

KILDARE COUNTY COUNCIL

PLANNING DEPARTMENT

Planning Report 2



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;

- 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.

Significant Further Information was received on 29th April 2020

Type of Permission	Permission
Date Inspected	9 th July 2020
Due Date	20 th July 2020

Introduction

Following the initial assessment of the planning application 19/949, the Applicant was requested to submit further information in relation to 16 points on the 15th October 2019. A response to this request was received on 29th April 2020 which was considered to constitute Significant Further information. Revised public notices were subsequently received on 11th May 2020. The following report should be read in conjunction with the first Planner's report dated 15th October 2019, the report will assess the applicant's response in respect of each item of further information, it will also include the Environmental Impact Assessment.

Referral Reports

Five additional reports from referral sections within Kildare County Council were received and two additional reports from prescribed bodies were received as follows:

Internal Sections

- Water Services – details regarding flood risk and surface water are acceptable – no further objection subject to conditions
- Heritage Officer– no further objection subject to conditions
- Traffic and Transportation Department – no further objection subject to conditions
- Municipal District Engineer – no further objection subject to conditions
- Environment – no further objection subject to conditions

Referral Bodies

- National Roads Office – the proposed development will not impact on national roads network – no objection
- Irish Water – no objection subject to conditions

Submissions/ Observations

1 no. submission was received in response to this Significant Further Information which is summarised below.

Shirley McCabe and Patrick Booth

- The further information report requests the applicant to submit a report from a qualified engineer indicating the impact that raising the land will have on the adjoining property. The original information indicated that the land would be approximately 4 m to 5 m higher than our residence. The response focuses solely on the impact in terms of percolation and states that because the restored area lies up gradient of and does not extend over the existing water treatment there would be no impact on the percolation area. We have read the accompanying report and all sections referred solely to the risk of flooding on the site itself. There does not appear to be any consideration given to any other factors in terms of the impact this may have on our residence for example the risk of subsidence with extreme weather conditions.
- Requests clarification on the actual height of the lands adjacent to the residence. Specifically concerned of the height it would be at its closest point to the residence. Would be object to anything over 2 m above our land. Note that the berm surrounding this residence is man-made and for noise reduction purposes and does not reflect the natural height of the Land.
- As regards levels there is no markings on the site to indicate what levels throughout the site the final restoration will be. Would like to see markings on site stating finished ground level ie where top soil grass start specifically levels around the residence. Present information is too vague quoting levels of two 4 and 5 m and none of which specifies from what level these measurements actually commence.
- It would be unacceptable for truck movements to exceed 60 trucks per day and we would like to establish how this would be monitored/policed.
- In relation to noise we are accustomed to hearing agricultural vehicles in the vicinity of the site. The desktop exercise stop message suggests that the combined impact of the vehicles working on this site will be 60 to 66 decibels. Regardless of the desktop exercise submitted is still contend that noise level will be such to impede the enjoyment of our residence especially as the operations get closer to the residence.

Further Information

Item 1

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.*

Response and Consideration:

In response to item one the applicants engaged PMS pavement management services to undertake a structural evaluation of 2.9 km of existing Road pavement in the vicinity of the site, this included a falling weight deflectometer test and the condition survey link to these test results. Based on these findings and having regard to the existing and future levels of commercial traffic along the road network a number of options for pavements strengthening were recommended. These details were assessed by the transportation department and the municipal District engineer who now have no objection to the proposed development subject to condition.

Item 2

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.*

Response and Consideration:

In response to item number two the applicant engaged CST Group Chartered Consulting Engineers to complete a stage 1 and Stage 2 to road safety audit along the local Road network. The Audit team focused on safety issues along the haul route. They identified a number of issues to be addressed in order to improve the safety of the proposed scheme and minimise the potential for any future accidents or collisions along the local Road network. These details design solutions and subsequent amendments have been reviewed by the transportation department and the Municipal District engineer who now have no objection to the proposed development subject to conditions.

Item 3

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.*

Response and Consideration:

The site entrance has been assessed by Jennings O'Donovan Consulting engineers. The applications indicate that visibility splays of 120m are achievable in both directions from the site entrance which corresponds to a design speed of 70 km per hour. Both the municipal District engineer and the transportation department indicate no further objections. The applicants proposed to install a linear drainage channel behind the existing access gates to capture any surface water runoff from the paved area within the site. This is acceptable subject to condition.

Item 4

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.*

Response and Consideration:

In response to item number four the applicant has indicated that vehicle speeds on the local Road network between the application site and the R448 Junction are effectively restricted by the existing horizontal Road alignment the existing road width and the priority junctions along the route. The applicant has proposed mitigation of traffic issues created by HGVs using the site including unique fleet ID numbers visible to other Motorists and the fleet monitoring technology. The transportation department and Municipal District Engineer have indicated that they now have no objection subject to condition.

Item 5

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.

