

manufacturing facility, an agricultural field and an inert waste recovery and recycling facility. The site is accessed through the existing Kilsaran facility located to the west of the R448 Regional Road- (former N9). The wider vicinity of the subject site is characterised by a number of land uses, including agricultural / equine use, residential, transport infrastructure in the form of the local, regional and national road network and educational in the form of St. Joseph's National School, located to the south-east of the proposal site.

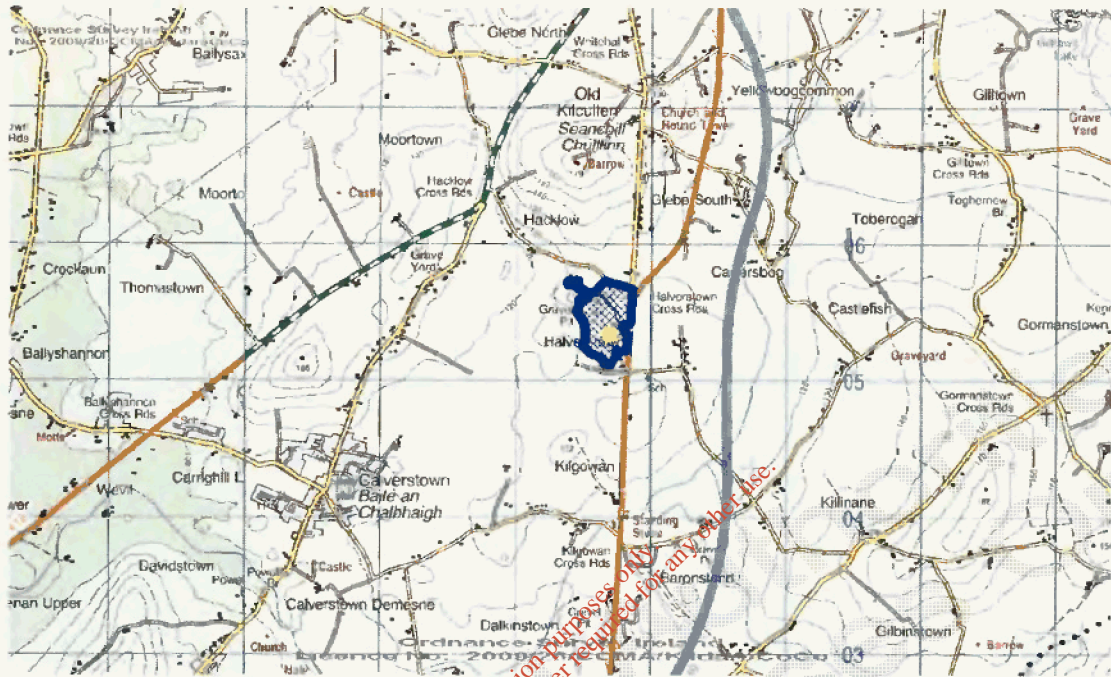


Fig. 1: Site location and context



Fig. 2: Aerial view of application site.

3. Natural, Archaeological and Architectural Heritage

Built Heritage	There are no protected structures or buildings listed on the NIAH list within the site.
Archaeological Heritage	Examination of the Record of Monuments and Places indicates that the proposal site intrudes into the zones of notification of two

	<p>recorded monuments that no longer exist:</p> <ul style="list-style-type: none"> ▪ KD028-054---- (three crouched inhumation burials located in the north-western section of the site near existing site office and staff welfare facilities); and ▪ KD028-055---- (a cist located near the southern boundary of the proposal site). <p>Both of these recorded monuments are cited in the submitted planning application documentation as being removed during quarrying of the sites in 1938 and 1939.</p>
Natural Heritage	<ul style="list-style-type: none"> ▪ River Barrow and River Nore SAC (Site Code 002162) is located c. 9.2km west of the site. ▪ Pollardstown Fen SAC and pNHA (Site Code 000396) is c. 9.7km northwest of the site. ▪ Dunlavin Marshes pNHA (Site Code 001772) is located c. 2.3km southeast of the site. ▪ The Curragh pNHA (Ref. 00392) is c. 3.5km northwest of the site. <p>A screening for Appropriate Assessment is attached at the end of this report in relation to Natura 2000 sites. An Appropriate Assessment Screening Report was also submitted by the applicant.</p>
Landscape Character	<p>The site is located in the 'Eastern Transition' Landscape Character Area. This is characterised as a Class 2 'Medium Sensitivity' landscape <i>"with the capacity to accommodate a range of uses without significant adverse effects on the appearance or character of the landscape having regards to localised sensitivity factors."</i> (Chapter 14 Landscape Recreation and Amenity, Kidare County Development Plan 2017-2023).</p>

4. Internal Reports

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

- | | |
|-----------------------------|--------------------------------------|
| ▪ ✓ Area Engineer: | No objection subject to conditions |
| ▪ ✓ NRO: | No objection |
| ▪ ✓ Water Services: | No objection subject to condition |
| ▪ ✓ Transportation Section: | Further Information requested |
| ▪ ✓ Environment Section: | Further Information requested |
| ▪ ✓ CFO: | No objection subject to conditions |
| ▪ ✓ Heritage Officer: | Further Information requested |

5. Prescribed Bodies/External Reports

The file was referred to the following prescribed bodies:

- | | |
|-------------------------|--|
| ▪ Irish Water: | No report available at time of writing. |
| ▪ EHO: | Submission received 28/05/2018 – no objection subject to conditions. |
| ▪ An Comhairle Ealaoin: | No report available at time of writing. |
| ▪ An Taisce: | No report available at time of writing. |
| ▪ Failte Ireland: | No report available at time of writing. |
| ▪ Heritage Council: | No report available at time of writing. |

- Dept. of Culture, Heritage and the Gaeltacht: No report available at time of writing.

