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KILDARE COUNTY COUNCIL
PLANNING DEPARTMENT

Planning Report 1



Planning Ref No. 19/949

Name of Applicant

Dunlavin Land Restoration Limited

Address of Development

Usk, Kilcullen, Co. Kildare.

Development

The development will comprise of:

- 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, or 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 authorised waste disposal or recovery facilities;
- Temporary stockpiling of imported topsoil pending re-use as cover material for the final restoration of the site;

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- 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.

Type of Permission	Permission
Date Inspected	11 th October 2019
Due Date	15 th October 2019

Description of Proposed Development

The proposed development is the restoration of a former sand and gravel pit to be back filled with approximately 1,240,000 tonnes / 690,000 m³ of inert waste (principally soil and stone) for final use as grassland/agriculture. Proposed site infrastructure includes a weighbridge, wheelwash, hardstand areas, fuel tanks, site office/staff welfare, a soil waste recovery facility and a waste inspection/quarantine facility. It is proposed to fill the site on a phased basis from west to east over a 6 year period.

Site Location/ Context

The subject site has a stated area of 26.6 hectares and is located approx. 9kms south of Kilcullen and 2.3km west of Dunlavin, Co. Wicklow. The existing pit is worked-out and has been closed since 2010. The site is accessed via a local road (L6096), which in turn is accessed from the R448 at Kilgowan to the west. There are a number of dwellings in close proximity to the subject site along the local road network. The surrounding rural area is characterised by agricultural lands and dispersed rural dwellings. The topography of the area is gently undulating, rising to elevated points such as Brewel Hill to the southwest of the site.

The subject site was inspected on 11th October 2019 and a photographic survey of the visit is included in Appendix A of this report. The existing upstanding structures on site were noted, including a large shed adjacent to the entrance, a derelict dwelling and open barn structures. Three large settlement ponds are located within the site. The deepest excavated part of the site is the western section. Mounds of spoil and sand are dotted throughout. The Greese River is to the east of the site.



Fig 1: Aerial view of subject site. M9 to the west. Dunlavin to the east.

Referral Reports

MD Engineer: Site notice in place. The Applicant should be requested to provide a full and detailed structural report of the road network that is proposed to be used

Water Services: Further information is required in relation to a Flood Risk Assessment and potential impact on the nearest property to the north east of the site.

Transportation: Further information is required in relation to local roads, road safety assessment etc.

Environment: Further Information is required in relation to noise, dust and wastewater.

National Roads Office: The development is located 1km from the M9 motorway and no impact on the national road network is anticipated from the proposed development.

Environmental Health Officer: The proposal is considered acceptable, subject to conditions

Health and Safety Authority: No observations.

Transport Infrastructure Ireland: The Planning Authority should have regard to Spatial Planning and National Roads Guidelines for Planning Authorities (2012). The development should be undertaken in accordance with the recommendations of the Transport (Traffic Impact) Assessment,

Gas Networks Ireland: There is a gas transmission pipeline within the subject site which has a 14m wide wayleave. There should be no excavation within any wayleave unless consent is granted by Gas Networks Ireland. The Developer should be conditioned to liaise with GNI prior to the commencement of any works on site.

Environmental Protection Agency: No response received at time of writing.

Submissions and Representations

Eoin and Anne Wheeler, Brewel, Dunlavin

Speed restrictions will be required. Access should be restricted to reasonable times, with weekends free from pit activity. Local roads should not be allowed become dangerous to other vehicles and roads should not be allowed become dirty with muck.

Sean Conroy, Gilbinstown, Usk

A reduced speed limit should be required on the local roads for HGV's during the works. Road maintenance must be required by condition.

Mary Conroy, Gilbinstown, Usk

Speed restrictions will be required to ensure safety to existing residents. Road maintenance and reasonable working hours should be required by condition.

William and Sharon Daynes, Bluestown House, Dunlavin

Restrictions should be placed on the maximum number of trucks on the roads each day. A reduction in speed limits should be put in place from the main road to the site. The road needs to be improved and maintained by the Developer to accommodate the number of vehicles by condition. The site should not be used for any other type of dumping activity in the future.

Michael and Aine O'Gorman, Usk, Dunlavin

The main access road L0694 is not of an adequate standard for trucks transporting waste to the site. We cross the L0694 4 times a day with a dairy herd (8 months per year). Increased traffic will make our job hazardous. The sightlines at the entrance do not appear to meet minimum standards. Our home is 155m from the boundary and there are concerns regarding impact on amenity. Conditions should be required in relation to operational hours, noise and dust levels (Monday to Friday 9am to 5pm) to protect residential amenity.

Michael and Angela Corrigan, Usk, Dunlavin

We live 0.6km from the site. Traffic volumes, impact on local roads and general disturbance to the community should be controlled and minimised.

Usk & District Residents Association Ltd.

In relation to traffic, a limit should be set of 60 loads entering the site per day. Working hours should be restricted to 07:30 to 17:30, Monday to Friday only with no Bank Holiday traffic.

In relation to road conditions, and as the L6096 is narrow and busy with local traffic, a new speed limit of 50kph should be set (currently it is 80kph) for trucks accessing the site. There are many sections of the road already in bad condition and it is worrying that the EIAR summary concludes that the development is not likely to have a significant effect on the capacity of local roads and junctions. The section of L6096 at Brewel floods, which must be

resolved. Road maintenance should be a condition of planning. Three sections of the L6096 are already hazardous. A maintenance plan for sightlines along the road should be required. A liaison person from KCC should monitor road conditions and take action if necessary. Truck parking on the adjacent roads should be prohibited.

