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**KILDARE COUNTY COUNCIL**  
**PLANNING DEPARTMENT**

**Report on Further Information**



**Planning Ref No. 20/639**

<b>Name of Applicant</b>	Sancom Ltd. ✓
<b>Address of Development</b>	Graney West, Castledermot ✓
<b>Development</b>	Material Recovery Facility at a worked out quarry
<b>Type of Application</b>	Permission
<b>Date Inspected</b>	30 <sup>th</sup> July 2020
<b>Due Date</b>	18 <sup>th</sup> April 2021 ✓

**Development Description**

Planning Permission is sought for a Material Recovery Facility at a worked out quarry site. The principal activity will involve the use of imported, uncontaminated soil and stone, sourced from construction sites, to backfill and restore the worked out quarry. Sancom Ltd intend on accepting a maximum of approximately 1.8 million tonnes of soil and stone material on-site for backfilling over the course of 10 to 25 years, depending on market demand for disposal services. It is proposed to carry out construction and demolition waste recovery activities on-site to include top-soil screening, sand and gravel washing, concrete crushing, associated aggregate production and garden waste composting. A maximum of 387,000 tonnes of construction and demolition related waste material will be accepted on-site per annum. The total area of the application site is 19.2 hectares inclusive of site access roads. The fill area is 13.65 hectares in size. The Construction and Demolition Material Recovery Area is 4.4 hectares in size. A waste Licence will be obtained for the proposed waste recovery activities under the Waste Management Act, as amended. As part of the Proposed Development it is proposed to construct a new site access road running south of the site to the L4015 Castledermot to Baltinglass Road and a new site entrance onto this road designed to appropriate standards. It is also proposed to install/develop the following on-site: a

weighbridge, a wheel wash, a stockpile and sorting area, the appropriate material recovery plant and equipment, a waste inspection and quarantine area, surface water treatment infrastructure and external lighting. Existing plant, equipment, site infrastructure and settlement ponds situated on-site will be utilized for proposed site activities. A Bunded Fuel Storage area currently present on-site will be upgraded.

Revised by Significant Further information which consists of the applicant Sancom Ltd. now propose accepting a maximum of 99,500 tonnes of waste material at the proposed facility per annum a 25-year project lifetime (72,000 tonnes for backfilling and 27,500 tonnes of C&D Waste for processing), rather than the 387,000 tonnes of waste material per annum over an anticipated 10 year project lifetime originally proposed.

### Site Location/ Context

The subject site is located in the townland of Graney West, which is located approximately 2km east of Castledermot and 12km west of Baltinglass, Co. Wicklow. The site is currently accessed to the east via a local road which connects with the L-4015 to the south. The site has been in use as a sand and gravel pit historically and full extraction of materials has occurred. The ground levels around the quarry fall from around 95m OD to 81m OD and the existing quarry floor levels vary from 79m OD to 86.7m OD. The surrounding area is characterised by agricultural lands with a number of rural one-off housing to the east, north and south of the site. On the date of the site inspection, the site notice was erected and clearly visible and legible from the public road.

**Fig 1: Site Location (Google Maps)**





### Internal Reports prior to Further Information request

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>Roads Department</u>	Further Information Required.
<u>Environment Section</u>	Further Information Required.
<u>Water Services</u>	No objection subject to conditions.

### Internal reports in response to Further Information response

<u>Area Engineer</u>	No objection subject to conditions.
<u>Transportation Department</u>	No objection subject to conditions.
<u>Environment Section</u>	No objection subject to conditions.
<u>Roads Department</u>	No objection subject to conditions.

### Submissions

None

### **Further Information**

#### **Requested**

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 Pleanala 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.

#### **Response**

The applicant has provided a detailed response to this item request. It is stated that there is precedent for Kildare County Council to assess the application and not regard it as SID but there is also precedent set by An Bord Pleanala (Feb 2020, Ref. PL27.304735) constituting a similar development as SID.

