tank, and refers to a drawing in Appendix A in relation to the location of same. However, there is no Appendix A for the EIS, the submitted plans do not identify an existing toilet or septic tank, and elsewhere in the application, including Section 2.2.9 of the EIS, reference is made to the use of a portaloo system. Please submit further information to address, correct and clarify these discrepancies.

Applicant's Response

The applicant indicates that there was a typographical error in the EIS and clarifies that the existing wastewater treatment system during the extraction phase was a portaloo arrangement. There is no septic tank.

12. Following consideration of the 10 year duration of the proposed development, the Council's Environment Section have queried whether effluent disposal should be catered for by a wastewater treatment system. Please submit further information to address this issue. You are advised to liaise with Ciara Corrigan in the Council's Environment Section prior to the submission of a formal response to this request.

Applicant's Response

A wastewater holding tank is proposed, which will be removed to a licensed facility for treatment. It is proposed that the tank will be emptied every 28 working days, based on a 5.5 day working week, i.e. every 3.6 weeks. A disposal agreement with a local contractor will be entered into for collection and disposal of waste. Note: the calculations for the holding tank are based on 5 no. staff members and occasional use by visiting truck personnel.

Staff

13. Please submit further information regarding the number of staff, permanent and temporary, that will be employed on the site, and the nature, extent and design of staff facilities that are to be provided.

Applicant's Response

The applicant indicates that the staff facilities include a temporary staff office building with 2 no. offices, store room and wc and a temporary staff building (mobile home) comprising a staff room, changing room, store room, shower room and wc.

It is submitted that the proposed restoration works will have no impact as regards existing employment levels, which will remain at 2 no. permanent staff. A further 1 no. employee may be required if necessary.

Natural Heritage

14. The report received from the Council's Heritage Officer identifies a number of issues that require further attention as follows:

- The EIS does not contain a habitat map so it is unclear as to what locations are referred to in the EIS.
- The Appropriate Assessment Screening Report in the Appendix of the EIS refers to Sand Martins as an Amber listed Bird nesting in the south west corner of the site, however, no mitigation measures were identified for the protection of these species.

- No reference has been made to breeding birds or wintering birds or the likelihood of their occurrence.
- No bio security measures have been provided to prevent the importation of soil infested with invasive species.
- No recommendations are given for the protection of hedgerows during the restoration process.

Taking account of these issues, please submit the following further information:

- a) A detailed habitat map of the site which shall be overlaid on the proposed site layout plan.
- b) A Breeding Bird Survey, with particular reference to Red or amber listed bird species in the current list of Birds of Conservation Concern in Ireland i.e. Sand Martins identified on the site.
- c) Identify the bio security measures to be taken with the importation of inert soil to the site to avoid contamination of the site with invasive species.

Applicant's Response

The applicant submits an Ecological Report which includes details of the habitats on site and includes a map. The report also includes details of breeding birds and details of the bio-security measures necessary to prevent the establishment of invasive species.

Transportation

15. Please submit suitably scaled location maps detailing haul routes for the proposed development. Haul routes shall be detailed to avoid Kildare Town. You are requested to liaise with Siobhan O'Dwyer in the Council's Transportation Department prior to the formulation of a response.
16. The sightlines to the north of the existing entrance to the site are inadequate. You are therefore requested to submit further information on how it is intended to achieve sightlines in accordance with the Design Manual for Roads and Bridges (D.M.R.B) at the entrance. If proposals to achieve sightlines requires hedgerow on adjoining lands to be set back, plans showing required hedgerow removal and replacement planting should be provided.
17. Please submit a site layout plan clearly detailing the proposed site traffic management layout, the number of car parking spaces and how such car parking is to be provided.
18. Please submit a site layout plan detailing adequate turning movements within the curtilage of the site for the number of proposed traffic movements and vehicle types. The plan shall ensure that vehicles will not be required to reverse onto the adjoining public road.
19. You are requested to submit details on the preventative measures to be put in place to ensure dust does not enter or get blown onto public roads.

Applicant's Response

The applicant submits details of the proposed haul route from the site to the M7 Motorway, avoiding the built up area of Kildare Town. The route includes the use of existing public roads including the public roads through parts of the Curragh.

A drawing of hedgerow removal and replanting is submitted. A drawing of the site traffic management layout, number of parking spaces and location of same is also submitted and also includes details of turning movements within the curtilage of the site.

Details of preventative measures are submitted which includes spraying dry exposed surfaces as and when required, grassing restored areas as soon as practicable after placement of cover, minimising bare or exposed soils, use of a wheel wash facility, minimised stockpiling of imported soils and periodic sweeping of internal access road and local road to front of the site.

Third Party Submission

20. Please be advised that a third party submission has been received in relation to the proposed development. The applicant may wish to comment on the content of the third party submission as part of the response to the further information request. A copy of the submissions is attached and is also available to view online.

Applicant's Response

The applicant indicates that contact was made with An Taisce. It is indicated that An Taisce is in favour of the restoration works in order to comply with Condition 2(c) of 07/188.

In response to the submission from Environmental Action Alliance-Ireland, the applicant suggests that planning permission was not required to comply with the condition and as a result no EIS would be required. It is submitted that the current application is being made to comply with the permission under 07/188 (PL09.226737).

It is submitted that all requirements of EIS directive and other relevant directives have been complied with. It is suggested that the submission is vague, erroneous and unsubstantiated.

It is submitted that the site has been granted planning permission under 07/188 (PL09.226737) with an additional area to include location of temporarily stored overburden.

It is indicated that planning permission 15/515 was granted for the extension of duration of planning permission of 07/188 until August 2020, which permits the continued extraction of sand and gravel.

The site area is 10.7ha and the extraction area is 7.8ha. It is indicated that the additional area is used for the storage of temporary overburden stockpiles which will be reinstated into the lands as part of the restoration process.

In relation to the warning letter UD3455, it is indicated that the case is now closed.

It is submitted that objections to a proposal which seeks to comply with a condition imposed on a planning permission to restore lands to their original use is vexatious, frivolous and an abuse of process.

Significant Further Information

The applicant's response to Further Information was deemed to be significant and the revised public notices were received on 18th November 2016.