The following provides a summary of the issues raised by the referenced prescribed bodies:

Health Service Executive (HSE) – Environmental Health Service

The HSE Environmental Health Service provided comments on Environmental Health (EH) in respect of the proposed development, as well as commentary on the adequacy of the submitted EIAR in respect of EH items. The following provides a summary of comments from the submission:

- **Human Beings** – potential impacts arising from noise, dust and traffic generation.
 - The location of St. Joseph’s National School, Halverstown, adjacent to the site is a further consideration when addressing mitigation measures.
 - Recommends that a complaints line is set up by the developer to ensure that residential complaints or queries are addressed.
 - Limited hours/days for the acceptance of waste soils on the site.
 - Recommends a pest control management plan is devised and implemented by a competent pest control company.
- **Surface Water/Groundwater**
 - Underlying bedrock aquifer is classified as ‘locally important’, with groundwater vulnerability classed as ‘high’. All mitigation measures outlined in EIAR should be implemented in full.
 - Private wells within 250m of the lands under the control of the developer should be included on the water sampling plan for the proposal.
 - No organic waste is to be deposited at the site as part of the restoration process.
- **Air Quality**
 - Extra monitoring sites should be located at the national school and habitable residents on the edge of the EIAR study area. The results of the dust monitoring are to be submitted to Kildare County Council in a frequency as determined by the conditions of the waste licence.
 - Burning of material is not permitted on site.
 - An assessment of current truck/wheel washing facilities should be carried out.
- **Noise**
 - Noise complaints procedure should be documented and contact details made available to all local residents in area.
 - Machines in intermittent use shall be shut down or throttled down to a minimum when not in use.
 - Best practice measures as outlined in BS 5228:2009 – Noise and Vibration Control on Construction and open sites should be implemented in full and feature as part of the Noise Management Plan.

Overall, the Environmental Health Service HSE has no further concerns in relation to the proposal based on the information provided by the applicant.

6. Submissions/Objections

No third party submissions recorded on file.

7. Relevant Planning History

The relevant planning history associated with the subject site is as follows:

- 15/189:** Application by Kilsaran Concrete for planning permission for an inert soil and stone / construction and demolition waste recovery facility. Permission was **granted** by Kildare County Council on 06/09/2016. This permission authorised the importation and recovery of inert soil and stone waste, comprising of 20,000-25,000 tonnes per annum for a period of 4-5 years, to partially restore the former extraction and silt settlement lagoon in the southern part of the Kilsaran landholding at Halverstown only and does not authorise a waste recycling facility. This restoration will require an intake of 20,000-25,000 tonnes of soil and stones per year for a period of 4-5 years.
- 02/850:** Application by Kilsaran Concrete Ltd. for permission for sand and gravel development and associated processing on 32.4ha. The Planning Authority issued a **notification of its decision to grant** permission for the proposed development on 11/06/2003 which was subsequently **upheld by An Bord Pleanala** on 28/11/2003 (under ABP Ref. PL09203493) following third party appeals.
- 06/651:** Permission **granted** for the extraction of sand and gravel with processing that includes crushing, washing (with associated silt disposal lagoons) and screening and all ancillary works and structures on a total site measuring 37.0 hectares. The application was accompanied by an EIS. (An Bord Pleanala Ref. 223574).
- 04/1109:** Permission **granted** to Kilsaran Ltd for Readymix plant at existing operation & for 32 hectares extension to existing sand & gravel operation. This application is accompanied by an EIS. This application was refused by Kildare Co. Co. and subsequently granted by An Bord Pleanala.

8. Pre-Planning

A pre-planning consultation was held on 04/07/2017 between the applicant (Fergus Gallagher (Kilsaran) and consultant Peter Kinghan (SLR Consulting)) and the Planning Authority in relation to a proposal for the increase of volume to a permitted inert waste facility to 300,000 per annum. During this pre-planning consultation, the applicant was advised to consult with An Bord Pleanala to determine whether or not the proposal would come under the provisions afforded to Strategic Infrastructure Development (SID) class development under Section 37A-Q of the Planning and Development Act 2000, as amended.

