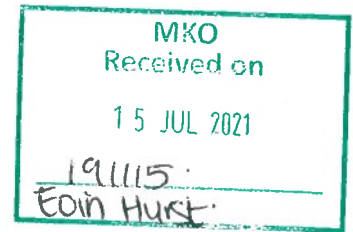


Comhairle Contae Chill Dara
Kildare County Council



Date: 14/07/2021
Pl. Ref.: 20/1329



REGISTERED POST

Noel Lawler Sand and Gravel Limited,
c/o MKO,
Mr. Sean McCarthy,
Tuam Road,
Galway,
Co. Galway.

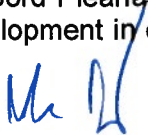
Notification of a decision under Section 34 of the Planning & Development Act 2000 (as amended)

Planning Register Number: 20/1329
Application Received Date: 09/11/2020
Further Information Received Date: 20/05/2021

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 14/07/2021 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:- A twenty-year planning permission for the infilling of an existing and future quarry void (Ref: 07/723 and 17/1107) with inert soil and stone in order to return the land to a beneficial use (agriculture) over an area of approximately 18.95 ha in the townlands of Portersize and Timolin, Ballitore, Co. Kildare. The void will be infilled with approximately 1,299,791 m³ of inert material. The proposed development also includes for the following: Infill, grading and restoration of two settlement ponds, totalling 1.065 ha (two settlement pond areas in NW of site approximately 0.788 and 0.277 ha). Restoration of three smaller ponds, totaling 0.44 ha, in order to provide an area of aquatic habitat (three ponds are approximately 0.321, 0.0835 and 0.0358 ha). Planting of a raised soil bund with native tree species, along northern site boundary (planting area approximately 0.48 ha). Grading of a pre-existing soil mound at the site entrance (approximately 1.11 ha). Development and management of an artificial sand martin nesting site, to replace the existing nesting location identified in the soil mound at site entrance. Construction of a soil quarantine shed (approximately 180m² in area, 15m height), inspection area and re-fuelling area (hardstanding) located north of the existing site office (approximately hardstanding area – 400m²). Associated minor works to include site access road improvements (resurfacing), upgrade of drainage infrastructure including new fuel/oil interceptor and surface drains on hardstanding, refurbishment/repair of existing site office and weighbridge. The proposed development also includes for all other site development works and services ancillary to the proposed development. A waste licence is required for the proposed development. The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). Development at **Portersize and Timolin Townlands, Ballitore, Co. Kildare** subject to **29** conditions set out in the schedule attached.

The reason for the imposition of the said conditions are also included. The Planning Authority have had regard to any submissions or representations made on this file. If there is no appeal against the said decision a **grant of permission** in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala (see footnote). It should be noted that until a grant of permission has been issued the development in question is **NOT AUTHORISED** and work should not commence.

Date: 14/07/2021


Senior Executive Officer, Planning
Kildare County Council

PLEASE ARRANGE TO REMOVE SITE NOTICE

Any appeal against the decision of a Planning Authority under Section 37 of the Planning & Development Act 2000 as amended) may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1. First and third

Comhairle Contae Chill Dara Kildare County Council



party objections must be received by the Bord within 4 weeks beginning on the day of making the decision by the Planning Authority. The appeal must be fully complete from the start - you are not permitted to submit any part of it later, even within the time limit.

Any appeal made within the statutory appeal period to An Bord Pleanála will be invalid unless accompanied by

- 1 Confirmation of submission to Planning Authority
- 2 The correct statutory fee, (Fees payable to the Bord on or after 5th September, 2011)
 - i. Appeal by 1st party relating to commercial development where the application included the retention of development - €4,500 or €9,000 if an EIAR or NIS involved.
 - ii. Appeal by 1st party relating to commercial development (no retention element in application) - €1,500 or €3,000 if an EIAR or NIS involved.
 - iii. Appeal by 1st party non-commercial development where the application included the retention of development - €660
 - iv. Appeal by 1st Party solely against contribution condition(s) – (2000 Act and amendments Section 48 or 49) - €220
 - v. Appeal following grant of leave to appeal
 - vi. An Appeal other than referred to in (i) to (v) above - €220

This guide does not purport to be a legal interpretation of the fees payable to the Bord. Please contact the Bord for further information.

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Planning Permission is sought for a twenty-year planning permission for the infilling of an existing and future quarry void (Ref: 07/723 and 17/1107) with inert soil and stone in order to return the land to a beneficial use (agriculture) over an area of approximately 18.95 ha in the townlands of Portersize and Timolin, Ballitore, Co. Kildare. The void will be infilled with approximately 1,299,791 m³ of inert material. The proposed development also includes for the following: Infill, grading and restoration of two settlement ponds, totalling 1.065 ha (two settlement pond areas in NW of site approximately 0.788 and 0.277 ha). Restoration of three smaller ponds, totaling 0.44 ha, in order to provide an area of aquatic habitat (three ponds are approximately 0.321, 0.0835 and 0.0358 ha). Planting of a raised soil bund with native tree species, along northern site boundary (planting area approximately 0.48 ha). Grading of a pre-existing soil mound at the site entrance (approximately 1.11 ha). Development and management of an artificial sand martin nesting site, to replace the existing nesting location identified in the soil mound at site entrance. Construction of a soil quarantine shed (approximately 180m² in area, 15m height), inspection area and re-fuelling area (hardstanding) located north of the existing site office (approximately hardstanding area – 400m²). Associated minor works to include site access road improvements (resurfacing), upgrade of drainage infrastructure including new fuel/oil interceptor and surface drains on hardstanding, refurbishment/repair of existing site office and weighbridge. The proposed development also includes for all other site development works and services ancillary to the proposed development. A waste licence is required for the proposed development. The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). Development at Portersize and Timolin Townlands, Ballitore, Co. Kildare – Noel Lawler Sand and Gravel Limited – 20/1329

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 nature of the development, to the provisions of the Kildare County Development Plan 2017-2023, to the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) submitted by the Applicant and to the Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) carried out by the Planning Authority, 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 be in accordance with the proper planning and sustainable development of the area.

Schedule 2 – Conditions to apply.

1. The development shall be carried out and completed in accordance with the plans and particulars received by the Planning Authority on 9th November 2020 and the further information received on 20th May 2021, except as amended by conditions of this permission.

Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. (a) This permission shall apply for a period of 20 years from the date of commencement. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

(b) The annual intake of inert soil and stone waste material to be imported into the site shall not exceed 100,000 tonnes.

Reason: In the interest of clarity and proper planning and sustainable development.

3. All the environmental and construction mitigation and monitoring measures, set out in the Environmental Impact Assessment Report and Natura Impact Statement, shall be implemented in full in accordance with the timelines set out, except as may otherwise be required in any Waste Licence issued by the Environmental Protection Agency in respect of the proposed development or as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to mitigate the environmental effects of the proposed development.

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

Reason: In the interest of public health and environmental sustainability.

5. The Developer shall ensure that no waste or suspended solids shall enter Crookstown Stream. There shall be a buffer of 100 meters between the area that is being filled and the Crookstown Stream. Developer to confirm proposed layout of buffer-zone prior to commencement of works.

Reason: In the interest of public health and environmental sustainability.

6. The Developer shall ensure that runoff from the infilled pits shall be directed into newly constructed drains and swales situated along the perimeter of the infill areas.

Reason: In the interest of public health and environmental sustainability.

7. The Developer shall ensure that only clean, uncontaminated surface water shall be discharged to adequately sized soakpit(s).

Reason: In the interest of public health and environmental sustainability.

8. The Developer 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 public health and environmental sustainability.

9. Noise emissions levels from the proposed site shall be in accordance with Waste Licence(s) Conditions.

Reason: In the interest of public health and environmental sustainability.

10. 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.

Reason: In the interest of public health and environmental sustainability.

11. 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 interest of public health and environmental sustainability.

12. 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 interest of public health and environmental sustainability.

13. The Developer 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 and the material removed to an authorised facility for recovery/disposal.

Reason: In the interest of public health and environmental sustainability.

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

Reason: In the interest of public health and environmental sustainability.

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

Reason: In the interest of public health and environmental sustainability.

16. (a) The Developer shall ensure that all wastewater from the site shall discharge to a sealed storage tank. Prior to commencement of development, the Developer shall submit, for the written consent of the Planning Authority, the design details on the sealed storage tank and include the structural integrity of the tank.

(b) The Developer shall submit to the Planning Authority on a bi-annual basis starting 6 months following the commencement of site development works, a structural integrity test by a Chartered Building Surveyor, Chartered Engineer, or RIAI Registered Architect on the sealed storage tank holding the wastewater.

(c) All waste water from the tank shall be removed by an authorised waste collected and brought to a licenced waste water treatment plant for disposal. Details of the disposal receipts to be held on file onsite at all times for inspection by Planning Authority staff.

Reason: In the interest of public health and environmental sustainability.

17. Five years after a grant of permission for the development, and then for 3 subsequent five-year intervals, up to 20 years; the Developer shall carry out a condition survey of the R747 from its junction with the R448 to the County Boundary with Wicklow.

For the above lengths of vehicular carriageway, the applicant is requested to carry out:

(a) a Falling Weight Deflectometer (FWD) Test;

(b) a condition survey of the existing pavement, linked to the FWD data analysis;

The Developer shall ensure that the road carriageway remains in good condition, following the use of the development by Heavy Goods Vehicles.

Reason: In the interest of Road Safety.

18. Prior to use of the development, the Developer shall carry out a Stage 3 Road Safety Assessment (RSA), by the independent accredited Road Safety Auditor. The Developer shall ensure that road safety improvement measures identified in the RSA process are fully implemented, prior to use of the development.

Reason: In the interest of Road Safety.

