

RE:/ Planning Permission is sought by William Browne Sand & Gravel Ltd, at Usk Townland, Co.Kildare. Within an overall application area of 28.3 hectares the development will consist of (a) continuance of use of the existing sand and gravel pit (13.2 hectares) on lands that have been used for this purpose since before 1st October 1964 on a site registered under section 261 of the Planning and Development Act 2000 (quarry reference QR58) and all ancillary facilities including the existing processing plant (including screening, washing and crushing plant), stockpile areas, fuel storage tanks, the closed circuit settlement lagoon system and the truck/vehicle parking area: (b) extension of the existing sand & gravel pit beyond the section 261 area boundary (15.1 hectares); (c) retention of the existing work shop (428m.sq) and fuel storage container (32m.sq);(d) retention and relocation of the exiting site office/canteen/toilet (46m.sq) canteen/store (27m.sq), 2 no. toilet facilities (1.7m.sq); (e) relocation of the existing site entrance,(f) provision of a wheelwash, weighbridge and oil interceptor; (g) provision of additional office (46m.sq) and proprietary effluent treatment system, (h) provision of landscaped screening berms and phased restoration of the worked out areas of the pit to beneficial agricultural afteruse. An Environmental Impact Statement will be submitted with the planning application. 07/795.

Schedule 1

Having regard to the location of the proposed development, adjoining an existing sand and gravel extraction process, the County Development Plan 2005 – 2011 and all other material consideration, it is considered that subject to compliance with the conditions set out in the Schedule 2, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be contrary to the proper planning and sustainable development of the area.

Schedule 2

1. The proposed development shall be carried out and completed in accordance with the complete application documents and the accompanying Environmental Impact Statement lodged with the Planning Authority on the 11th day of May 2007, as altered by revised drawings and documentation submitted on 14th day of August 2007 - including the incorporation into the project of the recommendations included in the various specialist technical reports - except as otherwise required in order to comply with the conditions below.

Reason: To clarify the detailed development proposal authorised by this permission.

2. (a) This grant of permission shall expire on the 8th day of November 2019

(b) all machinery and structures shall be removed from the site within 12 months following that date, unless in the interim permission for further extraction works beyond that date has been granted by the Planning Authority or by An Bord Pleanála on appeal.

Reason: To limit the impact of the development on the amenities of the area.

3. Hours of operation shall be restricted to the following:

- Monday to Friday 06.00 lorries leave site, extraction undertaken 07.00 to 18.00, and, - Saturday lorries leave the site 07.00 and extraction undertaken 08.00 to 16.00.

No activity on Sunday & Bank Holidays under any circumstances. The facility shall be closed on Sundays and bank holidays.

Reason: In the interests of maintaining the general amenity of the area.

4. (a) No material shall be imported into the site, for either site reinstatement or for processing, unless permission in this respect is granted by the Planning Authority or by An Bord Pleanála on appeal. All reinstatement works shall make use of overburden sourced from within the site.

(b) The restoration plan shall be subject to review and agreement with the Planning Authority at four yearly intervals, with the 1st being applicable (submitted for agreement) November 2011.

(c) This grant of permission excludes the use of palisade fencing on the boundary of the site. Revised proposal shall be submitted to within 3 months of the date of this grant of permission for the written agreement of the Planning Authority in this regard.

Reason: To control the scale of development, in the interests of amenity and public health.

5. (a) The developer shall ensure that all operations on site are carried out in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.

(b) The number and location of dust deposition monitoring stations shall be agreed with the Environment Section of Kildare County Council within two months of the granting of Planning Permission. The method of dust monitoring shall be by the Standard Method VDI 2119, measurement of dustfall using Bergerhoff Instrument (Standard Method) German Engineering Institute. Dust deposition rates measured at any of the agreed monitoring stations shall not exceed 350mg/m²/day averaged over 30 days. A report containing the dust monitoring results and a non technical summary confirming compliance or non compliance with the limits shall be submitted within 14 days of the end of each

quarter and contain all information relating to dust monitoring for the previous three months.

Reason: To control emissions and provide for the protection of the environment.

6. Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T).
Day 55 dB (A) Laeq (30 Minutes) (06.00hrs to 22.00hrs)

There shall be no audible tonal component or impulsive component in the noise emission from the activity at any noise sensitive location.

Reason: To control emissions from the facility and provide for the protection of the environment.

