

Administration
Environmental Licensing Programme
Office of Environmental Sustainability
Environmental Protection Agency
Headquarters
PO Box 3000
Johnstown Castle Estate
County Wexford



Date:	Your Ref:	Our Ref:
22/03/2017	Reg. No. W0295-01	WL: Article 12 Compliance Requirements

Dear Sir / Madame,

With reference to the Notice issued in respect of the above referenced licence application (W0295-01) please see below a response to each of the 5 questions posed:

1: The facility manager, Mr Christopher O'Neill's telephone number will be as follows 045-528577 and his mobile number will be 0872576118.

2: The C&D Waste recovery area has been designated as a 10m x 10m 150mm thick concrete temporary hardstand area located on a minimum of 225mm blinded hard core base. It is proposed to locate the area to the south east of the site as drawn. No drainage arrangements have previously been made for the collection of potentially contaminated run-off from the quarantined material.

It is proposed here-in to construct the area in such a way as to divert any run-off to a holding tank for specialised removal. The material will be diverted to the holding tank only when there is quarantined material in situ on the designated area. A management procedure for the operation of the run-off water will be designed and put in place as part of the overall environmental management system.

Total rainfall in millimetres for Casement

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2017	26.1	63.6	n/a										89.7
2016	83.2	68.3	38.7	59.7	62.6	111.3	36.6	63.8	74.9	45.4	38.0	49.2	731.7
2015	63.4	30.5	56.4	56.2	96.4	17.4	62.5	67.5	26.2	39.4	114.3	206.3	836.5
2014	110.7	122.0	56.7	39.3	98.4	31.8	42.3	142.0	12.9	87.8	138.9	64.1	946.9
mean	63.8	48.5	50.7	51.9	59.1	62.5	54.2	72.3	60.3	81.6	73.7	75.7	754.3

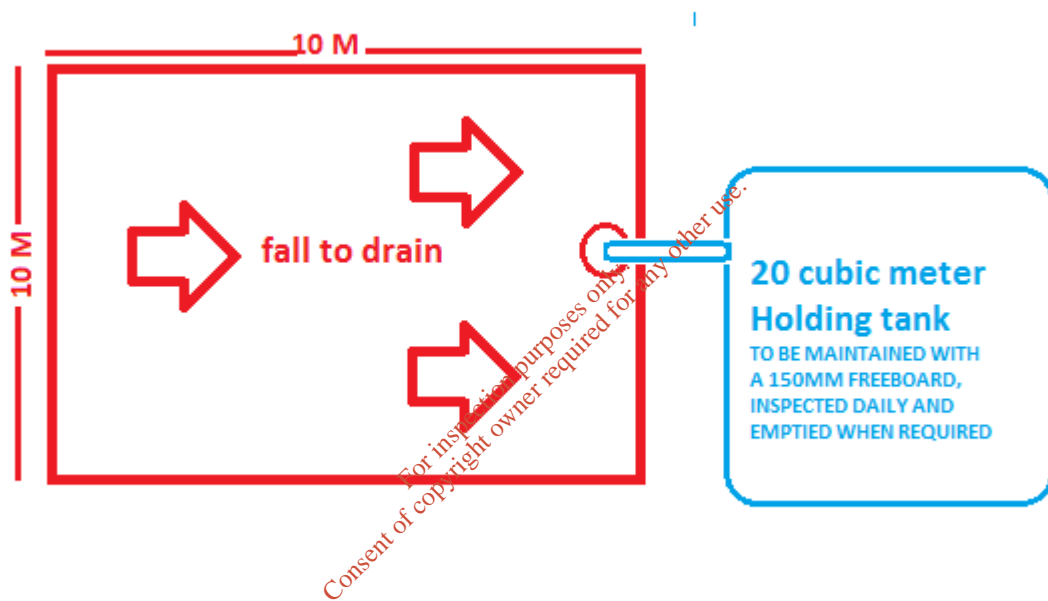
In the case that the average rainfall for the area (as measured from Casement Aerodrome, Baldonnell, Co Dublin) is 754.3mm annually the following would represent that volume annual runoff to be collected:

$$754.3\text{mm} = 0.7543\text{m} * 10\text{m} * 10\text{m} = 75.43 \text{ cubic metres annually.}$$

It is proposed to insert a 20 cubic metre holding tank for collection of run-off adjacent to the waste collection holding area. This tank will be inspected daily and emptied as required. A freeboard of 150mm will be maintained in respect of the tank.