The development will give rise to noise, which will be a nuisance to residential amenity. It is suggested that a comprehensive noise mitigation plan is agreed in advance of planning permission being granted.

Any increase in dust and debris at this location is unacceptable. There are serious concerns that the development will give rise to an unacceptable deposition of dust and debris.

To ensure only permitted waste materials enter the site, it is suggested that only the developer's trucks can import materials onto the site and a KCC liaison person is appointed to respond to unauthorised activity.

Permission should only be granted for 6 years, the site should be returned to agricultural use expediently, and all facilities should be removed from the site within six months of the cessation of operations.

Shirley McCabe and Patrick Booth, Usk

This is a letter of objection. Concern is expressed in relation to Noise and Dust. It is not agreed that there will be no increase in noise levels arising, particularly given 120 truck movements a day and the many processes that will be used. Noise is almost overlooked in the EIAR. The application does not specify whether a rock breaker will be used on site, and this should be excluded as it would be a major source of noise. Air quality is also of concern, given the dust and increased emissions associated with proposed activities and truck movements. The mitigation measures included in the EIAR are contingent on good housekeeping. A maximum amount of HGV's should be set at 60 per day to protect residential amenity. The proposed working hours in Section 2.4.4 should be limited to no earlier than 7:30am and no later than 5:00pm. There should be no opening on Saturdays. Roads should be kept to a reasonable standard. HGV's should be covered to minimise dirt on roads. Road maintenance should respond to weather conditions.

Pre-Planning Consultation

PP4293 refers

Built / Natural Heritage

The subject site is located on the Eastern Uplands Landscape Character Area, which is Class 3 High Sensitivity. Brewel Hill is located approx. 1km to the west of the subject site.

There are no Protected Structures or Recorded Monuments on the subject site. Ringfort (Recorded Monument Ref. KD01194) is located immediately south of the site.

Dunlavin Marshes, pNHA, are located approx. 250m north (at its nearest point) from the site entrance.

The project has been screened for Appropriate Assessment, see attached report. The nearest Natura 2000 site to the subject site is the Slaney River SAC which is 7.7km away.

Relevant Planning History

16/27: Permission refused to McKenna Haulage Ltd. for the rehabilitation to agricultural/amenity use of part of a sand and gravel pit by the importation of natural materials comprising mainly non-hazardous soils and subsoil. Provision of a wheel cleaning system to include a wheel shaker bar system and renovation / upgrading of an existing wheel wash. Provision of a weighbridge and fuel tanks. Provision of a modular type building to include an office, canteen and provision of a toilet. All ancillary facilities and operations. The amount of material to be imported is c. 100,000 tonnes and permission is sought for a period of ten years.

Permission was refused for 9 no. reasons:

1. Impact on the Dunlavin Marshes NHA was not adequately assessed in the EIS: contrary to policies DS1 and DS3 of the County Development Plan 2017-2023.
2. Cumulative impacts arising from importing material and extracting material were not considered in the EIS.
3. Piecemeal approach to site restoration which would be contrary to Section 28 Guidelines and Chapter 10 of CDP.
4. EIS does not address impact on Human Beings.
5. No Landscape/Visual Assessment was submitted: contrary to LA2 in CDP.
6. Uncertainty regarding waste types, thus potential risk of pollution to groundwater, surface water and public health.
7. Not demonstrated that the road serving the site has capacity for the proposed development. The development could injure amenities/depreciate value of property.
8. Unauthorised dumping noted on site, contrary to planning permission 07/795.
9. The proposed Fill Area of 1.7ha was not detailed to allow a through assessment.

16/8: (Incomplete)

15/1095: (Incomplete)

07/795: Permission granted to William Browne Sand & Gravel Ltd. For 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.

QR 58: The quarry (sand and gravel extraction) was registered under Section 261 of the Planning and Development Act 2000 (as amended).

Policy Context

Quarries and Ancillary Activities, Guidelines for Planning Authorities (2004)

These Guidelines were issued under Section 28 of the Planning and Development Acts.

Section 3.6 refers to Landscape and Restoration

Section 4.7 (i) Conditions in relation to Landscaping and restoration of the site.

Kildare County Development Plan 2017-2023

Section 7.6.5 Policies: Waste Management

WM5 - Provide, promote and facilitate high quality sustainable waste recovery and disposal infrastructure and technology in keeping with the EU waste hierarchy and to adequately cater for a growing residential population and business sector.

Section 10.7.8 Extractive Industry

EI10 – Require detailed landscaping and quarry restoration plans to be submitted with each application. Habitats and species surveying shall be carried out and shall influence the restoration plan for the site.

EI12 – Ensure that all existing workings are rehabilitated to suitable land-uses and that extraction activities allow for future rehabilitation and proper land-use management.

EI 9 - Require a detailed landscaping plan to be submitted with all planning applications indicating proposed screening for the operational life of the site. The predominant use of native plant species in the proposed landscaping plan is encouraged.

Section 13.5.2 Natural Heritage Areas

NH8 – Ensure that any proposal for development within or adjacent to a Natural Heritage Area (NHA), Ramsar Sites and Nature Reserves is designed and sited to minimise its impact on the biodiversity, ecological, geological and landscape value of the site, particularly plant and animal species listed under the Wildlife Acts and the Habitats and Bird Directive including their habitats.

Section 14.5.5 East Kildare Uplands

Table 14.5 Scenic Routes in County Kildare

No. 23 – Views east at Brewel; L413 from Kingland Castle Ruins to Ballintaggart

Section 14.8.1 General Landscape

LA1 – Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of proposed development in the landscape will also be critical considerations.