7. (a) The developer shall monitor and record noise and dust deposition levels at monitoring and recording stations stated in preceding conditions. All data obtained shall be available for inspection by the public and by the Planning Authority with appropriate detailed agreements being made with the Planning Authority regarding availability arrangements of the data. All recorded data shall be submitted to the Planning Authority on a monthly basis.

(b) Dust deposition monitoring shall be carried out 3 times per year in March / April, during the month of July and in October/November.

Reason: To ensure satisfactory monitoring of the development.

8. All tank and drum areas shall be rendered impervious to the materials stored therein. In addition, tank and drum storage areas shall be bunded either locally or remotely to a volume not less than 110% of the capacity of the largest tank or drum within the bunded area. Drainage from the bunded area shall be diverted for collection and safe disposal.

Reason: In the interest of environmental protection.

9. (a) Waste sent off site for recovery or disposal shall only be conveyed by an authorised waste contractor and transported from the proposed development site to an authorised site of recovery/disposal in a manner which will not adversely affect the environment.

(b) Operations at the site shall be managed and programmed in such a manner as to minimise waste production.

(c) Programs shall be implemented for the minimisation, reuse, recovery and recycling of waste, in accordance with the Waste Management Act 1996 and Regulations made thereunder. No burning of waste shall occur on site.

Reason: To provide for the recovery/disposal/production of waste and the protection of the environment.

10. (a) works associated with the construction of the earthen berm along the River Greese shall be undertaken under the supervision of a suitably qualified ecological consultant with expertise in this area

(b) a report into the effects if any of the proposed development on the local frog (*Rana temporaria*) and the Yellowhammer (*Emberiza citrinella*) populations shall be submitted to the Planning Authority for written agreement in November 2009 and every two years thereafter. Where a decline in population of both are found habitat preservation measures shall be submitted. The report shall include a detailed time scale for the written agreement of the Planning Authority for their implementation.

Reason: To control waste production at the site and to provide for the protection of the environment

11. (a) All foul waste and soiled water shall discharge to a septic tank system designed and constructed in accordance with the EPA Wastewater Treatment Manual "Treatment Systems for Single Houses".

(b) The septic tank shall be located not nearer than **7** metres from the dwelling, not nearer than 7 metres from any other dwelling, not nearer than **10** metres from any watercourse/stream, not nearer than **3** metres from the site boundary and not nearer than **4** metres from a road or slope break/cut. The septic tank shall be located not nearer than ***40** metres from any water supply source unless such source is from a public piped supply.

(c) The effluent from the septic tank shall be discharged to a Bord na Mona PURAFLO intermittent peat filter and followed by a polishing filter.

(d) The PURAFLO and polishing filter shall be located not nearer than 10 meters from the dwelling, not nearer than 10 metres from any other dwelling, not nearer than **10** metres from a watercourse/stream, not nearer than **3** metres from the site boundary and not nearer than **4** metres from a road or slope break/cut. The polishing filter shall be located not nearer than ***40** metres from any water supply source unless such source is from a public piped supply.

(e) A suitably qualified engineer familiar with the Site Characterisation Form prepared for the site shall design the polishing filter, supervise its construction and submit certification to the Planning Authority that all works have been completed in compliance with the requirements of the EPA Wastewater Treatment Manual "Treatment Systems for Single Houses".

(f) A Site Suitability report, prepared by the manufacturers/suppliers of the Irish Agrément Board approved wastewater treatment system shall be submitted, taking into consideration the results of the fully completed Site

Characterisation Form within one month of the grant of planning permission. This report shall confirm that the manufacturers/suppliers of the wastewater treatment system have visited the site and include a Site Layout Plan (1:500 scale), prepared by them and shall show their recommended location for the wastewater treatment system and polishing filter.

(g) The applicant shall enter a maintenance contract with **Bord na Mona** the manufacturers/suppliers of the **PURAFLO** wastewater treatment system to ensure satisfactory performance at all times.

(h) Any well shall be located not nearer than ***40** metres from the **Bord na Mona PURAFLO** wastewater treatment system and polishing filter and any other wastewater treatment systems and percolation areas/polishing filters.

*See Table 4, P19, EPA Wastewater Treatment Manual "Treatment Systems for Single Houses" and DOELG/EPA/GSI "Groundwater Protection Responses for On-Site Wastewater Systems for Single Houses" for suggested minimum distances from a well.

Reason: To provide for the recovery/disposal of waste and the protection of the environment.