19. (a) The Developer shall ensure that the Road Safety Measures identified in the Further Information Response Document FIR F-2021.7.17-191115a, as received by the Planning Department on 20th May 2021, are fully implemented.

(b) In addition, at the internal gateway, the Developer shall also provide a turning circle, a minimum of 11 metres radius in accordance with Figure 2.2, of the Recommendation for Site Development Works, to avoid vehicles reversing along the laneway if the internal gateway is locked.

Reason: In the interest of Traffic Safety.

20. Prior to commencement of development, the Developer shall submit a drawing, incorporating measures identified in the Road Safety Assessment Stage 2, for the written agreement of the Municipal District Engineer's Office. Prior to use of the facility, the Developer shall ensure that all measures are fully implemented.

Reason: In the interest of Road Safety.

21. The Developer shall provide a pavement overlay of Hot Rolled Asphalt, with pre-coated chipping, for the following:

- (a) The full width of the R747 carriageway, immediately in front of the improved vehicular entrance and for 20 metres on either side.
- (b) For the tie-in, widened entrance access to the site from the R747, to beyond the joining of the parallel access road. (Location as identified in RSA problem 3.4)
- (c) The Developer shall obtain a Road Opening Licence for all works on the public road from the Municipal District Office.
- (d) The Developer shall be liable for all costs associated with this work.

Reason: In the interest of Road Safety.

22. The Developer shall ensure that sight lines are maintained along the entrance to the works, for the duration of the development, to comply with the Transport Infrastructure Ireland Document (DN-GEO-03060) June 2017 standards.

Reason: In the interest of Road Safety.

23. The Developer shall ensure that no dust, mud, or debris is deposited on the roads outside the site. The Developer shall ensure that all roads in the vicinity of the site are swept clear and that all loose material is removed from the road verges.

Prior to commencement of development, the Developer shall provide details and obtain the written approval of the Planning Authority for the following measures:

- (a) The wheel bath for vehicles leaving the site;
- (b) Details of the water bowser to be used during dry periods;
- (c) Measures to protect existing hedgerows and limit dust.

Reason: In the interest of Road Safety.

24. The Developer shall ensure that no surface water run-off from the site discharges onto the public road. The Developer shall ensure that surface water generated, within the development, is attenuated on site.

Reason: In the interest of traffic safety.

25. The Developer shall ensure that existing land drainage is not impaired. Changes at the entrance shall be designed and shaped to ensure an uninterrupted flow of roadside drainage.

Reason: To prevent interference with existing roadside drainage.

26. The Developer shall ensure that the operating hours for the development are restricted to between 0700 hours and 1800 hours Monday to Friday; and between 0800 hours and 1400 hours on Saturdays. No such operations shall take place on Sundays or Bank Holidays.

Reason: In the interest of protecting local amenity.

27. As some of the hours of operation may be at dusk or darkness in wintertime; prior to commencement of development, the Developer shall provide full design details and specifications of the lighting system, necessary to serve the development, and submit this for the written agreement of the Planning Authority and the Public Lighting Engineer's Office. The proposed lighting system shall comply with the requirements set out in Kildare County Council's Street Online Lighting Technical Specification.

At the new junction at main road, the Developer shall examine the public lighting for 100 metres on either side of the new entrance.

The Developer shall ensure that the approved lighting is fully commissioned prior to use of the facility.

Reason: In the interest of Road Safety.

28. The Developer shall comply with any future requirements of the Planning Authority in relation to: adjusting the floodlight aiming or fitting appropriate additional louvers, to deal with remaining glare issues that may arise for road users/ nearby residents/ rural habitat and may only become apparent when the installation is commissioned.

Reason: To protect the amenities of the area.

29. The Applicant/Developer to pay to Kildare County Council the sum of **€354,488.49** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 5th November 2015 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in

accordance with Section 13 of Development Contribution Scheme adopted by Kildare County Council on 5th November 2015.

Note: Please note water and wastewater development contribution charges now form part of the water connection agreement, if applicable, with Irish Water.

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

ADVICE NOTE TO APPLICANTS All applicants are advised to make themselves aware of the requirements of the Building Control (Amendment) Regulations (S.I. No 9) 2014 which comes into effect on the 1/3/2014 and the Construction Products Regulations (CPR) (Regulation (EU) no. 305/2011) which came into effect on 1/7/2013. Information leaflets can be viewed or downloaded on the council's website <http://kildare.ie/CountyCouncil/Planning/BuildingControlDepartment/> or the Department of the Environment Community and Local Government website <http://www.environ.ie/en/>

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KILDARE COUNTY COUNCIL
PLANNING DEPARTMENT

Report on Further Information



Planning Ref No. 20/1329

Name of Applicant	Noel Lawler Sand and Gravel Limited ✓
Address of Development	Portersize and Timolin Townlands, Ballitore
Development	Infilling of quarry
Type of Application	Permission
Date Inspected	27 th November 2020
Due Date	14 th July 2021 ✓

Development Description

A twenty-year planning permission is sought for the infilling of an existing and future quarry void (Ref: 07/723 and 17/1107) with inert soil and stone in order to return the land to a beneficial use (agriculture) over an area of approximately 18.95ha in the townlands of Portersize and Timolin, Ballitore, Co. Kildare. The void will be infilled with approximately 1,299,791m³ of inert material. The proposed development also includes for the following: Infill, grading and restoration of two settlement ponds, totalling 1.065 ha (two settlement pond areas in NW of site approximately 0.788 and 0.277 ha). Restoration of three smaller ponds, totalling 0.44 ha, in order to provide an area of aquatic habitat (three ponds are approximately 0.321, 0.0835 and 0.0358 ha). Planting of a raised soil bund with native tree species, along northern site boundary (planting area approximately 0.48ha). Grading of a pre-existing soil mound at the site entrance (approximately 1.11ha). Development and management of an artificial sand martin nesting site, to replace the existing nesting location identified in the soil mound at site entrance. Construction of a soil quarantine shed (approximately 180m² in area, 15m height), inspection area and re-fuelling area (hardstanding) located north of the existing site office (approximately hardstanding area – 400m²). Associated minor works to include site access road improvements (resurfacing),

upgrade of drainage infrastructure including new fuel/oil interceptor and surface drains on hardstanding, refurbishment/repair of existing site office and weighbridge. The proposed development also includes for all other site development works and services ancillary to the proposed development. A waste licence is required for the proposed development. The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

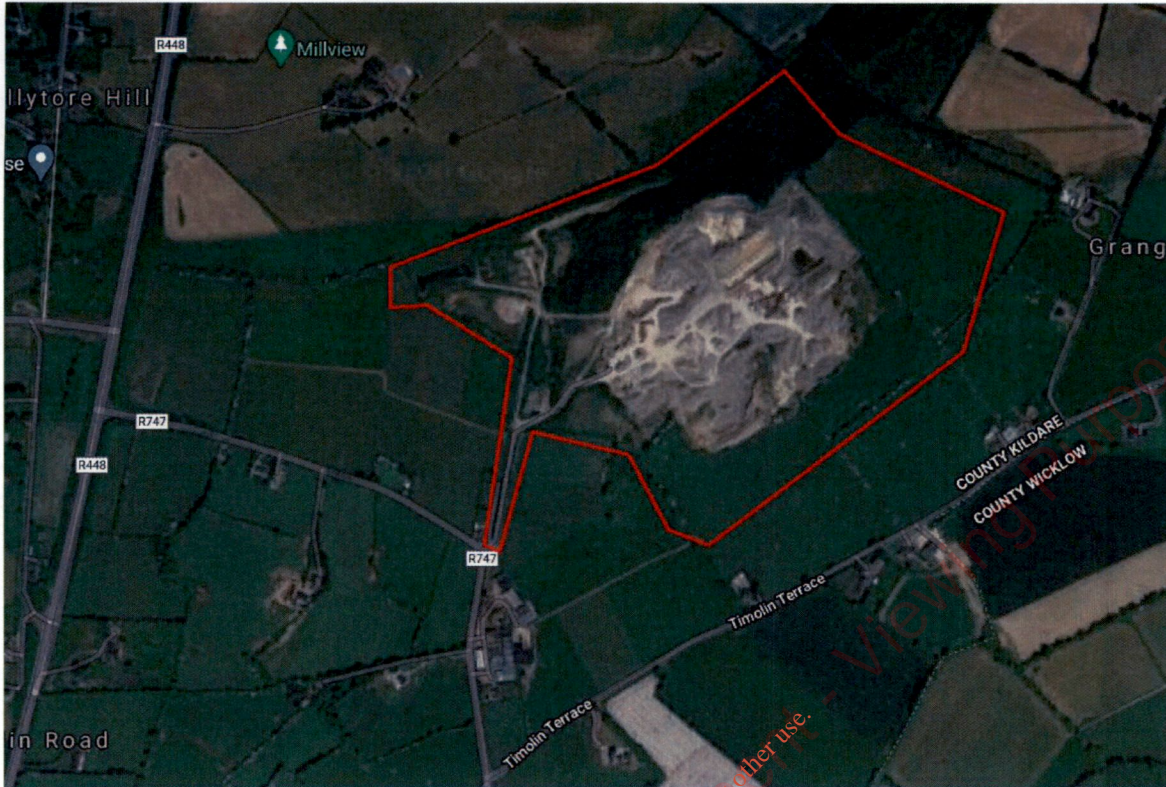
Site Location/Context

The subject site is located in the townland of Portersize and Timolin, which is located approximately 1km east of Ballitore and approximately 1km north west of the Wicklow county boundary. The site is currently accessed to the south via the regional road, R747 which runs to Baltinglass to the south east. The site has been in use as a quarry historically. The surrounding area is characterised by agricultural lands with a number of rural one-off housing located in close proximity, approximately 60-100m from the east corner of the site, approximately 200 metres to the north of the site, approximately 60-150 metres to the south of the site and a number of houses adjoining the site to the south west corner (*See Fig. 1 below for context*). On the date of the site inspection, the site notice was erected and clearly visible and legible from the public road.

