

**Date:** 16/09/2009

**Pl. Ref:** 06/2802

Sancom Ltd  
Env Efficiency Consultants Ltd  
Parnell House  
19 Quinsboro Rd  
Bray  
Co.Wicklow

**Planning Register Number:** 06/2802  
**Application Receipt Date:** 15/12/2006

PERMISSION for the continued operation for the extraction of sand & gravel & all associated processing works including 3 no of mobile screening & washing units, 1 no batching house and conveyors, 2 no cement towers, bunded storage areas for concrete additive etc AT Graney West Castledermot Co.Kildare **IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.**

**In pursuance of the powers conferred upon them by the Planning and Development Acts 2000-2007, Kildare County Council have by Order dated 02/06/2009 GRANTED PERMISSION to the above named, for the above development subject to 50 conditions set out in the attached schedule**

Date: 16/09/2009

Signed: \_\_\_\_\_  
Senior Executive Officer, Planning  
Kildare County Council.

**NOTE:** The permission herein granted shall, on the expiration of the period of 5 years beginning on the date of the granting of permission, cease to have effect as regards:

- (1) In case the development to which the permission relates is not commenced during the period, the entire development, and
- (2) In case such development is so commenced, so much thereof as is not completed within that period.

It should be noted that outline permission will cease to have effect after a period of 3 years and also that such permission is subject to the subsequent grant of permission consequent on the grant of permission by the Planning Authority and that until such permission has been obtained to detailed plans of the development proposed, the development is **NOT AUTHORISED.**

**RE:/ Planning Permission is sought for continued use for development at this site Graney West, Castledermot, Co. Kildare. The development consists of the continued operation for the extraction of sand and gravel and all associated processing works including 3 no of mobile screening and washing units, 1 no batching house and conveyors, 2 no cement towers banded storage areas for concrete additive and fuels, settlement lagoons, the construction of new wheel wash, car parking area, 1 no. portacabin, and all other associated operational works. The application also includes the provision of all onsite development works, including landscaping topsoil/overburden storage areas screening berms onsite. The application is sought for a period and of 15 years. The total area of the site is 21.6 ha. Sancom limited registered this sand and gravel pit in accordance with Section 261 of the Planning and Development Act 2000. To fulfil its requirements under the legislation procedure Kildare County Council requested Sancom Ltd to submit a planning application and Environmental Impact Statement (E.I.S.) in respect of this quarry (Kildare County Council Reference :QY 53).  
Sancom Ltd – 06/2802**

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

Having regard to the provisions of Section 261 of the Planning & Development Act 2000 as amended, to the provisions of Quarries and Ancillary Activities, Guidelines for Planning Authorities 2004 and to the provisions of the County Development Plan 2005 – 2011 it is considered that, subject to compliance with the conditions attached, the proposed 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. (a)** The development shall be carried out, completed and maintained in accordance with the documentation received by the Planning Authority on 15<sup>th</sup> December 2006, 17<sup>th</sup> July 2008 and 7<sup>th</sup> April 2009.

**(b)** The development shall be carried out, completed and maintained in accordance with undertakings for measures to mitigate its impacts as given in the Environmental Impact Statement lodged with the Planning Authority on the 15<sup>th</sup> December 2008, except where altered by the conditions of this permission.

**Reason:** To enable the Planning Authority to check the proposed development when completed, by reference to approved particulars and to restrict and minimise any adverse environmental impacts resulting from the development.

2. The quarry operation subject to this application shall be discontinued on the expiry of fifteen (15) years from the date of grant of this permission unless prior to that date planning permission to further extend the quarry operation has been obtained.

**Reason:** In order to re-assess the continuing need for such a development, review changes in environmental standards/technology and in accordance with the 'Quarries and Ancillary Activities; Guidelines for Planning Authorities' published by the Department of the Environment, Heritage & Local Government in April 2004.