9. Relevant Policy / Guidance Provisions

Kildare County Development Plan 2017 – 2023

- *Chapter 5 Economic Development, Enterprise and Tourism*
- *Chapter 10 Rural Development*
 - *Section 10.7 Extractive Industry*
- *Chapter 13 Natural Heritage and Green Infrastructure*
- *Chapter 14 Landscape, Recreation and Amenity*
- *Chapter 17 Development Management Standards*
 - *Section 17.9.6 Extractive Industry*
 - *Section 17.10 Waste Disposal and Recovery*

10. Summary of Key Planning Issues and Assessment

Development Description

Permission is sought for development within an overall application area of 17.5 hectares comprising of the following:

- (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) Shared 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.

The proposed development will also require a waste licence from the Environmental Protection Agency. The application is also accompanied by an Environmental Impact Assessment Report (EIAR).

Essentially, the proposed development represents the phased restoration of a disused pre-1964 quarry, which has been exhausted of sand and gravel reserves since 1988, using only inert soil materials imported from external, pre-approved development sites. It is stated in the submitted application documentation that no peat, contaminated soils or non-hazardous waste will be accepted at the proposed recovery facility. The proposed development provides for the direct use of the imported stone, without further processing. The proposed development effectively provides for an extension of the previously permitted development (under PI. Ref. 15/189) which provides for the importation of inert soil and stone material to partially restore the former extraction and silt settlement lagoon in the southern part of the Kilsaran landholding.

Under the Waste Management Acts 1996-2015, the filling and restoration of the former landform using inert soils and stone is deemed to constitute inert waste recovery through deposition for the purposes of land improvement or restoration. Following the cessation of recovery activities, the proposed facility will be restored to natural habitat, rough grazing and tillage purposes using natural subsoils and topsoils acquired during the recovery operations. All waste imported will be inert and is envisaged to consist of the following wastes classified under the European Waste Catalogue (EWC) at the facility:

- 17 05 04 Soil and stones other than those mentioned in 17 05 03
- 17 05 06 Dredging spoil other than those mentioned in 17 05 05
- 20 02 02 Soil and stone from municipal facilities

The proposed restoration is to be undertaken on a phased basis, with the submitted application documentation identifying six separate phases which are outlined below.

Phase	Years (est.)	Development Description
1	1	▪ Remove Scrub and Vegetation from the Western

Phase	Years (est.)	Development Description
		Infill Area; <ul style="list-style-type: none"> Placement of hardstanding materials for the proposed internal temporary haul roads to allow access to the active infill areas.
2	1-2	Infill of Area 1: Southern part of Pit Workings
3	2	Topsoil Stripping from the Northern Infill Area in preparation for placement of Inert Material
4	2-3	Infill Area 2: Field to the North East
5	3-4	Infill Area 3: Northern part of Pit Workings
6	5	Site Landscaping And Restoration

Whilst the phases works are indicated to take place over a 5 year programme, this duration is based on an average importation rate of 300,000 tonnes per annum. However, the proposal refers to a completion of the recovery facility within 8 years on the scenario that if the rate of filling is less than anticipated.

The proposed development is expected to coincide with the existing concrete manufacturing processes on site, with the majority of these processes occurring northwest of the application site boundary but within the overall landholding of the applicant. The proposed inert waste recovery facility will share the use of the existing Kilsaran concrete manufacturing and waste facilities and infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access. This includes proposed use of the existing concrete block curing shed as a waste inspection and quarantine facility for imported inert materials.

Figure 3 below illustrates the site layout and phasing plan of the proposal.

