

Comhairle Contae Chill Dara
Kildare County Council



Date: 26/10/2018
Pl. Ref.: 18/453

REGISTERED POST

Kilsaran Concrete
C/o SLR Consulting Ireland
7 Dundrum Business Park
Windy Arbour
Dublin 14

Notification of a decision under Section 34 of the Planning & Development Act 2000 (as amended)

Planning Register Number: 18/453
Application Received Date: 23/04/2018
Further Information Received Date: 03/09/2018

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 26/10/2018 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:- (i) establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials, principally excess soil, stone and / or broken rock to backfill the pit void to former ground level and improve lands currently in agricultural use. The development will be carried out on a phased basis and will be completed within 8 years; (ii) share use, with the existing Kilsaran concrete manufacturing and waste facilities, of existing site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access; (iii) use of section of existing concrete block curing shed as a waste inspection and quarantine facility; and (iv) temporary stockpiling of topsoil pending re-use as cover material for final restoration of the site. The proposed development requires a waste licence from the Environmental Protection Agency. An Environmental Impact Statement (now referred to as an Environmental Impact Assessment Report (EIRA)) will be submitted at **Halverstown, Kilcullen, Co. Kildare** subject to **23 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 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: 26/10/2018


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 & Development Act 2000 as amended) may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1. First and third party objections must be received by the Bord 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

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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

- 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 EIAR or NIS involved.
 - ii. Appeal by 1st party relating to commercial development (no retention element in application) - €1,500 or €3,000 if an EIAR 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 (i) establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials, principally excess soil, stone and / or broken rock to backfill the pit void to former ground level and improve lands currently in agricultural use. The development will be carried out on a phased basis and will be completed within 8 years; (ii) share use, with the existing Kilsaran concrete manufacturing and waste facilities, of existing site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access; (iii) use of section of existing concrete block curing shed as a waste inspection and quarantine facility; and (iv) temporary stockpiling of topsoil pending re-use as cover material for final restoration of the site. The proposed development requires a waste licence from the Environmental Protection Agency. An Environmental Impact Statement (now referred to as an Environmental Impact Assessment Report (EIRA)) will be submitted at Halverstown, Kilcullen, Co. Kildare – Kilsaran Concrete t/a Kilsaran Build – 18/453

Schedule 1: Main Reasons and Considerations;

Having regard to the Kildare County Development Plan 2017 – 2023, the nature, extent and design of the development, the character of adjoining development, it is considered that subject to compliance with the conditions attached, the development would not seriously injure the amenities of the area or of property in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

Schedule 2: Conditions

1. The development shall be carried out in accordance with documentation and particulars received by the Planning Authority on 23/04/2018, and Further Information received on 03/09/2018 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 authorises the importation and recovery of inert natural materials as set out in Section 2.8 of the Environmental Impact Assessment Report received by the Planning Authority on 23/04/18, to restore disturbed lands created by previous extraction of sand and gravel and does not authorise a waste recycling facility.

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

3. The development shall be carried out, completed and maintained in accordance with undertakings for measures to mitigate its impacts as outlined

in the Environmental Impact Assessment Report received by the Planning Authority on 23/04/18 and Further Information received on 03/09/2018 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 and to restrict and minimise any adverse environmental impacts resulting from the development.

4. All importation and recovery of inert natural material operations on the site shall cease 8 years from the date of the final grant of planning permission. All plant and machinery shall be removed from the site within 6 months from that date unless, prior to that date planning permission shall have been granted for the continuance of use.

Reason: To limit the impact of the development on the amenities of the area and in the interest of the proper planning and sustainable development of the area.

5. The hours of operation on site shall be 08.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 13.00 hours on Saturdays. No activities or maintenance shall be permitted outside of the above stated hours or on Sundays, Bank or Public Holidays.

Reason: To limit the impact of the development on the residential and rural amenities of this rural area and in the interest of the proper planning and sustainable development of the area.

6. (a) Prior to commencement of development the Developer shall submit for the written agreement of the Planning Authority design details to demonstrate that the existing percolation area can cater for the hydraulic and biological loading generated by the proposed development.

b) Where the percolation area is found to be incapable to cater with the additional loading, a percolation area shall be designed and constructed in accordance with the Environmental Protection Agency Code of Practice "Wastewater Treatment and Disposal Systems serving Single Houses".

