

Comhairle Contae Chill Dara  
Kildare County Council



Date: 26/08/2020  
Pl. Ref: 19/949

Dunlavin Land Restoration Limited,  
C/o SLR Consulting Ireland  
7 Dundrum Business Park  
Windy Arbour  
Dublin 14

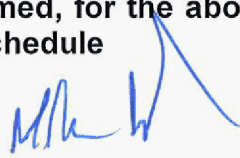
- 3 SEP 2020

Planning Register Number: 19/949  
Application Receipt Date: 21/08/2019

**PERMISSION Backfilling of a former sand and gravel pit to its former ground level using approximately 1,240,000 tonnes of imported natural inert waste materials and/or suitable by-product materials, principally soil and stone generated by construction and development projects; Establishment and operation of an inert soil waste recovery facility to provide for the recovery through backfilling, of natural inert soil and stone waste; Installation of site infrastructure including site offices, staff welfare facilities, weighbridge (with dedicated office), wheelwash facility, hardstand areas, fuel storage tanks and site access roads; Use of an existing storage shed as a waste inspection and quarantine facility and for storage of plant and equipment; Separation of any intermixed construction and demolition waste (principally concrete, metal, timber, PVC pipes and plastic) inadvertently imported to site prior to removal off-site to authorized waste disposal or recovery facilities; Temporary stockpiling of imported topsoil pending re-use as cover material for the final restoration of the site; Restoration of the final backfilled landform to long-term grassland/agricultural use. The proposed development requires a waste licence from the Environmental Protection Agency. An Environmental Impact Assessment Report (EIAR) will be submitted to the Planning Authority in connection with the application, for development. Revised by significant further information consisting of; Updated information in Environmental Impact Assessment Report (EIAR). Flood Risk Assessment. New on-site Wastewater Treatment System. Surface Water Management. Road Condition Survey, Road Safety Audit and Sightline Assessment. Invasive Species Management Plan AT Usk, Kilcullen, Co. Kildare. IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.**

In pursuance of the powers conferred upon them by the Planning & Development Act 2000 (as amended), Kildare County Council have by Order dated 20/07/2020 GRANTED PERMISSION to the above named, for the above development subject to 32 conditions set out in the attached schedule

Date: 26/08/2020

Signed:   
Senior Executive Officer, Planning  
Kildare County Council.

For inspection purposes only.  
Consent of copyright owner required for any other use.

Comhairle Contae Chill Dara  
Kildare County Council



- NOTE: The permission herein granted shall, on the expiration of the period of 5 years beginning on the date of the granting of permission, cease to have effect as regards:
- (1) In case the development to which the permission relates is not commenced during the period, the entire development, and
  - (2) In case such development is so commenced, so much thereof as is not completed within that period.

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Planning Permission is sought for Backfilling of a former sand and gravel pit to its former ground level using approximately 1,240,000 tonnes of imported natural inert waste materials and/or suitable by-product materials, principally soil and stone generated by construction and development projects; Establishment and operation of an inert soil waste recovery facility to provide for the recovery through backfilling, of natural inert soil and stone waste; Installation of site infrastructure including site offices, staff welfare facilities, weighbridge (with dedicated office), wheelwash facility, hardstand areas, fuel storage tanks and site access roads; Use of an existing storage shed as a waste inspection and quarantine facility and for storage of plant and equipment; Separation of any intermixed construction and demolition waste (principally concrete, metal, timber, PVC pipes and plastic) inadvertently imported to site prior to removal off-site to authorized waste disposal or recovery facilities; Temporary stockpiling of imported topsoil pending re-use as cover material for the final restoration of the site; Restoration of the final backfilled landform to long-term grassland/agricultural use. The proposed development requires a waste licence from the Environmental Protection Agency. An Environmental Impact Assessment Report (EIAR) will be submitted to the Planning Authority in connection with the application, for development. Revised by significant further information consisting of; Updated information in Environmental Impact Assessment Report (EIAR). Flood Risk Assessment. New on-site Wastewater Treatment System. Surface Water Management. Road Condition Survey. Road Safety Audit and Sightline Assessment. Invasive Species Management Plan at Usk, Kilcullen, Co. Kildare – Dunlavin Land Restoration Limited – 19/949