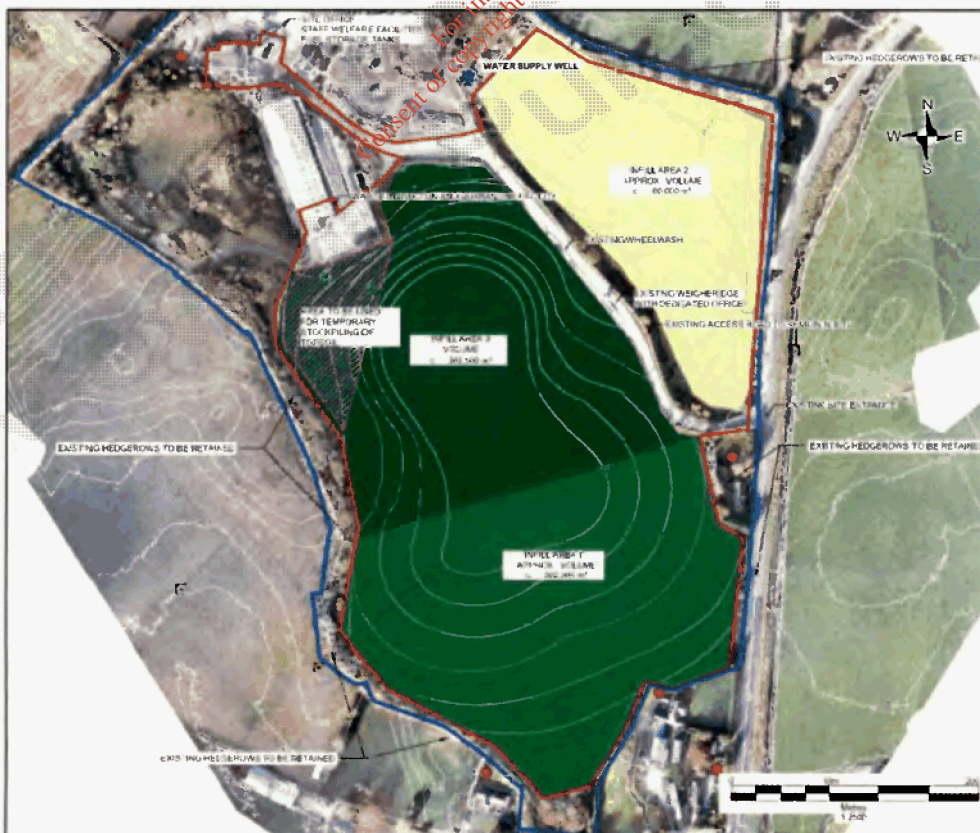


Fig. 3: Proposed site layout and phasing plan

The former pit on the site will be restored to its previous landform working upwards from the existing floor level of c. 116mOD, with final formation levels on completion of the filling and restoration works varying on account of the sloped nature of the restored landform, from approximately 122mOD to 128mOD. Existing ground levels in the adjacent field to the north-east range from 118mOD to 124mOD, with final formation levels on completion of the filling and restoration works to vary from 119mOD to 125mOD.

The final restoration scheme will seek the placement of a cover layer comprising 150mm of topsoil and approximately 300mm of subsoil over the inert filled materials which will then be seeded with grass with woodland planting proposed for a number of areas across the site. On completion, the application lands will be returned to use as natural grassland for use as agricultural land or to be naturally recolonised by natural vegetation.

Legislative Basis of Application

The Planning Authority notes from the development description of the proposal, as provided in the submitted planning application form and public notices, that the proposed development seeks *"the establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials"*, with the development proposed to *"be carried out on a phased basis and will be completed within 8 years"*. On the basis of the development description provided in this application, the Planning Authority has regard to the classes of infrastructure developments for the purposes of Sections 37A and 37B of the Planning and Development Act 2000, as amended, as prescribed in the Seventh Schedule of the Act. Under those infrastructure developments classified under 'Environmental Infrastructure' of the Seventh Schedule of the Act, development comprising of an *"installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes"* is specified.

Under Section 37B of the Act, a prospective applicant who proposes to apply for permission for any development specified in the Seventh Schedule (of the Act) shall, before making the application, enter into consultations with An Bord Pleanála in relation to the proposed development. Following such consultations, the Board shall serve notice (under subsection 37B(4) of the Act) in writing on the prospective applicant stating that it is of the opinion that the proposed development does or does not fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act determining whether or not the proposed development constitutes Strategic Infrastructure Development (SID) and therefore requiring any subsequent application to be made directly to either the Board or the relevant Planning Authority.

The Planning Authority also notes the provisions of subsection 37B(6) of the Act which provides that the Board shall also serve a notice of its opinion on the proposed development on the appropriate Planning Authority. Furthermore, it is noted that subsection 37B(7) of the Act precludes the making of a planning application for any proposed development specified in the Seventh Schedule of the Act unless or until notice is served by the Board stating its opinion that the proposed development does not fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act and therefore does not constitute Strategic Infrastructure Development (SID).

Whilst the description of the proposed development does not specify the annual tonnage intake of the proposed inert soil waste recovery facility, it specifies that *"the importation of approximately 1,200,000 tonnes of natural inert waste materials"*, with the development proposed to *"be carried out on a phased basis and will be completed within 8 years"*. Even when accounting for an average annual intake over

the proposed 8 years to complete the proposed development, this still equates to an average annual intake of greater than 100,000 tonnes (150,000 tonnes per annum over 8 years). Furthermore, the Planning Authority notes that paragraph 2.69 of the submitted Environmental Impact Assessment Report (EIAR) makes reference to a scenario where *"the average importation rate was 300,000 tonnes per annum, the expected operational life of the facility would be between 4 and 5 years"*, presumably on the basis that 1,200,000 tonnes over four years equates to a per annum figure of 300,000 tonnes.

On this basis, the proposed development would fall under those classes of development specified in the Seventh Schedule of the Planning and Development Act 2000, as amended, with the requirement that the applicant enters into consultations with An Bord Pleanála in respect of the proposed development under Section 37B of the Act. Moreover, on the basis of the above interpretation of the proposed development, the applicant is precluded from making an application for permission for the proposed development to the Planning Authority in the absence of written notice from An Bord Pleanála stating its opinion that the proposed development does not fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act and therefore does not constitute Strategic Infrastructure Development (SID).

In respect of the current application, no reference is made in the submitted planning application documentation, as received by the Planning Authority on 23/04/2018, in relation to any consultations with the Board under Section 37B of the Planning and Development Act 2000, as amended. Similarly, the Planning Authority has no record of receiving a written notice from the Board of its opinion in respect of the proposed development under the provisions of subsection 37B(6) of the Act.