Submissions/Observations on Significant Further Information

Submissions on the Significant Further Information were received from the following:

Transport Infrastructure Ireland, Parkgate Street, Dublin 8:

- indicates that its position remains the same as of June 2016, which indicated no objection subject to compliance with Spatial Planning and National Roads Guidelines for Planning Authorities 2012;

Environmental Action Alliance-Ireland:

- The content of this submission is similar to the previous submission;
- The submission raises issues of concern in relation to the EIS/EIA carried out by the applicant. It is stated that the EIS is non compliant with the EIA Directive 2011/92/EU ;
- The EIA Report does not comply with the requirements of the EIA Directive;
- Inadequate description of the physical characteristics of the project in the EIA Report;
- Issues are raised in relation to unauthorised developments prior to the making of the 07/188 planning application;
- Raises issues of a legal nature between the applicant and owner/occupiers of adjacent dwellings;
- The planning history of the site and non-compliance with conditions of previous planning permissions;
- The details of pre-planning meetings with the Planning Authority in relation to the proposed restoration of the site;
- Extraction has taken place below the groundwater level;
- European Case Law in relation to carrying out EIA;
- Non-compliance with EIA Directive 2011/92/EU;
- Non-compliance with European Waste Directive 2008/98/EC;
- Non-compliance with the Aarhus Convention;
- Requirement to address landscape impacts and compliance with the National Landscape Strategy for Ireland (2015-2025);
- It is submitted that the application should have been returned as it is invalid.

Internal Reports

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

Area Engineer:	(verbal report) No objection – refer to Roads Report
Water Services:	No objection subject to conditions
Environment:	No objection subject to conditions
EHO:	No objection subject to conditions
Transportation:	No objection subject to conditions
Heritage Officer:	No objection subject to conditions
Kildare NRO:	No objection

Compliance: Enforcement file UD3455 refers (Case Closed)

Summary of key planning issues and assessment

As per previous report, the proposed development comprises the following elements:

- Restoration of existing excavated gravel pit to original ground levels by importing c. 1,500,000 tonnes of material using target inert materials comprising (a) soil and stone, (b) concrete, (c) bricks, and (d) tiles and ceramics, and including placement of cover soils and seeding.
- Phased restoration of the gravel pit over a period of 10 years, working from its northern (rear) end to its southern (roadside) end.
- Tonnage requirement for restoration approximately 158,400 tonnes per year in approximately 7920 HGV loads (i.e. 20 tonnes per load). The aforesaid equates, over a 5 ½ day week, to 3260 tonnes, or 592 tonnes per day.
- Existing permitted truck movements under condition no. 2 of 07/188 (50 inbound and outbound loads per day) will not be exceeded. Proposed restoration works will require 30 inbound and outbound movements per day, while extraction activities will be 5 inbound and outbound movements per day.
- Continued excavation (and export) on a limited basis of the residual resource of sand and gravel still remaining. *Section 6.4 of the EIS states that there is sufficient reserves to allow approximately 2-3years works of about 100 tonnes per day (c. 5 loads)*.
- Temporary stockpiling of topsoil and subsoil pending re-use as cover material for restoration.
- Materials to be accepted on the site between 8am to 6pm each weekday and 8pm to 1pm on Saturdays.
- Access from existing gated entrance off R401.
- Car parking to be provided on existing stoned out area.
- Construction of temporary hardstanding area.
- Installation of weighbridge and wheel wash facility on the site, close to the entrance from the R401.
- Construction of temporary waste inspection area (concrete slab) north of the entrance from the R401.
- Storage of plant/equipment fuel in double skinned bowsers on hardstanding area (not intended to be provided bundled fuel storage tanks on the site and no refuelling of HGV trucks to take place on the site).
- Mains water available on the site.

The applicant's response to Further Information is noted.

The site was inspected on 17th January 2017. The site is closed up and not currently operating. A number of photographs were taken and are appended to this report. It is clear from the site visit that the site, whilst not openly visible from the surrounding locality, is a remarkable feature of the landscape within the site boundaries.

The following assessment should be read in conjunction with the previous planning report on file.

Principle of Development

As per previous report, the principle of quarry restoration is considered to be acceptable. It is broadly accepted that there is merit in restoring and rehabilitating worked out gravel pits, primarily due to the removal of the negative visual impacts associated with quarries/pits in the rural landscape, and the return of such sites to appropriate land uses such as agriculture. The relevant provisions of the CDP and DoEHLG guidance support the restoration and rehabilitation of gravel pits to suitable lands uses. Of particular note in the CDP is Policy E 12, which seeks "To ensure that all existing workings are rehabilitated to suitable lands uses and that extraction activities allow for future rehabilitation and proper land use management".

The site is an established (currently closed) gravel pit with an existing extant permission under reg. ref. 07/188 (PL 09.226737). The appropriate period of permission reg. ref. 07/188 was extended to 20/08/20 under reg. ref. 15/515. In essence therefore, the applicant is permitted by the permission, to continue extraction at the site up to August 2020.

Landscape and Visual Impact

The applicant's response to the Further Information is noted. It is considered that landscape and visual impact assessment report has addressed the principal requirements of the Planning Authority including an examination of the proposal in the context of Chapter 14 of the CDP and the landscape character/sensitivities of the area. The conclusions of the report are considered to be acceptable as are the proposed mitigation measures which includes retaining hedgerows along site boundary and its reinforcement with additional planting and ensuring the final restored landform is graded at a shallow angle to as to merge with surrounding landscape.

The current application is for the restoration of the quarry to agricultural use required by condition 2(c) attached to 07/188 (PL09.226737) (as extended by 15/515). In this regard, it is considered that the impact of such a condition, would have been assessed as appropriate prior to permitting the continued extraction at the site.

There are no further outstanding issues from the Council's Heritage Officer in relation to landscape and visual impact.

Plans and Particulars

The applicant was requested to submit an overlay of the permitted extraction areas. Drawing 151324 P-05 is submitted which shows the following:

- the extracted area;
- the extraction site boundary of 01/1270;
- the extraction site boundary of 07/188 (PL09.226737);
- the restoration area including the area of overburden storage subject of the current application (10.7ha);



07/188 (PL09.226737) extraction area remaining Drg No 151324-P-05

It can be seen from the drawing that there is a portion of land towards the eastern boundary, which has yet to be excavated – permitted under 07/188, the life of which has been extended by 15/515.

Having regard to the above, it would appear extraction activity at the site to date, has taken place within the permitted extraction areas.

Assessment of Alternatives

It is considered that the examination of alternatives, in this case, is somewhat limited due to the nature of the development which is required on foot of a previous planning permission. However, it is considered that the applicant's response to the Further Information in relation to alternative approaches to the restoration of the site is acceptable.