It is stated that the applicant has made the decision to set the lifetime of the project to 25 years (which was originally defined as the upper threshold for the lifetime of the project), and at the same time reduce the quantity of soil and C&D waste material to be accepted on site per annum. This is for the purpose of ensuring the 100,000 tonne per annum threshold is not exceeded. Table 1 provides a detailed overview of the waste types to be accepted at the facility, the amount of waste originally intended to be accepted at the facility and the amount of waste which is now proposed.

It is stated that a thorough review of the EIAR submitted has been carried out in order to assess whether reducing the amount of waste material accepted on site per annum or over the lifetime of the project would have any implications with respect to the content and conclusions contained with the EIAR. It is stated that the vast majority of the content and all conclusions reached in the original submission remain appropriate, proper and valid. Notwithstanding this, generally reducing the amount of waste materials accepted on site per annum will likely reduce the significance and magnitude of many identified environmental impacts associated with the proposed development. For example, traffic and noise levels associated with the proposed development will be significantly reduced.

This response is considered satisfactory. It is considered that the Planning Authority can now determine this application.

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Requested

2. The Planning Authority notes that it is stated that it is proposed to accept 1.8 million tonnes of soil and stone material on-site for backfilling over the course of 10 to 25 years which the submitted Environmental Impact Assessment Report (EIAR) outlines equates to a maximum of 180,000 tonnes per annum over a 10 year period. It is also stated that a maximum of 387,000 tonnes of Construction and Demolition (C&D) related waste material will be accepted on-site per annum. It is noted that Section 13.4.1.2.3 of the EIAR outlines that the 180,000 figure for backfilling is included in the 387,000 per annum figure which leaves 207,000 tonnes of material to be processed on-site. No maximum tonnage is provided for this 207,000 figure which could be an annual figure over a 10 year period or a 25 year period. Therefore, the Applicant is requested to outline the maximum tonnage of Construction and Demolition Waste material that will be accepted on site, in addition to the 1.8 million tonnes of soil and stone material that will be accepted on-site for backfilling.

Response

The applicant now proposes on accepting 72,000 tonnes of soil and stone waste for backfilling over a set period of 25 years. At the same time, the applicant now proposes to accept 27,500 tonnes of construction and demolition waste on site per annum at its proposed C&D Waste Recovery Facility also over a 25 year period. Therefore, it is now planned that a maximum of 687,500 tonnes of C&D waste material will be accepted on site over the lifetime of the project in addition to the 1.8 million tonnes of soil and stone that will be accepted on site over the 25 years. This response is considered satisfactory.

Requested

3. The Applicant is requested to submit a detailed report, with recommendations, from a competent environmental consultant, which assesses the impact of the proposed development on:
- (a) air quality (dust levels at the boundary of the site), and
  - (b) the receiving environment (dust levels at 4 of the nearest receptors/dwellings).
- The Applicant is requested to liaise with the Environment Section in this regard.

Response**EIAR Findings**

It is stated that a detailed assessment of air quality and climate impacts associated with the proposed development has already been undertaken within Section 10 of the EIAR by George Byrne, a Senior Air Quality Consultant with Environmental Efficiency Consultants.

As part of the assessment, baseline dust monitoring was undertaken at site boundary locations. A Dust Impact Assessment was then undertaken in accordance with IAQM's Guidance on the Assessment of Mineral Dust Impacts for Planning. The assessment concluded that a number of receptors in the receiving environment are likely to be subject to slight

adverse dust effects as a result of dust generating activities associated with the proposed development. However, this does not take into account proposed mitigation measures.

It is stated that a question arose between the agent and Environment Section with regards to the use of the IAQM guidance document for the proposed operation. It is stated that the methodology defined by the guidelines and employed in this instance is suitable for a proposed development of this nature involving backfilling and C&D recovery operations.

***Planning Authority Comments***

Environment Section has reviewed this further information response. They now have no objection to the development subject to conditions. Having regard to this, it is considered that Chapter 10 of the EIAR adequately assesses the impact the proposed development activities on air quality and climate and subject to the implementation of the mitigation measures, it is considered that the impact will not be significant on the environment.