Accordingly, given the opinion of the Planning Authority that the proposed development constitutes a class of development specified in the Seventh Schedule of the Planning and Development Act 2000, as amended, the applicant shall be requested to comment on this opinion and provide a rationale for the making of an application for permission for the proposed development to the Planning Authority in the absence of any documented written notice from An Bord Pleanála stating its opinion that the proposed development does not fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act and therefore does not constitute Strategic Infrastructure Development (SID).

Environmental Impact Assessment Report

An Environmental Impact Assessment Report has accompanied the planning application and follows a grouped format structure with each environmental topic presented in a separate chapter. The submitted EIAR has been prepared in accordance with the Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR) published by the Environmental Protection Agency with a view to facilitating compliance with the implementation of Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive) came into effect on the 16th May 2017. Article 94 and Schedule 6 of the Planning and Development Regulations 2001, (as amended) sets out the information to be contained in an EIS and, it is considered that the EIAR accompanying the application technically accords with the statutory provisions. The Environmental Impact Assessment conducted by the Planning Authority is contained within Appendix A of this planning report.

Appropriate Assessment

An Appropriate Assessment (AA) Stage 1 Screening Report has been submitted with the application, prepared by qualified ecologists. The report concludes that it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

The closest Natura 2000 site to the application is the River Barrow and River Nore SAC (Site Code 002162) which is approximately 9.2km west of the application site, with Pollardstown Fen SAC (Site Code 000396) located approximately 9.7km northwest of the subject site. It is noted that the conclusion of the submitted AA Stage 1 Screening Report considers that the proposed development will have no effects on the integrity of any Natura 2000 sites, or any of the qualifying habitats and/or species for which a site has been designated or classified as being of European importance, either as a stand-alone project or in combination with any other plans or projects. Moreover, it is noted that the Heritage Officer has not raised any concerns in relation to potential impacts on any Natura 2000 sites as a result of the proposed development either as a stand-alone project or in combination with any other plan or project. An Appropriate Assessment Screening Report, prepared by the Planning Authority, is contained within Appendix B of this planning report which indicates that a Natura Impact Statement is not required. Given the nature of the proposal, its location and proximity from any Natura 2000 sites, it is considered that there would be no potential for significant effects on the Natura 2000 network.

Visual/Landscape Impacts

The site is located in the 'Eastern Transition' Landscape Character Area as identified in Map 14.1 of the Kildare County Development Plan 2017-2023. This Landscape Character Area is characterised as a Class 2 'Medium Sensitivity' landscape *"with the capacity to accommodate a range of uses without significant adverse effects on the appearance or character of the landscape having regards to localised sensitivity factors."* (Chapter 14 Landscape Recreation and Amenity, Kildare County Development Plan 2017-2023). The Plan considers such Class 2 sensitivity classes as being of a 'high' compatibility with extractive processes such as sand and gravel extraction.

It is noted that there are no designated views and prospects within the immediate vicinity of the application site, however, there are three designated scenic routes in close proximity to the site:

1. Scenic Route 1 – views of Old Kilcullen from the R418 Motorway Interchange to South of Moortown House – a section of this route comprises of a narrow laneway which runs north of the application site which runs from the R418 to the R448 although this laneway is blocked by debris approximately halfway along this route.
2. Scenic Route 2 – views of Yellowbogcommon from the M9 Motorway Interchange to Halverstown Cross Roads – a section of this route runs along the R448 road to the north-east of the application site.
3. Scenic Route 35 – views of Dun Ailinne from the R418 north-west of the application site.

Chapter 13 of the submitted EIAR provides a visual impact assessment of the proposed development accompanied by a series of photomontages which provide a detailed analysis of the visual impact of the development on the receiving environment. It is noted from the visual impact assessment provided in the submitted EIAR, that the views which were the subject of the designations for Scenic Routes 1

and 2 are directed away from the application site with no effects predicted to arise. Scenic Route 35 provides an overall view direction extending from the north to the east and includes the application site, however, the proposed development is considered not to be visible from this scenic route due to screening provided by intervening vegetation, topography and structures.

It is acknowledged that the application site is bounded by extensive mature hedgerow and tree vegetation, most of which are to be retained, which provide effective screening mitigation of the proposal site. The submitted restoration plan contains details on further screening and landscaping measures to be employed featuring farmland, shrub and hedgerow planting.

Overall, it is considered that the proposal site is accompanied by adequate screening in the form of existing mature hedgerows and trees along its boundaries and the boundaries of the overall landholding of the applicant. Existing significant vegetation and changes of topography within the wider landscape setting also provides for effective screening mitigation of the proposal site. Moreover, given the nature of the proposed development, i.e. the restoration of a disused pre-1964 quarry to backfill the pit void to former ground level and improve lands currently in agricultural use, it is considered that the proposed development will give rise to positive impacts on the landscape and visual amenity as well as the enhancement of local ecological habitats.

Biodiversity

Section 5 of the submitted EIAR addresses the issue of biodiversity, with a separate Appropriate Assessment Screening Report accompanying the application. The biodiversity assessment was informed by an ecological impact assessment of the proposed development using available existing ecological information on the site and a site inspection conducted on the 1st October 2017 to determine the ecological value of the site.