In actual operational terms it is envisaged that quarantined material will be held in both skips, for any handpicked / segregated material and also in stored piles for loads of 170504 soil and stone which has been deemed to be unacceptable and must be removed to a properly licensed facility.

Fig. 1.0 shows a basic sketch of the proposed drainage arrangements



3. There is no permanent standing water on the site and occurrences are temporary and not prevalent permanently. It is noted that Google maps shows a considerable amount of standing water prevalent as per fig 2.0 below:

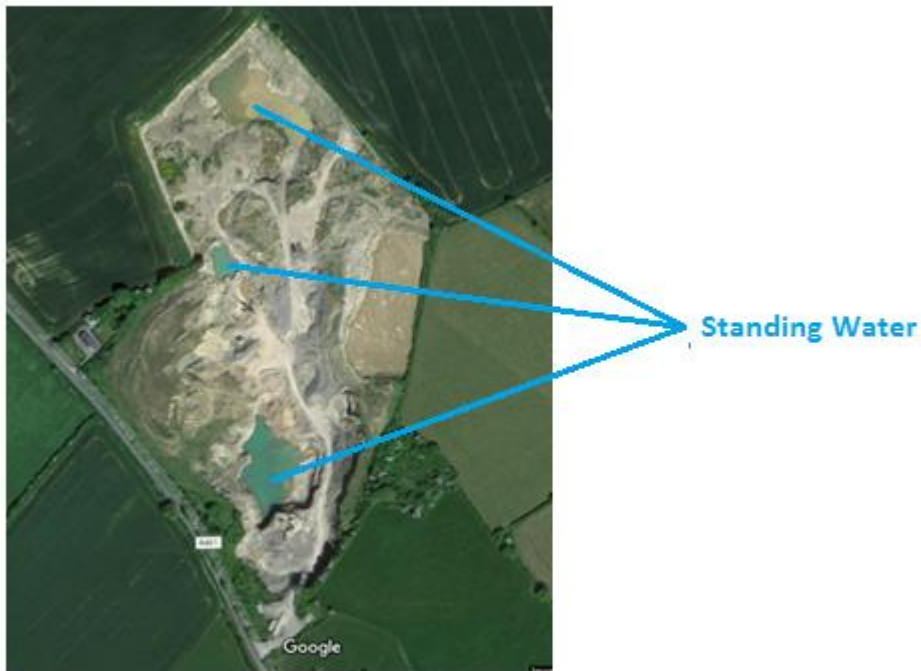


Fig. 2.0 Google Maps Depiction of Google maps



Fig 3.0 Photograph taken 10/03/2017 showing lowest area of the site.

As can be demonstrated from the photograph taken on 10/03/2017 there is no standing water present on the site at present.

It is imperative that it is understood that the water table has not been breached at any stage during the extraction phase of this development and nor will it be breached during any further extraction that will be carried out in parallel with the backfilling operations. Please refer to attached drawing No. 15134-P-05 attached which demonstrates that the Water table Level has been identified in September 2016 at 84.426 AOD by our consultants IE Consultants. The lowest recorded point at

RME Environmental, Drumgola House, Drumgola, Cavan, Co. Cavan

abstraction was 86.0 AOD which indicates that the extraction activities were a minimum of 1.6m above the water table and it was not breached at any time.

It is not envisaged that standing water will be an issue in the management of the site.

4.0 Quarrying activity Proposed on site

Due to the fact that there is some valuable sand and gravel deposits left to be extracted from the site it is envisaged that the extraction activities will take place on the site for the duration of the planning permission (3.5 years (2020)). The economic operators have estimated that there is 70,000 – 80,000 metric tonnes of sand and gravel remaining on site. This infers that there will be approximately 22,857 T to be extracted annually. With a maximum of 250 working days available this would amount to 91.48 tonnes per day which is approximately 4.5 loads of sand and gravel out.