***Requested***

4. It is noted that Sections 5.3.11.2 and 9.4.4 of the submitted Environmental Impact Assessment Report states that "Overflow from the last of the lagoons situated to the south west of the site is via a 300mm diameter concrete pipe to a ditch which runs to the Graney River south of the site". The Applicant is requested to identify the following;

- (a) source of the trade effluent/silt sediment;
- (b) volume proposed to discharge;
- (c) design of settlement lagoons; and
- (d) how the lagoons will be serviced/maintained

The Applicant should note that the River Graney is at risk of not meeting the objectives of the Water Framework Directive. Siltation in the river is considered a significant threat to water quality. The Applicant is requested to liaise with the Environment Section and submit alternatives to the current proposal.

***Response***

***EIAR Findings***

The applicant has identified sources of trade effluent/silt sediment during the construction and operational phases including excavation works, ground levelling and grading, material handling activity, soil screening activities and concrete crushing activities.

It is stated that the most appropriate course of action is to completely eliminate any risk to the River Graney associated with the discharge of silt sedimentation from the site. This will be done through the grouting of the 300mm overflow pipe situated to the south of the site which leads to a ditch which in turn leads to the River Graney. It is stated that this will eliminate the release of any surface water run-off from the facility during the operational phase which eliminates any threat to the watercourse as a result of site activities.

Furthermore, it is stated that it is envisaged that the existing settlement ponds on site will be sufficient for retaining any surface water generated on site having regard to the fact that the

vast majority of the site is covered by well drained and permeable exposed sand and gravel stratum which is likely to result in the vast majority of rain percolating through the subsoil and down to the water table.

It is stated that there are 6 settlement lagoons on site which allow for the settlement of all settleable solids contained in surface water run-off and will also serve to retain surface water run-off generated on site. All ponds combined provide approximately 8,623m<sup>3</sup> of volume in retention capacity. The water in the last of the lagoons located in the centre of the site is pumped back to the washing plant via a pump house and recycled within the sand and gravel washing process. The site will operate a closed water circuit.

It is stated that a surface water drainage inspection, maintenance and monitoring programme will be established and surface water emanating from the site will be tested quarterly. All settlement ponds will be serviced prior to the commencement of the development which will involve an extensive clearance of settled materials in the ponds as well as pipe clearance, the implementation of remedial measures to improve side slope stability and removal of overgrown vegetation. This servicing will be undertaken by an appropriately qualified and experienced contactor. Upon commencement of operations, settlement ponds will be visually inspected once every two weeks and servicing will be undertaken approximately once every 6 months.

***Planning Authority Comments***

Environment Section has reviewed this further information response. It is noted that they now have no objection subject to conditions. Having regard to this, it is considered that Chapter 9 of the EIAR adequately assesses the impact of the proposed development on the hydrogeological and hydrological environments.

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*Requested*

5. The Applicant is requested to submit a signed copy of the Site Characterisation Form.

*Response*

The applicant has submitted a signed copy of the site characterisation form. This response is considered satisfactory.

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*Requested*

6. The Applicant is requested to note that the proposed road number is incorrect in the documentation and should read L4016.

*Response*

It is stated that reference to this road has been revised throughout the submitted documentation.

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*Requested*

7. The Applicant is requested to note that it will be necessary to fully close the entrance from the site to the L8100. The Applicant is requested to demonstrate how it is proposed to achieve this closure.

Response

It is stated that the existing L8100 site access can provide an alternative route for non HV traffic to ensure they don't have to pass through the operational area of the facility to access staff facilities and car parking area. It is stated that the existing L8100 route provides access to the on-site residential property and farm access. Roads Department and the Municipal District Office have reviewed this further information and recommend conditioning the permanent closure of the existing entrance onto the L8100. This may be conditioned.