Cumulative Impacts/Interaction of Effects

It is considered that the proportion of lands remaining to be excavated is a small proportion of the already quarried lands. In addition, it is considered that the impacts of the restoration of the quarry which is a requirement of a previous permission, in conjunction with continued small scale extraction at the site would be negligible and/or capable of appropriate mitigation.

Technical Matters

The applicant's Hydrogeological Report submitted as part of the Further Information response is noted. The revised noise report is also noted, as is the detail submitted in relation to the wastewater treatment at the site. The Environment Section is satisfied with the applicant's response, subject to conditions.

In relation to Natural Heritage, the applicant's response which includes a landscaping plan, habitat map and revised ecological impact assessment is considered to be acceptable. The Council's Heritage Officer is satisfied with the proposal, subject to conditions in relation to archaeology and bio-security measures to prevent invasive species.

The applicant's response in relation to transportation issues is noted. The Transportation Section is now satisfied with the proposed development. The suggested haul route as outlined in the response to Further Information is noted and is listed as a condition. It is also noted that there is a condition requiring the existing wheel wash facility at the site, to be upgraded as part of the proposed development.

It would appear therefore that the technical matters appear to have been addressed to the satisfaction of the Planning Authority and there are no further matters arising.

Having regard to the Planning History of the lands, including an extension of duration of the permission, the results of the Board's determination under Section 261A and the applicant's response to the request for Further Information, it is considered that the use of the lands for extraction of sand and gravel over an extraction area of 8.78ha is authorised and permitted.

Prescribed Bodies and Third Parties

The issues raised by TII related to compliance with the DECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). TII have no further comment in this regard. The concerns raised by DAHRRGA in relation to archaeology and archaeological monitoring are addressed by way of condition.

A number of the issues raised by Mr. David Malone Environmental Action Alliance Ireland in his two submissions have been addressed in documentation on file including the applicant's reply to the request for Further Information, in the Council's technical department's consideration of the application. Other issues raised are addressed elsewhere in this report, in the EIA appended to this report and in the recommended conditions of the

internal departments of the Planning Authority. It should be noted that matters of law are for the Courts to adjudicate on.

In summary, the following is of note:

- Council Policy as expressed in the CDP 2011-2017, Chapter 10, Section 10.8 to ensure that quarries/pits are rehabilitated to suitable land uses.
- The site is required to be restored under condition no 2(c) of 07/188, as extended by 15/515;
- Failure to restore the quarry would be a in breach of a condition attached to a previous permission;
- The principle of quarry restoration is acceptable;
- The technical matters arising in the request for further information have been addressed to the satisfaction of the Planning Authority;
- A do nothing scenario would not be in the best interests of the site and the wider locality;

It is considered therefore that the restoration of the quarry would be in accordance with the proper planning and sustainable development of the area.

It is recommended that permission be granted.

Recommendation

It is recommended that permission be granted subject to conditions:

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 nature of the proposed development, the previous planning permissions on the site which required the restoration of the gravel pit, and to the character of adjoining development, the provisions of the County Development Plan 2011-2017 in relation to quarry/pit restoration, it is considered that, subject to compliance with the conditions attached, the proposed development would not seriously injure the amenities of the area or of 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 in accordance with the plans and particulars and the EIS received by the Planning Authority on 23/05/2016 as amended by significant further information received by the Planning Authority on 21/10/2016 and revised public notices received on 18/11/2016, 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. This permission permits the phased restoration of the existing quarry over a 10 year period through the importation of inert natural materials, principally

excess soil, stones, and/or broken rock, excavated on construction sites as indicated in the submitted documentation. No other material shall be used in the development. At the end of the 10 year period, all restoration shall be completed, the temporary structures, including wheelwash shall be removed from site and site shall be closed. No extension of works beyond 10 years shall take place without the benefit of planning permission.

Reason: In the interest of clarity and to ensure that the permission hereby granted relates to the permission sought.

3. The applicant shall apply for and obtain a Waste Licence from the Environmental Protection Agency prior to waste activities commencing on site.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

4. The phased restoration shall take place in a north-south direction and shall be in accordance with the details submitted in EIS received by the Planning Authority on 23/05/2016. Prior to the commencement of restoration works, and on an **annual basis** thereafter, the applicant/developer shall submit, for the written agreement of the Planning Authority, a detailed topographical survey, to indicate precise area of lands for restoration within that phase in conjunction with previous phases having taken place to date. Details shall include pre filled levels vis a vis restored levels and cross sections of the lands showing the fill levels to date and shall include a brief commentary on the progress of restoration at the site, including an estimated completion of each phase.

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

5. The applicant/developer shall submit to the Planning Authority, on an annual basis, from the date of final grant of permission, details of the tonnage of intake into the site during the preceding year.

Reason: In the interest of orderly development and to monitor the activities on site on an annual basis.

6. The site, including boundary treatment, shall be landscaped fully in accordance with the landscaping plan received by the Planning Authority on 21/10/2016, including the reinstatement of field boundaries as shown on the Landscape Plan Drawing No. 151324 - P - 08

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

7. The site shall be developed in accordance with the mitigation measures outlined in the EIS received by the Planning Authority on 23/05/2016 and

where relevant, revised following receipt of further information/revised plans received by the Planning Authority on 21/10/2016.

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

8. (a) The existing buffer area between the eastern edge of the quarry put and the western edge of Recorded Monument KD 017-026 (moated site), shall be maintained during all re-instatement works. The buffer area should be appropriately marked with temporary driven stakes and tape.

(b) No construction or other vehicles should enter this buffer area during the course of the re-instatement works

(c) Removal of the silt bund shall be monitored by an archaeologist as per the following requirement:

- The applicant is required to employ a qualified archaeologist to monitor the removal of the silt bund.
- A report of the monitoring should include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which photographs were taken should be included in the report. (An annotated site location map will suffice for this purpose).
- Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage Regional, Rural and Gaeltacht Affairs with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- The Planning Authority and the Department of Arts, Heritage Regional, Rural and Gaeltacht Affairs shall be furnished with a report describing the results of the monitoring.

Reason: In the interests of preserving archaeological material.

9. All wheels of trucks shall be washed prior to entering the site to reduce potential for infestation with Japanese Knotweed and/or other invasive species

Reason: In the interest of protection of the landscape and the rural character of the area.