The extraction process would be as follows:

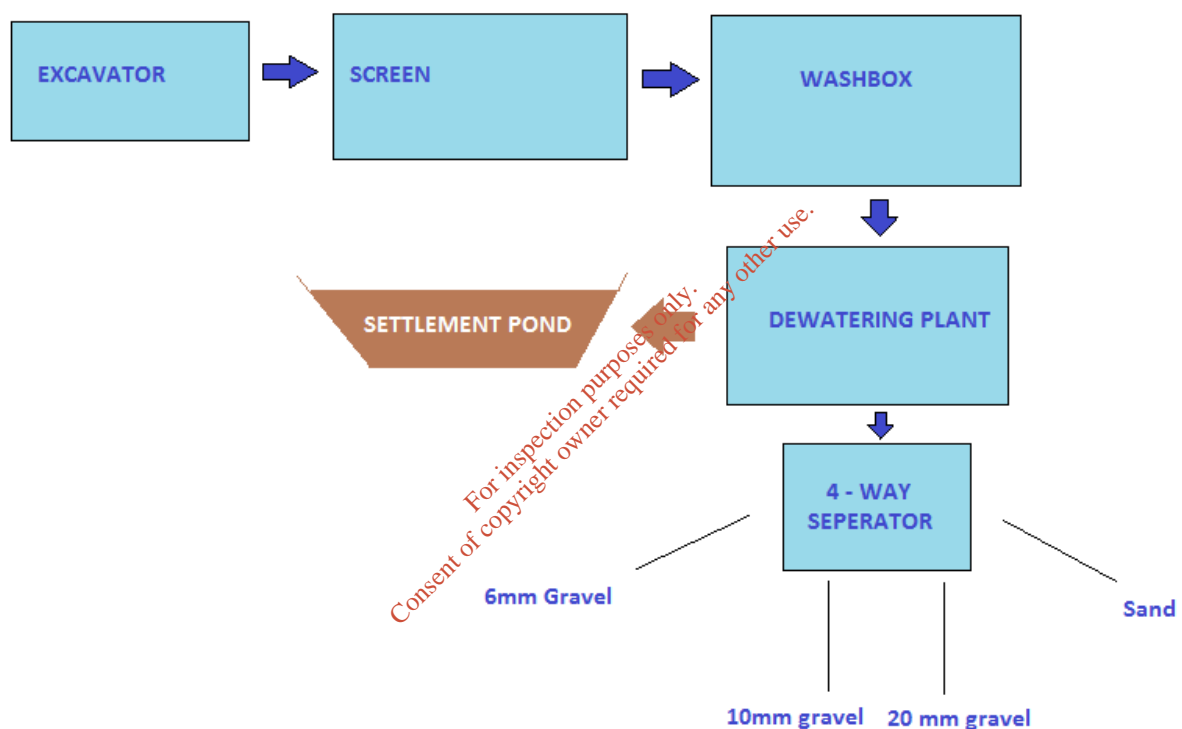


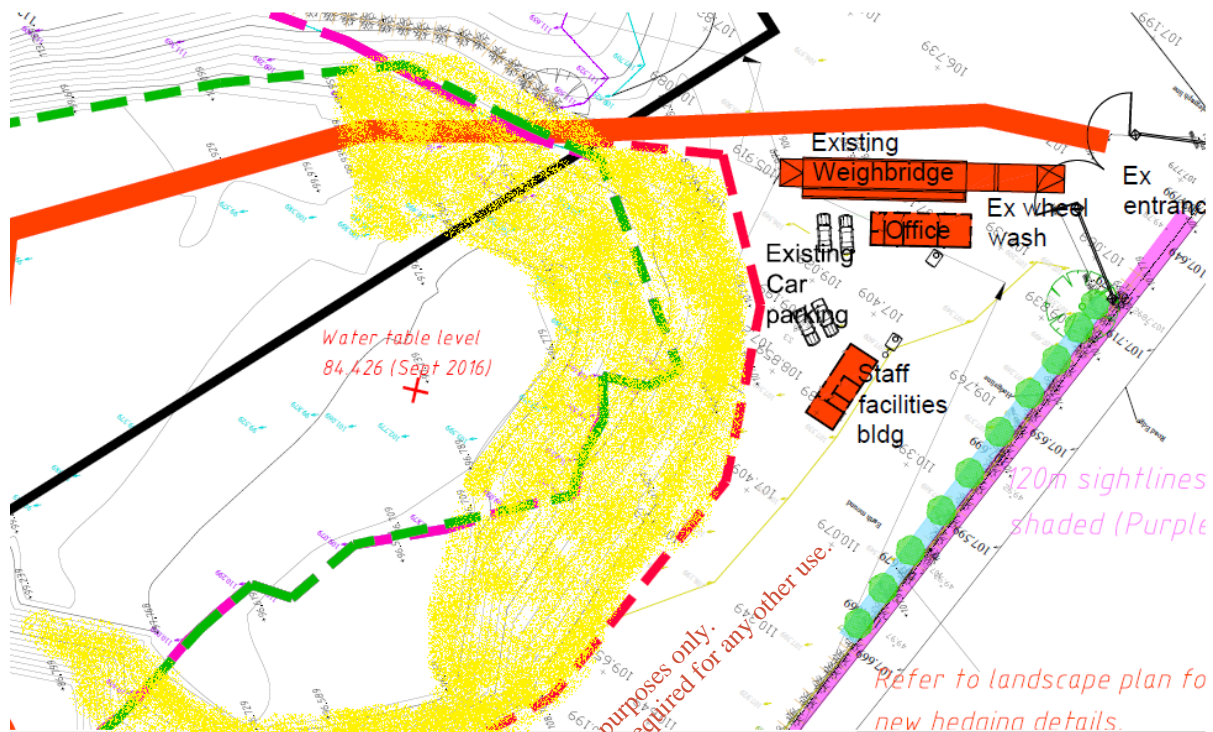
Fig 4.0 Proposed process flow for extraction phase

The material will be processed as depicted above and will be stockpiled local to the extraction area. Material will be removed in accordance with customer demand which will result in an ebb and flow in relation to movements of material but it is not envisaged that any more than 10 loads will be removed per day and the loads will be dispatched as a return load on an incoming soil and stone load.

In terms of the settlement pond it is envisaged that the wash water will be diverted to a settlement pond constructed with an earthen base and earthen side walls typical of this type of development. The washings will be clean as no contaminants / chemicals are used in the preceding process and the solid material will settle whilst the liquor will percolate off to the groundwater system.

The target area prescribed for further extraction is the area to the south of the site proximate to the site entrance. It is proposed to confine the extraction, processing and washings settlement to this area.

The area itself is highlighted in yellow in Fig.5.0 below:



5.0 The rationale for the selection of the stated Classes of activity was as follows:

Class of Activity	Description of Class	Rationale for inclusion
R3	Organic substance recycling/reclamation Recycling/reclamation of organic substances which are not used as solvents - recycling of waste paper and board; reprocessing and recycling of plastic waste; composting of bio waste and green waste; fermentation of biodegradable waste for biogas production (biogas plants).	This being a recovery Class this was included to cover the recovery of organic materials in incoming waste streams that would need to be quarantined, classified and recovered.
R4	Metal recycling/reclamation Recycling/reclamation of metals and metal compounds - recycling of scrap and production waste in steelworks; shredding and reprocessing of ELVs and WEEE; thermal treatment of cables or oil-contaminated metals; battery recycling; electrolytic recovery of silver from photo chemicals.	The rationale for the inclusion of this class is the recovery of metal and metal compounds which may be recovered from incoming materials and need to be quarantined, classified and recovered to an appropriately licensed facility.