**Schedule 1 – Considerations and Reasons on which this Decision is based as required by Article 31 of the Planning and Development Regulations 2001 (as amended)**

Having regard to the provisions of the Kildare County Development Plan 2017 – 2023, the EIAR submitted and the Environmental Impact Assessment carried out by the Planning Authority, the nature and extent 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 to apply.**

1. (a) The development shall be carried out in accordance with plans and particulars received by the Planning Authority on 21<sup>st</sup> August 2019, as amended by the revised details received on the 29<sup>th</sup> April 2020 and the revised public notices received on the 11<sup>th</sup> May 2020, except where altered or amended by conditions in this permission.

(b) The development shall commence within five years of the date of the final grant of

of permission. The Planning Authority shall be notified in writing in advance of the commencement of operations. Permission for the importation of material and the deposition of soil and stone shall expire six years from the date the permitted operations commence. The site restoration shall be fully completed within the

following three years. The Planning Authority shall be notified in writing on the completion of all activities pursuant to this permission.

**Reason:** In the interests of clarity and orderly development and to ensure that the development accords with the plans and particulars submitted with the application and to ensure that effective control is maintained.

2. Prior to the commencement of any development on site the Developer is required to submit plans and sections for the written agreement of the Planning Authority showing fill levels within 30 metres of the garden boundary of the dwelling on the adjoining site to the north east of the site, not including the existing berm bounding that property, shall be no more than two metres above the level of the garden at the boundary of that property. The site levels shall be such and drains designed and provided so that no surface run off from the site can drain to that property.

**Reason:** In the interests of residential amenity and to protect adjoining properties from risk of subsidence

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

**Reason:** In the interests of clarity and the protection of the environment

4. The Developer shall only utilise the haul route along the L6094, L2035 and L6096 as far as the junction with the R448. No HGVs travelling to or from the permitted development shall use any other road in the local road network.

**Reason:** To minimise the hazard to other Local Road Users. All other roads in the local network are insufficient to accommodate traffic generated by the proposed development in terms of safety, structural strength, surface condition, alignment and road width.

5. The hours of operation on site shall be 07.30 hours and 17.30 hours, Monday to Friday. No activities or maintenance shall be permitted outside of the above stated hours or on Weekends 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. Prior to commencement of development, the Developer shall ensure that a 50 mm depth of AC20 is laid across the width of the carriageway, for the entire haul route length of approximately 3 KM, from a point 25 metres south east of the site entrance to the junction with the Regional Road (R448). The Developer shall ensure that the Surface Dressing has a 6mm pad coat followed by a 10mm/6mm raked-in surface dressing, in accordance with IAT Guidelines for Surface Dressing in Ireland.

Prior to commencement of development the Developer shall contract the Athy Municipal District and agree a road opening licence and timing of all works. The Developer shall be liable for all costs including: road pavement overlay, signing and lining. Works shall be completed to the written satisfaction of the Athy Municipal District Engineer.

**Reason:** To facilitate the development, by strengthening the local road carriageway.

7. The Developer shall set back the main vehicular entrance so that it is a minimum of 11.4 metres from the carriageway edge, generally in accordance with the standard detail, attached, E3639-5.

**Reason:** In the interest of Road Safety.

8. The Developer shall ensure that sight lines are subsequently maintained at the exit to the local road, in accordance with the TII publication DN-GEO-03060.

**Reason:** In the interest of Road Safety.

9. Prior to commencement of development, the developer shall ensure that all Road Safety Recommendations by the CTS Group, dated January 2020 are put in place. The Developer shall obtain the written approval of the Municipal District in the installation of the roadway mitigation measures. The Developer shall be liable for all costs associated with this work.

**Reason:** In the interest of Road Safety.

10. Following the carriageway overlay but prior to opening of the development; the developer shall carry out a Stage 3 Road Safety Assessment (RSA), by the independent accredited Road Safety Auditor, to examine along the haul route along the L6094, L2035 and L6096 as far as the junction with the R448; as well as the internal vehicle operations.