10. All hauliers importing waste to or removing waste from the facility shall hold a valid waste collection permit in accordance with the Waste Management (Collection Permit) Regulations 2007, as amended.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

11. Surface and Groundwater Mitigation Measures specified in Sections 6.16.1 to 6.16.9 of the Environmental Impact Statement, written by Raphael McEvoy of RME Environmental, dated May 2016 shall be implemented and mitigation measures specified in Section 11 of the Hydrogeological Assessment, written by IE Consulting, dated 21st October 2016 shall be implemented.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

12. Air Quality Remedial or Reduction Measures specified in Section 7.8.1 to 7.8.3 of the Environmental Impact Statement, written by Raphael McEvoy of RME Environmental, dated May 2016 shall be implemented.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

13. Noise Mitigation Measures specified in Sections 8.10.1 and 8.10.2 of the Environmental Impact Statement written by Raphael McEvoy of RME Environmental, dated May 2016 shall be implemented.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

14. Noise Control

(a) Noise from the development shall not give rise to sound pressure levels (LAeq 30 minutes) measured at noise sensitive locations which exceed the following limits:

- (i) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays)
- (ii) 45 dB(A) at any other time.

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

Note: *Noise sensitive location:

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

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

15. The total dust emission arising from all the on-site operations associated with the proposed development shall not exceed 350 milligrams per metre squared per day, averaged over a continuous period of 30 days, when

measured as deposition of insoluble particulate matter at any position along the boundary of the site.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

16. Applicant shall use "Best Practicable Means" to prevent/minimise noise and dust emissions during the operational phase of the development, through the provision and proper maintenance, use and operation of all machinery all to the satisfaction of the Planning Authority.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

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

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

18. All Waste Water from the facility shall be diverted to a holding tank. The contractor collecting the waste water shall hold a valid waste collection permit in accordance with the Waste Management (Collection Permit) Regulations 2007, as amended. The wastewater shall be brought to an authorised waste water treatment plant.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

19. Prior to commencement of development, the applicant/developer shall submit for the written consent of the Planning Authority, details on how the water from the wheel wash system will be collected/stored and recycled.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

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

Reason: In the interest of traffic safety.

21 Lines of sight at entrance to the site shall be provided strictly in accordance with the requirements of the Design Manual for Roads and Bridges.

Reason: In the interest of traffic safety.

22. Prior to commencement of the development the existing front boundary to the north of the existing entrance shall be removed and a new boundary hedge shall be erected along the sight visibility line as shown on Kildare Architects & Design drawing numbers 151324-P-08 and 151324-P-10 received 21/10/16.

Reason: In the interest of traffic safety.

23. The applicant shall erect appropriate warning signage in the vicinity of the proposed entrance for the benefit of all those passing the entrance and those entering and exiting from the site.

Reason: In the interest of traffic and pedestrian safety.

24. The existing wheelwash facility on site is inadequate and shall be removed. The applicant shall install a mains or diesel powered wheelwash facility with wheel and under carriage power wash installations. The size and type of wheelwash facility shall be agreed in writing with the Planning Authority prior to commencement of the development.

Reason: In the interest of minimising the deposition of debris on the public road.

25. The applicant shall ensure that all trucks travelling to and from the site follow the haul route submitted by Kildare Architects & Design Ltd. in Section 15 of their letter responding to the request for further information received 21/10/16. There should be no trucks travelling through the Market Square Kildare Town and through the Dunmurray Road Railway Overbridge for this development. A maximum of 35 inbound and outbound trucks in both directions shall be allowed to access this site for the duration of the 10 year period.

Reason: In the interest of traffic safety.

26. The applicant shall keep a record of all traffic movements in and out of the site. This record shall contain details of all traffic movements (including origin and destination of vehicles, registration and type of vehicle) and shall be available for inspection on site by the Planning Authority during working hours.

Reason: To assess the impact of the development on the existing road network and to ensure that the levels of generated traffic are as per applicants' submission.

27. The applicant shall ensure that no vehicles access the site which exceeds the legal maximum axle weight limit.

Reason: To ensure the road network serving the development is protected.

28. No queuing of delivery trucks shall take place on the R401. Should a large volume of deliveries take place on a given day, the site entrance and access road shall be capable of accommodating all deliveries to the site.

Reason: In the interest of traffic safety.

29. Sufficient car and truck parking and turning space shall be provided within the curtilage of the site for all operations carried out in association with the permitted site activities. Car parking spaces shall be in accordance with the Kildare County Development Plan.

Reason: In the interest of traffic safety.

30. No spoil, 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 construction phase. All wheels of trucks shall be washed prior to exiting the site. The applicant shall arrange for vehicles leaving the site to be kept clean. A special bond of €10,000 shall be paid to Kildare County Council to ensure satisfactory compliance with this condition.

Reason: In the interest of traffic safety.

31. Land and roadside drainage shall not be impaired. Drainage shall be provided at the entrance which shall discharge to drainage on site.

Reason: To ensure proper servicing of the development.

32. Hours of operation of the development shall be from 8am to 6pm weekdays (Monday to Friday) and 8am to 1pm Saturdays. There shall be no operation of the site on Sundays or Bank Holidays.

Reason: In the interest of residential amenity.

Levies as applicable – quarry restoration to agricultural use 10.7ha. See attached Levy report €160,500.00

EHO – separate letter

Raia Green
Executive Planner

19/1/17

P. Conlon
Senior Executive Planner

20.01.2017

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Environmental Impact Assessment (EIA) Report
(To accompany Planning Report for Reg. ref. 16/526)

**Updated EIA Report in relation to Further Information Received on
21.10.16**

The aim of the EIA Report is to identify and assess the effects (direct and indirect) of the proposed development on various environmental factors, in order to assist in considering whether it is consistent with the proper planning and sustainable development of the area. An assessment of the adequacy of the information contained in the planning application and Environmental Impact Statement (EIS) is therefore required. The content of a number of chapters of the EIS are more pertinent to the competent internal departments of the Planning Authority. The EIA Report has therefore also been informed by reports received from the Planning Authority's internal departments. Submissions received from prescribed bodies and third parties have also been taken account of. In the interest of clarity and legibility for the reader it is proposed to structure this EIA Report in line with the sequencing of the information contained in the EIS. It is not the intention of this EIA Report to summarise the content of the EIS, but rather to address the information contained therein in a direct and succinct manner. The content of this EIA report has had regard to the DEGLG '*Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2013)*'.

Please be advised that this EIA Report has been updated, where required, to take account of further information received by the Planning Authority on 21.10.2016. In the interest of clarity for the reader, the updated information will be identified with **coloured and bolded** sections.