R10	<p>Landspreading Land treatment resulting in benefit to agriculture or ecological improvement - use of sewage sludge in agriculture in compliance with the Sewage Sludge Directive; the spreading on land of compost from the treatment of separately collected biowaste; the use of manure in compliance with agricultural regulations; the use of mineral wastes as fertilisers in compliance with national legislation; landscape restoration, e.g. as final landfill cover; restoration of old disused quarries.</p>	<p>The rationale behind the inclusion of this class was to cover the consequential beneficial outcome of the activity which is land treatment resulting in benefit to agriculture or ecological improvement. This reflects the overall aim of the proposal and was included as such.</p>
D15	<p>Storage pending any of the operations numbered D1-D14 Does not apply to storage of waste prior to collection at the site at which it was generated. Temporary storage of waste prior to disposal is limited to a period of <1 year. Otherwise the provisions of the landfill Directive apply (Directive 1999/31/EC, Article 2(g)).</p>	<p>The rationale behind the inclusion of this Class was to allow coverage for the temporary storage of some quarantined waste materials prior to disposal at landfill or at a suitably licensed facility.</p>

In addition to the information as requested I wish to confirm to the Agency that Kildare County Council has granted the planning permission to the applicant without any 3rd party appeal. The applicant has made a 1st Party appeal to An Bord Pleanala regarding levies but the planning permission itself is granted in full. No changes will be made to same.



Date: 20/01/2017
Pl. Ref.: 16/526

HAND DELIVERY


Michael Ennis
C/o Kildare Architects & Design Ltd
Abbey House
White Abbey Road
Kildare Town
Co. Kildare

Notification of a decision under Section 34 of the Planning & Development Act 2000-2015
Planning Register Number: 16/526
Application Received Date: 23/05/2016
Further Information Received Date: 18/11/2016

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 20/01/2017 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:- 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** subject to **33 conditions** set out in the schedule attached.

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

Date: 20/01/2017


Senior Executive Officer Planning
Kildare County Council

PLEASE ARRANGE TO REMOVE SITE NOTICE

Any appeal against the decision of a Planning Authority under section 37 of the Planning and Development Act 2000-2015 may be made to An Bord Pleanála, Marlborough Street, Dublin 1. First and third party objections must be received by the Board within 4 weeks beginning on the day of making the decision by the Planning Authority. The appeal must be fully complete from the start - you are not permitted to submit any part of it later even within the time limit. Any appeal made within the statutory appeal period to An Bord Pleanála will be invalid unless accompanied by

I attach as attachment to this document a copy of the full planning permission for your file.

I trust that this response is adequate and request that should you have any further information requests that you do not hesitate to contact me.