Biodiversity

The subject site is characterised by an active quarry, bare ground, artificial surfaces, woodland and artificial lakes and ponds. The boundaries of the site are defined by hedgerow and treelines with agricultural grassland located to the north, south, east and west. Within the eastern section of the site there is an area of grass verge. The Crookstown Upper Stream, a tributary of the River Greese, is located to the north of the quarry. A further stream is also located along the eastern/northern boundary of the quarry. A planted conifer woodland occurs outside the north of the quarry void which provides a buffer between the stream and the quarry void. Sand Martin burrows are located within the vertical faces of the quarry within the eastern part of the site.

Fig 1: Site Location (Google Maps)



Internal Reports

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

<u>Area Engineer:</u>	Further Information Required.
<u>Transportation Department</u>	Further Information Required.
<u>Environment Section</u>	Further Information required.
<u>Water Services</u>	No objection subject to conditions.

Prescribed Bodies

<u>Irish Water</u>	No objection subject to conditions.
<u>Wicklow County Council</u>	<ul style="list-style-type: none"> • Adequate wheel wash facilities should be installed and properly operated at the site • Dust emissions should be adequately addressed

Submissions and Representations

Submission from Paul Doyle, Whitehills, Grange Con, Co. Wicklow

- Objects to the application,

- Home located on high ground approximately 650m to the north east of the site,
- Concern with dust emissions and other contaminants,
- Negative impact on air quality in tandem with Co. Wicklow quarry approved 600m to the south east, application ref. 18/1288, on appeal to An Bord Pleanala,
- Concern with impact on drinking water,
- Concern with 20 year road traffic volumes,
- Considers that there is no great need to return the land to agricultural use, diverse biodiversity on site is of greater significance than grassland,
- Concern with destruction of Sand Martin nesting habitat,

Pre-Planning Consultation

Pre-Planning PP4547

- Meeting between Kildare County Council, the Applicant and McCarthy Keville O'Sullivan on the 27th August 2019.
- Applicant was advised that an EIAR would be required due to tonnage of material, to regularise any outstanding compliance issues, detail the timescale of restoration, appropriate assessment, detail traffic movements, main haul routes, swept path analysis, wheel wash facilities, hours of operation, clarify the category of waste and if waste licence will be required. Applicant was advised to review chapter 10 of the Kildare County Development Plan 2017-2023.

Built / Natural Heritage

Built Heritage	There are no Protected Structures / NIAH Registered Buildings within close proximity of the site, according to GIS.
Archaeological Heritage	There are no Recorded Monuments located within close proximity of the site. The nearest is approximately 250 metres to the north of the site, Enclosure KD036-021----.
Natural Heritage	A Natura Impact Statement has been submitted and assessed within the body of the report.
Landscape Character Area	Eastern Uplands Class 3 Sensitivity

Relevant Planning History

17/1107 – Noel and Emily Lawler sought an extension of duration for Planning Ref. Ref. 07/723 - (a) continuance of use of the existing sand and gravel pit and ancillary activities on lands (26.6 hectares) that have been used for this purpose since before 1st October 1964 on a site registered under Section 261 etc – granted. Expires 31/12/21.

07/723 – KTK Sand and Gravel Ltd sought permission for (a) continuance of use of the existing sand and gravel pit and ancillary activities on lands (26.6 hectares) that have been used for this purpose since before 1st October 1964 on a site registered under Section 261 etc – granted with conditions.

- First Party appeal against conditions
- Third Party Appeal against decision
- An Bord Pleanala granted permission subject to 24 conditions as part of application ref. PL09.226857

Unauthorised Development UD5603

Site 1km to the south east, Co. Wicklow

18/1288 – Roadfill Aggregates Ltd sought permission for extraction of sand and gravel (dry working), over an area of 11.5 hectares. EIAR submitted with application. – refused on appeal by An Bord Pleanala on the 14th December 2020;

Reasons for Refusal

1. *On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on River Barrow and River Nore Special Area of Conservation (European Site Code: 002162), in view of the site's Conservation Objectives by way of an impact on the water quality and freshwater habitats of the catchment of the Barrow/Nore. In such circumstances the Board is precluded from granting permission.*

2. *Having regard to the extent of recorded archaeological monuments in proximity to the site, and in the absence of a comprehensive advance archaeological assessment, the Board could not be certain that the proposed development would not have a significant negative impact on archaeology and cultural heritage. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Policy Context

Eastern Midlands Region Waste Management Plan 2015-2021

This provides a framework for the prevention and management of waste in a sustainable manner in 12 local authority areas.

Policy E14: The local authorities will co-ordinate the future authorisations of backfilling sites in the region to ensure balanced regional development serves local and regional needs with a preference for large scale restoration sites ahead of smaller scale sites with shorter life spans. All proposed sites for backfilling activities must comply with environmental protection criteria set out in the plan.

The Strategy refers to Construction and Demolition Waste at Section 11.2.

'Traditionally the recovery of much of the C&D waste stream has been managed by placing it in a variety of land use applications. This treatment, collectively known as backfilling includes landfilling, improvement or infill works. The largest fraction of the C&D waste is soil and stones, which (if uncontaminated) typically undergoes little if any treatment prior to recovery at these sites'.

'Given the sharp decrease in the number of operational landfills nationally, which has been a significant outlet for C&D waste in the past, alternative recovery options will be required to facilitate the recovery of C&D waste arising in future years. It needs to be considered if the placement of inert waste at many of the types of infill sites used in the past is an appropriate land-use strategy or indeed best use of a potentially recyclable material. Concrete, stone and other masonry-type waste can be crushed and screened and used as a substitute for virgin quarry stone material in a variety of engineering applications if the appropriate technical criteria have been met, e.g road construction, access tracks for agricultural or forestry holdings. Quarries also frequently require large quantities of soil material to fill voids and for other remediation and landscaping applications'.

Construction & Demolition Waste Soil and Stone Recovery / Disposal Capacity for Eastern Midlands Region – Analysis Report by RPS

This was published in December 2016. It was commissioned on behalf of the regional waste authorities to analyse the national waste capacity market for the safe treatment of soil wastes, defined as clean inert soil and stone waste arising from construction activities. It reviewed existing soil recovery facilities and quantified the capacity available to meet current and future market demand. It confirms that the capacity available to recover soil and stone waste is an issue in each region.

It is concluded that there is a lack of licensed capacity nationally and in particular in the Greater Dublin Area to meet current and forecasted growth. The change in waste arisings from construction activities has been abrupt and the excess capacity reported at the time of the regional waste plans has been eroded. While waste facility permits and CoR's are available at low volumes to the market they are not considered long terms solutions. The preferred solution is providing secure and longer term outlets for soil waste recovery. Locations which are considered to offer these benefits include exhausted quarries or pits. It is noted in the report that this approach is favoured by the regional waste management plan with policy preference for large central sites which require restoration through the placement of clean soil returning the site back to its original profile.

Kildare County Development Plan 2017-2023

Chapter 7 Infrastructure

7.6.5 Policies Waste Management

WM3 Support the implementation of the Eastern Midlands Region Waste Management Plan 2015-2021 by adhering to overarching performance targets, policies and policy action.

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.

Chapter 10 Rural Development

Chapter 17 Development Management Standards

Section 17.10.1 Waste Recovery / Disposal Facilities

Guidelines

Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018)

EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports (Draft August 2017)

Planning Assessment

Proposed Development

The proposed development is for the infilling of a quarry void with inert soil and stone and which will comprise the following elements:

- The importation of approximately 1,299,791m³/2,339,624 tonnes of inert soil and stone material for the infilling and restoration of an existing and future quarry void to return the land to beneficial use (agriculture).
- Infilling, grading and restoration of two settlement ponds to the north west of the site, totalling 1.065ha (0.788ha and 0.277ha).
- Restoration of three smaller ponds totalling 0.44ha in order to provide an area of aquatic habitat.
- Planting of a raised soil bund with native tree species along northern site boundary.
- Grading of pre-existing soil mound at the site entrance.
- Development and management of an artificial sand martin nesting site, to replace the existing nesting location identified in the soil mound at the entrance.
- Construction of a soil quarantine shed (approx. 180sqm, 15m in height), inspection area and re-fuelling area located north of the existing site area (approx. 400sqm hardstanding area).
- Associated minor works to include site access road improvements (resurfacing), upgrade of drainage infrastructure including new fuel/oil interceptor and surface drains on hardstanding, refurbishment/repair of existing site office and weighbridge.

- The proposed development will utilise the existing quarry infrastructure including internal roads, site office, weighbridge, wheel-wash, welfare facilities and other ancillaries to complete the works.
- The proposed development will require a Waste Management Licence (WML).

Strategic Infrastructure Development (SID) under Section 37A/37B of the Act

The proposal is to infill the existing quarry void using inert soil and stone. The proposed development with a proposed input of 2,339,624 tonnes over a 20-year period (stipulated in the title) which equates to 116,981.20 tonnes per annum comprises Seventh Schedule development as it exceeds the threshold being:

Development comprising or for the purposes of the following

An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

Section 37A of the Planning and Development Act, 2000, as amended sets out the conditions under which Seventh Schedule development is considered to constitute strategic infrastructure for the purposes of the Act,

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
- (b) the development would contribute substantially to the fulfilment of any of the objectives of the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate, or
- (c) the development would have a significant effect on the area of more than one planning authority.

It is considered that the proposed development is potentially development to which Section 37A of the Act relates, however, it is noted that An Bord Pleanála is the competent authority to make a decision with regards to this. It is considered that it may be premature for the Planning Authority to determine this application until the applicant engages with An Bord Pleanála regarding the above. It is noted that Section 37B(7) of the Act states that no application for permission in respect of Schedule 7 development shall be made to the Planning Authority unless or until a notice is served under subsection 4(b), i.e. stating that it is not strategic infrastructure development.