The Developer shall ensure that the recommendations from the RSA are put in place prior to opening of the development.

**Reason:** In the interest of Traffic Safety.

11. (a) The Developer shall put in place robust verifiable measures to limit the speed of HGVs on the Local Road Network to 60 kph as described in section 4 of the further information reply received 29<sup>th</sup> April 2020. The applicant shall utilise appropriate traffic control technology that utilizes GPS tracking to limit speed.

(b) The Applicant shall maintain, monitor and record this system to the satisfaction of the Planning Authority.

**Reason:** To reduce the risk and severity of collisions.

12. The Developer shall keep a record of traffic movements into and out of the site. This record shall contain details of all traffic movements (including origin and destination of vehicles, registration and type of vehicle) and should be available for inspection on site during working hours.

**Reason:** To assess the impact of the development on the existing road network and to ensure that levels of generated traffic are in accordance with the developer's submission.

13. Car parking spaces shall be in accordance with the Kildare County Development Plan (2019-2023).

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

14. (a) No surface water runoff from the site shall discharge onto the public road.  
(b) The developer shall ensure that only clean, uncontaminated surface water shall be discharged to adequately sized soakpit(s) or the surface water system.  
(c) The Applicant shall ensure that all surface water which is contaminated or likely to be contaminated from the site including the bunded fuel storage area, quarantine area and the carpark area shall pass through the hydrocarbon interceptor prior to discharge to a soakaway/infiltration area.

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

15. The developer shall ensure that a wheel wash facility is maintained on the site and is used by all vehicles exiting the site. No mud or other debris shall be deposited on the roads outside the site. The Developer shall ensure that all public roadways in the vicinity of the site are swept clear of all loose material on a regular basis, and that all loose material is removed from road verges.

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

16. The development shall not impair existing land and roadside drainage. The Developer shall be responsible for the proper design, construction and maintenance of all surface water drains and soakways, installed as part of proposed development.

**Reason:** To prevent interference with existing land or road drainage.

17. The Developer shall ensure that no vehicles which exceed the legal maximum axle weight shall use the public road.

**Reason:** To ensure that the road system serving the development is protected, in the interest of the proper planning and sustainable development of the area.

18. 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:** In the interests of clarity and environmental protection.

19. (a) All Land, Soil and Geology Mitigation Measures specified in Sections 6.82 - 6.90 of the Environmental Impact Assessment Report, prepared by SRL Consulting Ireland, dated July 2019 shall be implemented.

(b) All Hydrology and Hydrogeological Mitigation Measures specified in Sections 7.149 – 7.152 of the Environmental Impact Assessment Report, prepared by SRL Consulting Ireland, dated July 2019 shall be implemented.

(c) The Developer shall ensure that groundwater pond shall be backfilled with natural site-won sand and gravel stockpiled on site.



(d) All Air Mitigation Measures specified in Table 8-17 and Sections 8.135 – 8.140 of the Environmental Impact Assessment Report, prepared by SRL Consulting Ireland, dated July 2019 shall be implemented.

(e) All Noise Mitigation Measures specified in Sections 10.100 – 10.104 of the Environmental Impact Assessment, prepared by SRL Consulting Ireland, dated July 2019 shall be implemented. Noise emissions levels from the proposed site shall be in accordance with Waste Licence(s) Conditions.

(f) 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 and/or in accordance with conditions of the Waste Licence.

(g) The Developer 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:** In the interests of clarity and orderly development, to control emissions and to ensure the protection of the environment.

20. 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 offtake points shall be located within the bunded areas

**Reason:** In the interests of the protection of groundwaters

21. (a) The Applicant shall provide a closed loop wheel wash system to the satisfaction of Kildare County Council. The 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.

(b) A suction sweeper shall be used where necessary to remove any material deposited by vehicles entering or leaving the facility.

**Reason:** In the interests of the protection of groundwaters and the road network and avoid nuisance

22. A waste quarantine area shall be provided at the site.

**Reason:** In the interest of the protection of the environment.

23. (a) All foul waste and soiled water shall discharge to the I.S. EN 12566-3:2005 Small Wastewater Treatment Systems for up to 50PT – Part 3: Packaged and/or Site Assembled Domestic Wastewater Treatment Plants approved TRICEL wastewater treatment system.