3. (a) Restoration operations shall be carried out in a progressive manner throughout the life of the proposed development. The restoration plan as identified in Section 3.11 of the Environmental Impact Statement received by the Planning Authority on 15<sup>th</sup> December 2006 and as per Restorative Ground levels submitted on 7<sup>th</sup> April 2009 shall be carried out in full.

(b) Within three months of the date of this permission a time frame and full details for the phased restoration of this site shall be submitted for the written agreement of the Planning Authority.

(c) The restoration plan shall have due regard to the time period permitted for this development under condition number two of this permission. The restoration plan shall also provide for the removal of all haul roads, equipment, structures, etc.

(d) The restoration plans shall be subject to review and agreement with the planning authority at four yearly intervals, with the first review, to be submitted for the written agreement of the planning authority, to be carried out in May 2013.

**Reason:** To control the scale of development and in the interests of visual and residential amenity and the proper planning and sustainable development of the area.

4. No material shall be imported into the site, for wither site restoration or for processing, without the benefit of planning permission. All reinstatement/restoration works shall be carried out using materials sourced from within the site.

**Reason:** In the interests of amenity and public health.

5. Within two months of the completion of restoration of the site, an inspection shall be carried out by a suitable qualified person(s) in order to confirm that the site has been restored. A detailed report, which shall include survey plans, sections and a coloured photographic survey of the site showing the restored landform shall be submitted to the Planning Authority.

**Reason:** In the interest of the proper planning and sustainable development of the area and adequate development management.

6. Within three months of the date of this planning permission the applicant shall submit full details of the following for the written agreement of the Planning Authority, proposals to ensure that there is no quarry activity within 40 metres of the curtilage of any dwelling adjacent to the site which is not owned by the applicant or from which the applicant does not have the written consent of the owner of the dwelling.

**Reason:** In the interest of residential amenity and the proper planning and sustainable development of the area

7. The phasing of the extraction operations and areas shall be as per the phasing plan indicated under Section 3 of the EIS submitted on 15<sup>th</sup> December 2006. The total extraction from operations on site shall not exceed 70,000 tonnes per annum.

**Reason:** To limit the impact of the development on the residential and rural amenities of this sensitive rural area and to ensure and in the interest of the proper planning and sustainable development of the area

8. The hours of operation of the quarry shall be between 07.00 – 19.00 Monday to Friday and 08.00 – 16.00 on Saturdays. No quarry operations shall be carried out outside these times or on Public Holidays without the prior written consent of the Planning Authority.

**Reason:** In the interests of residential amenity.

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

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

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

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

**10.** All existing trees and hedgerows along the boundaries of the site shall be carefully retained and any gaps in-filled with appropriate species similar to the existing hedgerow. This planting shall be completed within 12 months from the date of commencement of development.

**Reason:** In the interests of visual amenity.

**11.** The landscaping plan and planting schedule submitted on 15<sup>th</sup> November 2007 shall be fully implemented and completed as indicated. All planting shall be carried out and completed within the first planting season following the date of this planning permission.

**Reason:** In the interest of visual amenity.

**12.** When the proposed development is completed the site shall be used for agricultural-related purposes only, and not for any commercial, industrial, or other non-agricultural use, without the benefit of a separate planning permission.

**Reason:** In the interest of visual amenity and the proper planning and sustainable development of the area.

**13.** The quarries wet dredging operations shall not exceed a depth that would have adverse impacts on the groundwater level in terms of impacts on either the private wells or public water supply in the area. In the event of quarrying activities having an adverse impact on the water supplies in the vicinity, the quarry operators shall undertake appropriate remedial measures as agreed with the Planning Authority and at their own expense. In the event of any disruption to water supplies, either private or public, the quarry operators shall cease the operations causing this disruption until the water supply has been restored or replaced.

**Reason:** In the interests of residential amenity, the proper planning and sustainable development of the area and in accordance with the 'Quarries and Ancillary Activities; Guidelines for Planning Authorities' published by the Department of the Environment, Heritage & Local Government in April 2004.