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Requested

8. The Applicant is requested to carry out a more extensive condition survey of the existing local roads from Castledermot 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;
9. The Applicant is requested to furnish a revised report identifying remediation measures/ pavement overlay for the full length of the roads from Castledermot to the County Boundary.

Response

The applicant has submitted a revised Falling Weight Deflectometer Survey Report based on the updated daily development related HV figure of 26 and considered the local road from Castledermot to the county boundary as requested. Roads Department and the Municipal District Office have reviewed this further information and recommend a condition that the Developer lays a 50-70 mm depth of AC20 across the width of the carriageway, from Castledermot to the Kildare County boundary with Wicklow.

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Requested

10. The Applicant is requested to submit details of the internal "informal haul road" and demonstrate details of how it can safely operate. There is a severe horizontal deflection at the "elbow" along the route.

The Applicant is requested to design the horizontal and vertical alignment for the haul road. The Applicant will also need to demonstrate suitable: camber, verges and inter-visibility between opposing flows of vehicles on the informal haul road.

If proposals to achieve required lines of sight and alignment require boundaries on adjoining lands to be set back, then the Applicant is requested to submit a letter of



agreement from adjoining landowners confirming agreement on relocation of boundary.

The Applicant may also wish to propose some mitigation measures such as internal speed reduction and an internal shuttle light system that would allow safe alternate one-way operation of the haul route.

Requested

The applicant has submitted revised proposals which have been reviewed by the Roads Department. It is noted that they now have no objection to the haul road subject to a condition.

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Requested

11. The Applicant is requested to carry out more extensive Road Safety Assessment (RSA) Stage 1 and 2, by the independent accredited Road Safety Auditor, to examine along the internal haul road; as well as the internal vehicle operations.

The Applicant is requested to include agreed recommendations from the extended RSA in the Applicant's amended works proposals for both the internal development and the L4016.

Response

A Stage 1 and 2 RSA has been submitted by the applicant which has been reviewed by the Roads Department. It is noted that they recommend a condition for the developer to carry out a Stage 3 Road Safety Assessment (RSA) prior to the use as a Material Recovery Facility.

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Requested

12. The Applicant is requested to supply details of the proposed signage to be used during the period of operation of the land filling.

Response

Details of the signage proposals have been outlined which have been reviewed by the Roads Department. It is noted that they recommend a condition for the developer to install advance warning signage along the L4016 to alert drivers to the present of a vehicular entrance prior to the use of the facility.

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Requested

13. The developer is asked to propose robust verifiable measures to limit the speed of HGV to and from the site along these local roads. The Applicant is requested to consider appropriate traffic control technology that utilize GPS tracking to limit speed. The Applicant is requested to note that the default speed limit for these roads may be too high for haulage trucks.

Response

The applicant has provided a response to this which is noted.

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Requested

14. The Applicant is requested to demonstrate that sight lines at the entrance to the development comply with the TII Document (DN-GEO-03060) June 2017 standards.

Response

The applicant has submitted an updated drawing detailing the revised internal haul route, however, the site junction remains unchanged and in compliance with the TII Document (DN-GEO-03060) June 2017 standards. Roads Department and the Municipal District Office have reviewed this item response and recommend a condition if permission is granted.

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Requested

15. The Applicant is requested to utilise detailed topographical survey of both the junction with the main road L4016 and the internal Haul Road. The Applicant is then requested to resubmit drawings of the swept-path analysis using a suitable platform such as auto-track availing of the background topographical information.

Response

Revised drawings have been submitted showing the underlying topographical survey information. It is noted that Roads Department have no objection to the development subject to conditions.

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Requested

16. The Applicant is requested to demonstrate that the overall development has enough staff: shower, changing and locker facilities.

Response

It is stated that given that the facility is to be operated by two existing members of staff and other activities are either to be automated (e.g. weighbridge) or subcontracted out (crushing, monitoring etc.) no additional staff members are expected on site. It is stated that existing staff facilities on site are sufficient.