(b) The wastewater treatment system shall be located not nearer than 7 metres from the Welfare and Office Building, not nearer than 7 metres from any 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 wastewater treatment system shall be located not nearer than \*40 metres from any water supply source unless such source is from a public piped supply.

\*See Table B.3, P62, EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" and DOELG/EPA/GSI "Groundwater Protection Responses for On-Site Wastewater Systems for Single Houses" for suggested minimum distances from a well.

**Reason:** In the interest of public health, to avoid pollution, and to ensure proper development.

24. (a) The treated effluent from the TRICEL wastewater treatment system shall be discharged to a sand polishing filter, which shall be designed and constructed in accordance with the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)".

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

\*See Table B.3, P62, EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" and DOELG/EPA/GSI "Groundwater Protection Responses for On-Site Wastewater Systems for Single Houses" for suggested minimum distances from a well.

(c) The treated effluent from the sand polishing filter shall be discharged to a gravel distribution layer, which shall be designed and constructed in accordance with the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)".

(d) The gravel distribution layer shall be located not nearer than 10 metres from the Welfare and Office Building, not nearer than 10 metres from any dwelling, not nearer than 10 metres from any watercourse/stream, not nearer than 3 metres from the site boundary, not nearer than 4 metres from a road or slope break/cut and not nearer than \*40 metres from any water supply source unless such source is from a public piped supply.

\*See Table B.3, P62, EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" and DOELG/EPA/GSI "Groundwater

Protection Responses for On-Site Wastewater Systems for Single Houses” for suggested minimum distances from a well.

(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 Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )”.

(f) With regards to all other aspects of the wastewater treatment system installation, the I.S. EN 12566-3:2005 and Site Suitability Report dated 18/12/2019 shall be followed.

(g) With regard to all other aspects of the polishing filter construction, the Site Characterisation Form dated 17/12/2019 shall be followed.

**Reason:** In the interest of public health, to avoid pollution, and to ensure proper development.

25. The operator shall enter a maintenance contract with Tricel (Killarney) Unlimited Company trading as Tricel the manufacturers/suppliers of the TRICEL wastewater treatment system to ensure satisfactory performance at all times.

**Reason:** In the interest of public health, to avoid pollution, and to ensure proper development

26. Only clean, uncontaminated surface water shall be discharged to adequately sized soakpit(s) or the surface water system.

**Reason:** In the interest of public health, to avoid pollution, and to ensure proper development.

27. When the proposed development is completed the site shall be used for forestry / 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.

28. Prior to the commencement of any siteworks, the Developer shall contact Gas Networks Ireland and all works in the vicinity of the Gas Transmission Pipeline shall be completed in accordance with their Code of Practice 2015, or any subsequent revisions.

**Reason:** In the interests of public safety and to ensure gas transmission is not interrupted.

29. (a) An Ecological Clerk of Works with suitable experience shall be appointed prior to the commencement of the development and shall oversee the works on site.

(b) A completion report demonstrating compliance with all mitigation measures outlined in the EIAR and Restoration Plan shall be prepared by the Ecological Clerk of Works and submitted to the planning authority within 6 weeks of the completion of the development.

**Reason:** In the interests of the protection of ecology on site and to ensure that the development is completed in accordance with the permission granted.

30. (a) Where the Developer proposes to connect to a public water/wastewater network operated by Irish Water, the developer must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices.

(b) Any proposals by the Developer to build over or diver existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.

**Reason:** In the interests of public health and the protection of water supplies.

31. The Developer shall ensure that species as set out in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 – 2015 are not present on site and are not introduced during importation or spreading works on site. A monitoring report to support this shall be submitted for the written agreement of the Planning Authority one year after completion of the importation of material onto the site. Should any invasive Alien plant species become present on site, they should be eradicated using current best practice.

**Reason:** In the interest of ecological improvement and the eradication of invasive species.

32. The Applicant/Developer to pay to Kildare County Council the sum of **€401,492.40** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 5<sup>th</sup> 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 5<sup>th</sup> 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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