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

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

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

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

**16.** Within two months of the date of this permission the applicant shall employ a suitably qualified archaeologist to carry out a full archaeological assessment of the subject site. This report shall be completed within four months of the date of this permission. The archaeologist shall be licensed under the National Monuments (Amendment) Acts 1930-2004. The report when completed shall be submitted to the Department of Heritage, Environment and Local Government. A copy of the report shall also be submitted to the Planning Authority. Should archaeological material be found, the archaeologist may have work on the site stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Heritage, Environment and Local Government with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and shall facilitate the archaeologist in recording any material found.

**Reason:** In the interest of heritage and the proper planning and sustainable development of the area.

**17. (a)** The applicant is required to employ a suitably qualified archaeologist to monitor all topsoil stripping and ground disturbance associated with the development. It is recommended that the archaeologist be licensed under the National Monuments (Amendment) Acts 1930-2004.

**(b)** Should archaeological material be found during the course of monitoring, the archaeologist may have work stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Environment Heritage and Local Government; with regard to any necessary mitigating action (eg preservation *in situ* and/or excavation as both may be required in terms of buffer and testing/excavation). The applicant/developer shall facilitate the archaeologist in recording any material found.

**(c)** The Department of Environment Heritage and Local Government and the planning authority shall be furnished with a report describing the results of the monitoring.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

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

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

**(c)** The fund shall be maintained for the duration of the development, operation and closure periods until a final certificate of completion of rehabilitation is issued by the Planning Authority to the developer. The amount of the fund shall not be less than €100,000 (one hundred thousand euro).

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

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

**19.** The proposed offices and all facilities on-site shall be used solely in connection with the on site operations and shall not be used for any other purposes.

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

**20.** A new recessed entrance to the site shall be provided generally in accordance with drawing number E1516/D (copy attached) but amended to provide sufficient entrance width. Full design details for this entrance shall be submitted for the written agreement of the Planning Authority within 3 months of the date of this permission. The new entrance shall be constructed and operational within 6 months of the date of this permission.

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

**21.** Lines of sight at the development entrance shall be provided in accordance with the requirements of the Design Manual for Roads and Bridges.

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

**22.** Where the removal of the front boundary of the site in order to facilitate sight visibility lines as conditioned as part of this permission exposes any utility poles the applicant shall, prior to the commencement of development, liaise with the relevant statutory body and arrange for the relocation of utility poles. Evidence of such liaison shall be submitted to the Planning Authority prior to commencement of the development. The cost of any such works shall be borne by the applicant.

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

**23.** Within 3 months of the date of this permission the developer shall submit, for the written agreement of the Planning Authority, proposals to improve safety for all road users on the haul routes used by traffic associated with this development. These proposals shall include, but are not restricted to, the following:

- Improved road markings at all road junctions.
- Improved warning signage at all road junctions.
- Details for the provision of improved visibility at road junctions, where necessary.

The agreed proposals shall be implemented by the developer within 6 months of the date of this permission.

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

**24.** The developer shall keep a record of traffic movements in and out of the site. This record should contain details of all traffic movements (including origin and destination of vehicles, date and time of movement, registration number, type of vehicle, quantity of material recorded in tonnes and type of material). This record shall be available on site for inspection by the Planning Authority during working hours.

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

25. The developer shall erect appropriate warning signage in the vicinity of the proposed entrance for the benefit of all those passing the entrance and those entering and exiting from the site.

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

26. Sufficient car and truck parking and turning space shall be provided within the curtilage of the site for all operations carried out in association with the permitted site activities. Car parking spaces shall be in accordance with the Kildare County Development Plan.

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

27. Car parking shall be monitored and in the event of the Planning Authority deciding that a shortfall in car parking spaces exists, the developer shall provide such extra car parking as the Planning Authority may specify at an approved location adjacent to the site or within the curtilage of the site.