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Requested

17. The Applicant is requested to provide details of the surface water drainage at the entrances.

Response

The applicant has submitted a response to this item request. It is stated that due to the new entrance being located close to the local high point of the L4016 no flow of surface water is

expected to enter the existing ditch at this location. However, a 600mm pipe underneath the site access arm on the line of the existing ditch is to be provided. A heavy duty aco drain discharging to the existing ditch is also proposed at the site access junction to prevent rainwater run-off from the proposed new road onto the public road.

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Requested

18. Clarification is required on the levels of low frequency noise from motors and road traffic. Details are required on mitigation measures proposed by the Applicant to limit noise and vibration.

Response

The applicant has provided a response to this item request which has been reviewed by the Roads Department. It is noted that they now have no objection to the development subject to conditions.

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Requested

19. The Applicant is requested to revise the EIAR as it is noted that the Cumulative impacts have not been presented within Chapter 9 Hydrogeology & Hydrology, Chapter 13 Traffic and Transport, Chapter 14 Cultural Heritage and Chapter 15 Landscape.

Response

**Hydrogeology & Hydrology**

***EIAR Findings***

It is stated that this chapter concluded that residual impacts will be imperceptible. The assessment undertaken involved the consideration of interacting existing and future development by the very nature of the methodology employed, thus this conclusion would extend to and be inclusive of potential cumulative impacts. At the same, the result is that development impacts will not interact with other development impacts and lead to any significant cumulative impact.

***Planning Authority Comments***

This response is considered satisfactory.

**Traffic and Transport**

***EIAR Findings***

It is stated that this chapter by its nature intrinsically addresses cumulative impacts associated with the proposed development, for example, the impact of development related traffic in combination with background and future projected traffic on the L4015/L4016 is assessed within this chapter, thereby ensuring the cumulative impact of the development related traffic in combination with other existing and future development traffic is adequately assessed.

**Planning Authority Comments**

This response is considered satisfactory.

**Cultural Heritage****EIAR Findings**

It is stated that this chapter inherently takes account of potential cumulative impacts. It is stated that the specialist had regard for archaeological and cultural heritage sites in the vicinity of the site as well as the nature of the area in question including any other existing or potential interacting development (none identified).

**Planning Authority Comments**

This response is considered satisfactory.

**Landscape****EIAR Findings**

It is stated that cumulative impacts were assessed intrinsically within this chapter which, for example, assesses the character, features and sensitivities of the wider landscape, inclusive of other development in the area (e.g. identified agricultural grazing and commercial forestry). It is stated that no other future development which may contribute to a deterioration of landscape character or visual amenity was identified during the completion of this chapter.

**Planning Authority Comments**

This response is considered satisfactory.

**Reasoned Conclusion on Significant Effects**

Having regard to the examination of environmental information contained above and in the previous planning report, 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, transportation, noise 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 accidental spillage of contaminants, wheel wash wastewater contaminating ground water and the surface water lagoons and importation of non-inert material which will impact groundwater. A number of avoidance, remedial and mitigation measures are proposed within Section 9.6 of the EIAR which including infilling taking place above the groundwater level, a series of settlement lagoons to treat surface water run-off containing elevated levels of particles, oil and petrol interceptors, water in the last of the lagoons will be pumped back to the washing plant and recycled within the process and regularly monitoring, cleaning and dredging of the settlement lagoons.