The sequencing of the content of this EIA Report is as follows:

- 1) Consideration of Alternatives
- 2) Cumulative Impacts & Interaction of Effects
- 3) Human Beings
- 4) Natural Heritage/Ecology
- 5) Hydrogeology (Soils, Geology, Water)
- 6) Noise & Air Quality
- 7) Archaeological Heritage
- 8) Landscape & Visual Impacts
- 9) Traffic & Transportation
- 10) Material Assets
- 11) Conclusion

1) Consideration of Alternatives

The submitted EIS does not outline alternatives to the proposed development, and therefore provides no reasons as to why the proposed development, as an option, was chosen.

Section 5.2 of the DECLG 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2013)' states that:

The applicant/developer must also submit an outline of the main alternatives studied...

The DECLG Guidelines further state in Section 5.3 that:

The study of alternatives carried out by the applicant may, however, give useful guidance to the competent authority on its decision on the application and while it does not form part of the assessment as defined in section 171A, the EIA Report should comment on and assess the robustness of the applicant's conclusions on the environmental effects of the alternatives outlined.

The information provided in the further information response has identified a number of alternatives regarding the alternatives possible within the site. The consideration of alternatives at the site is largely limited due to the nature and scale of the development having already taken place on the lands. In response to the further information request the applicant has submitted a range of alternative approaches to the development of the lands as follows:

(i) Alternative Locations

It is stated that given the location dependent nature of the development, no alternative location is therefore applicable in the instance of the proposed development. An alternative location for the weighbridge and offices is considered, however there was no environmental or commercial benefit to be accrued from their relocation.

An alternative location for the materials, inspection and quarantine areas was considered as part of the response to the further information request, however the proposed option was deemed to be the most secure way to manage the intake of material and to ensure the utmost levels of environmental protection and health and safety are observed.

(ii) Alternative Site Layout and Project Design

Having considered alternative layout and design approaches, the development as proposed is considered to be the optimum solution to minimise potential impacts on the environment.

(iii) Phasing

Consideration was given to the backfilling of the site starting at the southern end of the site and working back towards the northern end of the site. However given the requirement of additional haul routes within the site, it was considered that this would not represent best engineering practice.

(iv) Operational Issues

Consideration was given to establish whether alternative phasing would give rise to mitigation effects, however given that the noise and dust arising predictions do not indicate any significant environmental issues, an alternative proposal was not deemed to demonstrate any environmental gain.

(v) Site Layout and Boundary Considerations

Having regard to the requirements of the proposed development to have a waste license issued by the EPA the design team assessed the full boundary of the 'owned' site versus the void space location.

(vi) Final layout design

All design decisions were based primarily on information arising from the project EIS and decided upon in order of importance as follows:

- Ecology
- Landscape Assessment
- Benefit of restoration to agricultural land
- Health and Safety
- Economic Benefit

(vii) Alternative Processes

An assessment of alternative processes on site considered the possibility of providing an on-site screening, separation and reconstitution of waste material as it arrives at the site, with a view to the creation of alternative products for re-sale and re-distribution back to the construction industry. This alternative was deemed to be unsuitable given the relatively small annual volume required for the backfilling operation and complex operational and licensing of the facility, which could lead to delays in delivering the ultimate objective of a fully restored agricultural field.

(viii) The 'Do Nothing' Approach

While it is stated that there are what are considered to be temporary negatives to the carrying on of the development such as noise, dust, air quality and traffic issues, these are temporary and the willingness of the developer to make the commitment to restore the site should be taken into account. The 'do nothing' approach could only be viewed as a wasted opportunity.

It is considered that the approach adopted by the applicant is reasonable and justified.

2) Cumulative Impacts & Interaction of Effects

Key considerations in relation to cumulative impacts include:

- The combined effects of the proposed development with existing quarrying activities taking place on the site. The importation of material to raise ground levels will be taking place alongside quarrying/extraction activities.
- The combined effects of the proposed development with other similar developments operating in the wider area.
- The combined effects of the proposed development with other significant developments in the area, whether existing/already operational, or existing extant planning permissions yet to be implemented.

The EIS does not provide a specific chapter or section dealing with cumulative impacts. From the information included, there appears to be an absence of a robust and tangible assessment of potential combined effects. Apart from the matter of traffic impacts, the main focus of the EIS appears largely to be in relation to the effects of the restoration works to be carried out.

The further information response submitted on 21.10.16 provides a specific section on the Cumulative Impacts and Interaction of Effects of the proposed development.

The matrix included as part of the response to further information adequately demonstrates that the proposed development has been assessed to consider the potential impacts and effects. The matrix submitted has identified where possible interaction that may result between various environmental impacts.

In terms of the cumulative impact of the continuation of extraction, the report indicates that:

- the proposal will result in less traffic movements generated at the site, than currently permitted;
- there will be some direct impacts associated with extraction and backfilling on the localised ecology within the quarry, but minor and capable of mitigation;
- all waste will be screened in accordance with waste acceptance criteria prior to being accepted at the site – all material will be inert and non-leaching;
- the proposal involves dry backfilling;
- there have been no transgressions below the water table;
- no predicted air emissions arising from traffic volumes - less than those of the permitted extraction;
- management of dust at the site will be to acceptable environmental norms;
- air quality impacts arising from traffic and dust can be mitigated against;
- EPA Licence conditions and operating parameters will control the development;
- no significant noise impacts at the nearest sensitive areas to the site – no cumulative impacts of running the site simultaneously;
- on site machinery similar for restoration and extraction;
- cumulative impact on landscape will be positive – creation of 10.7ha of newly constituted agricultural land – site not visible externally – restoration of visual amenity;
- negligible direct impacts in respect of interactions of the foregoing;

The reports of the Council's technical departments in relation to Further Information response shows a satisfaction with the proposal and in this regard, to the potential cumulative impacts arising from the proposed development which have been indicated as minimal and where arising, capable of appropriate mitigation.

3) Human Beings

Chapter 3 of the EIS

The EIS identifies 8 dwellings in the more immediate environs of the site (See Fig. 3.1 in the EIS. The application documentation includes a number of signed letter from neighbouring property owners expressing their support of the proposed development and citing that they have experienced no disturbances from the gravel pit.

There is a lack of detail and clarity in regard to the use and adequacy of existing berming and proposed temporary earth mounds as referred to in the EIS. They are not identified on the submitted site layout plans. Aside from

containing visual impacts, the use of berming and earth mounds would also serve to suppress and control noise and dust emissions from the site.

In Section 3.4 of the EIS it is proposed that the duration of restoration activities in the immediate vicinity of residences will be kept to a minimum. However, no details are provided on how it is intended to minimise the restoration works.