Environmental Impact Assessment (EIA)

Introduction

The content of this EIA has been prepared in accordance with the Department of Housing, Planning and Local Government's 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)', and namely Section 8 of same entitled 'Outline and Guide to Key Sections of the Act'. The aim of this EIA is to identify and assess the effects of the proposed development on various environmental factors, in order to

assist in considering whether it is consistent with the proper planning and sustainable development of the area. An assessment of the adequacy of the information contained in the planning application and Environmental Impact Assessment Report (EIAR) is therefore required. The content of a number of the chapters of the EIAR are more pertinent to the competent internal departments of the Planning Authority. This EIA has therefore been informed by reports received from the Planning Authority's internal departments. In the interest of clarity and legibility it is proposed to structure this EIA in line with the sequencing of the information contained in the EIAR. It is not the intention of this EIA report to summarise the content of the EIAR, but rather to address the information contained therein in a direct and succinct manner.

Context of EIAR

Section 1.3 of the submitted EIAR outlines the statutory requirement for the Environmental Impact Assessment Report for a waste recovery activity, such as that proposed, that have a proposed annual intake of which will exceed 25,000 tonnes and therefore there is a requirement for an EIA under the provisions of paragraph 11 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, wherein it is stated:

"(b) Installations for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in Part 1 of this Schedule".

Section 1.4 of the submitted EIAR outlines that the proposed development proposes to import 2,339,624 tonnes of inert soil and stone material on site for infilling of the quarry void. Planning permission is sought for a 20 year operation.

Competent Experts

EIAR Findings

Section 1.8.1 of the Submitted EIAR provides names and qualifications of the project team responsible for preparation of the EIAR.

Planning Authority Comments

It is a requirement that the EIAR must be prepared by competent experts and that a list of names of all the experts contributing to the various sections of the report, together with details of their competency is provided. It is considered that the EIAR project team that have prepared the various chapters of the EIAR are appropriate competent experts.

Reasonable Alternatives Considered

EIAR Findings

The issue of alternatives considered is addressed in Section 2.6 of the submitted EIAR. Alternative locations, design and layouts are addressed. It is stated that there are no alternative locations to the current location as the proposed development is site specific. It is located within an active quarry setting and will bring previously quarried land back into use.

The area of the proposed development comprises a quarry void currently used for sand and gravel extraction. It is stated that it is intended to restore the quarry to original land contours and land use and therefore there are no possible alternatives to this. In respect of the project design, it is stated that a specific and considered restoration programme has been designed to protect environmental receptors

A do-nothing alternative is also described where it is stated that the opportunity to restore the quarry voids to deliver high quality restoration and long term agricultural benefits would be lost.

Planning Authority Comments

It is considered that the proposed development is site specific and therefore the consideration of alternative sites is considered not to be relevant. The Planning Authority notes the considerations regarding alternative layouts and design. The Planning Authority is satisfied that the issue of reasonable alternatives has been adequately addressed in the submitted EIAR.

Project Description

EIAR Findings

It is stated that the proposed development comprises the importation of approximately 1,299,791m³/2,339,624 tonnes of inert soil and stone material for the infilling and restoration of an existing and future quarry void to return the land to beneficial use (agriculture). Planning permission is being sought for a 20-year operation. It is expected that the operation will occur in line with the existing operational conditions of the quarry: 07:00 – 18:00 Monday to Friday, 07:00 – 14:00 Saturdays and Closed Sundays, Bank Holidays and other Public Holidays.

In order to ensure that only suitable material will be accepted and deposited in the quarry void the following procedures will occur; Waste Site Pre-Approval, Waste Intake Sampling, Waste Inspection, Waste Acceptance and Rejection and the filling out of a Waste Intake Log Sheet by the weighbridge clerk and signed by the haulier driver for all loads in and out. All waste acceptance criteria is to be agreed with the Environmental Protection Agency (EPA).

There will be a phased restoration of the quarry void working from the base of the void vertically building up soil and stone. Material will be spread in layers, each of approximately 1 to 2m depth, up to the required ground contour level. Temporary side slopes will be engineered to form slopes in the order of 1:1.5 and temporary access ramps to the backfilling areas will be at a gradient of approximately 1:10. During site restoration works the upper surface of the backfilled materials will be graded to ensure surface water run-off falls to drains and swales located around the perimeter of the infill area. Following completion of the infilling works, topsoil will be placed approximately 300mm depth and the soils will be rolled and reseeded with grasses to bring the site into agricultural use.

Planning Authority Comments

This section of the submitted EIAR appears to be satisfactory.

Population and Human Health

EIAR Findings

Potential Impact

Chapter 4 of the submitted EIAR relates to population and human health. It considers the impact of the proposed development in terms of population, health and safety, tourism, property values, dust and air quality, noise, traffic and economic activity. It is stated that a total of 19 residential properties are situated within 500 metres of the site boundary.

With regards to health and safety, it is stated that the construction phase will require the use of machinery which poses a potential hazard to construction workers and members of the public. The operation of heavy machinery during the operational phase also poses a potential health and safety risk to the employees of the quarry development.

With regards to air quality/dust, it is stated that some minor emissions associated with construction vehicles and plant are expected during the construction and operational phases. The proposed development will result in the creation of full and part-time employment in the area. It is stated that the development will have a long-term moderate positive impact on the local skills base. It is stated that there will be no impact on the population in the area or on tourism within the local or regional area as it will be well screened by local topography and vegetation.

It is stated that it is anticipated that there will be no significant noise effects from the plant and HGV movements associated with the proposed development.

With regards to traffic, a Traffic and Transport Assessment is presented in Section 12 of the submitted EIAR. It is stated that there will be a slight increase in traffic volumes, however, the negative impacts on general traffic flow on the surrounding road network will be imperceptible to slight as a result of the proposed restoration works.

Mitigation Measures

A site-specific Health and Safety Plan will be in place for the proposed construction and operational phase. Health and safety signage will be erected at locations along the site. The development site will be kept secure and will not be accessible to members of the public.

With regards to dust/air quality, hardstanding/roads adjacent to the site will continue to be regularly inspected by the site manager for cleanliness and cleaned as necessary. Sporadic wetting of loose stone and soil surface will be carried out during the construction phase. Transport of material will be undertaken in tarpaulin covered vehicles. A wheel-wash facility will be maintained on-site.

With regards to noise, plant used on site will be maintained in accordance with manufacture specifications. Exhaust silencers will be maintained in a satisfactory condition. Unnecessary revving of engines will be prohibited. Site haul roads will be maintained in a satisfactory condition and free from surface defects that may generate rattles in empty truck bodies.

With regards to traffic, the slight negative effects on traffic flows will be mitigated by safety improvements provided by the proposed improved junction layout at the site entrance at the regional road.

Residual Impact

With regards to health and safety, it is stated that following implementation of the mitigation measures during the construction phase, residual impacts of the construction phase on population and human health will have a temporary imperceptible negative impact. Following implementation of the mitigation measures in relation to health and safety during the operational phase, residual impacts of the proposed development on population and human health will have a long term imperceptible negative impact. It is stated that there will be no significant effects in terms of health and safety.

With regards to air quality/dust, it is stated that the potential for dust generation is not dissimilar to the previous extraction activity which created the existing void and so the potential for changes to the existing environment associated with the proposed development is limited. A temporary imperceptible negative impact and a long term imperceptible negative impact are concluded.

With regards to noise, it is stated that the proposed development will give rise to neutral impacts and effects, increasing to slight negative at two dwellings served by the cul-de-sac to the east. Emissions will be inaudible or barely audible at worst.

Cumulative Impacts

Taking into account the projects described in Section 2 of the submitted EIAR, it is stated that there is no potential for a significant cumulative impact in terms of health and safety, dust and noise, traffic, population, land use and tourism and amenity. A significant short-to-medium term, positive cumulative impact is predicted in terms of employment and investment.

Planning Authority Comments

It is noted that a third party submission has been received on the application where concern is raised in relation to the negative impact on air quality in tandem with a Co. Wicklow quarry approved 600m to the south east, application ref. 18/1288, on appeal to An Bord Pleanála. It is noted that Section 2.5.2 outlines the projects considered in the cumulative assessment, however, it is noted that this does not include application ref. 18/1288. Notwithstanding this, it is noted that this application was refused by An Bord Pleanála on the 14th December 2020. Having regard to the findings of the EIAR within this chapter, and to the related chapters 8 Air and Climate, 9 Noise and Vibration and 12 Traffic and Transportation, to the mitigation measures outlined within the various chapters, to the residual impacts identified and to the cumulative impacts identified, it is considered that the EIAR has adequately addressed the potential impacts on population and human health.

Biodiversity

EIAR Findings

Potential Impact

Chapter 5 of the submitted EIAR assesses the potential ecological impacts of the proposed development. The assessment methodology included a desk study and a number of ecological surveys including a walkover survey on the 4th March 2020, an otter survey on the 4th March 2020, a badger survey on the 4th March 2020 and an invasive species survey.

A total of 19 birds were recorded within or immediately adjacent to the proposed development during the ecological walkover surveys (including red listed Meadow Pipit and amber listed Snipe and Robin). Approximately 25-30 Sand Martin burrows were recorded in the vertical faces of the quarry. A single entrance badger sett was identified outside the south-southwest of the quarry void, approximately 120 metres from the quarry void. No evidence of the otter species was encountered during a search of the watercourse along the northern and north eastern boundary of the site. A number of squirrel signs were recorded within the mixed coniferous woodland located outside the north of the proposed infilling boundary. The site was also assessed for bats and it was noted that there were no buildings within the site that had suitability for roosting bats. Linear landscape features such as woodland, treelines and hedgerows were assessed as offering moderate-high potential foraging and commuting habitat for bats and provide connectivity to the wider landscape. No trees with cracks or crevices suitable for roosting bats were recorded within the treelines adjacent to the quarry void and were categorised as offering negligible potential roosting habitat.