- In terms of biodiversity, the potential indirect and effects range from disturbance to habitats and species, habitat loss, species loss, impacts on water quality and quantity water quality deterioration due to sediment discharge or accidental spills, release of suspended solids over time, destruction of sand martin nesting habitat if the re-grading of the surface in this part of the site were to be carried out during the breeding seasons, noise, vegetation removal and dust deposition. A number of mitigation measures are outlined within Section 7.5 in relation to aquatic fauna and otter, small mammals and bats, badger, breeding birds and Sand Martin. These measures include that no excavation takes place below the water table, emergency spill kit is provided, additional planting along the boundary treelines for bats, tolerable lighting for bats, a protection zone of 30 metres around badger setts, vegetation clearance works taking place outside the bird nesting season, infilling of the site where the Sand Martin burrows taking place in late autumn / winter and the creation of an artificial Sand Martin habitat along the western treeline. Measures to deal with invasive species such as Japanese Knotweed are also outlined.
- In terms of traffic and transport, the potential impact is via the traffic growth on the local road network. The L-4015 is forecasted to operate far below its theoretical capacity in 2030, i.e. 3,045 annual average daily traffic (AADT) anticipated to use the road in 2030 Do Something Scenario. This is below its operating capacity of 5,000 AADT. Notwithstanding this, mitigation measures in the form of a new site access junction and a signage plan are proposed. Furthermore, the trips generation will be lowered due to the revised levels of importation to the site outlined in the further information response.
- In terms of noise, noise sources will include various types of construction related mobile plant and equipment during excavation, construction and access road activities, fixed plant used for processing of C&D waste, mobile plant used for hauling and backfilling material on site and HGVs used for hauling materials to and from site. Mitigation measures include limiting construction and operational working hours, briefing of staff with regards to limiting noise, fitting of all plant and equipment with appropriate mufflers or silencers and locating the soil and stone screening plant and concrete crusher to behind the 7-metre-high material proposed stockpile. Day time environmental noise monitoring will be carried out at the three closest noise sensitive locations during the operational phase on an annual basis.
- In terms of air quality and climate, activities that may give rise to dust and air emission include vegetative/soil stripping, earthworks, material loading and unloading, laying of road surface, use of mobile and fixed plant and mobile plant and vehicle movements on-site. Mitigation measures to control dust and air emissions during the site preparation works and during the operational phase include planting of trees on the boundaries of the site, location of dusty plant within the centre of the site, transportation of materials in sealed and covered vehicles. Dust monitoring will also

take place at three dust monitoring locations situated at the site boundary on a quarterly basis.

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. 20/639. 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.

### **Appropriate Assessment**

A Screening for Appropriate Assessment has been prepared by JBA Consulting and submitted by the applicant. Three Natura 2000 sites are located within 15km of the proposed development;

- The River Barrow and River Nore SAC (Site Code 002162) – approximately 2km away;
- The Slaney River Valley SAC (Site Code 000781) – approximately 7km away; and
- Holdenstown Bog SAC (Site Code 001757) – approximately 7.8km away.

Chapter 5 outlines that the proposed site is connected to the River Graney via a small stream running along the west boundary of the site which feeds into the River Lerr which is within the River Barrow and River Nore SAC. The proposed site has no surface water connectivity to the Slaney River Valley SAC or Holdenstown Bog SAC as those Natura 2000 sites are located in separate catchments.

It is stated that there could be significant impacts on the River Barrow and River Nore and the Slaney River Valley SAC as it is therefore necessary to carry out Stage 2 of Appropriate Assessment to determine whether the impacts would have a detrimental impact on site integrity, and if so whether the impacts can be avoided or reduced sufficiently to prevent any impacts. A Stage 2 Appropriate Assessment in the form of a Natura Impact Statement (NIS) has been submitted by the applicant, prepared by JBA Consulting.

The qualifying interests of the River Barrow and River Nore SAC 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 maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- 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* (Twaites Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Trichomanes speciosum* (Killarney Fern) [1421]
- *Margaritifera durrovensis* (Nore Pearl Mussel) [1990]

The qualifying interests of the Slaney River Valley SAC are the following;

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- 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]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaites Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

- Phoca vitulina (Harbour Seal) [1365]

It is stated that the potential impacts from the project on the River Barrow and River Nore SAC could arise during both the construction and operational phases and relates to potential pollution of surface waters caused by runoff from bare soil and accidental spillage of diesel and oil, which could impact on the Annex I habitats and species. Habitat fragmentation and potential kill of individuals could impact on otters due to the construction of the new access road crossing the River Graney which has been identified to be used by otter.