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

28. No surface water runoff from the site shall discharge onto the public road.

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

29. Existing land and roadside drainage shall not be impaired and the new entrance to the site shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage.

**Reason:** To prevent interference with existing roadside drainage in the interest of proper development.

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

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

**31.** The developer shall ensure that no vehicles which exceed the legal maximum axle weight shall use the public road.

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

**32.** Contaminated surface water arising on site shall be contained on site and shall not be allowed discharge to any open drain or watercourse.

**Reason:** In the interest of proper planning and development.

**33. (a)** The total dust emission arising from the on-site operations associated with the proposed development shall not exceed 350 milligrams per square meter per day, averaged over a continuous period of 30 days, when measured as total dust deposition (soluble and insoluble) at any position along the boundary of the site.

**(b)** A Dust Assessment shall be carried out on the site by a competent Environmental Consultant within 1 month of commencement of on-site operations and continuously thereafter. The locations of the dust monitoring stations shall be agreed with the Planning Authority. The Dust Assessment Reports shall be submitted to the Planning Authority on a 6 monthly basis.

**Reason:** In the interest of proper planning and development.

**34. (a)** The noise level attributable to all on-site operations associated with the proposed development shall not exceed 55 dB(A) (Leq) over a continuous one hour period between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays), and between 0800 hours and 1300 hours on Saturdays, when measured outside any noise sensitive location dwelling in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (Leq) at any point along the site boundary at any other time.

**(b)** A Noise Assessment shall be carried out on the site by a competent Noise Consultant at 6 monthly intervals. The locations of the noise monitoring stations shall be agreed with the Planning Authority. The Noise Assessment Report shall be submitted to the Planning Authority.

**Reason:** In the interest of proper planning and development.

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

**Reason:** In the interest of proper planning and development.

**36.** 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 110% 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. Spill pallets are to be used to store drums of oils and chemicals (including waste oils).

**Reason:** In the interest of proper planning and development.

**37.** An Environmental Audit of the site operations shall be carried out annually on behalf of the developer by a competent environmental consultant. Details of the monitoring arrangements, including locations and frequency of monitoring shall be submitted to the Planning Authority within three months of commencement of on-site operations. The audit should be prepared with reference and should take into account the requirements of the Environmental Protection Agency publication 'Environmental Management Guidelines in the Extractive Industry (Non-Scheduled Minerals)' and shall be submitted to the Planning Authority on an annual basis.

**Reason:** In the interest of proper planning and development.

**38.** With regard to all other aspects of Quarry operations, guidance shall be taken from the Environmental Protection Agency publication entitled "Environmental Management in the Extractive Industry (Non-Scheduled Minerals)".

**Reason:** In the interest of proper planning and development.

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

**Reason:** In the interest of proper planning and development.

**40. (a)** All foul waste and soiled water shall discharge to the septic tank and the effluent from the septic tank shall discharge to a percolation area.

**(b)** The septic tank and percolation area shall be designed and constructed in accordance with NSAI SR6/1991 recommendations.

**Reason:** In the interest of proper planning and development.

**41.** All surface water shall be collected and disposed of to a soakway designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365. All soakways located in public areas shall be lined and unfilled, safely rooted and rovided with access manholes.

**Reason:** To ensure proper servicing of the development.

**42.** Only clean uncontaminated surface water from the development shall be discharged to the surface water system.

**Reason:** To avoid pollution and to ensure proper development.

**43.** Petrol/oil/silt separators should be installed on the surface water outfall to minimise pollution

**Reason:** In the interest of public health and to ensure proper servicing of the development

**44.** Land drains and surface water outfall (streams, rivers, ditches) should not be affected.

**Reason:** To ensure proper development and minimise flooding

**45.** Proposed development should not have any impact on ground water. Ground water should be protected in accordance with current Legislation's and Regulations.