12. All approach roads to the facility shall be kept free from any deposits as a result of activity at the site. The approach roads and internal haul roads shall be sprayed regularly to control dust emissions. Any other material deposited on the roads as a result of operations on site shall be cleaned immediately.

Reason: To provide for the protection of the local environment.

13. (a) The proposed wheel wash facility shall provide for the cleaning of the sides, wheels and under carriage of all vehicles leaving the facility.

(b) Adequately sized fats, oils, greases interceptors shall be installed on all kitchen waste and canteen waste drainage lines

Reason: To provide for the protection of the local environment.

14. Prior to the commencement of development, the developer shall establish a fund dedicated to providing the costs of the Restoration Plan as submitted. The amount of the fund shall, at all times, be sufficient to meet the costs of rehabilitation of all works to the satisfaction of the Planning Authority. The fund shall be sufficient without reliance on the value of plant, equipment or other such assets.

A financial surety shall be put in place by the developer to guarantee the availability of the fund in the event of financial failure or some other default. The type of surety and its means of release/recovery shall be agreed with the Planning Authority and it shall explicitly designate Kildare County Council as beneficiaries in the event of the developer being unable to implement the Restoration Plan.

The fund shall be maintained for the duration of the development, operation and closure periods until a final certificate of completion of rehabilitation is issued by the Planning Authority to the developer.

The amount of the fund shall not be less than €100,000 (one hundred thousand euro).

The foregoing amounts shall be indexed to the 31st April 2004 prices in accordance with the Wholesale Price Index - Building and Construction (Capital Goods), as published by the Central Statistics Office. Following review of the Restoration Plan the amount of the fund shall be amended if and as appropriate.

Reason: To ensure the satisfactory completion of the development and to provide, inter alia, for the finance of water replacement measures as may be necessary.

15. (a) Surface water run off shall not discharge onto the public road or to adjoining properties. All surface water run off from hardstand and maintenance [existing workshop] areas shall pass through a petrol interceptor prior to discharge to the surface water drainage system. The petrol interceptor shall be installed and maintained in accordance with the manufacturers instructions. A visual examination of the surface water system shall be carried out every day to confirm that this system is operating correctly.

(b) Contaminated surface water arising on site shall be contained on site and shall not be allowed discharge to any open drain or watercourse. Only clean uncontaminated surface water shall discharge to the surface water system.

Reason: In the interests of public health and for the protection of the environment.

16. Maintenance of plant and machinery shall only be carried out in the workshop or on a hardstand area.

Reason: In the interests of public health and for the protection of the environment.

17. Water from the public mains shall be used only for drinking purposes and to service the toilet facilities etc. within the site offices unless otherwise agreed in writing with the Water Services section of Kildare County Council.

Reason: In the interests of public health.

18. The proposed development shall not impair existing land or road drainage.

Reason: To prevent interference with existing land or road drainage in the interests of proper development.

19. (a) The applicant shall ensure that activities on the site are carried out in such a manner so as not to have any adverse effect on groundwater, watercourses, field drains, the drains of adjacent lands or any other drainage system including that of the public roadway. Systems shall be put in place so that only clean surface water from the site shall gain access to any watercourse.

(b) The developer shall carry out monitoring of surface water and groundwater in the vicinity of the site to include information on groundwater levels AOD. The monitoring locations, sampling procedure and suite of water quality parameters to be tested for shall be agreed in advance with the Planning Authority. Monitoring shall be carried out on a quarterly basis and the monitoring shall begin prior to the commencement of the authorised activity. The results of the monitoring shall be submitted to the Planning Authority four weeks after the end of the every quarter being reported on. Excavation shall not take place below a level of at least 1 metre above the highest water table level on site.

Reason: To ensure the proper planning and sustainable development.

20. An Environmental Audit of the site operations shall be carried out annually on behalf of the developer by a competent environmental consultant to the satisfaction of the Planning Authority. Details of the monitoring arrangements, including locations and frequency of monitoring shall be submitted for the consent of the Planning Authority within three months of the date of the grant of permission. The Environmental Audit shall be submitted to the Planning Authority on an annual basis.

Reason: In order to monitor the proposed development and in the interests of the proper planning and sustainable development of the area.

21. Before development commences the applicant/developer shall pay to Kildare County Council the sum of **€ 75,500** being the appropriate contribution to be applied to this development in accordance with the Development Contributions Scheme adopted by Kildare County Council on 23rd February 2004 in accordance with Section 48 of the Planning and Development Act 2000. The amount payable under this condition shall be fully index-linked from the date of grant of permission.

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

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