



1.0 INTRODUCTION

1.1 Background

This document comprises an Environmental Impact Assessment Report (EIAR), prepared to support a Waste Licence application being made by GCHL Ltd (hereafter referred to as the Applicant / GCHL) to the Environmental Protection Agency (EPA) for authorisation to import waste soil and stone to restore a worked out sand and gravel pit using inert waste materials to a landform that ties in with surrounding land contours. The restoration will involve the phased dewatering and infilling of 2 No. ponds at the Site.

The Application Site ('the Site') is located in the townland of Ballinderry, Carbury, Co. Kildare, ca. 5 km north of Carbury and ca. 3.5 km south of the M4 junction near Broadford (Figure 1.1). The Site measures ca 13.9 hectares (ha) in total and comprises a former worked out sand and gravel pit with 3 No. ponds on site. (Figure 1.2).

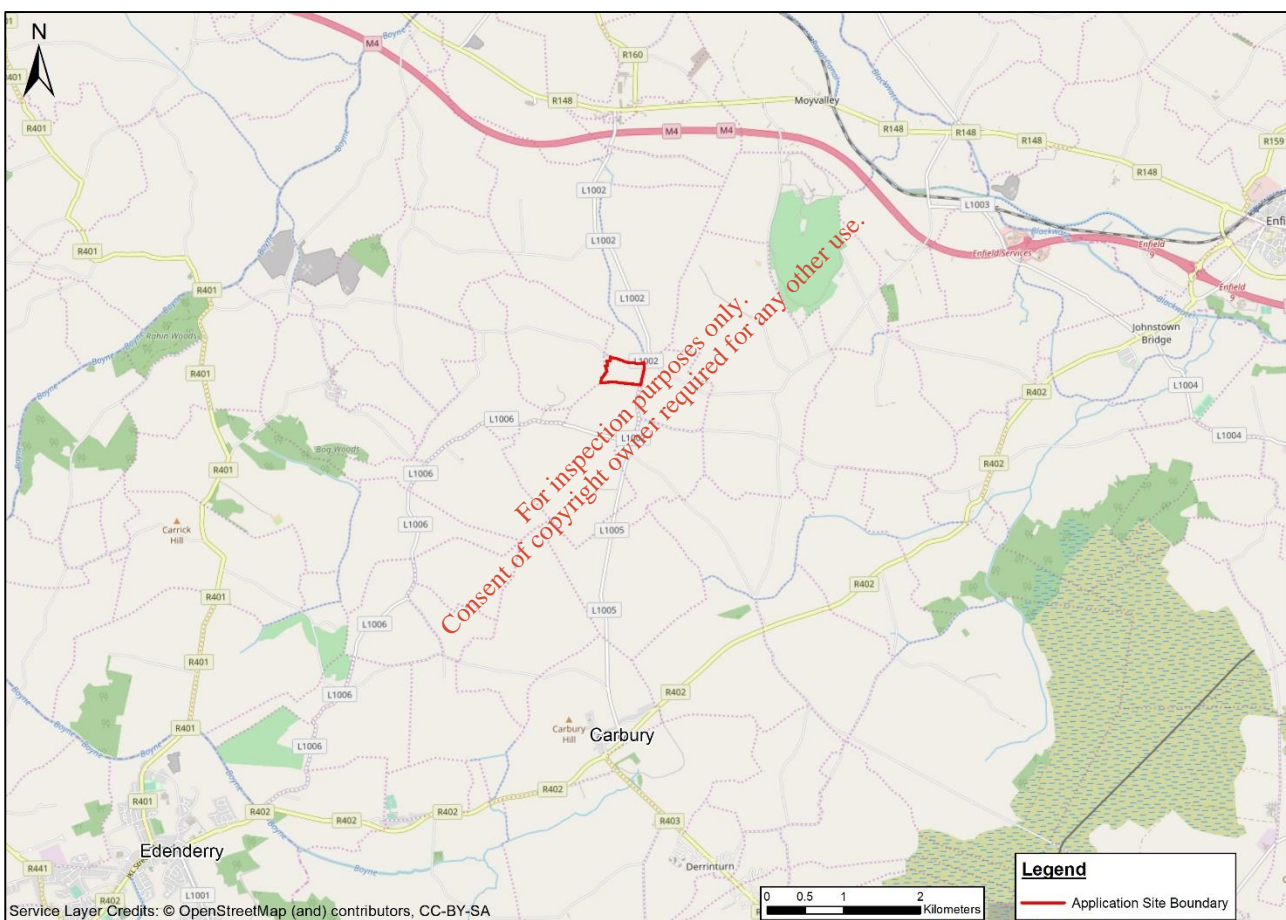


Figure 1.1: Site Location (outlined)

This EIAR has been prepared by Golder Associates Ireland Limited (Golder), with the support of other consultancy advisors and GCHL. A list of the main contributors to this EIAR is provided in Section 1.9 below. Key areas of information presented within this EIAR concern the nature and extent of the proposed development, the character of the receiving environment and likely interactions between the two that could result in significant environmental impacts. Information presented on the receiving environment identifies the intrinsic value and importance of potential impact receptors.