Yours Sincerely,

Raphael Mc Evoy MSc

RME Environmental

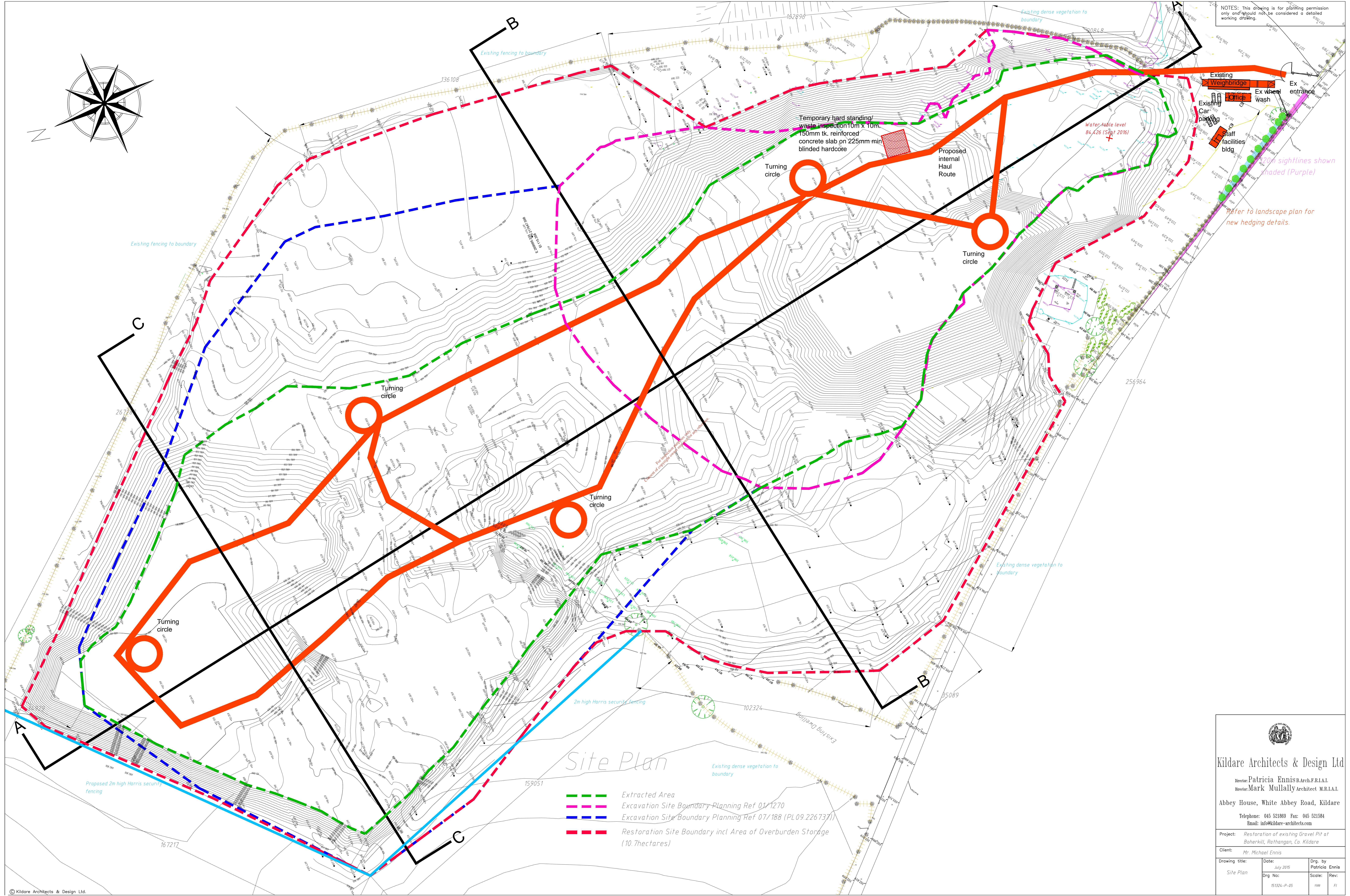
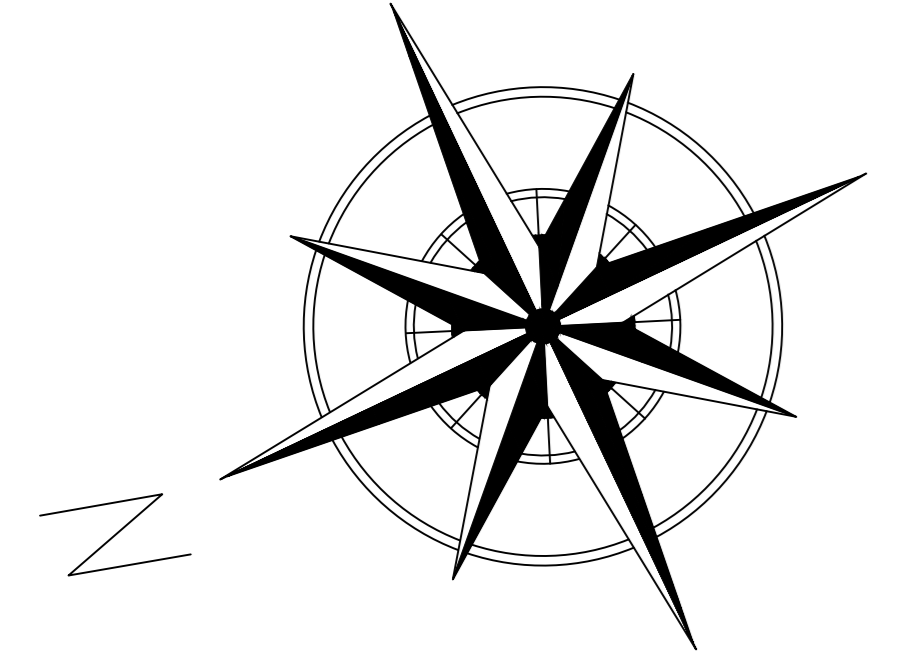
Encl: 1 original of the submission and 2 copies. In addition two copies in electronic searchable PDF format attached on CD-ROM.