Response and Consideration:

The applicant has submitted a flood risk assessment prepared by SLR Consulting Ireland. The risk assessment includes that the proposed backfilling and restoration scheme will not give rise to any increased risk of fluvial flooding at the application site. It also finds that there will be no discharge of surface water runoff from the application site to the stream which runs along the Eastern site boundary will there be any encroachment on any known or mapped floodplain. The details have been reviewed by the water services engineer who has indicated that there is now no objection subject to condition

Item 6

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.*

Response and Consideration:

In response to item number 6 the applicants have detailed that proposed development will not impact on The adjoining properties percolation area. They have stated that the levels above the adjoining property will be in the order of two to four metres Above its level in the vicinity of that property. The submission on file raises concerns regarding the level of fill in the immediate vicinity of this property. I consider that it should be conditioned that the levels within 30 metres of the adjoining property should be no greater than two metres above the level of the garden at the boundary of that property excluding the berm bounding that property. A revised layout plan and sections running through the house, the berm, and the site in the vicinity of this property should be submitted for written agreement prior to commencement of any development on site.

Item 7

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 mg/m² /day from the proposed activities at the site.*

In its response to item number 7 the applicant refers to the information already included in the Environmental impact assessment report relating to dust assessment. It refers to the wide range of dust management or mitigation measures that are proposed in the environmental impact assessment report which shall be implemented in the course of the development. The environment section has included a condition relating to dust monitoring and also referred to the conditions of the waste licence.

Item 8

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).*

Response and Consideration:

The applicant has indicated that there will be an average of 58 HGV return trips per working day assuming a maximum annual soil intake of up to 300,000 tonnes per year, this would result in 10 to 12 movements per hour per working day.

In its response the applicant reproduced baseline noise in monitoring results included in the environmental impact assessment report. In its response, the environment section requires that the mitigation measures identified in the environmental impact assessment report be fully implemented, this should be included as a condition.

The applicant has confirmed that no rockbreaker will be used on site.

Item 9

- 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. ≤ 10)".

Response and Consideration:

The applicant has submitted proposals to provide a tri cell novo Package treatment plant on site together with a sand polishing filter. The report from the environment section recommends conditions relating to this system.

Item 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.

The applicant has indicated that the only known septic tank in the vicinity of the application site is that of the adjoining property to the North eastern corner off the site, and confirms that there was no treatment system installed on the site itself. It has included a drawing of all surface water bodies and watercourses within and close to the site.

Item 11

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.*

Response and Consideration:

The applicant has addressed inconsistencies with regards to working hours as described in the environmental impact assessment report and elsewhere in the application. They have amended the environmental impact assessment report to reflect the correct operating hours as applied for. In response to the third party observations they have stated that they would willingly accept a working hours condition that restricted the hours from 07:30 to 17:30 on weekdays only. A condition should be attached clearly specifying the correct operating hours.

Item 12

12. *The Applicant is requested to submit details of the Invasive Species Management Plan referred to 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.*

Response and Consideration:

The applicant has indicated that the biodiversity chapter of the environmental impact assessment report found that no non-native invasive species or identified on or within the subject site. the applicant has provided an invasive species management plan with measures to educate staff in identification and protocols on how to deal with invasive species if identified. The submission from the heritage officer indicates that she has no further objections to the proposed development.

Item 13

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.*

Response and Consideration:

The applicants have indicated that they have been in contact with gas networks Ireland and have shown that the proposed development will reduce stockpiling and overburden in the vicinity of the wayleave. Acceptable.

Item 14

14. *The Applicant is requested to clarify the volume and type of fuel to be stored on site.*

The applicant has not indicated a volume of fuel to be stored on site but has stated that it will be fuel oil/ diesel for the mechanical plant on site and for the HGVs importing the soil and stone.

Item 15

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.*

Response and Consideration:

The applicant has confirmed that the inert soil and stone which will be imported to the application site will principally originate at construction and development sites across counties Kildare, Wicklow and Dublin. The proposed development is intended to provide additional soil waste recovery capacity for the construction industry across the Mid-East region. The applicants confirm that no specific source sites for the soil and stone waste intake have been identified. The site and activities will be the subject of a waste licence.

Item 16

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).

The applicant has responded to the query regarding the classification or otherwise of the development as a strategic infrastructure development as described in the 7th schedule of the planning and development acts. The applicant has cited precedent elsewhere where Kildare County Council and An Bord Pleanála dealt with similar developments as non strategic. The applicant further argues that the proposal cannot be described as a strategic waste management infrastructure due the nature of the fill being imported.

Environmental Impact Assessment

This Environmental Impact Assessment has been prepared by Kildare County Council in accordance with the DHPLG 'Guidelines for Planning Authorities and An Bord 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 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 required a Flood Risk Assessment for the proposed development and this was submitted in response to the further information request. The water services engineer has indicated that the proposal is acceptable, will not cause flooding on adjoining properties or downstream of the site and is acceptable subject to condition.

3.5 Air Quality

Chapter 8 of the EIAR refers to Air Quality. The Environment Section has reviewed this section and required further information in relation to dust, a response was received – see item 7 above and the environment section now has no objection subject to condition.