The ecological impact assessment undertaken outlines a number of potential impacts on designated sites, aquatic receptors, birds and badgers. It is stated that there will be a loss of some Sand Martin breeding habitat during the works which will result in a permanent slight negative effect. It is stated that there will be no direct effect on any designated site as a result of the proposed development. A Natura Impact Statement has been submitted with the application.

Mitigation Measures

Any future site clearance/infilling will be undertaken outside the bird nesting season (March – August) to ensure compliance with the Wildlife Act and that no nesting sand martin burrows are destroyed while active. If vegetation clearance is required during the nesting season, this will be preceded by a nesting bird survey and all works will be supervised by an appropriately qualified ecologist, to ensure that no active nests are destroyed. As part of the overall restoration plan, it is proposed to retain a large mound of sand material that already occurs within the northwest of the site and will be installed prior to commencement of the infilling works.

Mitigation measures in relation to the protection of groundwater and surface water quality are outlined in Chapter 7 to protect aquatic habitats and species as a result of the proposed development.

With regards to badgers, no habitat loss mitigation is proposed as it is stated there will be no loss of badger foraging habitat. An exclusion zone around the sett will be maintained during the construction/infilling phase using post and rope fencing and appropriate signage.

Residual Impact

It is stated that following consideration of the mitigation measures, it is concluded that the proposed development will not result in any significant effects on any of the identified key ecological receptors.

Cumulative Impacts

It is stated that there will be no potential for the proposed development to contribute to any cumulative impact in combination with other plans and projects.

Planning Authority Comments

It is noted that the third-party submission raises concern with the development due to its impact on biodiversity and on the loss of the Sand Martin habitat.

However, having regard to the findings of the EIAR, to the mitigation measures outlined in this chapter of the EIAR, to the residual impact and cumulative impacts, it is considered that the EIAR adequately addresses the potential impacts of the proposed development on biodiversity. It is noted that the development will result in a permanent slight negative effect on Sand Martin, however, the mitigation measures identified are considered adequate.

Land, Soils and Geology

EIAR Findings

Potential Impact

Chapter 6 of the submitted EIAR assesses the impact on the geological environments of the proposed development. The methodology used in the assessment included a desktop study of soils, subsoils and bedrock across the site and the general environs, a site walkover and geological baseline mapping undertaken in January 2020 and site investigations, topographic surveys and baseline monitoring undertaken in June and July 2020.

It is stated that the reinstatement of the quarry ground profile and landuse change will result in a positive, irreversible, moderate, direct, likely, permanent effect on land, soils and geology, topography and landuse. Restoration works will be completed using machinery which have the potential to leak hydraulic oils or cause fuel leaks during refuelling operations. Infilling of the site with inert soil will pose a very low contamination risk as no harmful contaminants will be present.

Mitigation Measures

It is stated that a suitable restoration plan will be adopted. Refuelling will be completed at a dedicated refuelling area. Drainage from the refuelling area will be routed through a full retention hydrocarbon interceptor, a wetland and then a soakaway for final discharge to

ground. Sourcing material that is proven to be inert prior to transport to the site. Further mitigation measures are outlined within sections 6.4.3.2 and 6.4.3.3.

Residual Impact

It is stated that the restoration of pre-quarrying topography and land use will result in a positive, moderate, direct, permanent effect on the land, soils and geology environment. With regards to the mitigation measures to mitigate the risk of spills, it is stated that the residual effect is negative, imperceptible, direct, long term, unlikely effect on the land, soils and geology environment. With regards to the importation of soil and subsoil, it is stated that with the mitigation measures identified, the residual effect is neutral, imperceptible, direct/indirect, unlikely long term effect on lands, soils and geology.

Cumulative Impacts

It is stated that there will be no significant cumulative effects to land, soil and geology resulting from the project and other local existing developments, projects and plans.

Planning Authority Comments

It is considered that this chapter of the EIAR adequately assesses the impact on soils and geology within the site and immediate environs. Having regard to the findings of this chapter of the EIAR, to the mitigation measures identified, to the cumulative impacts and residual impact identified, it is considered that the proposed development will not result in a significant adverse impact on the environment in terms of soils and geology. It is noted that the Environment Section has reviewed this chapter of the EIAR and they consider it satisfactory.

Hydrogeology and Hydrology

EIAR Findings

Potential Impact

Chapter 7 of the submitted EIAR assesses the impact of the proposed development on the hydrogeological and hydrological environments. The methodology used in the investigation included a desk study and preliminary hydrological assessment and site investigations undertaken in January, April and August 2020.

The conventional source-pathway-target model was applied to assess potential impacts on downstream environmental receptors as a result of the proposed development. Seven steps have been taken in each element of the impact assessment process. It is stated that during earthworks this can result in potential sources of sediment laden water including drainage and seepage water resulting from any required vegetation clearing works and construction of access roads resulting in entrainment of sediment from the excavations during construction. These activities have the potential to cause the release of suspended solids to surface watercourses and could result in an increase in the suspended sediment load, resulting in increased turbidity which in turn could affect the water quality and fish stocks of downstream

waterbodies. However, it is stated that this work is minor and there is no direct hydraulic connection between the site and the nearest surface waterbody, the Crookstown Stream, and overland flow will be in the direction of the pit, not the stream.

Accidental spillage during refuelling of construction plant with petroleum hydrocarbons is a significant pollution risk to groundwater, surface water and associated ecosystems.

The importation of fill material has the potential to impact groundwater quality, however, it is stated that this will pose a low risk as no harmful contaminants will be present.

Mitigation Measures

Mitigation measures in relation to hydrocarbon/chemical spills are outlined which include; Minimum refuelling or maintenance of construction vehicles or plant will take place on site. Off-site refuelling will occur at a dedicated refuelling area where possible. Any fuel storage area, if required, will be bunded. The site will operate under a dedicated Environmental Management System.

Measures in relation to surface water runoff/ground water ingress will also be undertaken such as a 100m buffer to the Crookstown Stream, the construction of settlement ponds down gradient of the drainage routes etc.

Residual Impact

With regards to the potential release of hydrocarbons during the construction and operational phases, it is stated that implementation of the proposed mitigation measures will ensure a negative, indirect, imperceptible short term, unlikely impact to local groundwater and surface water quality. A neutral, indirect, long term impact on groundwater quality is considered via importation of fill material. A negative, imperceptible, indirect, long term, unlikely impact on local surface waters is considered.

Cumulative Impacts

It is stated that due to the nature of the groundwater regime and high permeability of the subsoil, there will be no run-off during the construction phase of the project. During the operational phase of the infilling, mitigation measures will be put in place to attenuate surface water run-off from the site. There will be no discharges from the site. It is stated that there will be no cumulative impacts on the surface water or groundwater environments.

Planning Authority Comments

This chapter of the EIAR has been assessed by the Environment Section and they consider the findings satisfactory. It is considered that this chapter of the EIAR adequately assesses the impact on the hydrogeological and hydrological environments. Having regard to the findings of this chapter of the EIAR, to the mitigation measures identified, to the cumulative impacts and residual impact identified, it is considered that the proposed development will not result in a significant adverse impact on the environment in terms of hydrogeology and hydrology.

Air and Climate

EIAR Findings

Potential Impact

Chapter 8 of the submitted EIAR describes and characterises the existing air environment in the vicinity of the application site and assesses the impact the proposed development activities will have upon the receiving air environment. The assessment methodology included dust monitoring at 3 locations within the site between the period 17th August 2020 and 16th September 2020. 19 residential receptors were identified within 500 metres of the site. Samples were submitted to City Analysts Ltd for laboratory analysis. It is stated that the inorganic particulate fraction from all three samples was reported significantly below the 350mg/m²/day limit value.

Construction phase impacts identified include exhaust emissions associated with construction vehicles and plant and dust emissions from construction activities.

Operational phase impacts identified include exhaust emissions during the restoration process and dust generation from traffic movements.

With regards to climate, there is potential for greenhouse gas emissions from use of machinery during the construction and operational phases.

Mitigation Measures

Mitigation measures outlined including the turning off of engines when not in use, wetting of loose stone and soil surface, the maintenance of all plants and vehicles in good working order and the transport of material using tarpaulin covered vehicles.

Residual Impact

It is stated that with the adoption of the mitigation measures it is considered that the proposed development will result in a temporary and long term, imperceptible, negative impact on air quality and climate.

Cumulative Impacts

It is stated that cumulative impacts on air quality and dust emissions were considered and it is stated that there is unlikely to be cumulative effects arising from the proposed restoration and other local existing developments, projects and plans. In terms of climate, it is stated that cumulative impacts are likely to be negligible.

Planning Authority Comments

It is noted that the third-party submission raises concern with the impact of the development in terms of air quality and dust and in tandem with a Co. Wicklow quarry approved 600m to the south east, application ref. 18/1288, on appeal to An Bord Pleanala. It is noted that Section 2.5.2 outlines the projects considered in the cumulative assessment, however, it is noted that this does not include application ref. 18/1288. Notwithstanding this, it is noted that this application was refused by An Bord Pleanala on the 14th December 2020.

This chapter of the EIAR has been assessed by the Environment Section and they consider the findings satisfactory. It is considered that this chapter of the EIAR adequately assesses the impact on air quality and climate. Having regard to the findings of this chapter of the EIAR, to the mitigation measures identified, to the cumulative impacts and residual impact identified, it is considered that the proposed development will not result in a significant adverse impact on the environment in terms of air quality.