The report from the Council's Environment Section refers to deficiencies in regard to the baseline noise monitoring that was carried out. The report notes that while reference is made to ten noise sensitive locations in Table 8.7 of the EIS, baseline noise levels were only taken for two locations. The ten noise sensitive locations are also listed in Table 7.0 of the Noise Impact Assessment included in Appendix 6.

The report from the Council's Transportation Department highlights that no measures have been proposed to prevent dust being blown onto public roads. Notwithstanding the aforesaid, it is noted that remedial and reductive measures in relation to dust are set out in Section 4.8 of the EIS.

The revised reports submitted in response to the Further Information have served to address the impacts of the proposed development on various aspects of the environment affecting Human Beings. The Environment Section has no objection to the development subject to conditions in relation to inter alia the mitigation of noise and dust. The matrix submitted with the application shows that there will be an interaction between Human Beings and Water, Air Quality, Noise, Landscape, Material Assets and Traffic, however the interactions and effects have been demonstrated to be relatively low during the development stage. Condition Numbers 14, 15 and 16 of this permission specifically deal with the control and minimisation of noise and dust in the area.

4) Natural Heritage/Ecology

Chapter 4 of the EIS examines ecology, flora and fauna; Appendix 1 includes an 'Ecology Report', while Appendix 2 includes an 'Appropriate Assessment Screening Report'

The matter of impacts on natural heritage and ecological impacts has been assessed by the Council's Heritage Officer, whose report lists a number of deficiencies with respect to the information provided:

- The EIS does not contain a habitat map so it is unclear the locations referred to within the EIS report.

- The Appropriate Assessment Screening Report in the Appendix to the EIS refers to Sand Martins an Amber listed Bird nesting in the south west corner of the site, however, no mitigation measures were identified for the protection of these species.
- No reference has been made to breeding birds or wintering birds or the likelihood of their occurrence.
- No bio security measures have been provided to prevent the importation of soil infested with invasive species.
- No recommendations are given for the protection of hedgerows during the restoration process.

In view of the issues listed above, the Heritage Officer is seeking further information as follows:

- g) The requirement for a detailed habitat map to be overlaid on the proposed development.
- h) The requirement for a Breeding Bird Survey, with particular reference to Red or amber listed bird species in the current list of Birds of Conservation Concern in Ireland i.e. Sand Martins identified on the site.
- i) Identify the bio security measures to be taken with the importation of inert soil to the site to avoid contamination of the site with invasive species.

Impacts on Natura 2000 Network sites have not been raised as an area of concern by the Heritage Officer or in the submission from the DAHRRGA.

The revised reports received in response to the further information request have been deemed to be satisfactory by the Heritage Officer. Impacts on Natura 2000 Network sites have not been raised as an area of concern by the Heritage Officer, or in the submission from the DAHRRGA.

5) Hydrogeology (Soils, Geology, Water)

Impacts of soils and geology are examined in Chapter 5 of the EIS, while impacts on Water are covered in Chapter 6. Separate reports on soils and geology and water are also included in Appendix 3 and Appendix 4.

The Council's Environment Section is not satisfied with regard to the information provided in respect of hydrogeology. The key issues that are cited in this regard include (a) groundwater flow direction, (b) water table levels, (c) impacts on local wells and on the Monasterevin/Rathangan Wellfield, and (d) impacts on watercourses. The Environment Section also seeks details on how the open ponds on the site will be re-instated.

The proposed development was discussed with the Environment Section on 13/07/16. It was noted that from their inspections of the site that extraction appears to have taken place below the level of the water table. For this reason a more detailed survey of hydrogeological conditions is required.

The report from the Environmental Health Officer raises no concerns regarding potential impacts on hydrogeology.

The report from the Council's Water Services Department also expresses no objection to the proposed development. The report also states that (a) the site is well outside source protection zones and (b) the reservoir adjacent to the site has been decommissioned.

The revised reports submitted in relation to hydrogeology have been deemed to be satisfactory to the Environment Section.

The report from the Environmental Health Officer raises no concerns regarding potential impacts on hydrogeology.

The report from the Council's Water Services Department also expresses no objection to the proposed development. The report also states that (a) the site is well outside source protection zones and (b) the reservoir adjacent to the site has been decommissioned.

6) Noise & Air Quality

Chapter 7 of the EIS examines Air Quality, while Chapter 8 examines Noise.

Potential noise and air quality impacts from the proposed development have been assessed by the Council's Environment Section and by the Environmental Health Officer.

It is considered that there is a lack of detail and clarity in regard to the use and adequacy of existing berming and proposed temporary earth mounds as referred to in the EIS. They are also not identified on the submitted site layout plans. The use of berming and mounding would assist in noise and dust containment.

Section 3.4 of the EIS proposes that the duration of restoration activities in the immediate vicinity of residences will be kept to a minimum. However, no details are provided on how it is intended to minimise the restoration works.

The report from the Council's Environment Section refers to deficiencies in regard to the baseline noise monitoring that was carried out. The submitted documentation identifies that only two monitoring locations were utilised.

The report from the Environmental Health Officer expresses no objection to the proposed development subject to conditions. The proposed development was discussed with the E.H.O on 13/07/16. During this discussion the E.H.O highlighted that there is no history of any complaints received in the Kildare offices of the HSE, noise, dust related or otherwise, regarding the operation of the quarry.

The report from the Council's Transportation Department highlights that no measures have been proposed to prevent dust being blown onto public roads. Notwithstanding the aforesaid, it is noted that remedial and reductive measures in relation to dust are set out in Section 7.8 of the EIS.

Noise and Air Quality issues have been resolved to the satisfaction of the Environment and Roads Section, subject to conditions requiring appropriate mitigation measures.

7) Archaeological Heritage

Chapter 9 of the EIS deals with cultural heritage, inclusive of archaeological heritage and architectural heritage. Appendix 7 in the EIS includes a 'Cultural Heritage Report' which specifically addresses archaeological heritage.

No impacts or other effects are identified with respect to architectural heritage i.e. protected structures or NIAH structures. There are no such structures on or in the vicinity of the site.

The submission from the DAHRRGA recommends a number of archaeological mitigation measures in relation to the two Recorded Monuments adjacent to the site (KD017-026 and KD017-038). The mitigation measures centre on the establishment of a buffer and archaeological monitoring. Apart from the mitigation measures, the DAHRRGA submission expresses no objection to the proposed development.

In line with the DAHRRGA submission referred to above, the report from the Council's Heritage Officer also recommends mitigation measures in relation to the two Recorded Monuments beside the site. The Heritage Officer refers to Section 5 of the Cultural Heritage Report in Appendix 7 of the EIS in this regard.