Reason: In the interest of public health and in order to avoid pollution.

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

Reason: To prevent pollution and in the interest of public health.

8. 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: To prevent pollution and in the interest of public health.

9. (a) Noise from the development shall not give rise to sound pressure levels (LAeq 15 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: To prevent pollution and in the interest of residential amenity.

10. (a) 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.

(b) 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: To prevent pollution and in the interest of public health.

11. 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 off-take points shall be located within the bunded area(s).

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution.

12. The existing wheel wash system shall be desludged on a regular basis by an authorised collector and the material removed to an authorised facility for recovery / disposal.

Reason: To prevent pollution and in the interest of public health.

13. Prior to commencement of development the Developer shall ensure a Pest Control Management Plan is devised and implemented by a competent pest control company. A copy of the Pest Control Management Plan shall be submitted to the Planning Authority.

Reason: In the interest of public health.

14. Prior to commencement of development the Developer shall establish a complaints line to ensure that residential complaints or queries are dealt with in an efficient manner. All complaints shall be documented and a record maintained.

Reason: In the interest residential amenity.

15. Prior to commencement of development, the Developer shall provide advance warning signs as outlined in section 2.1.1.5 of the report of Trafficwise traffic & transportation solutions received by the Planning Authority on 03/09/18. The combined warning signs of "works entrance" ahead with the "speed limit" shall be erected at the approach to the development, from both the north and the south, along the R448. The exact location shall be agreed with the Municipal District Engineer prior to their erection and written confirmation of such agreement shall be submitted to the Planning Authority

Reason: In the interests of traffic safety

16. Prior to commencement of development the Developer shall carry out works to the front boundary, namely the cutting back of the existing hedgerow to the south of the existing entrance and cutting and maintenance of the existing verge to the north of the existing entrance, to allow sufficient sightlines to be achieved as indicated in Section 4.1.2 of the report of Trafficwise traffic & transportation solutions received by the Planning Authority on 03/09/18.

Reason: In the interest of traffic safety.

17. The sight visibility line shall be kept free from obstruction and shall be maintained by the occupant, so as not to impede lines of sight at the entrance; as provided in accordance with the Design Manual for Roads and Bridges document (TD 41-42/09)

Reason: In the interest of traffic safety.

18. No queuing of delivery trucks shall take place on the R448 and provision shall be made for queuing of vehicles within the subject site.

Reason: In the interest of traffic safety.

19.(a) The applicant shall maintain a wheel-wash facility for all trucks exiting the site.

(b) No spoil, dirt, debris or other materials shall be deposited on the public road or verge by machinery or vehicles travelling to or from the development site during the landfill

operational phase. 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 and ensuring no muck/dirt is deposited onto the R448 during periods of wet weather.

20. (a) Existing land and road side drainage shall not be impaired; changes at the entrance shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage.

b) No surface water runoff from the site shall be discharged onto the public road. As the existing entrance falls towards the public road, run off shall be collected either gullies or precast concrete drainage channels and discharged to suitably sized soak holes located within the site boundary.

c) Only clean, uncontaminated surface water shall be discharge to adequately sized soakpits(s) or surface water system.

d) Applicant shall be responsible for the proper design, construction and maintenance of all surface water drains installed as part of the proposed development including soakways.

Reason: To prevent interference with existing roadside drainage in the interest of public health, to avoid pollution and in the interest of the proper planning and sustainable development of the area.

21. When the proposed development is completed the site shall be used for agricultural related and amenity purposes only, and not for any commercial, industrial, or other non agricultural use, without the benefit of a separate planning permission.

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

22. Landscaping to be carried out in accordance with 'landscape and restoration plan drawing 5' as received by the Planning Authority on 23/04/18. Native hedgerows and tree species to be used in areas indicated for woodland planting and all capping soil shall conform to BS 3382:2007- the British Standard for topsoil.

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

23. The applicant/developer to pay to Kildare County Council the sum of **€173,250.00** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 5th November 2015 in accordance with Section 48 of the Planning and Development Act

2000 as amended. Payments of contributions are strictly in accordance with Section 13 of Development Contribution Scheme adopted by Kildare County Council on 5th November 2015.

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

Reason: It is considered reasonable that the developer should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

ADVICE NOTE TO APPLICANTS

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

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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.

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