LA3 – Require a Landscape/Visual Impact Assessment to accompany significant proposals that are likely to significantly affect:

- Landscape Sensitivity Factors;
- A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);
- A route or view identified in maps 14.2 and 14.3 (i.e. within 500m of the boundary).

LU1 – Ensure that development will not have a disproportionate visual impact (due to excessive bulk, scale or inappropriate siting) and will not significantly interfere with or detract from scenic upland vistas, when viewed from areas nearby, scenic routes, viewpoints and settlements.

Planning Assessment

Principle of development

It is the policy of the Council to require quarry restoration plans to be included with quarry applications (Policy EI10) and to ensure that all existing quarry workings are rehabilitated to suitable land-uses (Policy EI12). Section 3.6 of the *Quarries and Ancillary Activities, Guidelines for Planning Authorities* refers to Landscape, wherein it is acknowledged that in accordance with best practice restoration will enable a worked-out sand pit to be used for its original purpose or adapted for a new use. As the proposed development is to facilitate the restoration of a pit to agricultural use, it is considered that the principle of the development is accepted, having regard to County Development Plan policy and Section 28 Guidelines.

Given the sensitive location of the subject site within the Eastern Uplands, the environmental considerations regarding the importation of inert waste into the site (i.e. impacts arising from traffic, noise, dust, etc.) and the ecological impacts of the proposed development on existing habitats and species, there are environmental and technical considerations which must be assessed to determine the suitability of the proposed development at this location.

It is noted that this application has been made to the Planning Authority in the first instance. There is no correspondence from An Bord Pleanála with the planning application stating that the development is not Strategic Infrastructure. It is considered appropriate to request the applicant to address this matter.

Environmental Impact Assessment

It is proposed to import 1.24m million tonnes of inert waste to the subject site over a 6 year period. In accordance with Schedule 5 of the Planning and Development Regulations, 2001 (as amended), the proposed development is a class of development which requires the Planning Authority to carry out an Environmental Impact Assessment and requires the developer to submit an Environmental Impact Assessment Report (EIAR)– Class 11(b) *Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.*

The inert materials to be imported onto the site are principally soil and stone generated by construction and development projects.

A preliminary Environmental Impact Assessment of the proposed development has been carried out and it is considered that further information is required prior to a final Reasoned Conclusion being made.

Appropriate Assessment

An Appropriate Assessment of the proposed development is contained in Appendix B of this report. The Applicant submitted a Screening Report to assist the Planning Authority in this regard. The Heritage Officer has carried out an assessment in this regard also.

The conclusion of the appropriate assessment is that the development would not give rise to potential significant effects on the qualifying interests of the Natura 2000 network and a Stage 2 Assessment is not required.

Landscape

It is proposed to restore the pit to its previous landform. The western section of the site (Phase 1) will be backfilled from existing pit levels of 130-135mOD to final restored levels of 145-135mOD. Given that the final restored surface slope eastwards, the depth of backfilling will vary between 5m and 15m. The eastern section of the site (Phase 2) will be backfilled from existing pit levels of 120-125mOD to final restored levels of 120-125mOD, the depth of backfilling will range between 5-10m in the north-eastern area and between 2-5m in the south-eastern area. To facilitate an agricultural use, the applicant is proposing to cover the insert stone and soil with a subsoil layer (150-300mm) and topsoil layer (150mm), seeded in grass. All mobile equipment and plant will be removed following completion of restoration.

Site sections have been submitted in this regard. It is considered that additional site sections would be beneficial to assess the new contours proposed, particularly in relation to the nearest dwelling to the east of the site.

A settlement pond is to be retained in the centre of the site for natural regeneration and an Ecological Enhancement Area is proposed in the south of the site.

A Landscape/Visual Impact Assessment, as required under Policy LA3 of the CDP, has been included in the EIAR, in addition to photomontages of the development.

The subject site is located within the Eastern Uplands landscape character area, which is a Class 3 High Sensitivity landscape. It is considered that the proposed development will improve the appearance of the subject site on the landscape. The development will not have a negative impact on the Scenic View from Brewel Hill as contained in the CDP and it is

considered that the restoration of agricultural fields will have a positive impact on the landscape, both locally and from distant views.

Residential and Rural Amenity

8 no. third party submissions have been received in relation to the proposed development. The principal concerns expressed therein regarding impact on residential amenity are:

- Traffic (Speed/Volume/Safety/Road condition & maintenance)
- Noise & Dust
- Opening Hours

Traffic

The proposed development will generate approx. 116 HGV movements (in and out) per day, as calculated over a 5-day week, between 07.00 and 18.00 from Mon to Fri. Almost all traffic to the site will come from the R448 at Kilgowan, which is accessed via the M9 Exit 2 (approx. 6.5km to the north of the site) and M9 Exit 3 (approx. 9.5km to the south west of the site) and travel to the site via the local road network. No traffic is anticipated from Dunlavin Village, approx. 2.3km to the east.

The Roads and Transportation Section of the Council has reviewed the application and requires further information in relation to the existing condition of the local road network, a Road Safety Assessment, sightlines at the entrance and speed control.

Noise and Dust

Concern has been expressed in relation to noise and dust generated from HGVs entering and exiting the site, as well as from rock breakers and other activities associated with the proposed development.

The Environment Section has reviewed the planning application and EIAR and requires further information in relation to the Noise Assessment in Chapter 10 of the EIAR and a Dust Deposition Survey in Chapter in Chapter 8.