Attachments to Document:

ATTACHMENT 1	Drawing 151324-P05fi
ATTACHMENT 2	Notification of Grant of Planning Permission
ATTACHMENT 3	Notification from An Bord Pleanala of First Party Appeal

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Consent of copyright owner required for any other use.*

NOTES: This drawing is for planning permission only and should not be considered a detailed working drawing.



Temporary hard standing/
waste inspection 10m x 10m.
150mm tk. reinforced
concrete slab on 225mm min
blinded hardcore

Proposed
internal
Haul
Route

Turning
circle

Turning
circle

Turning
circle

Turning
circle

Turning
circle

Existing Weighbridge
Office
Car parking
Staff facilities bldg
Ex wheel wash
Ex entrance

Water table level
84.426 (Sept 2016)

2m sightlines shown
(shaded (Purple))
Refer to landscape plan for
new hedging details.

Site Plan

- Extracted Area
- Excavation Site Boundary Planning Ref 01/1270
- Excavation Site Boundary Planning Ref 07/188 (PL09.226737)
- Restoration Site Boundary incl Area of Overburden Storage (10.7hectares)



Kildare Architects & Design Ltd

Director: Patricia Ennis B.Arch.F.R.I.A.I.
Director: Mark Mullally Architect M.R.I.A.I.

Abbey House, White Abbey Road, Kildare

Telephone: 045 521869 Fax: 045 521584
Email: info@kildare-architects.com

Project: Restoration of existing Gravel Pit at
Boherkill, Rathangan, Co. Kildare

Client: Mr. Michael Ennis

Drawing title:	Date:	Org. by:
Site Plan	July 2015	Patricia Ennis
	Org No:	Scale:
	151924-P-05	1:500
		Rev:
		F1



Date: 20/01/2017
Pl. Ref.: 16/526

HAND DELIVERY

Michael Ennis
C/o Kildare Architects & Design Ltd
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Notification of a decision under Section 34 of the Planning & Development Act 2000-2015

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

Date: 20/01/2017


Senior Executive Officer, Planning
Kildare County Council

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accompanied by

- 1 Confirmation of submission to Planning Authority
- 2 The correct statutory fee, (Fees payable to the Bord on or after 5th September, 2011)
 - i. Appeal by 1st party relating to commercial development where the application included the retention of development - €4,500 or €9,000 if an EIS or NIS involved.
 - ii. Appeal by 1st party relating to commercial development (no retention element in application) - €1,500 or €3,000 if EIS or NIS involved.
 - iii. Appeal by 1st party non-commercial development where the application included the retention of development - €660
 - iv. Appeal by 1st Party solely against contribution condition(s) – (2000 Act and amendments Section 48 or 49) - €220
 - v. Appeal following grant of leave to appeal
 - vi. An Appeal other than referred to in (i) to (v) above - €220

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

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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/>

Information Note – Public Water and Waste Water Networks Connections

On the 1st of January 2014, Irish Water became the statutory body with the responsibility for all water services, both water and waste water. The provision of a water services connection will be carried out by Irish Water in partnership with each Local Authority.

Any persons seeking a connection to any of Irish Water's networks should make an application in the first instance to their Local Authority who will act on behalf of Irish Water in processing the application.

A Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Since the 1st of January 2014 Irish Water has been applying Interim New Connection Charges (Infrastructure Fee and Connection Fee) that are the equivalent of both the water and waste water portion of Development Levies and Connection Fees previously charged by the Local Authorities.

The previous Local Authority Development Levy is now called an Infrastructure Fee and the previous Local Authority Connection Fee is now called a Works Fee. Both these fees are charged by Irish Water as they were in the Local Authorities on the 31st of December 2013.