1.2 Need for an Environmental Impact Assessment Report

Directive 2011/92/EU of the European Parliament and Council (the EIA Directive) requires the assessment of certain public and private projects which are likely to have significant effects on the environment.



Such projects by virtue of certain characteristics, such as their nature, size or location, are made subject to a requirement for development consent and an assessment with regard to these environmental effects. This process is termed an Environmental Impact Assessment (EIA).

As such the EIA, and resultant EIAR (formerly EIS), undertaken by the competent party, will include an integrated evaluation of potential impacts of a project on aspects of the natural environment, including man-made structures and amenities, and on the social environment.

The EIA Directives have been transposed into Irish law through the Planning and Development Acts, 2000 – 2016 and Part 10 of the Planning and Development Regulations, 2001 – 2015. It is noted that Directive 2014/52/EU was due to be transposed into Irish law by 16 May 2017, however this process has been delayed. Notwithstanding the above, regard has been had to this directive in the preparation of this Report and the Circular Letter PI 1/2017 issued by the Department of Housing, Planning, Community and Local Government (15 May 2017) on the implementation of Directive 2014/52/EU.

The aim and approach of an EIAR is to:

- Identify and predict impacts of the proposed development;
- To describe the extent by which the impacts can be reduced or improved;
- To interpret and communicate information about these impacts; and
- To provide an input into the decision making and planning process.

1.3 Overview of Proposed Development

The proposed development (Figure 1.2) will involve the restoration of a worked out sand and gravel pit using the recovery of inert soils, subject to securing a Waste Licence Application. A summary of the proposed development is outlined below.

The proposed pit restoration project and inert soil recovery facility at Ballinderry Pit will involve:

- Acceptance and use of approximately 685,742 m³ (1,234,355 tonnes) of imported inert natural materials, comprising excess soil, stones and/or broken rock, to restore the existing worked out sand and gravel pit to a contoured landform that will be in keeping with the surrounding landscape;
- Installation of temporary site infrastructure and services including staff welfare facilities, hardstand areas, fuel and water storage tanks, waste inspection and quarantine facility. A weighbridge (with dedicated office) and wheel wash are existing on site;
- Segregation of any construction and demolition waste (principally concrete, metal, timber, PVC pipes and plastic) imported to site inadvertently prior to removal off-site to authorised waste disposal or recovery facilities;
- Temporary stockpiling of topsoil for re-use as cover material for final restoration of the site;
- Restoration of the backfilled void (including placement of cover soils and seeding) and establishment of an agricultural grassland habitat similar to that which existed prior to quarrying;
- Environmental monitoring of noise, dust, surface water and groundwater for the duration of the site restoration works and for a limited period post closure; and
- The existing void will be backfilled using inert soil materials imported from external, pre-approved development sites. No contaminated soils or hazardous/non-hazardous waste will be accepted at the proposed recovery facility.

The layout of the existing site is shown in Figure 1.2.



Figure 1.2: Existing Site Layout

1.4 Planning History

The following planning history was summarised from a Condition 12 Report prepared by G.F. Parker & Associates in 2017 on behalf of GCHL for submission to Kildare County Council for the restoration of the pit.

The site was the subject of a planning application made by Declan Brassil and Company Limited (D. Brassil) on behalf of Goode Concrete Limited to Kildare County Council (KCC), the relevant planning authority, in 2002. An Environmental Impact Statement (EIS), prepared by D. Brassil, accompanied the planning application (Register Reference 02/1475). The EIS was received Kildare County Council's Planning Department on 6 August 2002. On 21 October 2003 KCC refused permission for the proposed development.

The decision of KCC was appealed by Goode Concrete to An Bord Pleanála (ABP) and on 17 September 2004 (file number PL 09.205039) ABP granted planning permission for the following:

PROPOSED DEVELOPMENT: *Extraction of sand and gravel over an area of 7.8 hectares, associated washing and screening plant, new access and access road, shipping office, site office, weighbridge, wheelwash, surface water settlement lagoon, staff facilities and all associated development and landscaping works on an overall site of approximately 13.9 hectares as amended by the revised public notice received by the planning authority on the 9th day of May, 2004 comprising the re-alignment of the county road bounding the north of the site (L5004) to form a new junction with the county road bounding the east of the site (L1002) and a new site access to the re-aligned county road at Ballinderry, Carbury, County Kildare.*

ABP did not agree with the recommendation of its own inspector to refuse planning permission because of the proposed extraction below the water table by Goode Concrete. Instead, the Board granted permission with a condition inserted (Condition 4) that limited the extraction to 1m above the highest groundwater level recorded at the point of extraction/excavation.