The closest Natura 2000 site to the application is the River Barrow and River Nore SAC (Site Code 002162) which is approximately 9.2km west of the application site, with Pollardstown Fen SAC (Site Code 000396) located approximately 9.7km northwest of the subject site.

The submitted EIAR states that the proposed development will not result in the loss of any important habitats and specifies a number of mitigation measures to be implemented to ensure the protection of breeding birds, common frog and smooth newt, as well as habitats features such as trees and hedgerows.

It is noted that the submitted EIAR refers to the presence of Japanese Knotweed on the site but does not provide any management plan for this invasive species. Accordingly, the applicant shall be requested to submit a site specific Invasive Species Management Plan to address the removal of Japanese Knotweed.

Furthermore, the Planning Authority notes the request from the Heritage Officer in relation to further information on how imported material to be used for restoration will be managed to avoid the introduction of invasive species. In this regard, the applicant shall be requested to provide details of bio-security measures to avoid the introduction of invasive species and other necessary bio-security measures required to prevent the spread of invasive species.

Land, Soils and Geology

Section 6 of the submitted EIAR addresses soils and geology issues and provides a description of the receiving environment on site and an assessment. There are no sites designated County Geological Status within, or immediately adjacent to, the proposed development site. The submitted EIAR has identified the sensitive receptors as being both land and soils which are both of agricultural value. In this regard, the proposed development will give rise to a short to medium term negative impact through the temporary loss of a small area of agricultural land during the works. However, the proposed development is predicted to lead to long term positive impacts with restoration of soils suitable for higher value tillage uses. No impact is predicted on subsoils or the bedrock geology.

Cultural Heritage

Section 12 of the submitted EIAR addresses cultural heritage issues in respect of the proposed development. The assessment provided in the submitted EIAR was informed by a desk-top study using information obtained from the Record of Monuments and Places of County Kildare, The Kildare County Development Plan 2017-2023, the Topographical files and finds list of the National Museum of Ireland, list of previous excavations and cartographic and documentary sources. Field assessments of the application area were also carried out on the 9th May 2016 and 5th February 2018 to identify and assess any known archaeological sites and previously unrecorded features and possible finds within the area.

Examination of the Record of Monuments and Places indicates that the proposal site intrudes into the zones of notification of two recorded monuments that no longer exist:

- KD028-054---- (three crouched inhumation burials located in the north-western section of the site near existing site office and staff welfare facilities); and
- KD028-055---- (a cist located near the southern boundary of the proposal site).

Both of these recorded monuments are cited in the submitted planning application documentation as being removed during quarrying of the sites in 1938 and 1939. Other remaining recorded monuments in the wider area are considered to be too far distant to be directly or indirectly impacted by the proposed development.

In relation to designated structures, there are no protected structures or buildings listed on the National Inventory of Architectural Heritage (NIAH) list within, or in close proximity to, the proposal site.

Transportation

The proposed development proposes to utilise the existing site entrance onto the R448 regional road (formerly the N9 route), without any proposals to alter the existing access point in terms of geometry and/or location. An existing wheelwash is provided at the site to prevent transport of soil and dirt out of the site onto the public road.

Transportation issues were assessed by the Transportation Section of Kildare County Council which has requested further information on a number of items in respect of the proposed development including the provision of Road Safety Assessment for the approaches to the site entrance along the R448 and for the internal road network, swept path analysis, confirmation of lines of sight at the entrance to the site and site lighting details.

Environmental Issues

The submitted EIAR addresses a number of environmental issues associated with the proposed development, including water (section 7 of the submitted EIAR) air quality (section 8) and noise and vibration (section 10). The Planning Authority also notes the submission from the HSE Environmental Health Service on the proposed development, as summarized above in this report. The report from the HSE identifies a number of items relating to the monitoring measures for environmental issues associated with the proposed development in respect of public health, with some items capable of being addressed by the applicant by way of conditions applied to any grant of permission for the proposed development.

In respect of dust impacts arising from the proposed development, Section 8 of the submitted EIAR provides an assessment of the proposed development with regard to air quality. The assessment identified 32 sensitive receptors within the 1km study area around the application site and 17 sensitive receptors identified within 500m of the planning application area. The main focus of the assessment provided in the submitted EIAR related to the potential impact on sensitive receptors from fugitive dust emissions from the following activities:

- Trafficking by heavy goods vehicles (HGVs) over unpaved surfaces;
- Stockpiling, handling and compaction of inert soil and stone material; and
- Placement of inert materials.

A number of mitigation measures are provided in the submitted EIAR (Table 8.12) in respect of air quality, with the residual impact assessment concluding that the proposed development will not give rise to any unacceptable impacts on the identified sensitive receptors. Equally, proposed monitoring measures outlined on page 8-23 of the submitted EIAR are also considered appropriate.

The report from the Environment Section on the proposed development does request a number of further information items relating to the noise impact assessment methodology as presented in Section 10 of the submitted EIAR.

Site Infrastructure

Surface Water: There are no surface water streams or channels on or in the vicinity of the site. Similarly, there is no surface water drainage infrastructure at the site. Surface water across the application site percolates down through the existing ground surface as recharge to groundwater.