Opening Hours

It is stated in Section 2.4.4 of the EIAR that the proposed working hours are 07:00 to 18.00 hours on Monday to Friday and between 08.00 and 16.00 hours on Saturday. Chapter 14, which refers to traffic generation, refers to opening times of 5 days a week. In the interests of clarity, it is considered reasonable that the applicant should confirm the proposed opening hours and to update the EIAR to ensure consistency between the various chapters.

Biodiversity

The EIAR and AA Screening Report submitted with the application includes a detailed assessment of habitats and species within the subject site. The predominant habitat type is

'Exposed Rock and disturbed ground' (16.18 hectares), while the remaining habitat types comprise of Freshwater, Grassland & Marsh, Woodland & Scrub and Cultivated & built land. The identified species on site include birds (27 species, including Peregrine Falcon), common frog and smooth newt.

The proposed development includes a central settlement pond for natural regeneration and an ecological enhancement area at the existing pond/marsh in the south-eastern corner of the site to facilitate species rehabilitation.

The Heritage Officer has reviewed the Biodiversity Chapter of the EIAR and requires further information in relation to invasive species.

It is considered that the mitigation and compensatory measures included in the EIAR addresses impacts on biodiversity, insofar as the residual impact of the development will not reduce the biodiversity resource at local or county level.

Water and Wastewater

The Water Services and Environment Sections require further information in relation to Flood Risk and on-site waste water treatment.

Conclusion

The principle of the proposed development is accepted, having regard to Council policy as expressed in EI10 and EI12 of the Kildare County Development Plan 2017-2023 and the *Quarries and Ancillary Activities, Guidelines for Planning Authorities*.

The EIAR and potential environmental impacts have been assessed and while it is noted that many aspects of the proposals are acceptable, it is considered that further information is required to fully assess potential impacts arising from the development, particularly in relation to the surrounding road network, noise, dust, flooding and wastewater treatment.

Recommendation:

It is recommended that the Applicant be requested to submit Further Information as follows:

1. The Applicant is requested to carry out a condition survey of the existing local roads leading to the subject site L6094, L2035 and L6096 as far as the junction with the R448, and shall submit the following:
 - (a) A Falling Weight Deflectometer (FWD) Test,
 - (b) A Condition Survey of the existing pavement, linked to FWDS data analysis.
 - (c) AS report identifying remediation measures to ensure pavement construction is appropriate to serve the development.

2. The Applicant is requested to carry out an extended Road Safety Assessment (RSA) Stage 1 and 2, 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 Applicant shall include agreed recommendations from the extended RSA in the amended works proposals and submit ~~amended~~ particulars in this regard.
3. The Applicant is requested to demonstrate that sightlines at the entrance to the development are in compliance with the TII Document (DN-GEO-03060) June 2017 standards and to provide details of the surface water drainage at the entrances.
4. The Developer is requested to submit robust verifiable measures to limit the speed of GHVs to and from the site along the local roads. The Applicant is requested to consider appropriate traffic control technology that utilize GPS tracking to limit speed. The default speed limit for these roads may be too high for haulage trucks.
5. The Applicant is requested to carry out and submit a site specific Flood Risk Assessment for the proposed development, in accordance with the requirements of the Planning System and Flood Risk Management Guidelines. The north east corner of the site is located in an area noted by the OPW to be at risk of fluvial flooding. It is noted that there is a residential property in this location. The applicant is requested to determine whether any flood risk pertains to the lands on which the development is proposed. Where mitigation works are required they shall be carried out in line with the requirements of Flood Risk Management Guidelines which assess the accepted flood identification sources including OPW PFRA & CFRAMS mapping, OPW flood history website and the County Development Plan. In accordance with the recommendations of the OPW, the Design Flood Flow required for calculation is the 1 in 100 year flood flow event plus 20% in order to allow for climate change. Please note it is not sufficient to rely on documents within another expired or refused application and the flood risk assessment must be of recent or current evaluation.
6. The Applicant is requested to submit a report from a qualified engineer or other appropriate profession with Professional Indemnity Insurance (copy to be attached) indicating what effect the raising of the land will have on the property located on the north east of the site including any percolation areas. It would appear from section D-D that the proposal is to raise the land approximately 4-5m higher than the adjoining site with no attention to drainage matters. In addition, a new longitudinal section should be shown on the drawings taking the existing property into account

7. The Dust Assessment in Chapter 8 of the EIAR is noted. The Applicant is requested to submit a dust deposition survey showing the projected dust levels in $\text{mg}/\text{m}^2/\text{day}$ from the proposed activities at the site.
8. In relation to the Noise Assessment contained in Chapter 10 of the EIAR, the Applicant is requested to submit the following:
- (i) To clarify the number of HGV Trucks that were considered in the noise assessment in respect to soil recovery facility operations.
 - (ii) To submit Existing Baseline Noise Levels, Operational Noise Levels and Cumulative Noise Levels over 30 minutes. Please clarify if the noise levels over 30 minutes will have a cumulative noise impact.
 - (iii) To clarify if a Rock Breaker is to be used on site (this matter is raised in a third party submission).
9. 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, puraflo 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 new 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. \leq 10)".