The Planning Permission was subject to 24 conditions. A review of the key conditions relating to the restoration is as follows:

Condition 1 states: *The development should be carried out in accordance with the plans and particulars lodged with the planning authority, including the Environmental Impact Statement, as amended by the documentation received by the planning authority on the 24th day of April 2003 and the 27th day of August 2003, except as may be required in order to comply with the following conditions.*

Condition 2 states: *Subject to compliance with condition 12 of this order, relating to restoration of the site, this permission shall be valid until the 30th day of September, 2012, by which date all development on site shall otherwise be complete.*

Condition 4 states: *No extraction or excavation shall take place below one metre above the highest water table recorded at the point of extraction/excavation.*

Condition 12 states: *The extraction site, reduced in accordance with Conditions 1 and 4, shall be restored in accordance with a phased restoration programme, the final phase of which shall be completed within one year of the cessation of production of materials. A detailed restoration plan shall be submitted to the planning authority for written agreement. The restoration plan shall include the following:*

- (a) provision for the removal from the site of structures and plant associated with the extraction operations and of waste materials that are not required for restoration purposes,*
- (b) details of the nature of any filling materials that may have to be imported on the site for restoration purposes and the method and timing of any filling operation arising from such importation,*
- (c) provision for the suitable preparation and grading of the area to be restored by the use of imported materials, waste materials or overburden materials,*
- (d) provision for spreading over the area to be restored, the sub-soil and topsoil or imported sub-soil and top-soil if required,*
- (e) details of the final surface levels of the restored area, which levels shall be such as to allow satisfactory drainage of and outfall from the site and provision for the restoration of the natural surfaces and sub-soil drainage of the area to be restored,*
- (f) details of the slopes to which the face of the pit shall be graded. The plans submitted shall be revised to ensure a more natural appearance rather than the engineered finish proposed in the application,*
- (g) details of the aftercare measures, such as cultivation, seeding, planting and subsequent maintenance and management, which it is proposed to take in order to render such area of land restored and its condition suitable for use which shall be appropriate to the area, and (h) a detailed programme for the implementation of the restoration or operations required by this condition, including an indication of the dates relative to the progress of the sand and gravel extraction by which each phase of restoration shall be completed.*

Kildare County Council contends that a number of conditions were not complied with, and consequently enforcement investigations and actions were initiated and have been ongoing by the planning authority since August 2010. In addition, Notices of Motion and Draft Orders in relation to this site have been before the High Court since January 2016. In this regard a grounding affidavit to a Notice of Motion dated 18 January 2016 in the High Court between Kildare County Council (the Applicant) and LCP Manufacturing Limited (First Respondent) and Goode Concrete Limited - In Receivership (Second Respondent) was prepared by Mr Colm Lynch, Executive Engineer KCC. This affidavit, dated 8 December 2015 contains information in relation to enforcement investigations and actions, alleged non-compliances with the planning permission and other related matters. Mr Lynch asserts that Conditions 1, 2, 4, 10, 12, and 23 have not been complied with by the Respondents.



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Mr Barry Goode on behalf of the First Named Respondent replied to Mr Lynch's affidavit via his own affidavit dated 12 February 2016. He asserts that Condition 1 was complied with. He accepts that Condition 2 was not complied with because there was a need to continue with the extraction because Goode Concrete was in financial difficulty. In regard to Condition 4 it is now a matter of fact that extraction has taken place below the water table. However, as outlined by Mr Barry Goode an assessment of the impact of this on groundwater and surface water was carried out by Trinity Environment on behalf of Goode Concrete and a report was prepared by Trinity in October 2015. This report was attached to Mr Barry Goode's 12 February 2016 affidavit (Exhibit BG2).

Mr Goode indicated that Condition 12 was not complied in so far as the site has not been restored, but asserts that a Condition 12 proposal was submitted to the planning authority for its agreement by John J Cross Architects via a letter and drawings dated 18 June 2013. Mr Barry Goode states that no reply from the planning authority to this restoration proposal letter was ever received. However, there is a KCC a reply letter dated 24 June 2013 on file that states: "Thank you for your recent correspondence. We will revert to you in due course. This matter is being dealt with by Development Management & Compliance section."

The legal matters described, in brief, above were brought before the High Court several times in 2016. A court order was issued to the respondents on 21 November 2016 under Section 160 of the Planning and Development Act 2000 and the relevant elements of the Order that was agreed between the parties and handed into the Court at the last hearing of the case relating to the restoration of the site is presented below:

THE COURT DOTH ORDER:

- 1) The Respondents their successors and assigns to cease forthwith the unauthorised quarry development being carried out at the property situate at Ballinderry, Carbury in the County of Kildare, part of which property is comprised in Folio no KE9702 and as depicted in aerial photograph, taken on the 30th September, 2015, and which appears at annex 1 herein (hereinafter referred to as the "property") consisting of the following:
 - i) The unauthorised development and use of a quarry for the excavation and processing of quarry materials consisting of sand and gravel.
 - ii) Breaches of conditions 1, 2, 4 and 12 of Planning permission register reference 02/1475.
- 2) An Order directing the unauthorised use of the property, consisting of the excavation and processing of quarry material on the property, together with the importation of subsoil and inert material into the property to cease forthwith pending the Respondents their successors and assigns being in receipt of the appropriate Article 27 permission, licence, permit, authorisation, permission, approval or consent, as required by the EPA.
- 3) The respondents their successors and assigns or one or other of them, shall within a period of 12 weeks from the date of service of the within court order on the respondents, send to the EPA all appropriate documentation in respect of the remediation and rehabilitation of the property together with a request that the Environmental protection agency consider and decide whether any article 27 permission, licence, permit ,authorisation, permission ,approval or consent is required for the restoration and rehabilitation of the property.
- 4) If the EPA decide that any Article 27 permission, licence, permit, authorization, permission, approval or consent is required to be carried out by suitably qualified personnel on behalf of the Respondents, their successors and assigns or one or other of them, the Respondents, their successors and assigns or one or other of them, shall submit to the EPA all necessary applications for such licences, permits, authorisations, permission, approvals or consent within six weeks from the date of such decision by the EPA.

The court order has directed such restoration to be completed in accordance with the appropriate waste authorisation in order to comply with Condition 12 of the ABP Planning Permission (file number PL 09.205039).

The court order dated 21 November 2016 is contained in Appendix 1.1.



1.5 County Development Plan Context

1.5.1 Kildare County Development Plan (2017 - 2023)

The Kildare County Development Plan, Section 10.7.4 (2017-2023) recognises that sand and gravel workings can easily be restored for agricultural use, however post closure uses must have regard to the likely land use context at time of closure. The Plan also recognises that the industry can have damaging environmental effects and states that permission will only be granted where the Council is satisfied that residential and natural amenities will be protected, pollution will be prevented and aquifers and groundwater safeguarded.

In Section 10.7 of the Plan, Kildare County Council's aim in relation to mineral resources is *'To ensure that all existing workings are rehabilitated to suitable land-uses and that extraction activities allow for future rehabilitation and proper land-use management Policies'*.

As part of its commitment to development management standards Kildare County Council has regard to the following policies when it comes to waste management:

It is the policy of the Council:

WM 1: To implement European Union, National and Regional waste related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes.

WM 2: To have regard to European Union, National and Regional policy relating to air quality, light pollution and noise pollution and to seek to take appropriate steps to reduce the effects of air, noise and light pollution on environmental quality and residential amenity.

WM 3: To support the implementation of the Eastern Midlands Region Waste Management Plan 2015-2021 by adhering to overarching performance targets, policies and policy action.

WM 4: To support waste prevention through behavioural change activities that disassociates economic growth with resource use.

WM 5: To provide, promote and facilitate high quality sustainable waste recovery and disposal infrastructure and technology in keeping with the EU waste hierarchy and to adequately cater for a growing residential population and business sector.

WM 6: To seek the provision of adequately sized public recycling facilities in association with new commercial developments and in tandem with significant change of use / extensions of existing commercial developments where appropriate.

WM 7: To secure appropriate provision for the sustainable management of waste within developments, including the provision of facilities for the storage, separation and collection of such waste.

WM 8: To require the submission of either a certificate of exemption or a valid planning permission for a Waste Facility Permit or a Certificate of Registration application, in accordance with the Waste Management (Facility Permit and Registration) Regulations 2007 as amended.

WM 9: To provide each town, village or settlement, subject to the availability of finance with appropriate recycling facilities in the form of a kerbside collection, civic site and bring bank recycling facilities.

WM 10: To encourage waste prevention, minimisation, reuse, recycling and recovery as methods of managing waste. Where waste management is not being carried out properly, the Waste Management Act 1996 as amended, will be used as a means of ensuring specific national policies and regulations are adhered to.

WM 11: To promote and facilitate communities to become involved in environmental awareness activities and community-based recycling initiatives or environmental management initiatives, which will lead to local sustainable waste management practices.

WM 12: To ensure the provision of waste management facilities in County Kildare (either directly by the Council or in co-operation or partnership with other local authorities and the private sector) is subject to the specific requirements of the Eastern-Midlands Region Waste Management Plan 2015-2021.



The Applicant has taken into account the policies of the county development plan in the preparation of this EIAR.

1.5.2 Objectives

In terms of waste management within the county, the development plan has the objectives of:

EN 1: To promote environmental protection through education.

EN 2: To facilitate the implementation of the Eastern – Midlands Region Waste Management Plan 2015-2021.

EN 3: To investigate the possibility of the provision of a recycling facility in the north of the county and to seek new markets for recycling in existing centres.

EN 4: To facilitate the implementation of the Kildare Noise Action Plan 2013-2018 and Litter Management Plan 2016-2019 and any subsequent amendments during the period of this Plan.

EN 5: To continue the monitoring and review of the trade effluent discharge licences of effluent and to include food service establishments in this monitoring.

EN 6: To continue to monitor air quality at selected locations throughout the county in co-operation with the Health Service Executive and the Environmental Protection Agency.

EN 7: To require the submission of Annual Environmental Reports (which require ongoing monitoring of specified environmental parameters) on specified developments through the planning process.