Noise & Vibration

EIAR Findings

Potential Impact

Chapter 9 of the submitted EIAR assesses the proposed operations associated with the proposed development would have on the surrounding noise environment and in particular, sensitive receptors surrounding the site. The methodology included a desk-based study and a baseline noise survey carried out on 5th March 2020. Monitoring was carried out at four stations, N1-N4. N1 represents the house to the north west, N2 represents the dwelling adjacent to the access road, N3 represents the nearest dwelling south of the pit and N4 represents the dwellings south east of the pit.

Potential noise and vibration impact during the construction phase include from minor enabling works and mobile plant. It is stated that there will be no vibration impact associated with the construction phase.

Potential noise and vibration impact during the operational phase will include the importation of fill material by trucks and its distribution across the site. No processing activities such as crushing or grading are proposed. It is stated that the development will not involve any processes which give rise to groundborne vibration.

Mitigation Measures

Mitigation measures include fill import and distribution confined to certain operational hours, the maintenance of plant in accordance with manufacturer specifications etc.

Residual Impact

It is stated that with the adoption of the above mitigation measures, impacts will represent a continuation of existing impacts at two dwelling adjacent to the site access road. No change will arise here and thus effects will remain as at present. At all other dwellings, the proposed development will give rise to neutral impacts and effects, increasing to slight negative at two dwellings served by the cul de sac to the east.

Cumulative Impacts

It is stated that no cumulative impacts are predicted.

Planning Authority Comments

This chapter of the EIAR has been assessed by the Environment Section and they consider the findings satisfactory. It is considered that this chapter of the EIAR adequately assesses the impact on noise and vibration. Having regard to the findings of this chapter of the EIAR, to the mitigation measures identified, to the cumulative impacts and residual impact identified, it is considered that the proposed development will not result in a significant adverse impact on the environment in terms of noise and vibration.

Archaeology and Cultural Heritage

EIAR Findings

Potential Impact

Chapter 10 of the submitted EIAR assesses the impact of the proposed development on the surrounding archaeological, architectural and cultural heritage landscape. The assessment is based on a desk top review of the available cultural heritage and archaeological data and field inspection of the study area carried out on 27th February 2020.

It is stated that there will be no direct effects on National Monuments, Recorded Monuments or sub-surface archaeology or Protected Structures/NIAH buildings during the construction phase.

It is stated that there is potential for indirect impacts, i.e. on the setting of a protected site. However, it is stated that when the quarry has been fully reinstated it will have a positive impact on the wider cultural heritage landscape.

Mitigation Measures

It is stated that no mitigation measures are necessary for the construction or operational phases as no direct negative effects were identified.

Residual Impact

It is stated that no residual impacts will occur during the construction of operational phases.

Cumulative Impacts

It is stated that since the construction phase for the development consists only of the construction of an inspection shed and no impacts on cultural heritage were identified then cumulative effects will not occur. Cumulative impacts on setting, taking into consideration other potential development, will not occur.

Planning Authority Comments

It is considered that this chapter of the EIAR adequately assesses the impact on archaeology and cultural heritage. Having regard to the findings of this chapter of the EIAR, it is considered that the proposed development will not result in a significant adverse impact on the environment in terms of archaeology and cultural heritage.

Landscape and Visual Impact

EIAR Findings

Potential Impact

Chapter 11 of the submitted EIAR addresses the potential landscape and visual effects of the proposed development. A site visit was undertaken in March 2020. It is stated that visibility could be excluded from the vast majority of the study area due to the existing topography as well as the presence of hedgerows and tree lines which obscure a number of the views towards the site. A total of 5 viewpoints were selected, two to the south and three to the west. The assessment found a neutral imperceptible long term impact for Viewpoints 1, 2 and 3 and a positive, imperceptible, long term impact for Viewpoints 4 and 5. It finds that the construction phase of the development will have a temporary slight negative impact on the character of the landscape and a temporary slight neutral visual impact. With regards to the operational phase, a long term, not significant, positive landscape impact is considered and a long term, imperceptible to not significant, neutral to positive visual impact is considered.

Mitigation Measures

No significant effects are identified.

Residual Impact

No significant effects are identified.

Cumulative Impacts

It is stated that there are no other nearby developments that would give rise to a cumulative landscape and visual effect.

Planning Authority Comments

It is considered that this chapter of the EIAR adequately assesses the impact on landscape and visual amenity. Having regard to the findings of the submitted EIAR and to the nature of the development, it is considered that the proposed development will not result in a significant adverse impact on the environment in terms of landscape and visual amenity.

Traffic and Transportation

EIAR Findings

Potential Impact

Chapter 12 of the submitted EIAR assesses the traffic effects of any additional traffic movements that will be generated on the surrounding road network from the proposed development.

The existing trip generation undertaken at the site is a total of 15 articulated truck and 20 rigid lorries, comprising a total of 35 HGV movements to and from the site per day, 8 car trips to and from the site by staff per day and 8 car/LGV trips generated by visitors per day. It is stated that the proposed development will result in a net decrease of 14 HGV trips to and from the site per day (i.e. 21 trips per day).

The proposed development includes improvements to the junction with the regional road including the introduction of edge of carriageway markings and the introduction of Stop junction markings and Stop signs. An Autotrack swept path analysis has been undertaken. An assessment of the traffic effects on the regional roads and access have been undertaken. It is concluded that the junction will operate well within capacity. A 'do nothing scenario' is outlined.

Mitigation Measures

It is stated that the proposed junction improvements will provide benefits in terms of road safety.

Residual Impact

It is stated that while a slight increase in traffic volumes will be experienced compared with the 'do nothing scenario', it is forecast that the negative impacts on general traffic flow on the surrounding road network will be imperceptible to slight.

Cumulative Impacts

It is stated that of the tree planning applications considered for cumulative impacts listed in Section 2.3 of the EIAR, all are operational, and any traffic generated by these developments are therefore included in the baseline assessment with no potential for additional cumulative impacts.

Planning Authority Comments

This chapter of the EIAR has been assessed by the Roads Department. It is noted that further information is recommended from the applicant to carry out, inter alia, a condition survey of the R-747 from its junction with the R-448 to the County Boundary with Wicklow in the form of a Falling Weight Deflectometer (FWD) Test and a condition survey of the existing pavement, linked to the FWD data analysis and to carry out an extended Road Safety Assessment (RSA) Stage 1 and 2, by the independent accredited Road Safety Auditor, to examine the haul route along the R-747 from the junction with the R-448 to the County Boundary with Wicklow; as well as for the access road and internal vehicle operations.

Interaction of Impacts

EIAR Findings

Chapter 13 of the EIAR addresses the potential interaction of impacts identified earlier in the EIAR. Table 13-1 has been developed to identify the potential interactions between proposed development impacts considered under the environmental topic chapters in the EIAR. The table is presented as a matrix which identifies the potential for impact interrelationships between topics listed in the left-hand column and topics listed in the top row. A number of potential interactions are outlined including human beings and noise and vibration, biodiversity and water and biodiversity and noise and vibration. It is stated that the

implementation of the mitigation measures identified in each chapter will reduce or remove potential for interactive negative impacts.

Planning Authority Comments

This chapter of the EIAR is considered satisfactory.

Appropriate Assessment

A Natura Impact Statement (NIS) has been submitted with the application, prepared by MKO. The subject site is not located within or directly adjacent to any Natura 2000 site. The site is located approximately 7km north of the River Barrow and River Nore Special Area of Conservation (Site Code 2162) where the qualifying interests are the following:

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Reefs [1170]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1430]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- European dry heaths [4030]
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
- Petrifying springs with tufa formation (*Cratoneurion*) [7220]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Vertigo moulinsiana* (Desmoulin's Whorl Snail) [1016]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Austropotamobius pallipes* (White-clawed Crayfish) [1092]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaite Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Trichomanes speciosum* (Killarney Fern) [1421]
- *Margaritifera durrovensis* (Nore Pearl Mussel) [1990]

The conservation objective of this SAC is to maintain or restore the favourable conservation status of the habitats and species outlined above. It is noted that hydrological pathways exist to the north of the existing quarry void via the Crookstown Stream which flows in a south-

westerly direction. The submitted NIS outline a number of mitigation measures to avoid, reduce or remedy the adverse effects on the integrity of the site and which have been identified in the EIA above.

Having regard to these mitigation measures, it is considered that the proposed development will not result in a significant adverse impact on the integrity of any Natura 2000 site.

Conclusion and Recommendation

Having regard to the above, it is recommended that the following further information is requested from the applicant. Notwithstanding the assessment above and the further information request below, having regard to the nature of the development, it is considered that the proposed development represents Schedule 7 Development under the Planning and Development Act 2000, as amended, and therefore, the applicant is required to engage in consultation with An Bord Pleanála to determine whether the development is Strategic Infrastructure Development (SID) before an application can be made to the Planning Authority. Therefore, the Planning Authority may be precluded from determining the application.

Further Information Request

1. The Applicant should note that the proposed development may constitute Strategic Infrastructure Development (SID) as it exceeds the annual tonnage capacity outlined within the Seventh Schedule of the Planning and Development Act 2000, as amended, i.e. Development comprising or for the purposes of the following:

An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

Having regard to this, it is considered that it may be premature for the Planning Authority to determine this application until the applicant engages with An Bord Pleanála under Section 37B(1) of the said Act. Furthermore, it is noted that Section 37B(7) of the Act states that no application for permission in respect of Schedule 7 development shall be made to the Planning Authority unless or until a notice is served under subsection 4(b), i.e. stating that it is not strategic infrastructure development.

2. The Applicant is requested to carry out a condition survey of the R-747 from its junction with the R-448 to the County Boundary with Wicklow. For the above lengths of vehicular carriageway, the Applicant is requested to carry out:

- (a) A Falling Weight Deflectometer (FWD) Test;
- (b) A condition survey of the existing pavement, linked to the FWD data analysis;

The Applicant is requested to furnish a report identifying remediation measures to ensure pavement construction is appropriate to serve the development.