10. 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.
11. It is stated in Section 2.4.4 of the EIAR that the proposed working hours are 07:00 to 18.00 hours on Monday to Friday and between 08.00 and 16.00 hours on Saturday. Chapter 14 of the EIAR refers to opening times of 5 days a week, on which HGV traffic generation figures are calculated. In the interests of clarity, the Applicant is requested to confirm the proposed opening hours and to update the EIAR to ensure consistency between the various chapters.
12. The Applicant is requested to submit details of the Invasive Species Management Plan referred to in the Environmental Impact Assessment Report. An Invasive Species Survey should be indicated to ascertain if there are currently any invasive species on site and include details of management of any invasive species found shall be included in the Invasive Species Management Plan.
13. The gas transmission pipeline located within the subject site has a 14m wide wayleave. In this regard, the Applicant is requested to submit a brief Method Statement for all works proposed on or adjacent to the 14m wayleave. There should be no excavation within any wayleave unless consent is granted by Gas Networks Ireland. The Applicant is advised to liaise with Gas Networks Ireland in this regard.
14. The Applicant is requested to clarify the volume and type of fuel to be stored on site.
15. The Applicant is requested to confirm where the proposed inert waste will be originating from and to identify any specific projects (planned or permitted) in this regard.
16. The proposed development includes an inert soil waste recovery facility to cater for 1,240,000 tonnes of imported natural inert waste materials to be imported to backfill the site on a phased basis over a 6 year period.

Sections 37A and 37B of the Planning and Development Act 2000, as amended, refer to Strategic Infrastructure Development. The Seventh Schedule of the Act includes Infrastructure Developments to which Sections 37A and 37B of the Act applies. Under those infrastructure developments classified as '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 considers the proposed development may constitute a class of development specified in the Seventh Schedule of the Planning and Development Act 2000, as amended.

Accordingly, the applicant is requested to address this issue 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).

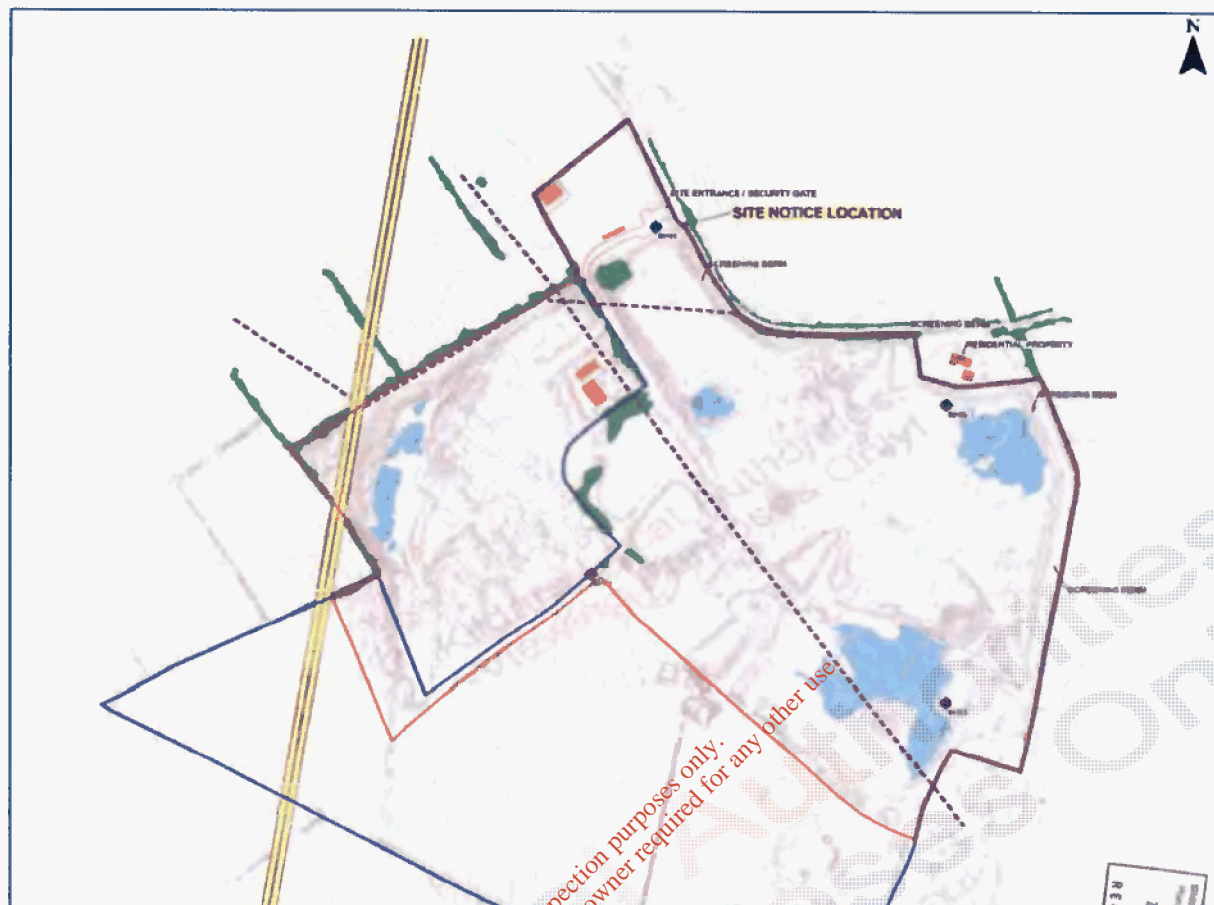

Executive Planner

15-10-19
Date


Senior Executive Planner

15/10/19
Date

Appendix A – Photographic Survey



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Kildare Local Authority
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Photo 1



Photo 2

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Photo 3



Photo 4

Photo 6



Photo 5



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Photo 8



Photo 7



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Photo 9



Photo 10

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Photo 11



Photo12




Photo 13



Photo 14

Appendix B – Appropriate Assessment



APPROPRIATE ASSESSMENT SCREENING REPORT AND CONCLUSION STATEMENT

(A) Project Details	
Planning File Ref	19/949
Applicant name	Dunlavin Land Restoration Limited
Development Location	Usk, Dunlavin, Co. Kildare
Site size	26.6 hectares
Application accompanied by an EIS (Yes/NO)	Yes
Distance from Natura 2000 site in km	7.7km from River Slaney SAC 11.6km from River Barrow River Nore
Description of the project/proposed development – Restoration of worked-out quarry with the importation of 1,240,000 tonnes of inert waste and restoration to agricultural use.	