Potential impact from the project on the Slaney River Valley SAC could arise during the operational phase and relates to dust generating activities, such as haulage of materials to and from the site, internal material haulage and handling, infilling / site restoration, C&D material processing and stockpiling which could have an impact on Annex I habitats. Mitigation measures such as pollution control measures, dust control measures and the implementation of safe otter passage under the access road crossing the River Graney are proposed. The NIS concludes that provided the mitigation measures outlined are upheld, no adverse effects are likely on the European Sites.

Having regard to the findings of the NIS, and to the mitigation measures proposed during the construction and operational phases, the Planning Authority is satisfied that the proposed development on its own and in combination with other plans and projects will not adversely affect the integrity of any Natura 2000 site.

### **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 22<sup>nd</sup> June 2020 and the further information received on 8<sup>th</sup> February 2021 and 22<sup>nd</sup> February 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 25 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) A maximum of 1.8million tonnes of inert soil and stone waste material shall be imported into the site. The annual intake of soil and stone waste shall not exceed 72,000 tonnes.
  - (c) A maximum of 687,500 tonnes of Construction and Demolition related waste material shall be accepted at the facility. The annual intake of waste at the Construction and Demolition Waste Recovery Facility shall not exceed 27,500 tonnes.
  - (d) No development shall commence prior to issuance of an Environmental Protection Agency Waste Licence.

**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. (a) The Developer shall ensure that all surface water which is contaminated or likely to be contaminated from the proposed waste activities at the site shall pass through adequately sized silt trap(s) and petrol oil interceptor(s) prior to discharge to the settlement lagoons. Only clean, uncontaminated surface water shall be discharged to the settlement lagoons.

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- (b) The Developer shall ensure that the settlement lagoons shall be cleaned and dredged regularly and waste from the cleaning shall be brought to an authorised facility for recovery/disposal.
- (c) The Developer shall ensure that all surface water which is contaminated or likely to be contaminated from the refueling area, quarantine area and the carpark area shall pass through an adequately sized silt trap(s) and petrol oil interceptor(s) prior to discharge to a soakaway area.
- (d) The Developer shall ensure that there shall be no discharge from the site to the River Graney. The site shall operate a closed water circuit.

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

5. (a) Noise emissions levels from the proposed site shall be in accordance with Waste Licence Conditions.
- (b) The total dust emissions 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.
- (c) 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:** To mitigate the environmental effects of the proposed development and to safeguard the amenities of residential property in the vicinity.

6. (a) The Developer shall provide a closed loop wheel wash system to the satisfaction of the Planning Authority. The wheel wash system shall be desludged on a regular basis by an authorised collector and the material removed to an authorised facility for recovery/disposal.
- (b) A waste quarantine area shall be provided at the site.
- (c) A weighbridge shall be provided at the site.

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

7. (a) All foul waste and soiled water shall discharge to the existing septic tank and the effluent from the septic tank shall discharge to a newly constructed percolation area.
- (b) The septic tank and newly constructed percolation area shall be designed and constructed in accordance with the Environmental Protection Agency Wastewater

Treatment Manual "Treatment Systems for Single Houses" recommendations and as specified in the Site Characterisation Form dated 24/01/2019.

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

8. The Developer shall set back the main vehicular entrance on the L4016 so that it is a minimum of 11.4 metres from the carriageway edge.

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

9. The Developer shall ensure that no 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.

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

10. Prior to commencement of the development, the Developer shall ensure that a 50-70 mm depth of AC20 is laid across the width of the carriageway, from Castledermot to the Kildare County boundary with Wicklow. The Developer shall also ensure that Surface Dressing is laid with a 6mm pad coat followed by a double surface dressing 14mm/6mm (Design Summary 3) in accordance with IAT Guidelines for Surface Dressing in Ireland from Castledermot to the Kildare County boundary with Wicklow.

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

11. Prior to commencement of development, the Developer shall contact the Athy Municipal District Office and agree the timing of the works and all associated Road Opening Licenses.