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 10 of the EIAR refers to noise. The Environment Section has reviewed this section and required further information in relation to noise. A response was received and reviewed by the environment section who now

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 required further information in relation to traffic and transportation, a response was received, discussed above, and it is considered that subject to conditions that the proposed development will have an acceptable impact on traffic .

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.

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and to the EIAR and other information provided by the developer, the internal departments of Kildare County Council and prescribed bodies, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows;

No likely significant or permanent effects on human health during the construction, operational and post-operational stages of the proposed development.

Biodiversity impacts, which will be mitigated by site management plan / measures, protection of habitat features i.e. hedgerows and trees, invasive species management and measures for the protection of bats, badgers and other small mammals.

Land, soil and geology impacts which will be mitigated by measures such as monitoring of imported soil to be used as restoration materials and the adherence to the Environmental Management Plan during the operational phase. A monitoring programme is proposed to be agreed with Kildare County Council as part of the Waste Facility Permit.

Hydrology and Hydrogeology: Impacts to be mitigated by the carrying out of works in accordance with the condition of the Waste Facility Permit and in accordance with relevant industry standards.

Noise impacts which will be mitigated by measures identified in BS 5228-1: A1:2014 Code of Practice for noise and vibration control on construction and open sites- Part 1.

Air Quality & Climate which will be mitigated by site management plan, protection from wind, use of water bowsers and rotary atomisers, retention of hedgerow, retention of hedgerows etc. It is envisaged that given the mitigation measures to be implemented and the separation distance between the subject site and the sensitive receptors as identified in the EIAR, the design measures proposed will render any potential residential Air Quality impact 'insignificant' or 'acceptable'.

A positive impact expected with regard to the material asset, due to the restoration and improvement of disturbed landform, created by previous extraction activity.

Roads & Traffic: It is considered that the impact of the proposed development on traffic has been adequately assessed and that the identified haul route can be sufficiently upgrade by the developer to accommodate traffic generated by the proposed development.

Archaeology & Cultural Heritage: Archaeological monitoring of soil-stripping within of the application site is not considered to be required as the development comprises infilling and restoring of a previous quarry site.

Landscape given the nature of the proposed development, i.e. the restoration of a disused quarry to backfill the void and improve lands for forestry use, it is considered that the proposed development would give rise to positive impacts on the landscape and visual amenity as well as the enhancement of local ecological habitats.

Risk Management: the EIAR states that the proposed design has considered the potential for flooding, road accidents, invasive species and fire within the design methodology and concludes that the vulnerability of the proposed development to major accidents and / or disasters is not considered significant.

Interaction of the foregoing, potential for significant interaction with other disciplines is identified, identified interactions are considered acceptable with no unacceptable negative impacts expected to arise as a result of interactions between different environmental disciplines.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. They do not require or justify refusing permission for the proposed development or requiring substantial amendments. It is considered that the EIAR is compliant with Article 94 of the Planning and Development Regulations 2001 as amended.

5. EIA Conclusion

This report comprises an Environmental Impact Assessment of the development proposed under planning applications Reg. Ref.19/949

The aim of the EIA Report is to identify and assess effects of the proposed development on various environmental factors, in order to assist in considering whether the proposed development is consistent with the proper planning and sustainable development of the area.

It is considered that the EIAR has adequately identified and assessed the effects of the proposed development on various environmental factors. The EIAR submitted together with the planning documentation received and the further information received is deemed to adequately describe the direct, indirect and cumulated effects on the environment of the proposed development.

It is considered that the proposed development, together with the mitigation measures outlined in the EIAR as amended by the information provided at further information stage, and with the attachment of appropriate conditions to any grant of permission for the proposed development to reduce, avoid, and minimise the effects of the proposed development on the environment, would be consistent with the proper planning and sustainable development of the area.

Conclusion:

Having assessed the application submitted, including the EIAR submitted, in conjunction with the internal reports of Kildare County Council and the policies outlined in the Kildare County Development Plan 2017-2023, it is considered reasonable in this instance to permit the proposed development subject to conditions.

Recommendation:

I recommend permission be granted for the reasons given in Schedule 1 and subject to the conditions in Schedule 2.

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**

1. (a) The development shall be carried out in accordance with plans and particulars received by the Planning Authority on 21st August 2019, as amended by the revised

details received on the 29th April 2020 and the revised public notices received on the 11th 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 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 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 29th 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. (2017-2023)

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. ≤ 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.

- cd 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.

Development Contributions.

Inert Soil Waste Recovery Facility site area: 26.6 hectares



Eoghan Lynch
Senior Executive Planner

17th July 2020



Senior Planner

20th July 2020


Date

Mairead Healy 20th July 2020
A/Director of Service.

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Kilmore Quay 'Authorities' - Viewpoint - For Inspection Purposes Only

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>Sites to consider: River Barrow and Nore, Rye Water/Carton</p>	<p><i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the</i></p> <p style="text-align: center;">No</p>

	Valley, Pollardstown Fen, Ballynafagh lake	<i>catchment (upstream or downstream) of same?</i>	
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, including the significant further information received, 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:	Eoghan Lynch
Position:	Senior Executive Planner
Date:	17/07/2019