**Reason:** In the interest of proper planning and development.

**46.** Surface water disposal shall be designed, constructed and maintained in accordance with Greater Dublin Storm Water Management Policy for Developers. Surface water shall be retained on site using large attenuation restricting flows to minimum to avoid and minimise flooding.

If a stormwater ponds/swales/soakways/detention basins is to be constructed in a residential /commercial areas, its capacity is to be sufficient to store the 1 in 30 year storm event. 1 in 30 year storm event should be used to resize attenuation in accordance with Greater Dublin Storm water Management Policy for Developers. An emergency overflow is to be provided from the attenuation, capable of passing flows up to the 100 year storm event. Overflow from the site is to be retained within the site area up to 100 year event or as specified otherwise by Kildare County council.

**Reason:** To ensure proper development and minimise flooding

**47.** Only foul sewage and soiled water from the development shall be discharged to the private treatment system.

**Reason:** In the interests of public health and to ensure proper development.

**48.** Prior to the commencement of each stage of restoration, an ecological survey of the quarry shall be carried out, by a suitably qualified ecologist. The results of the survey shall be contained within an ecological report which shall contain the following:

Description, map and evaluation of all habitats of the receiving environment; the habitat map shall include an overlay of the footprint of all parts of the development. References to rare, protected or annexed (Habitats and Birds Directives) plant and animal species using or likely to be affected by the development; Reference to any previous studies and old ecological records for the site.

A field survey will be required to complete this report and should be carried out in accordance with Heritage Council draft Guidelines for Survey of Habitats or equivalent standard. Habitats should be classified in accordance with Fossit (2000), and EU Habitats Directive Annex I Habitats should also be referenced. The receiving environment is all areas that will be impacted directly and indirectly by the continued operation of the quarry, including the zone of contribution associated with dewatering/pumping activity. Ecological surveys shall be carried out at the appropriate time of year.

Direct, indirect and cumulative impacts of the continued operation of the quarry on protected habitats and species within the receiving environment should be assessed and presented in the ecological report.

The final report shall be submitted to the Planning Authority prior to the commencement of restoration. The occurrence of rare, protected and Annexed species and habitats occurring within the receiving environment shall be notified to the National Parks and Wildlife Service and the Planning Authority immediately upon recording. Measures required to ensure the protection of these during the operational phase of the project shall be agreed with the National Parks and Wildlife Service and Planning Authority.

**Reason:** To collect baseline information on the site and to ensure protection of rare, protected and annexed habitats and species likely to be affected by its operation.

**49.** Based on the findings of the ecological study detailed proposals for the restoration, reinstatement and landscaping of the quarry site and its aftercare for a period of 5 years, following completion of restoration, shall be submitted to the Planning Authority. In this regard, it is required, *inter alia*, that the nature of the excavation be designed to enable a future beneficial use to the land and to prevent the creation of a significant hazard to public safety. In particular the final gradients of the quarry faces should be reduced so as to be sufficiently gentle to allow for safe pedestrian access, except where such work would interfere with the supporting habitat of a protected species, and with the agreement of the Planning Authority. These proposals shall be prepared by suitably qualified experts in landscape architecture and ecology. The proposals shall include measures for the protection *and enhancement of* biological and geological diversity as well as for the built heritage as appropriate to the site. These parameters and the percentage of the site to be given over to the management of biological diversity shall be agreed with the Planning Authority prior to the development of the restoration plan. The applicants shall have regard to the advice/guidance provided in the EPA document, "Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals)" in the development of this plan.

Restoration and aftercare should aim to mitigate and compensate for negative impacts on natural heritage during quarry start up and operation, including loss and fragmentation of habitats or ecological networks, and loss or disturbance to species.

All restoration works shall be implemented in all respects to the satisfaction of the Planning Authority and carried out in accordance with the approved details, unless otherwise approved in writing by the Planning Authority.

**Reason:** To limit the impact of the development on the amenities of the area and to ensure appropriate restoration of the site to a beneficial use.