Foul Sewer - There is an existing septic tank located to the west of the existing site office, with effluent from the tank discharged to ground via a percolation area.

Water Supply – The site welfare facilities are supplied from an existing on-site borehole well, with bottled water brought onto site for drinking on an 'as need' basis for personal consumption.

It is noted that the report from the Water Services Section has not raised any objections to the proposed development, subject to condition. It is noted that the Environment Section has requested further information in relation to the existing on-site wastewater treatment system. In this regard, the Planning Authority notes that the bedrock aquifer underlying the subject site has been designated as 'LG', a locally important aquifer, with groundwater vulnerability in the area classified as 'High'.

11. Recommendation

It is recommended that **further information** is sought in relation to the following items:

1. The Planning Authority notes from the development description of the proposal, as provided in the submitted planning application form and public notices, that the proposed development seeks *"the establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials"*, with the development proposed to *"be carried out on a phased basis and will be completed within 8 years"*. On the basis of the development description provided in this application, the Planning Authority has regard to the classes of infrastructure developments for the purposes of Sections 37A and 37B of the Planning and Development Act 2000, as amended, as prescribed in the Seventh Schedule of the Act. Under those infrastructure developments classified under *'Environmental Infrastructure'* of the Seventh Schedule of the Act, development comprising of an *"installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes"* is specified.

Having regard to the function and use of the proposed development, the proposed volume of inert waste materials to be imported onto the site for recovery and the envisaged operational timeframe of the proposed development, the Planning Authority is of the opinion that the proposed development constitutes a class of development specified in the Seventh Schedule of the Planning and Development Act 2000, as amended. As a result, it is considered that the applicant should have entered into consultations with An Bord Pleanála in respect of the proposed development under Section 37B of the Planning and Development Act 2000, as amended, as advised by the Planning Authority at the pre-planning consultation held on 04/07/2017 (and as referenced above in Section 8 of this report). Subsequent to any such consultations with the Board under Section 37B of the Act, the applicant should have received written notice from the Board stating its opinion as to whether or not the proposed development would fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act and whether or not the proposed development might constitute Strategic Infrastructure Development (SID). In this regard, it is noted that a prospective applicant is precluded from making an application for permission for a class of development specified in the Seventh Schedule of the Act to a Planning Authority in the absence of written notice from the Board stating its opinion that the proposed development does not fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act.

Accordingly, given the opinion of the Planning Authority that the proposed development constitutes a class of development specified in the Seventh Schedule of the Planning and Development Act 2000, as amended, the applicant is requested to comment on this opinion and provide a rationale for the making of an application for permission for the proposed development to the Planning Authority in the absence of any documented written notice from An Bord Pleanála stating its opinion that the proposed development does not fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act and therefore does not constitute Strategic Infrastructure Development (SID).

2. (a) The submitted Environmental Impact Assessment Report (EIAR) refers to the presence of Japanese Knot weed on site but does not provide any management plan for this invasive species. Accordingly, the applicant is requested to submit a site specific Management Plan to address the removal of Japanese Knot weed from the subject site. Any such Management Plan shall be prepared by a professional who has experience in dealing with invasive species.

(b) The applicant is requested to provide details as to how imported natural inert waste materials will be managed to avoid the introduction of invasive species. Details of bio-security measures to avoid the introduction of invasive species should be provided as well as details of how soil found to be contaminated will be managed and any other necessary bio-security measures required to prevent the spread of invasive species.

3. The applicant is requested to undertake and submit the results of a Road Safety Assessment for the approaches to the site entrance along the R448 and for the internal road network of the site.

4. The applicant is requested to provide a swept path analysis for development and for haul routes adjacent to car parking and work zones.

5. The applicant is to confirm with measurements that the lines of sight at the entrance to the site will be provided and which should be strictly in accordance with the Design Manual for Roads and Bridges. This should include measures to prevent vegetation from interfering with visibility splays, particularly along the verge of the R448.

6. The applicant is requested to demonstrate how it is proposed to keep the access road from the wheel wash to the entrance clean. The deposition of mud or other debris is prohibited on the roads outside the site. Such deposits made lead to internal road safety issues and could also be a dust nuisance for local residents.

7. The applicant is requested to provide details of the public lighting necessary for safe access, egress and working activities as planned hours of operation on the site include some hours of darkness, during winter- time.

8. The applicant is requested to submit details to limit light leakage at the edges of the development into what is a rural area with wildlife and to submit details to limit potential glare from flood lights onto adjacent roads and households.

9. Receptors R1, R2, R3 and R32, as identified in the submitted EIAR, are in close proximity to the proposed site. The applicant is requested to clarify why a reduction of -10 dB (A) has been assumed for R1, R2, R3 and R32 for partial screening in the noise impact assessment documented in Chapter 10 of the submitted EIAR.

10. Paragraph 10.60 of the submitted EIAR states that all noise sources will be active 20% of the time at the application site. The applicant is requested to clarify how the site will only be active 20% of the time when there will be 59 no. HGV trips a day. (Time to drive in, deposit load, drive back out of site could take up to 5 minutes). Also it is necessary to take into account the time taken for machinery spreading the waste at the proposed site.