In conjunction with the DAHRRGA submission, the report from the Council's Heritage Officer also recommends mitigation measures in relation to the two Recorded Monuments beside the site. The Heritage Officer refers to Section 5 of the Cultural Heritage Report in Appendix 7 of the EIS in this regard.

8) Landscape & Visual Impacts

The matter of landscape impacts is dealt with in Chapter 10 of the EIS and in the associated photographic survey provided in Appendix 8 of same.

As referred to in the attached planning report, benefits do result from restoring and rehabilitating worked out gravel pits. A planning gain results from the removal of the negative visual impacts associated with such pits in the rural landscape, as well as the return of such sites to suitable land uses like agriculture.

A key factor in the consideration of landscape and visual impacts is that the site is located within a visually sensitive area. In Chapter 14 of the Kildare County Development Plan 2011-2017 the rural area is included with the 'Chair of Kildare' upland landscape character area. More specifically, the site is positioned on the foothills of Dunmurry Hill, and is in proximity to Grange Hill and Red Hill, all three of which are designated hilltop views. Chapter 14 also identifies a long section of the R401 Regional Road south of the site as a scenic route. The landscape character of the area is therefore such that a thorough and robust landscape and visual impact assessment is required. However, it is considered that there are numerous inadequacies in relation to the information provided in the application documentation, listed as follows:

- The absence of a detailed assessment of the proposed development relative to the landscape designations for the area in Chapter 14 of the CDP. Section 10.2.4 in the EIS refers to the elevated vistas in the rural area, elevated road levels and low vegetation, and the availability of extensive views, but does not appear correlate these characteristics with the proposed development.
- A predominance of the examination of more localised views in the vicinity of the site;
- No assessment of views from Dunmurry Hill or Grange Hill;
- The absence of a site specific and separate landscaping plan to mitigate potential visual impacts;
- Limited information provided in relation to existing planting to be retained/protected, proposed planting, the location of berming etc.
- Section drawings not provided at regulatory 1:200 scale.
- No east – west section drawings of the site provided.

Landscape and visual impacts are identified as being largely positive. There are no further matters arising from the Heritage Officer in relation to landscape and visual impact.

9) Traffic & Transportation

Chapter 11 of the EIS deals with Traffic.

A central tenet of the application documentation, including Chapter 11 of the EIS, is that the traffic movements generated by the proposed development (inbound and outbound) will not be more than the maximum of 50 already permitted under condition no. 2 of reg. ref. 07/188 (PL 09.226737). This assertion is on the basis that (a) the proposed development will result in 30 movements (inbound and outbound) per day, and that (b) existing extraction activities result in 5 movements (inbound and outbound) per day.

The restoration of existing excavated gravel pit to original ground levels is proposed by importing c. 1,500,000 tonnes of material over a phased 10 year period, using target inert materials comprising (a) soil and stone, (b) concrete, (c) bricks, and (d) tiles and ceramics, and including placement of cover soils and seeding.

The tonnage requirement for restoration is given as an approximate 158,400 tonnes per year, equating to approximately 7920 HGV loads (i.e. 20 tonnes per load). Over a 5 ½ day week, 3260 tonnes will be imported onto the site, amounting 592 tonnes per day.

The pit will continue to be excavated on a limited basis, on the basis that there are sufficient reserves to cover a period of 2-3 years i.e. 100 tonnes per day (c. 5 loads per day). Permission reg. ref. 07/188 (PL 09.226737) is not due to expire until 2020.

The Kildare NRO takes specific account of the stated traffic movement figures in their report, which expresses no objection to the proposed development. The Kildare NROs expression of no objection is on the basis that traffic movements (inbound and outbound) will not be more than the maximum of 50 already permitted under condition no. 2 of reg. ref. 07/188 (PL 09.226737).

The TII submission refers to the requirement to abide by official policy in relation to development on/affecting national roads, as outlined in the DECLG 'Spatial Planning and National Roads Guidelines for Planning Authorities (2012)'. Apart from the aforesaid, the TII submission raises no objection to the proposed development.

The report from the Council's Transportation Department requires a number of issues to be addressed relating to:

- Revised haul routes so that Kildare Town is avoided;
- Existing inadequate sightlines at existing entrance;
- Measures for the prevention of dust being blown onto the public road;

- A site traffic management layout;
- On-site car parking;
- Turning movements within the site in terms of vehicle numbers and types.

The traffic movements generated by the proposed development (inbound and outbound) will not be more than the maximum of 50 already permitted under condition no. 2 of reg. ref. 07/188 (PL 09.226737). This assertion is on the basis that (a) the proposed development will result in 30 movements (inbound and outbound) per day, and that (b) existing extraction activities result in 5 movements (inbound and outbound) per day.

Although the pit is currently closed there is permission to allow it continue to be excavated on a limited basis, on the basis that there are sufficient reserves to cover a period of 2-3years i.e. 100 tonnes per day (c. 5 loads per day). Permission reg. ref. 07/188 (PL 09.226737) is not due to expire until 2020.

The report from the Council's Transportation Department, following assessment of the applicant's response to Further Information expresses no objection to the proposed restoration of the quarry, subject to conditions including the designation of an appropriate haul route. The report of the NRO expresses no objection.

10) Material Assets

Chapter 12 of the EIS assesses material assets that could be potentially impacted on by the proposed development. That is, human origin assets such as infrastructure, economic activities and property values in the area.

The matter of impacts on the public road infrastructure requires further attention in relation to the identification of haul routes, sightlines at the existing site entrance, and the potential for dust to be blown onto roads. The report from the Transportation Department refers in this regard.

The application documentation details that the traffic movements generated by the proposed development (inbound and outbound) will not be more than the maximum of 50 already permitted under condition no. 2 of reg. ref. 07/188 (PL 09.226737). Reg. ref. is an extant permission which is not due to expire until 2020. The proposed traffic movement figures are therefore a key consideration that would mitigate impacts on the public road infrastructure in the area. The report from the Kildare NRO expresses no objection to the proposed development on the basis of the traffic movement figures provided.

Also, the submission from TII expresses no objection to the proposed development.

Section 12.2.4 in the EIS refers to the fact that the proposed development will restore the excavated pit to an agricultural landscape. This would represent a positive impact both in terms of providing a suitable land use and in terms of the appearance of the rural landscape.