EN 8: To investigate and develop best practice guidelines in relation to design, location and size of bin storage areas in apartment or higher density housing schemes.

EN 9: Implement the objectives of the National Waste Prevention Programme at a local level with businesses, schools, householders, community groups and within the Council's own activities.

The Applicant fully recognises and supports these objectives.

The Eastern-Midlands Region Waste Management Plan 2015-2021

Kildare falls under the control of the Midland Waste Management Plan (2015-2021) which was published by Dublin City Council in May 2015.

Section 7.3 of the plan addresses 'priority waste' streams, including construction and demolition waste. It notes an increase in construction related activity during 2014 and emphasises the importance of ensuring that appropriate processing facilities are in place to facilitate increased reuse, recycling and recovery of all C&D waste streams.

Section 11.2.2 of the plan presents an overview of construction and demolition waste streams. It identifies that in 2012, 41% of all recorded C&D waste collected and managed in the region comprised inert soil and stones. The plan noted that these figures were obtained during a period of economic downturn which suggests that the current economic boom will yield larger volumes of inert C&D waste to be managed.

Section 11.2.2 discusses a decline in the number of operational landfills in recent years and the need for alternative recovery options that will be required to facilitate the recovery of C&D waste arisings in future years. The plan also raises the question as to whether or not the placement of inert waste at many of the infill sites used in the past is an appropriate land use strategy or indeed the best use of a potentially recyclable material. It further notes the use of soil materials to fill voids and for other remediation and landscaping applications.

It is considered that the proposed recovery of soil and stone waste in the proposed backfilling and restoration of Ballinderry Pit largely complies with the policy objectives for C&D waste set out in the current waste management plan for the Eastern Midland Region.



1.6 EIAR Scoping, Methodology and Format

A scoping exercise was conducted to determine the content and extent of the matters which should be considered and assessed in the EIAR. The assessment of each topic is carried out in a 'grouped format structure' which examines the existing environment, the proposed development, impacts and mitigation measures for each of the respective topics in isolation. The scoping of the EIA was conducted with reference to the below legislation, guidance and considerations:

- The EIA Directive (Directive 2011/92/EU), the *Planning and Development Acts 2000-2015*, and the *Planning and Development Regulations, 2001-2015*;
- Consideration was given for the new EIA Directive 2014/52/EU (adopted on 16th April 2014, and which came into force on 15th of May 2014) and Circular Letter PL 1/2017 - Implementation of Directive 2014/52/EU on the Effects of Certain Public and Private Projects on the Environment (EIA Directive), 15 May 2017;
- Key Issues Consultation Paper - Transposition of 2014 EIA Directive (2014/52/EU) in the Land Use Planning and EPA Licencing Systems, 02 May 2017;
- Advice Notes on Current Practice in the preparation of Environmental Impact Statements (Environmental Protection Agency, 2003), and, Advice Notes for Preparing Environmental Impact Statements (Draft, Environmental Protect Agency, 2015);
- Guidelines on the Information to be contained in Environmental Impact Statements (Environmental Protection Agency, 2002), and, Revised Guidelines on the Information to be Contained in Environmental Impact Statements (Draft, Environmental Protect Agency, 2015);
- Guidelines for the Preparation of Soils, Geology and Hydrogeology Chapters of Environmental Impact Statements (Institute of Geologist of Ireland, 2013);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Environment, Community and Local Government, 2013);
- Environmental Management in the Extractive Industry: Guidelines for Regulators 2006;
- Department of the Environment, Quarries and Ancillary Activities, Guidelines for Planning Authorities 2004;
- Eastern-Midlands Regional Waste Management Plan 2015-2021; and
- Kildare County Council Development Plan 2017-2023;
- The aspects of the proposed development including the nature, scale and location;
- The anticipated concerns of local residents, businesses and relevant third parties; and
- The likely and significant impacts of the proposed development on local environmental vulnerabilities, such as designed landscapes, ecology, architectural or archaeological heritage. Practices and methods of reducing or eliminating undesirable impacts.

The 'grouped format approach' to this EIAR consists of 12 chapters which follow the same general format, below. Interactions between these different factors will be examined separately.

- An **Introduction** describing the purpose of the chapter;
- A description of the **Methodology** used in the chapter;
- A description of the aspects of the **Existing Environment** relevant to the environmental topic under consideration;
- An assessment of the **Impact** resulting from the proposed activities at the Site;
- Recommendations for **Mitigation** measures to avoid, reduce, and where possible remedy any significant negative impacts identified;



- An assessment of the **Residual / Likely Significant Effects** which will remain assuming that the recommended mitigation measures are fully successfully implemented; and
- **Cumulative Effects** in relation to the proximity of other extractive industrial sites.

1.7 Structure of the EIAR

The EIAR is made up of 12 chapters including this Chapter (1.0 Introduction), with tables and figures within each chapter. Additional figures are included at the end of the relevant chapters. The Non-Technical Summary appears as a separate chapter.

