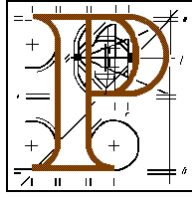


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS, 2000 TO 2002

## Kildare County

**Planning Register Reference Number: 02/850**

An Bord Pleanála Reference Number: PL 09.203493

**APPEAL** by An Taisce of The Tailors' Hall, Back Lane, Dublin and by Paul Murphy of 14 The Paddocks, Naas, County Kildare against the decision made on the 11<sup>th</sup> day of June, 2003 by Kildare County Council to grant subject to conditions a permission to Kilsaran Concrete Limited care of Fergus Gallagher, Head Office, Dunboyne, County Meath in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Sand and gravel development and associated processing, including dry screening and mobile crushing of raw materials, topsoil/subsoil/overburden storage area, internal haul road, screening mound, environmental monitoring, progressive and final site restoration to agricultural land and sole access via the adjoining Kilsaran Concrete Limited block making facility, phasing of the extractive operations for a five year period and proposals showing a staged development and rehabilitation programme for further periods all on 32.4 hectares at Halverstown, Kilkullen, County Kildare.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## REASONS AND CONSIDERATIONS

Having regard to the policies set out in the Kildare County Development Plan in relation to extractive industrial and to the proximity of the site to an established block-making operation, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as supplemented and modified by the additional information submitted to the planning authority on the 20<sup>th</sup> day of December, 2002 and the 16<sup>th</sup> day of May, 2003, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The sand and gravel extraction and site layout details shall be carried out in accordance with the site layout plan KCL3E received by the planning authority on the 16<sup>th</sup> day of May, 2003, and in accordance with the details set out in the Environmental Impact Statement as revised and dated the 17<sup>th</sup> day of December, 2002.

**Reason:** In the interest of orderly development.

3. The use of the application site as a sand and gravel pit shall cease on or before 10 years from the date of this order, unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

**Reason:** To enable the effect of the development on the amenities of the area to be reviewed having regard to the circumstances then prevailing.

4. Prior to commencement of development, a restoration and landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be restored and landscaped in accordance with an agreed scheme, which shall also include a timescale for implementation.

**Reason:** In the interest of visual amenity.

5. Activities at the facility shall be restricted to the excavation, dry screening, crushing, haulage and storage of sand and gravel materials. No material shall be imported into the site and no topsoil shall be removed from the site.

**Reason:** In the interest of orderly development.

6. Extraction from the site shall be undertaken in accordance with the following criteria:
- (a) There shall no extraction within a distance of 10 metres from the existing site boundaries.
  - (b) Extraction shall be limited to sand and gravel only.
  - (c) No bedrock shall be extracted and no topsoil or overburden shall be removed from the site.
  - (d) The existing hedgerow bordering the site, excluding that traversing the site, shall carefully be retained, save for where limited removal is necessary to create a new vehicular access to the site.
  - (e) All sides of excavation adjacent to land not required for quarrying operations shall be left for slopes not steeper than 2 vertical to 1 horizontal.

**Reason:** In the interest of orderly development.

7. The final extraction depth shall be in no part of the site less than one metre above the level of the water table. A monitoring scheme shall be submitted to and agreed with the planning authority to measure the groundwater levels at the lowest part of the site and to monitor the water levels and measurements of suspended solids.

**Reason:** To prevent pollution of groundwater.

8. All haulage roads and working areas shall be constructed and managed to minimise dust emissions and shall be surfaced to the satisfaction of the planning authority. A scheme of air quality mitigation measures shall be prepared, submitted to and agreed with the planning authority.

**Reason:** To minimise the risk of pollution to the environment.

9. All existing topsoil and overburden removed in the course of the workings shall be separately retained so it can readily be used by spreading evenly over the work surface or backfilled. This shall be undertaken in accordance with a scheme to be submitted to and agreed with the planning authority in order to ensure that the integrity of the Class A soil is retained.