Section 12.2.6 of the EIS details that it is not likely that many of the local houses in the vicinity of the application site source drinking water from the local aquifer as they are predominantly on a mains supply. However no figures or other survey data has been provided to support this contention. The report from the Environment Section also highlights that further information is needed in order to assess impacts from the proposed development on groundwater.

Further baseline noise monitoring is required in order to be able to assess impacts from noise on dwellings in the area. As the Environment Section report points out, only two noise monitoring locations have been utilised.

The proposed development will restore the excavated quarry to an agricultural landscape. This would represent a positive impact both in terms of providing a suitable land use and in terms of the appearance of the rural landscape.

The reports submitted with the application, together with the documents submitted in response to the request for Further Information have, in conjunction with appropriate mitigation measures, been adjudged to satisfy the requirements of the Council's internal departments.

Conclusion

This report comprises an Environmental Impact Assessment of the proposed development. The aim of the EIA Report is to identify and assess effects of the proposed development on various environmental factors, in order to assist in considering whether the proposed development is consistent with the proper planning and sustainable development of the area.

It is considered that all anticipated effects on the environment from the proposed development as identified and detailed in this EIA Report have been comprehensively evaluated and addressed in the application plans and particulars (including the EIS) received on 23/05/2016, and in the Further Information response received on 21/10/2016 and in all internal department

reports, including the planning reports. Submissions and observations received from prescribed bodies and third parties in relation to the proposed development have also been considered in this regard.

It is considered that the nature and extent of the anticipated effects on the environment are such that they can be suitably mitigated, reduced and/or avoided, where required, by conditions in the grant of planning permission. These conditions are necessary to ensure that the mitigation measures contained in the EIS and in the response to the request for Further Information are implemented and that further measures are carried out where required by condition.

Signed *Rain Beer*
Executive Planner
19/1/17

Signed *P. Conlon*
Senior Executive Planner
20 01 2017

Signed *Muhail Kury*
Senior Planner
20. 1. 17

Signed *[Signature]*
Director of Services
20th January 2017

[Signature]
20/1/17

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Appropriate Assessment Screening Report

Development Type	Restoration of the existing excavated gravel pit
Development Location	Boherhill Rathangan Co. Kildare
Natura 2000 sites within the potential impact zone	The proposed development is within 15km of the following Natural 2000 sites: The Barrow SAC (002162) Pollardstown Fen (000396) Mouds Bog (002331)) Long Derries (000925)
Species or habitats listed on Annexes of the Habitats or Birds Directive which might be impacted	None
Planning File Ref	16/526
Description of the project	
<p>The project consists of the following elements:</p> <ul style="list-style-type: none"> • The use of imported inert natural materials, principally excess soils, stones, and/or broken rock excavated on construction sites, to backfill and restores a large existing void created by previous extraction of sand and gravel. • Recovery of imported inert construction materials, including, granular fill, concrete blocks, bricks and ceramic tiles. • Separation and quarantine of any non-inert construction and demolition waste • Continued excavation on a limited basis • Export of sand and gravel off site • Phased restoration of the backfilled void (including placement of cover soils and seeding) • Return to grassland • Temporary stock piling of topsoil 	
Distance from designated sites in potential impact zone*	
There are no surface water bodies directly connected to the proposed site, The proposed development will not discharge directly to any water body and will therefore have no significant impact on the water quality of hydrogeology of the surrounding area. The hydrogeological assessment indicated that the groundwater level is deep in this area.	

List any potential impacts on Natura 2000 sites that you have identified.	
Given the location of the proposed development, the relative distance of it from any Natura 2000 site and the lack of a hydro-geological connection between the proposed development and any Natura 2000 site no significant impacts have been identified on any Natura 2000 site.	
List any potential impacts on species listed on Annexes II and IV of the Habitats Directive, and species listed on Annex I of the Birds Directive (outside the Natura 2000 network).	
None	
If there are potential impacts, explain whether you consider if these are likely to be significant : (significant impacts include any impact on a habitat for which the Natura 2000 site is designated; any activity causing serious or ongoing disturbance to species; any activity affecting populations of species within the Natura 2000 site; any activity which interferes with mitigation measures put in place for other plans or projects).	
No significant impacts identified for reasons set out above.	
Conclusion of assessment	
Given the scale, location, nature of the project, proximity to the nearest SAC, lack of a hydro-geological connection and based on the project detail attached, including the EIS and AA screening document, it can be concluded that no significant effects on any Natura 2000 sites (European Sites), individually or in combination with other plans or projects can be expected from the carrying out of the projects as described above and therefore no further assessment required.	
Consultation	
Completed By	<i>Bridget Loughlin</i>
Date	<i>19/01/2017</i>

Site Photos 11/1/17



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Development Contributions Calculations

File ref: 16/526 – Michael Ennis
Boherkill, Rathangan, Co. Kildare.
Restoration of existing excavated gravel pit to
agricultural land by importing c.1,500,000 tonnes of
inert materials for which a waste licence
is required to be issued by the EPA

The development can be categorised as both a
'landfill' development and a 'waste recovery'
development.

The rate for both categories is €15,000 per hectare.

Waste Recovery Developments – Para 8 (viii) of the CDS 2015-2022			
Landfill Developments – Para 8 (ix) of the CDS 2015 - 2022			
Hectare	Rate per Hectare	Levy to be applied	
10.7ha	€15k	€160,500.00	
Comments ***	€15,000 X 10.7ha = €160,500.00		
Levies Applicable		€160,500.00	
Signature:		Joanne Percival	<i>Joanne Percival</i>
Date:		20/01/2017	

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Written Statement of Decision Maker (Chief Executive)

It is noted that the Environmental Impact Assessment carried out by the Executive Planner and reported on in the EIA Report dated 19/01/2017, and approved by the Senior Planner and Director of Services, has been carried out giving full consideration to the Environmental Impact Statement and all plans and other particulars received by the Planning Authority 23/05/2016, the further information received on 21/10/2016, all County Council internal department reports, and all submissions and observations received from prescribed bodies and third parties made in relation to the environmental effects of the proposed development.

It is considered that the EIA Report dated 19/01/2017 contains a fair and reasonable assessment of the likely significant effects of the proposed development on the environment. The EIA Report is adopted as the assessment of the Planning Authority of Kildare County Council.

It is considered that all anticipated effects on the environment from the proposed development have been comprehensively evaluated in the EIA Report. The nature and extent of the anticipated effects on the environment as identified in the EIA Report can be suitably mitigated, reduced and/or avoided, where required, subject to specific conditions in the grant of planning permission.

Signed: 
Chief Executive

20/1/17

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