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

12. Prior to use as a Material Recovery Facility, the Developer shall construct a new access route generally in accordance with drawings G1210-02 and G1210-04 received by the Planning Authority on 8<sup>th</sup> February 2021. The works shall include the following: HRA surfacing at the junction with the L4016; a wheel wash, oil interceptor; signage and shuttle light system.

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

13. Prior to use as a Material Recovery Facility, the Developer shall carry out a Road Safety Assessment (RSA) Stage 3, by the independent accredited Road Safety Auditor, to

examine the internal haul route. The Developer is requested to include agreed recommendations from the RSA in the amended constructed works for both the internal development and the new junction with L4016.

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

14. (a) HGVs shall not access the site via the existing entrance off the L8100.  
 (b) Prior to opening the facility, the Developer shall construct the proposed new entrance onto the L4016.

**Reason:** In the interest of safety for the public residing on the narrow L8100 road.

15. Prior to use of the facility, the Developer shall install advance warning signage along the L4016 to alert drivers to the present of a vehicular entrance, generally in accordance with TI drawing 2017 C271\_3/1v1.4 received by the Planning Authority on 8<sup>th</sup> February 2021.

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

16. The Developer shall ensure that sight lines at the entrance to the development comply with the TII Document (DN-GEO-03060) June 2017 standards.

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

17. The Developer shall ensure that existing land and roadside drainage are not impaired and that the changes near the entrance to the site shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage.

**Reason:** In the interest of road safety and to prevent interference with existing roadside drainage.

18. (a) Prior to commencement of development, the Developer shall provide full design details and specifications of the lighting system, necessary to serve the access route to the quarry, 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.

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

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

(d) The Developer shall comply with any future requirements of the <sup>P</sup>lanning <sup>A</sup>uthority <sup>Mab</sup> in relation to: adjusting the floodlight aiming or fitting appropriate additional louvers, to deal with remaining glare issues that may arise for road users/ <sup>no spaces</sup> nearby residents/ <sup>Mab</sup> rural habitat and may only become apparent when the installation is commissioned.

**Reason:** In the interest of road safety and to protect the amenities of the area.

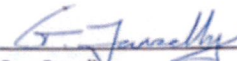
19. The importation of soil and recovery of construction and demolition waste and operation of associated machinery shall be carried out only between the hours of 07:00 and 19:00 from Mondays to Fridays, between the hours of 08:00 and 14:00 on Saturdays and not at all on Sundays, bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the <sup>P</sup>lanning <sup>A</sup>uthority. <sup>Mab</sup>

**Reason:** In the interest of good traffic management and to protect the amenities of the area.

#### Development Contributions

(viii) Waste Recovery Facility including the deposition of soil / stones on Lands Contributions will be applied at €15,000 per hectare or part thereof.

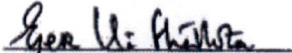
- Full area inclusive of site access roads is 19.2 hectares
- Fill area is 13.5 hectares
- The Construction and Demolition Material Recovery Area is 4.4 hectares in size

  
Gary Farrelly  
Assistant Planner

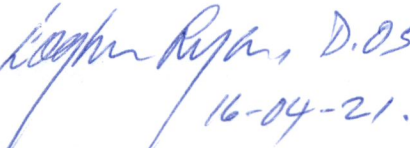
13<sup>th</sup> April 2021

  
Eoghan Lynch  
Senior Executive Planner

Date: 15<sup>th</sup> April 2021

  
Emer Uí Fhátharta  
Senior Planner

April 15<sup>th</sup> 2021

  
D.O.S.  
16-04-21.

Kildare County Council Planning Department - Viewing Purposes Only

**Written Statement of Decision Maker (Chief Executive) – 20/639**

It is noted that the Environmental Impact Assessment (EIA) carried out by the Assistant Planner dated 11/08/20 and 13/04/21 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 22/06/20, 08/02/21 and 22/02/21, 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 22/06/20 and 08/02/21, 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**

*Raney*  
16/4/21

Kildare County Council Planning Department - Viewing Purposes Only