Where planning permission was granted prior to the 1st of January 2014, Local Authorities will continue to bill and collect the water and waste water portion of Development Levies (Infrastructure Fee) as previously and subsequently transfer this to Irish Water. Irish Water will charge a Works Fee equivalent to the Connection Fees as they were in the Local Authorities on the 31st of December 2013.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Irish Water.

Similarly under the provisions of Section 61(1)(a) of the Act, it is an offence for a person to cause or permit the connection of a premise to the public waste water collection network, either directly or indirectly, without the agreement of Irish Water.



Date: 20/01/2017
Pl. Ref.: 16/526

HAND DELIVERY

Michael Ennis
C/o Kildare Architects & Design Ltd
Abbey House
White Abbey Road
Kildare Town
Co. Kildare

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

Dear Sir/Madam,

I refer to the above application for planning permission and the Notification of the Council's Decision to GRANT Permission made on the 20/01/2017 and I am now to inform you that the requirements of the Environmental Health Officer (as set out hereunder) must also be complied with:

1. No organic waste is deposited at this site
2. Waste soils shall only be accepted between the hours of 8.00 and 18.00 Monday to Friday (inclusive), excluding Bank Holidays, and between the hours 8.00 and 12.00 on Saturdays.
3. Equivalent sound levels (Leq) attributable to all on site operations associated with the development shall not exceed 50dB (A) over a continuous four hour period between 0800 hours and 1800 hours Monday to Saturday when measured outside any dwelling house in the vicinity of the site.
4. Noise due to the normal operation of the proposed development, expressed as Laeq over **15 minutes** at the façade of noise sensitive premises (adjacent dwellings), shall not exceed the background level at all other times.
5. The total dust emission arising from the on-site operations associated with the development shall not exceed 130 milligrams per square metre per day


Comhairle Contae Chill Dara
Kildare County Council



averaged over a continuous period of 30 days when measured as deposition of insoluble particulate matter at any positions along the boundary of the site.

6. A wheel wash should be established and maintained at the facility. Drainage from the wheel wash shall be to a collection system.
7. Instruction shall be given to ensure that vehicles and plant arriving and leaving the site comply with the stated hours of work. Machines in intermittent use shall be shut down or throttled down to a minimum when not in use.
8. Care shall be taken to reduce noise when loading or unloading vehicles or moving materials, etc.
9. Burning of materials on site is not permitted.

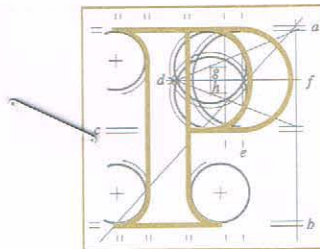
Yours faithfully,


Senior Executive Officer.

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Our Ref: PL 09.248013
P.A.Reg.Ref: 16/526

Your Ref: Michael Ennis



An
Bord
Pleanála

Kildare Architects and Design Ltd.
Abbey House,
White Abbey Road,
Kildare.

17th February 2017

Appeal **Re:** Restoration of existing excavated gravel pit.
Boherhill, Rathangan, Co. Kildare.

Dear Sir/Madam,

An Bord Pleanála has received your appeal under the Planning and Development Acts 2000 to 2015. A receipt for the fee lodged is enclosed.

As the appeal relates solely to the proper application by the planning authority of the terms of their development contribution scheme adopted under section 48 of the Act in respect of the condition under appeal, and as there are no other appeals against the decision of the planning authority on the planning application, the provisions of section 48(10)(b) and (c) of the Act apply to this appeal provided the appeal is valid.

Section 48(10)(c) of the Act provides that the planning authority shall, subject to the applicant furnishing to the planning authority security for payment of the full amount of the contribution specified in the condition the subject of the appeal, make the grant of permission as soon as maybe after the expiration of the period for the taking of an appeal.

The Board will determine the appeal on the basis of the proper application of the terms of the development contribution scheme and will issue appropriate directions to the planning authority when it has determined the appeal.

You are reminded that section 127(3) of the Act provides that an appellant shall not be entitled to elaborate in writing on, or make further submissions in writing in relation to the grounds of appeal stated in the appeal, or to submit further grounds of appeal unless requested by the Board to do so.