3. 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 the haul route along the R-747 from the junction with the R-448 to the County Boundary with Wicklow; as well as for the access road and internal vehicle operations. The RSA should also consider inter-visibility for existing residents in the private house at the junction between the access road and the R-747.
The Applicant is requested to include agreed recommendations from the extended RSA in the Applicant's amended works proposals.
4. The Applicant is requested to consider providing a recessed entrance gateway with turning area along the access road to prevent lorries having to reverse if the gateway is shut. The Applicant is requested to consider the provision of a layby to allow lorries to pass each other without reversing along the access road.
5. The Applicant is requested to supply details of the following:
 - (a) Proposed signage to be used during the period of operation of the land filling;
 - (b) Details of kerbing, road markings, drainage and finishes.
6. The Applicant is requested to examine conflict with residents who may have to cross the roads with the herd of dairy cows four times each day and consider the condition of fences and ways of avoiding a hazard between haulage trucks and the local farming community.
7. The Applicant is requested to demonstrate that sight lines at the junction entrance to the development complies with the TII Document (DN-GEO-03060) June 2017 standards.
8. The Applicant is requested to demonstrate that the overall development has enough staff: shower, changing and locker facilities.
9. The Applicant is requested to provide details of the surface water drainage at the entrances.
10. 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 is required to also be submitted, that the hydraulic and biological loading generated by the proposed development can be catered for in the existing septic tank system and percolation area. Design details and calculations are required to be included as part of the report.

The Applicant should note that if the existing system requires upgrading to achieve compliance with NSAI SR6 or the requirements of the EPA Wastewater Treatment Manuals then a fully completed 'Site Characterisation Form for an On-Site Wastewater Treatment System' is required to be submitted. A "Site Characterisation Form for an On-Site Wastewater Treatment System" (copy attached) is required to 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 is required to also be submitted. The Site Characterisation Form should be completed in accordance with the requirements of the EPA Wastewater Treatment Manual, entitled "Treatment Systems for Single Houses".

If a proprietary wastewater treatment system is proposed, then a Site Suitability Report, prepared by the manufacturers/suppliers of the Irish Agrément Board approved wastewater treatment system, is required to be submitted. The Site Suitability Report should 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 should be indicated clearly on a Site Layout Plan all in accordance with the requirements of the EPA Wastewater Treatment Manual, entitled "Treatment Systems for Single Houses".

11. 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.
12. The Applicant should note that a third-party submission has been received on the application. The Applicant is requested to comment on this third party submission.

The response to the further information request was received on 20th May 2021, FI was not deemed significant.

Second Referral

<u>Transportation Department</u>	No objection subject to conditions.
<u>Municipal District Engineer</u>	No objection subject to conditions.
<u>Environment Section</u>	No objection subject to conditions.

Further Information Response

Item 1

It is stated that the 116,981.2 tonnes of material per annum over the lifetime of the project (20 years) was indicative only. For example, it is envisaged that non-contaminated soil will form a significant proportion of the material that is imported and this type of material, based on the volume specified, would equate to less than 100,000 tonnes per annum. It is stated that the applicant does not intend to import more than 100,000 tonnes of material into the facility on an annual basis and would accept a planning condition limiting any grant of permission in this way. This response is considered satisfactory and it is recommended that if permission is granted that a condition is attached that limits an annual importation of material.

Item 2

A Traffic and Transport Response Note, prepared by Alan Lipscombe of Traffic and Transport Consultants, has been submitted. A structural evaluation and pavement investigation has been undertaken and a programme of pavement testing was carried out comprising a Falling Weight Deflectometer (FWD) survey and pavement coring. Transportation Department has reviewed the results of these investigations and has no objection to the development subject to conditions.

Item 3

An extended Road Safety Audit has been carried out. Five problems and solutions were identified within the audit such as the narrow access road, a worn verge on the R747, autotrack analysis undertaken to demonstrate a left turn out of the access was possible, visibility issues with the neighbouring dwelling and warning signs to be erected in relation to the sharp bend. Transportation Department has reviewed the road safety audit and has no objection to the development subject to conditions.

Item 4

It is stated that it has been demonstrated that the access junction provides for sufficient area for HGVs to pass. In addition it is proposed to provide a layby on the existing access road in order to provide a location where 2 HGVs may pass. It is noted that Transportation Department now have no objection to the development subject to conditions.

Item 5

It is stated that the existing 'sharp bend' warning signs will be replaced with 'side road on outside of bend' signs and that the required visibility to the signs is provided. It is also proposed to provide advance warning to general traffic of the existing quarry access by means of 'agriculture (or other) machinery' warning signs. No additional kerbs or drainage is proposed but there will be improved road markings. It is noted that Transportation Department now have no objection to the development subject to conditions.

Item 6

It is stated that it is the applicant's dairy cows that cross the access road and these events are managed by the applicant on a daily basis.

Item 7

It is stated that a speed survey was undertaken by Traffinomics Ltd with the 85th percentile speeds observed to be less than 50kph in both directions. Visibility splays for speeds of 70kph and above are provided and 120m x 3m visibility splays are available at the existing access. It is noted that Transportation Department now have no objection to the development subject to conditions.

Having regard to the further information response to items 2-7 above, it is considered that Chapter 12 of the submitted EIAR adequately assesses the traffic impacts on the surrounding road network from the proposed development. It is considered that the proposed development will not result in a significant adverse impact on the environment in terms of traffic.

Item 8

Staff facilities will be located at the existing site office which provides for 35sqm of floor space. At least two additional portable toilets will be located on site and it is stated that the quarry manager will have overall responsibility for the provision and maintenance of suitable staff welfare facilities.

Item 9

A further information note has been submitted, prepared by Hydro-Environmental Services and a drawing detailing the drainage has been submitted. There is an existing French drain which runs along the eastern side of the site entrance road. This drain runs from the site entrance on the R747 as far as the internal entrance leading into the sand and gravel pit itself. Drainage upgrade works for the site entrance and site entrance road are proposed such as replacement of stone within the French drain, installation of soakaways along the drain and installation of an ACO drain at the site entrance. It is noted that the Municipal District Engineer now has no objection subject to conditions.

Item 10

It is stated that it is proposed to manage wastewater from the staff welfare facilities by means of a sealed storage tank with all wastewater being tankered off-site by a permitted waste collector to a licensed wastewater treatment plant. It is not proposed to treat wastewater on-site. The proposed storage tank will be fitted with an automated alarm system that will provide sufficient notice that the tank requires emptying. It is noted that Environment Section has no objection to the development subject to conditions.

Item 11

A drawing has been provided detailing the location of all septic tanks, wells, streams/ditches in close proximity to the site. It is noted that Environment Section has no objection to the development subject to conditions.

Item 12

The applicant has provided a response to the third-party submission. The contents of the response are noted.

Reasoned Conclusion on Significant Effects

Having regard to the examination of environmental information contained above, in particular to the EIAR provided by the applicant and to the internal reports received, it is considered that the main significant direct and indirect effects of the proposed development on the environment are in relation to hydrology and hydrogeology, biodiversity, noise and vibration and air quality and climate, and would be mitigated, as follows:

- In terms of hydrology and hydrogeology, the potential indirect and direct effects range from the release of suspended solids to surface watercourses that could result in an increase in the suspended sediment load, accidental spillage during refuelling of construction plant with petroleum hydrocarbons is a significant pollution risk to groundwater, surface water and associated ecosystems and the importation of fill material has the potential to impact groundwater quality. A number of mitigation measures are outlined including minimum refuelling or maintenance of construction vehicles or plant on site, off-site refuelling at a dedicated refuelling area where possible and the bunding of any fuel storage area.
- In terms of biodiversity, the potential indirect and effects range from disturbance to habitats and species, habitat loss and species loss. There will be a loss of some Sand Martin breeding habitat during the works which will result in a permanent slight negative effect. A number of mitigation measures are outlined including that any future site clearance/infilling will be undertaken outside the bird nesting season and part of the overall restoration plan, it is proposed to retain a large mound of sand material that already occurs within the northwest of the site.
- In terms of air quality and climate, potential impacts include exhaust emissions associated with construction vehicles and plant and dust emissions from construction activities, exhaust emissions during the restoration process and dust generation from traffic movements and greenhouse gas emissions from use of machinery during the construction and operational phases. Mitigation measures include the turning off of engines when not in use, wetting of loose stone and soil surface, the maintenance of all plants and vehicles in good working order and the transport of material using tarpaulin covered vehicles.
- In terms of noise and vibration, potential impacts include the importation of fill material by trucks and its distribution across the site. No processing activities such as

crushing or grading are proposed. Mitigation measures include fill import and distribution confined to certain operational hours, the maintenance of plant in accordance with manufacturer specifications etc.

In conclusion, having regard to the above identified significant effects, it is considered that, subject to mitigation measures proposed, the proposed development would not have any unacceptable direct or indirect impacts on the environment.

Environmental Impact Assessment Conclusion

This report comprises an Environmental Impact Assessment (EIA) of the development proposed under planning application ref. 20/1329. The aim of the EIA 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 submitted 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 is deemed to adequately describe the direct, indirect and cumulated effects on the environment. It is considered that the proposed development, together with the mitigation measures outlined in the EIAR, would be consistent with the proper planning and sustainable development of the area.

Conclusion and Recommendation

Having regard to the application submitted, to the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) submitted, to the internal reports from the various departments and to the Policies and Objectives of the Kildare County Development Plan 2017-2023, it is considered reasonable to permit the development subject to conditions. It is therefore recommended to grant permission subject to the conditions set out below.