(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><u>Sites to consider:</u> 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> <p style="text-align: center;">No</p>

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

Conclusion:

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

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT

Selected relevant category for project assessed by ticking box.

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)	

Justify why it falls into relevant category above (based on information in above tables)

To assist the Planning Authority in carrying out a Screening exercise, the applicant has submitted an Appropriate Assessment Screening Report for the proposed development.

The Screening report includes a description of the proposed development and the receiving environment.

The nearest Natura 2000 sites to the subject site are:

- River Slaney SAC (Site code 000781)– 7.7km
- Wicklow Mountains SAC (Site Code 002122) – 11km.
- River Barrow River Nore SAC (Site Code 002162) – 11.6km
- Poulaphouca Reservoir SPA (Site Code 004063) – 11.9km
- Wicklow Mountains SPA (Site code 004040) – 12.3km
- Pollardstown Fen (Site Code 000396) – 14 km

The Applicant argues that a 5km radius zone of influence is appropriate having regard to the nature of the proposed development, unless a source-receptor pathway exists between the subject site and a Natura site beyond this distance.

A source-receptor pathway exists between the subject site and the River Barrow River Nore SAC, via the Greese and Kildoon Rivers which are adjacent to the subject site. The proposed development does not include any direct discharge to either streams.

The Kildoon River enters the Barrow SAC approx. 16.5km upstream and the Greese River enters the River Barrow SAC approx. 30km upstream.

The Heritage Officer has reviewed the Screening Report and the proposed development and concludes that:

It is considered that the AA screening has examined and analysed, in light of the best scientific knowledge, with respect to the European sites within the zone of influence on the propose development, the potential impact sources and pathways, how these could impact on the sites species of conservation interest and whether the predicted impacts would adversely affect the integrity on any Natura 2000 site.

It has been concluded that the proposed development following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts form the proposed development that the proposed development will not adversely affect (directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.

Name:	Jane O'Reilly
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Date:	14/10/2019

Interim Environmental Impact Assessment 19/949

1. Introduction

This Environmental Impact Assessment has been prepared by Kildare County Council in accordance with the DHPLG 'Guidelines for Planning Authorities and An Bórd Pleanála on carrying out Environmental Impact Assessment (2018)'.

1.1 Requirement for an EIA

Schedule 5 of the Planning and Development Regulations 2001 (as amended), sets out development for the purposes of Part 10 of the Planning and Development Act 2000 (as amended). The proposed development falls within a class of development specified for the purposes of an Environmental Impact Assessment, as the proposed development will include the intake of soil waste in excess of 25,000 tonnes per annum as per Class 11, Part 2 of Schedule 5 of the Regulations.

1.2 The Planning Application

The application is accompanied by an EIAR and it identifies, describes and assesses the significant effects of the proposed development on the environment.

The application is also accompanied by an Appropriate Assessment Screening Report and a Planning Report.

The activity for which permission is sought requires a Waste Licence from the Environmental Protection Agency.

1.3 Overview

An examination has been carried out of the information presented by the applicant, including the EIAR and other documentation submitted with the application, and the submissions made during the course of the planning application, and it is considered that the EIAR adequately identifies and describes the direct and indirect effects of the proposed development on the environment.

A Non-Technical Summary of the EIAR has been submitted. The document details the proposed development, describes the component parts of the development, addresses the environmental effects in relation to Population & Human Health, Biodiversity, Lands, Soil & Geology, Air Quality, Climate, Noise, Material Assets, Cultural Heritage, Landscape, Traffic & Transportation and Interaction of the foregoing.

Section 1.42 of the EIAR comprises a list of the experts who contributed to the preparation of the Report and their qualifications to demonstrate the competence of those involved. It is considered that the EIAR has been prepared by competent experts to ensure its completeness and quality, and adequately identifies and describes the direct and indirect effects of the proposed development on the environment. It is noted under Section 1.34 of the EIAR that no significant difficulties were encountered by the Study Team in the production of the EIAR.

The Screening and Scoping exercises are outlined in Sections 1.28 and 1.31 of the EIAR.

Chapter 2 of the EIAR gives a description of the proposed development. Having inspected the subject site on 11th October 2019, it is considered that the description of development in the public notices is accurate.

It is considered that the EIAR is based on up-to-date information and surveys and the baseline scenarios are accurately depicted.

The following assessment of the environmental impacts associated with the proposed development has been informed by input from the Planning, Environment, Heritage, Water Services and Roads & Transportation Sections of Kildare County Council.

Submissions received from the Health Service Executive (HSE), Gas Networks Ireland and Transport Infrastructure Ireland (TII) have also been considered where relevant.

2. Description of Alternatives

Section 3 of the EIAR deals with Alternatives.

In relation to alternative locations, it is accepted that the subject site is a worked-out sand and gravel pit which this lends itself to the proposed development in principle on the basis that it is restoring the land back to its original condition and use.

In terms of alternative designs and layouts, the Applicant has considered alternative phases to the development and outlines the reasons for choosing a west to east phasing of infilling. By doing this, the more visually prominent areas of the site will be filled first.