1.8 Structure

The following structure and headings for the EIAR are presented below:

- Chapter 1.0 Introduction;
- Chapter 2.0 Project Description;
- Chapter 3.0 Population and Human Health (Traffic);
- Chapter 4.0 Biodiversity (Flora and Fauna);
- Chapter 5.0 Soils and Geology;
- Chapter 6.0 Water;
- Chapter 7.0 Air Quality and Climate;
- Chapter 8.0 Noise and Vibration;
- Chapter 9.0 Landscape;
- Chapter 10.0 Material Assets;
- Chapter 11.0 Archaeology and Cultural Heritage; and
- Chapter 12.0 Interactions.

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1.9 EIAR Study Team and Guarantee of Competency and Independence

The EIAR was completed by a project team led by Golder Associates Ireland Limited, who also prepared a number of the chapters.

The EIAR Chapters as set out in Table 1.1 are provided with the relevant Appendices for each chapter immediately thereafter. A separate Non-Technical Summary of the EIAR is also enclosed within the inside cover of the EIAR.

In accordance with EIA Directive 2014/52/EU, we confirm that experts involved in the preparation of the EIAR are fully qualified and competent in their respective field. Each has extensive proven expertise in the relevant field concerned, thus ensuring that the information provided herein is complete and of high quality. The following team members were involved in the preparation of this EIAR and are included in Table 1.1.

Table 1.1: EIAR Team Members

Chapter	Team Member
1.0 Introduction	Golder Associates
2.0 Project Description	Golder Associates
3.0 Population and Human Health (Traffic)	Golder Associates & PMCE
4.0 Biodiversity (Flora and Fauna)	Golder Associates
5.0 Soils and Geology	Golder Associates
6.0 Water	Golder Associates
7.0 Air Quality and Climate	Golder Associates



Chapter	Team Member
8.0 Noise and Vibration	Golder Associates
9.0 Landscape	Macroworks
10.0 Material Assets	Golder Associates
11.0 Archaeology and Cultural Heritage	Dr Charles Mount Heritage Services
12.0 Interactions of the Foregoing	Golder Associates

1.9.1 Description of EIAR Study Team's Background and Experience

Golder Associates

Golder is an employee-owned, global company, established in Canada in 1960, providing consulting, design, and construction services in our specialist areas of earth, environment, and the related areas of energy. One of the Golder key advantages to project delivery is the ability to provide integrated service packages by utilising multi-disciplinary teams of professionals who have the training, experience, and recognition in the fields of engineering, environmental science and information management. Golder Ireland provides a wide range of integrated service to the Extractive Industry and has been responsible for the management of site assessments, project due diligence, planning applications, environmental and social impact assessments, and closure and restoration plans. Golder Ireland provide such services to local, national, European and international projects.

PMCE Consultants

PMCE is an engineering consultancy which focuses on providing expert independent engineering advice in relation to Road Safety Engineering (Road Safety Audits, Historical Collision Analysis and Road Safety Inspections), Road Planning & Design and Traffic Analysis & Assessment. PMCE has extensive experience in Traffic Analysis and in preparing Traffic & Transportation Assessments (TTA), including planning applications and environmental impact assessments relating to proposed developments, continuation of existing operations, or for applications for licences in relation to quarry or waste-related sites.

Macroworks

Macro Works is a leading consultancy firm specialising in visual impact analysis and visual impact graphics. Macroworks has considerable experience in areas such as wind energy developments, civil engineering projects and the extractive industry. Macroworks has partnered Golder Associates on numerous environmental impact assessments concerning quarrying and mining related projects. Macroworks hosts a dedicated team of professionals to fulfil the key roles within their operations, including Landscape and Visual Impact Assessment, geographic information systems (GIS) and photo-simulation.

Dr Charles Mount

Dr Charles Mount is an archaeologist and environmental impact assessment consultant with 25 years' experience of Irish archaeology and cultural heritage. He holds B.A., M.A. and Ph.D. degrees in archaeology as well as a professional diploma in EIA and SEA Management, and is a board member of the Institute of Archaeologists of Ireland. He has extensive experience of the commissioning and management of all types of archaeological services and is capable of assessing impacts on archaeology and cultural heritage at all stages of land use planning and development from site selection, through EIS/EIAR to planning condition compliance.

1.10 Rationale for Project and Review of Alternatives

1.10.1 Introduction

In order to consider possible alternatives to the proposed development, the key principles of sustainable development have been incorporated into this alternatives assessment, namely the consideration of social, environmental and economic factors. This provides a systematic approach to evaluate project alternatives in a robust manner, with the strengths and weaknesses of each option discussed under the principles of sustainability.



The Kildare County Development Plan 2017-2023 outlines the main mandatory objectives of the Planning Acts that are relevant to the Plan such as the provision of infrastructure including transport, energy and communication facilities, water supplies, waste recovery and disposal facilities, waste water facilities, and ancillary facilities. This application supports the development plan for waste recovery facilities as the construction industry is experiencing a surge in growth and as a result of that growth, excess waste materials are required to be recovered or disposed of.