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 nature of the development, to the provisions of the Kildare County Development Plan 2017-2023, to the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) submitted by the Applicant and to the Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) carried out by the Planning Authority, 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 be in accordance with the proper planning and sustainable development of the area.

SCHEDULE 2

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars received by the Planning Authority on 9th November 2020 and the further information received on 20th May 2021, except as amended by conditions of this permission.

Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. (a) This permission shall apply for a period of 20 years from the date of commencement. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.
(b) The annual intake of inert soil and stone waste material to be imported into the site shall not exceed 100,000 tonnes.

Reason: In the interest of clarity and proper planning and sustainable development.

3. All the environmental and construction mitigation and monitoring measures, set out in the Environmental Impact Assessment Report and Natura Impact Statement, shall be implemented in full in accordance with the timelines set out, except as may otherwise be required in any Waste Licence issued by the Environmental Protection Agency in respect of the proposed development or as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to mitigate the environmental effects of the proposed development.

4. 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 interest of public health and environmental sustainability.

5. The Developer shall ensure that no waste or suspended solids shall enter Crookstown Stream. There shall be a buffer of 100 meters between the area that is being filled and the Crookstown Stream. Developer to confirm proposed layout of buffer-zone prior to commencement of works.

Reason: In the interest of public health and environmental sustainability.

6. The Developer shall ensure that runoff from the infilled pits shall be directed into newly constructed drains and swales situated along the perimeter of the infill areas.

Reason: In the interest of public health and environmental sustainability.

7. The Developer shall ensure that only clean, uncontaminated surface water shall be discharged to adequately sized soakpit(s).

Reason: In the interest of public health and environmental sustainability.

8. The Developer 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 public health and environmental sustainability.

9. Noise emissions levels from the proposed site shall be in accordance with Waste Licence(s) Conditions.

Reason: In the interest of public health and environmental sustainability.

10. 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.

Reason: In the interest of public health and environmental sustainability.

11. 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 interest of public health and environmental sustainability.

12. 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 interest of public health and environmental sustainability.

13. The Developer 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 and the material removed to an authorised facility for recovery/disposal.

Reason: In the interest of public health and environmental sustainability.

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

Reason: In the interest of public health and environmental sustainability.

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

Reason: In the interest of public health and environmental sustainability.

16. (a) The Developer shall ensure that all wastewater from the site shall discharge to a sealed storage tank. Prior to commencement of development, the Developer shall submit for the written consent of the Planning Authority the design details on the sealed storage tank and include the structural integrity of the tank. Nat

(b) The Developer shall submit to the Planning Authority on a bi-annual basis starting 6 months following the commencement of site development works, a structural integrity test by a Chartered Building Surveyor, Chartered Engineer, or RIAI Registered Architect on the sealed storage tank holding the wastewater.

(c) All waste water from the tank shall be removed by an authorised waste collected and brought to a licenced waste water treatment plant for disposal. Details of the disposal receipts to be held on file onsite at all times for inspection by Planning Authority staff.

Reason: In the interest of public health and environmental sustainability.

17. Five years after a grant of permission for the development, and then for 3 subsequent five-year intervals, up to 20 years; the Developer shall carry out a condition survey of the R747 from its junction with the R448 to the County Boundary with Wicklow.

For the above lengths of vehicular carriageway, the applicant is requested to carry out:

(a) a Falling Weight Deflectometer (FWD) Test;

(b) a condition survey of the existing pavement, linked to the FWD data analysis;

The Developer shall ensure that the road carriageway remains in good condition, following the use of the development by Heavy Goods Vehicles.

Reason: In the interest of Road Safety.

- 18.** Prior to use of the development, the Developer shall carry out a Stage 3 Road Safety Assessment (RSA), by the independent accredited Road Safety Auditor. The Developer shall ensure that road safety improvement measures identified in the RSA process are fully implemented, prior to use of the development.

Reason: In the interest of Road Safety.

- 19.** (a) The Developer shall ensure that the Road Safety Measures identified in the Further Information Response Document FIR F-2021.7.17-191115a, as received by the Planning Department on 20th May 2021, are fully implemented.
 (b) In addition, at the internal gateway, the Developer shall also provide a turning circle, a minimum of 11 metres radius in accordance with Figure 2.2, of the Recommendation for Site Development Works, to avoid vehicles reversing along the laneway if the internal gateway is locked.

Reason: In the interest of Traffic Safety. Mat

- 20.** Prior to commencement of development, the Developer shall submit a drawing, incorporating measures identified in the Road Safety Assessment Stage 2, for the written agreement of the Municipal District Engineer's Office. Prior to use of the facility, the Developer shall ensure that all measures are fully implemented.

Reason: In the interest of Road Safety.

- 21.** The Developer shall provide a pavement overlay of Hot Rolled Asphalt, with pre-coated chipping, for the following:
- (a) The full width of the R747 carriageway, immediately in front of the improved vehicular entrance and for 20 metres on either side.
 - (b) For the tie-in, widened entrance access to the site from the R747, to beyond the joining of the parallel access road. (Location as identified in RSA problem 3.4)
 - (c) The Developer shall obtain a Road Opening Licence for all works on the public road from the Municipal District Office.
 - (d) The Developer shall be liable for all costs associated with this work.

Reason: In the interest of Road Safety.

22. The Developer shall ensure that sight lines are maintained along the entrance to the works, for the duration of the development, to comply with the TII Document (DN-GEO-03060) June 2017 standards.

Transport Infrastructure
Ireland.

Reason: In the interest of Road Safety.

23. The Developer shall ensure that no dust, mud, or debris is deposited on the roads outside the site. The Developer shall ensure that all roads in the vicinity of the site are swept clear and that all loose material is removed from the road verges. Prior to commencement of development, the Developer shall provide details and obtain the written approval of the Planning Authority for the following measures:
- The wheel bath for vehicles leaving the site;
 - Details of the water bowser to be used during dry periods;
 - Measures to protect existing hedgerows and limit dust.

Reason: In the interest of Road Safety.

24. The Developer shall ensure that no surface water run-off from the site discharges onto the public road. The Developer shall ensure that surface water generated, within the development, is attenuated on site.

Reason: In the interest of traffic safety.

25. The Developer shall ensure that existing land drainage is not impaired. Changes at the entrance shall be designed and shaped to ensure an uninterrupted flow of roadside drainage.

Reason: To prevent interference with existing roadside drainage.

26. The Developer shall ensure that the operating hours for the development are restricted to between 0700 hours and 1800 hours Monday to Friday; and between 0800 hours and 1400 hours on Saturdays. No such operations shall take place on Sundays or Bank Holidays.

Reason: In the interest of protecting local amenity.

27. As some of the hours of operation may be at dusk or darkness in wintertime; prior to commencement of development, the Developer shall provide full design details and specifications of the lighting system, necessary to serve the development, and submit this for the written agreement of the Planning Authority and the Public Lighting

Engineer's Office. The proposed lighting system shall comply with the requirements set out in Kildare County Council's Street Online Lighting Technical Specification.

At the new junction at main road, the Developer shall examine the public lighting for 100 metres on either side of the new entrance.

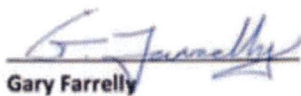
The Developer shall ensure that the approved lighting is fully commissioned prior to use of the facility.

Reason: In the interest of Road Safety.

28. The Developer shall comply with any future requirements of the Planning Authority in relation to: adjusting the floodlight aiming or fitting appropriate additional louvers, to deal with remaining glare issues that may arise for road users/ nearby residents/ rural habitat and may only become apparent when the installation is commissioned.

Reason: To protect the amenities of the area.

Levies: Total site area 18.95ha,
Total intake of inert soil and stone waste material shall not exceed 100,000 tonnes per annum for 20 years.


Gary Farrelly

Acting Executive Planner

6th July 2021

Eoghan Lynch

12/7/2021 | 1:02 PM BST

Muircol Hunt

A/DOS

13.07.2021

Appendix 1: Site Images (27th November 2020)

Image 1: Entrance to the existing quarry at south west



Image 2: South west corner of existing quarry



Image 3: Within quarry, facing east



Image 4: Centre of the quarry, facing west



Image 5: Centre of the quarry, facing south west towards entrance



Image 6: Northern corner of the site



Image 7: Artificial ponds to the east part of the site



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Written Statement of Decision Maker (Chief Executive) – 20/1329

It is noted that the Environmental Impact Assessment (EIA) carried out by the Acting Executive Planner dated 11/01/21 and 06/07/21 and approved by the Senior Executive Planner, Senior Planner and Director of Services, has been carried out giving full consideration to the Environmental Impact Assessment Report (EIAR) and all plans and other particulars received by the Planning Authority on 09/11/20 and 20/05/21, all County Council internal department reports, and all submissions and observations received from prescribed bodies in relation to the environmental effects of the proposed development.

It is considered that the EIAR received on the 09/11/20 and 20/05/21, adequately assesses the likely significant environmental effects of the proposed development on the environment and thereby complies with the requirements of Article 5(1) of EIA Directive 2014/52/EU and the potential impacts on;

- Population and Human Health
- Biodiversity
- Land and soils
- Water, air and climate
- Noise and vibration
- Material assets and traffic
- Landscape and visual assessment
- Cultural heritage and archaeology
- Interactions of the foregoing
- The assessment of cumulative/residual impacts arising from the proposed development.
- Major accidents and disasters

The EIAR submitted with this application is deemed to adequately describe the direct, indirect and cumulative effects on the environment of the proposed development, together with proposals to avoid, mitigate and reduce environmental impacts of the proposed development. A thorough Environmental Impact Assessment of the proposed development has been undertaken by the Planning Authority.

In these circumstances I am satisfied that planning permission be granted subject to the conditions as set out in the attached planners report.

Signed: _____
Chief Executive

Flower

14/7/21

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