It is considered that the EIAR includes an appropriate description of reasonable alternatives examined by the applicant, which are relevant to the project and its specific characteristics, and the main reasons for the option chosen, taking into account the effects of the project on the environment.

3. Assessment

The following assessment identifies, describes and assesses the direct and indirect effects of the proposed development on the environment under the following categories (these categories are the chapter headings of the EIAR and include all relevant topics required to be addressed):

- Population and Human Health
- Biodiversity
- Lands, Soil and Geology
- Hydrology and Hydrogeology
- Air Quality
- Climate
- Noise
- Material Assets
- Cultural Heritage
- Landscape
- Traffic and Transportation

- Interaction of the foregoing.

3.1 Population and Human Health

Chapter 4 of the EIAR addresses Population and Human Health. The direct and indirect effects on human beings is also addressed in other chapters of the EIAR relating to air quality, water and noise.

Baseline Scenario

Figure 4-1 of the EIAR is a survey of all dwellings in close proximity to the subject site. It is noted that dwellings R16, R13, R12 R14 and R15 are closest to the site boundaries. Census data submitted by the Applicant indicates that the population in the area increased between 2011 and 2016, in line with the national average. The nearest village to the subject site is Dunlavin, which is approx. 2.3km to the east.

Direct/Indirect effects

There will be direct effects on residential amenity during the filling of the pit, which may last up to 6 years. The impacts will result primarily from the frequency of HGV traffic entering and exiting the site, and the noise, dust and general dis-amenity associated with such traffic.

Two full time jobs will be created on site, in addition to two jobs during site preparation (installation of wheelwash/office, etc.). The development would also support additional haulage jobs in the region.

Mitigation/Monitoring Measures

To mitigate the potential impacts on residential amenity, the following mitigation measures are proposed by the Applicant:

- Use of a wheelwash to prevent deposition of dust on the public road.
- Working only during specified hours.
- Maintaining plant to ensure compliance with noise limits.
- Maintaining and strengthening existing boundary treatments to provide acoustic, dust and visual screening.
- To store oils / chemical / hydrocarbons in bunded areas.
- Refuelling over sealed and drained surfaces.
- Use of mobile water bowsers to suppress dust during dry weather as required.
- Noise, dust, surface water and groundwater monitoring will be regularly undertaken.

Residual Impacts

There will be direct, short term, negative impacts on the residential amenity of the rural area during the filling of the pit, by virtue of the frequency of HGV traffic entering and exiting the site. The mitigation measures proposed by the Applicant will reduce these impacts.

It is considered that the small job creation resulting from the proposed development will have a medium-term, direct and positive effect.

Conclusion

No significant residual impacts on human health are anticipated as a result of the proposed development.

Short term negative impacts on the residential amenity of the area can be mitigated and monitored during the filling stage.

3.2 Biodiversity

Biodiversity is addressed in Chapter 6 of the EIAR. Reports from KCC Heritage Officer and the conclusions reached in the Planning Authority's Appropriate Assessment refer also.

Baseline scenario

The subject site is a 26 hectare worked out sand and gravel pit. The site has undergone some natural regeneration of vegetation, with a number of groundwater ponds. The Greese River flows along the eastern boundary. There are no nature conservation sites within the landholding. Dunlavin Marshes pNHA is approx. 170m north of the subject site. A habitat survey was conducted by the Applicant in May 2018. The predominant habitat type recorded on site is 'Exposed Rock and disturbed ground' at 16.18 hectares. The remaining habitat types are Freshwater Grassland & Marsh, Woodland & Scrub and Cultivated & built land. The species identified on site include birds (27 species, including peregrine falcon), common frog and smooth newt.

Direct/Indirect effects

During the operational phase, there will be likely effects on biodiversity. Habitat loss, damage and fragmentation will occur which will affect wetlands, hedgerow/treelines, bird assemblage, common frog and smooth newt. Disturbance caused by noise and vibration could have an indirect effect on the bird assemblages at Dunlavin Marshes, a pNHA. Dust could also have effects on hedgerows/treelines within Dunlavin Marshes. The Marshes are also susceptible to changes in air and water quality.

The restoration of the site is likely to have a positive and beneficial effect on wildlife.

Mitigation/Monitoring

The mitigation measures proposed include the following:

- Root protection zones will be established for existing trees and hedgelines to ensure protection from accidental damage during activities carried out during the backfilling process.
- Any requirement to remove trees will be done so outside of bird breeding season. All obligations under the Wildlife Act 1976 will be adhered to.
- An Ecological Clerk of Works will be appointed to oversee a buffer zone of 150m from any eyrie site on the rock face to allow any peregrin nesting to be left undisturbed.

The Applicant is also proposing compensatory measures to address the loss of habitat for the common frog and smooth newt.

- Retention and enhancement of pond TN12 as a safe area for amphibians (frog and newt).
- Capture of frogs and newts, under a Derogation Licence, and relocation to safe area.
- Installation of temporary amphibian fencing to prevent movement back into the areas of the pit to be backfilled.
- ECOC to be appointed to oversee all works.
- Provide an alternative nesting site within the 'safe area' for the peregrin falcon from the current rock face.

A monitoring programme is proposed.

Residual Impacts

The proposed development will result in the direct loss, damage and disturbance of 1.47 hectares of wetland habitat. This will be permanent and irreversible.

In the absence of mitigation and compensatory measures, the development would have a significant impact on birds, in particular the peregrin falcon (Annex 1 species), and newt and frogs. However, the mitigation and monitoring measures have made it possible to retain and create alternative habitats for existing wildlife.