The Kildare Development Plan sets out a number of policies with regard to waste management infrastructure, in particular:

WM 10: To encourage waste prevention, minimisation, reuse, recycling and recovery as methods of managing waste. Where waste management is not being carried out properly, the Waste Management Act 1996 as amended, will be used as a means of ensuring specific national policies and regulations are adhered to.

The Application Site offers a number of clear environmental and economic advantages. Its location close to high capacity national road infrastructure (the M4 motorway), it is readily accessible from a wider region area which includes large urban population centres in South and West County Dublin and Kildare.

The Application Site is a scar on the landscape and restoration of the Site will improve the address the health and safety issues associated with the Site and provide a valuable resource as agricultural land on completion of the restoration project.

1.11 Need

There is a need for this type of development due to a number of factors:

- The present construction boom in the greater Dublin area has resulted in excess waste streams including inert waste soils;
- Tighter environmental legislation requiring authorisation for all waste and recovery facilities; and
- Tighter control on illegal waste dumping by local authorities.

1.12 Market Demand

The Ballinderry Site is well situated close to the M4 motorway with direct access to the greater Dublin and Kildare region. There is a sustained high demand for waste recovery facility for inert materials around the country and in particular in the Greater Dublin Region, making the proposed development at Ballinderry a valuable asset for the region and surrounding hinterland.

1.12.1 Summary of Alternatives

The proposed development and one alternative are presented below:

- **Alternative A** – Enable restoration of the Site to comply with Condition 12 of the planning permission and with the direction of the Court Order to restore the Site; and
- **Alternative B** – Do nothing scenario.

An alternative is considered below with regard to the principles of sustainability (social, environmental and economic considerations).

1.12.2 Social, Environmental and Economic Considerations of the Alternatives

The current Application (**Alternative A**) is considered the most favourable alternative. This option enables the development of the Site to agricultural use, ensuring continuation with the local landscape. This option presents a low level of environmental impact as mitigation measures and infrastructure will be put in place with the proposed restoration of the site.

Alternative A allows for the restoration of the site to comply with the court Order issued under Section 160 of the Planning and Development Act, 2000.



Alternative B (do nothing) is not a feasible option as the applicant has been ordered to restore the Site. The site also constitutes a health and safety hazard coupled with being a visual scar on the landscape and restoration of the pit will address these issues and have a positive social and environmental effect.

Table 1.2 below provides a summary of the alternatives assessment.

Table 1.2: Assessment of Alternatives and Estimation of Magnitude of Impact

Description of Alternatives	Social Considerations	Environmental Considerations	Economic Considerations
Alternative A – Enable development of the Application Site (Current proposal)	Positive	Slight adverse	Significant positive
Alternative B – Do nothing scenario	Negligible	Negligible	Significant adverse

The proposed development at the Site provides a valuable resource in terms of agricultural land which are constantly under demand in the area around the Site.

Section 10.7.4 of the Kildare County Development Plan states “Sand and gravel workings on the other hand can easily be restored to agricultural use. However, post closure uses must have regard to the likely land-use context at the time of closure” and Section 10.7.8, EI 4: To ensure that extraction activities address key environmental, amenity, traffic and social impacts and details of rehabilitation.”

In addition, Objectives EI 12 (Extractive Industry) of the County Development Plan (2017-2023) states that:

” To ensure that all existing workings are rehabilitated to suitable land-uses and that extraction activities allow for future rehabilitation and proper land-use management.”

1.13 Difficulties in Compiling the Specified Information

No difficulties were encountered in the preparation of this EIAR.

1.14 References

- Guidelines on the Information to be contained in Environmental Impact Statement. Environmental Protection Agency, Johnstown Castle Estate, Co. Wexford, Ireland. EPA. 2002.
- Advice Notes on Current Practice in the preparation of Environmental Impact Statements (Environmental Protection Agency, 2003).
- Department of the Environment, Quarries and Ancillary Activities, Guidelines for Planning Authorities 2004.
- Irish Concrete Federation (ICF 2005). Environmental Code - Second Edition.
- Environmental Management in the Extractive Industry: Guidelines for Regulators 2006.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Environment, Community and Local Government, 2013).
- Institute of Geologist of Ireland (2013). Guidelines for the Preparation of Soils, Geology and Hydrogeology Chapters of Environmental Impact Statements.
- Draft - Revised Guidelines on the Information to be contained in Environmental Impact Statements. EPA 2015.
- Advice Notes on Current Practice in the preparation of Environmental Impact Statements (Environmental Protection Agency, 2003), and, Advice Notes for Preparing Environmental Impact Statements (Draft, Environmental Protect Agency, 2015).
- Key Issues Consultation Paper - Transposition of 2014 EIA Directive (2014/52/EU) in the Land Use Planning and EPA Licencing Systems, 2nd May 2017.