**Reason:** To ensure the restoration of the site, in the interest of visual amenity and for future agricultural use.

10. On cessation of operations all plant and surface equipment shall be removed from the site and, within six months of the date of cessation, the land shall be graded to an even contour and restored in accordance with plan KCL5E submitted to the planning authority on the 16<sup>th</sup> day of May, 2003, agreed with and carried out to the satisfaction of the planning authority.

**Reason:** To ensure the restoration of the site, in the interest of visual amenity and for possible future agricultural use.

11. On site operation associated with the proposed development shall be carried out only between 0800 hours and 1800 hours on Monday to Friday and between 0800 hours and 1400 hours on Saturday. No work shall be carried out on Sundays, Bank Holidays or other public holidays.

**Reason:** In the interest of residential amenity.

12. Prior to commencement of development a drainage scheme for the proposed development, including measures for attenuating fuel spillages, shall be submitted to the planning authority for agreement.

**Reason:** To ensure adequate drainage of the proposed development and prevent flooding of public roads and adjoining land.

13. The developer shall ensure that an Environmental Management System (EMS) is in place prior to commencement of development. The EMS shall comply with the general requirements of the planning authority.

**Reason:** To ensure a proper standard of development.

14. On an annual basis, for the lifetime of the facility, the developer shall submit an Environmental Audit to the planning authority. Independent Environmental Auditors approved by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available to the public for inspection at all reasonable hours at a location to be agreed with the planning authority.

**Reason:** In the interest of residential amenity and ensuring suitable use of non-renewable resources.

15. Dust levels from the site shall not exceed 130 milligrams per square metre per day averaged over 30 days when measured at the boundary of the site.

**Reason:** In the interest of residential amenity.

16. During the operational phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity (these locations shall be agreed with the planning authority prior to the commencement of development) shall not exceed:
- (a) an  $L_{Art}$  value of 55dB(A) during the period 0800 hours to 1800 hours, Monday to Friday inclusive and 0800 hours to 1400 hours on Saturday, and
  - (b) an  $L_{AeqT}$  level of 45dB(A) at any other time.

**Reason:** In the interest of protecting the amenities of properties in the vicinity.

17. The developer shall submit to the planning authority for agreement details of ongoing dust and noise monitoring programmes within three months of the date of this order. The details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results. Details of all dust suppression measures shall likewise be agreed with the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

18. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features that may exist within the site. In this regard, the developer shall,
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including any hydrological or technical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological materials on site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to the commencement, a report containing the results of an assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority, details regarding any other archaeological requirements (including if necessary archaeological excavation, prior to commencement of excavation works).

In default of an agreement by any of these requirements, the matter shall be determined by An Bord Pleanála.

**Reason:** In order to conserve archaeological heritage of the site and secure the preservation of any remains that existing within the site.

19. The vehicular entrance serving the sand and gravel development shall only be via the adjoining Kilsaran Concrete Limited site, in accordance with the details indicated on the drawings received by the planning authority on the 16<sup>th</sup> day of May, 2003.

**Reason:** In the interest of clarity and traffic safety.

20. No other signs, symbols or other advertising materials shall be erected on the site without the prior agreement of the planning authority.

**Reason:** In the interest of visual amenity.

21. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to ensure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the site. The security to be lodged shall be, as follows -

- (a) an approved insurance company bond in the sum of €250,000 (two hundred and fifty thousand euro), or
- (b) a cash sum of €250,000 (two hundred and fifty thousand euro) to be applied by the planning authority at its absolute discretion if the site is not reinstated to its satisfaction, or
- (c) a letter of guarantee by any body approved by the planning authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the planning authority and such lodgement in any case has been acknowledged in writing by the planning authority.

**Reason:** To ensure the satisfactory reinstatement of the site.

22. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that is proposed to be incurred by the planning authority in respect of road improvement works, footpaths and public lighting facilities facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Payment of this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

**Reason:** It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2003.**