Conclusion

With mitigation and monitoring, it is considered that the residual impacts of the proposed development will not reduce the biodiversity resource at a local or county level.

3.3 Land, Soils, Geology

Section 6 of the EIAR addresses Land, soils and geology.

Baseline Scenario

The existing site comprises of a former sand and gravel pit. Soil cover and underlying subsoil have been stripped to facilitate the extraction of underlying aggregates. In relation to soils, the eastern part of the site has Rendzinas and Lithosol soils, whereas the western part has Lithosols and Regosols (Teagasc Mapping). In relation to subsoils, the eastern part is underlain by carboniferous limestone and the western part with glacial till sandstone and shale. The GSI indicates that the pit is underlain by the Carrighill Formation (siltstone and shale). The nearest feature of geological heritage value is the large spring at Tober Demesne, approx. 4km north east of the site.

Direct/Indirect effects

Risk of fuel spill to soil and importation of contaminated soil.

Mitigation

Proposed measures include *inter alia* the following:

- Imported soils will be tested on site
- Fuel will be stored in bunded areas.
- Refuelling will take place on paved hardstanding areas.
- Monitoring of groundwater will be on-going.

Residual Impacts & Conclusion

The importation of waste requires a licence from the EPA and this will determine the types of waste and testing required prior to final deposition. Provision will be made for continued monitoring of ground water for the duration of backfilling and soil recovery activities and for a short aftercare period to confirm that there are no residual risks to in situ soil and geology.

3.4 Hydrology and Hydrogeology

Chapter 7 of the EIAR addresses hydrology and hydrogeology. The Water Services Section requires a Flood Risk Assessment for the proposed development.

3.5 Air Quality

Chapter 8 of the EIAR refers to Air Quality. The Environment Section has reviewed this section and requires further information in relation to dust.

3.6 Climate

Chapter 9 of the EIAR refer to Climate.

The Applicant indicates that to deliver 300,00 tonnes of soil per year to the subject site will correspond to 54 HGV trips per day, or 15,125 trips per annum.

With an average distance of 110km for one trip, the total annual Green House Gas (GHG) emissions for the proposed development would be 1,348 CO₂e tonnes.

This represents 0.002% of Ireland's annual CO₂e emissions for the duration.

A GHG monitoring programme will be adopted by the applicant at the facility.

Project adaptation against Expected Climate Change Effects includes periodic review of plans and the allocation of reporting responsibilities for a regime to measure and evaluate progress on adaptation.

3.7 Noise

Chapter 11 of the EIAR refers to Landscape. The Environment Section has reviewed this section and requires further information in relation to Noise.

3.8 Material Assets

Chapter 11 of the EIAR deals with Material Assets.

Baseline Scenario

The EIAR addresses the road network, utilities, settlements/housing and local enterprises near the subject site.

Direct/Indirect effects

The most notable impact is the short term impacts include an increase in HGV traffic in the area.

Mitigation

No additional mitigation measures are proposed in this regard.

Residual Impacts and Conclusion

No residual impacts anticipated.

3.9 Cultural Heritage

Chapter 12 of the EIAR deals with Cultural Heritage. Reports from Heritage Officer refer also.

Baseline scenario

A detailed survey of the site was carried out indicating there are no Protected Structures or Recorded Monuments on the subject site. A rath is located approx. 40m south of the subject site, Ref. KD032-027.

Direct/Indirect effects

No direct or indirect effects anticipated.

Mitigation

None proposed.

Residual Impacts

None anticipated.

Conclusion

No direct impacts identified to warrant specific mitigation in relation to cultural heritage assessment.

3.10 Landscape

Chapter 14 of the EIAR refers to Landscape.

Baseline Scenario

The subject site is located in the Eastern Uplands (Class 3 High Sensitivity) Landscape Character area. Scenic Route 23 from the CDP is located to the west of the subject site, Brewel Hill.

Direct/Indirect effects

There will be direct effects on the landscape as a result of the proposed development, as levels will be restored to pre-excitation levels. The impacts will be predominantly positive in terms of visual impact. The Applicant has addressed the policies and objective of the Kildare and Wicklow County Development Plans in this regard. The Applicant has also submitted photomontages of the proposed development to illustrate the visual impact. An additional site section would be beneficial to show the increased levels adjacent to an existing dwelling located in close proximity to the site.

Mitigation

Proposed mitigation includes retention of existing boundary vegetation and containment of all works within the existing pit.

Residual Impacts and Conclusion

The development will, on completion, have a positive impact on the landscape. The development will not have a detrimental impact on Scenic View 23, as contained in the CDP.

3.11 Traffic & Transportation

Chapter 14 of the EIAR refers to Traffic & Transportation.

The Roads and Transportation Section requires further information in relation to traffic and transportation.

4. Interaction & Cumulative Effects

The EIAR identifies the following potential for strong interactions:

- Population and Human Health with Water, Air Quality, Noise and Vibration, Landscape and Traffic.
- Biodiversity with Lands, soil & Geology, Water, Air quality, Noise and Vibration and Landscape.
- Lands, Soil & Geology with Water, Air Quality and Landscape.
- Water with Lands soil & Geology and landscape.
- Traffic with Air Quality, Noise & Vibration and Population and Human Health.

5 Reasoned Conclusion on Significant Effects

Prior to a Reasoned Conclusion being made in this regard, it is considered that further information is required.



Executive Planner

15-10-19
Date



Senior Executive Planner

15/10/19
Date

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