11. The applicant is requested to submit amended noise impact assessment results taking into account clarifications relating to Further Information request item nos. 9 and 10, if applicable.
12. The applicant is requested to submit certification from a competent person with a recognised technical qualification and accredited with the FAS National Certificate Training Programme in Site Suitability Assessments for On-Site Wastewater Treatment Systems and that a copy of their professional indemnity insurance shall also be submitted, that the hydraulic and biological loading generated by the proposed development can be catered for in the existing septic tank system and percolation area. Design details and calculations shall be included as part of the report.

Please note that if the existing system requires upgrading to achieve compliance with the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" then a fully completed 'Site Characterisation Form for an On-Site Wastewater Treatment System' shall be submitted. A "Site Characterisation Form for an On-Site Wastewater Treatment System" (~~copy attached~~) shall be completed in full and signed by a competent person with a recognised technical qualification accredited with the FAS National Certificate Training Programme in Site Suitability for On-Site Wastewater Treatment Systems and that a copy of their professional indemnity insurance shall also be submitted. The Site Characterisation Form shall be completed in accordance with the requirements of the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)".

If a proprietary wastewater treatment system is proposed, then a Site Suitability Report, prepared by the manufacturers/suppliers of the Irish Agrément Board approved wastewater treatment system, shall be submitted. The Site Suitability Report shall be based on a site visit by the manufacturers/suppliers of the wastewater treatment system, and on a fully completed Site Characterisation Form for an on-site wastewater treatment system. The design and location of the wastewater treatment system and polishing filter shall be indicated clearly on a Site Layout Plan all in accordance with the requirements of the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)".

13. The applicant is requested to indicate on a Site Layout Plan (1:500 scale) the exact location of any septic tanks/wastewater treatment systems and wells on or adjoining the site and the extent of all streams/ditches that are on, bordering, or adjacent to the site.
14. The Planning Authority notes an apparent discrepancy on the submitted 'Existing and Proposed Cross Sections' drawing (Drawing No. 6) in respect of Section A-A', wherein the existing and proposed ground levels are identical. Accordingly, the applicant is requested to submit a revised cross section drawing in respect of Section A-A' which addresses this discrepancy and accurately depicts the existing and proposed ground levels for this section.


Assistant Planner

14-6-2018
Date

P. Conlon
Senior Executive Planner

14.06.2018
Date

Attached

Appendix A - Environmental Impact Assessment

Appendix B – Appropriate Assessment Screening Report

Appendix C – Site Photos

W. Cree
14/06/18

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Appendix A

Environmental Impact Assessment

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Appendix B

Appropriate Assessment Screening Report

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APPROPRIATE ASSESSMENT SCREENING REPORT AND CONCLUSION STATEMENT

(A) Project Details	
Planning File Ref	18/453
Applicant name	Kilsaran Concrete t/a Kilsaran Build
Development Location	Halverstown, Kilcullen, Co. Kildare
Site size	17.5 ha
Application accompanied by an EIS (Yes/NO)	Yes
Distance from Natura 2000 site in km	<ul style="list-style-type: none"> ▪ River Barrow and River Nore SAC (Site Code 002162) is located c. 9.2km west of the site. ▪ Pollardstown Fen SAC (Site Code 000396) is c. 9.7km northwest of the site.
Description of the project/proposed development <i>The development will comprise of:</i> <ul style="list-style-type: none"> (i) <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;</i> (ii) <i>Shared 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;</i> (iii) <i>Use of section of existing concrete block curing shed as a waste inspection and quarantine facility; and</i> <i>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.</i>	
(B) Identification of Natura 2000 sites which may be impacted by the proposed development	
	Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.

1	<p>Impacts on sites designated for freshwater habitats or species.</p> <p>Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake</p>	<p><i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i></p>	No
2	<p>Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.</p> <p>Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake</p>	<p><i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i></p>	No
3	<p>Impacts on designated terrestrial habitats.</p> <p>Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake</p>	<p><i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i></p>	No
4	<p>Impacts on birds in SPAs</p> <p>Sites to consider: Poulaphouca Reservoir</p>	<p><i>Is the development within a Special Protection Area, or within 5 km of same?</i></p>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Having regard to the proximity of the nearest SAC and given the nature and extent of the proposed development, it is not considered there would be potential for significant effects on the Natura 2000 network.		
Name:	Liam Flynn	
Position	Assistant Planner	
Date:	12 th June 2018	

Appendix C

Site Photos

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Fig. 1 – View of site northwards along existing on-site road with weighbridge in background



Fig. 2 – View of northern extent of application site area with existing block curing shed proposed to contain a waste inspection and quarantine facility in background



Fig. 3 – Image of existing concrete block curing shed to the north of subject site



Fig. 4 – Image of existing agricultural field in north-eastern section of subject site identified as infill area 2 on Figure 2.1 of the submitted EIAR



Fig. 5 – Image of western boundary of subject site illustrating existing screening and topography of surrounding terrain.

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