INTRODUCTION - BALLINDERRY EIAR 2018

- Circular Letter PL 1/2017 - Implementation of Directive 2014/52/EU on the Effects of Certain Public and Private Projects on the Environment (EIA Directive), 15th May 2017.
- Kildare County Development Plan 2017 – 2023 ;
www.kildare.ie/CountyCouncil/Planning/DevelopmentPlans/KildareCountyDevelopmentPlan2017-2023.
- Eastern - Midlands Regional Waste Management Plan 2015 – 2021.

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APPENDIX 1.1

Court Order November 2016

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**THE HIGH COURT
App No: 2015/383MCA**

**SECTION 160 OF THE PLANNING AND DEVELOPMENT ACTS, 2000 AS
AMENDED**

Between/

KILDARE COUNTY COUNCIL

Applicant

-and-

**LCP MANUFACTURING LIMITED TRADING AS LEINSTER
AGGREGATES AND GOODE CONCRETE LIMITED (IN RECEIVERSHIP)**

Respondents

ORDER

THIS MATTER coming on for hearing this the 21st day of November, 2016
WHEREUPON reading the Notice of Motion dated the 14th December 2015 and the
Affidavit of Colm Lynch, sworn on the 8th day of December, 2015 and hearing what
was urged by Ms. Deirdre Hughes B.L. Counsel for the Applicant and Matthew Jolley
BL, Counsel for the Respondent, the Court doth make the following Order with the
Consent of the parties;

THE COURT DOTH ORDER:-

1. The Respondents their successors and assigns to cease forthwith the unauthorised quarry development being carried out at the the property situate at Ballinderry, Carbury in the County of Kildare, part of which property is comprised in Folio no KE9702 and as depicted in aerial photograph, taken on the 30th September, 2015, and which appears at annex 1 herein (hereinafter referred to as the “property”) consisting of the following;
 - i) The unauthorised development and use of a quarry for the excavation and processing of quarry materials consisting of sand and gravel.
 - ii) Breaches of conditions 1, 2, 4 and 12 of Planning permission register reference 02/1475.
2. An Order directing the unauthorised use of the property, consisting of the excavation and processing of quarry material on the property, together with the importation of subsoil and inert material into the property to cease forthwith pending the Respondents their successors and assigns being in receipt of the appropriate

Article 27 permission, licence, permit, authorisation, permission, approval or consent, as required by the EPA.

3. The respondents their successors and assigns or one or other of them, shall within a period of 12 weeks from the date of service of the within court order on the respondents, send to the EPA all appropriate documentation in respect of the remediation and rehabilitation of the property together with a request that the Environmental protection agency consider and decide whether any article 27 permission, licence, permit ,authorisation, permission ,approval or consent is required for the restoration and rehabilitation of the property.
4. If the EPA decide that any Article 27 permission, licence, permit, authorization, permission, approval or consent is required to be carried out by suitably qualified personnel on behalf of the Respondents, their successors and assigns or one or other of them, the Respondents, their successors and assigns or one or other of them, shall submit to the EPA all necessary applications for such licences, permits, authorisations, permission, approvals or consent within six weeks from the date of such decision by the EPA.
5. In the event that an article twenty seven permission, Licence, permit, authorization, permission, approval or consent is required and that same is granted by the EPA in respect of the property, the Respondents, their successors and assigns or one or other of them, shall carry out the actions specified in such article 27 Permission License, permit, authorization, permission, approval or consent within the time limits so provided by the EPA .
6. The Respondents, their successors and assigns or one or other of them, shall make available the property, for access to the Applicant and the representatives and agents of any party for all purposes required for the implementation of the Order herein and to permit the monitoring by the Applicant and the EPA, and their representatives and agents.
7. An Order restraining the Respondents, their successors and assigns their servants, agents, licensees or any person acting in connection with them or on their instruction, and all persons having knowledge of the granting of any Order herein from continuing the said unauthorised development of the said property.
8. That the Respondents their successors and assigns do pay the Applicant's costs and expenses of the within proceedings in the sum of €6,427.38 within a period of six months from the date of the within Order.

9. Liberty to apply and re-enter.

10. That the Respondents their successors and assigns do the acts and things outlined in paragraphs 1 to 2 above within a period of one week following the personal service of the Order herein upon the Respondents their successors and assigns or in the alternative in the event that the Applicant is unable to successfully personally serve the Order herein upon the Respondents , their successors and assigns that the Respondent is directed by this Honourable Court to do the acts and things outlined in paragraphs 1 to 8 above within a period of one week following the Order herein being affixed to the property herein.

Dated this 21st day of November,, 2016

BY THE COURT

Counsel for the Plaintiff: Deirdre Hughes, B.L.
Solicitors for the Plaintiff: Regan McEntee & Partners
Counsel for the Respondents: Matthew Jolley, B.L
Solicitors for the Respondents: John Reidy & Associates

WARNING: If you your servants, or agents act in disobedience of this Order, you will be liable to committal to Prison by this Honourable Court and will also be liable to have your estate sequestered.

CHIEF REGISTRAR

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