



Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/1409

Appeal by Eco Advocacy of Trammon, Rathmolyon, Enfield, County Meath and by Kilsaran Concrete of Piercetown, Dunboyne, County Meath against the decision made on the 21st day of September, 2021 by Kildare County Council to grant subject to conditions a permission to the said Kilsaran Concrete in accordance with plans and particulars lodged with the said Council.

Proposed Development: Upgrading of the site entrance onto the R401 regional road, consisting of improvements to the surface to allow regular HGV traffic, installation of all required site facilities, consisting of a prefabricated welfare facility (including a toilet facility with septic tank and percolation area), a double skinned fuel tank in a secure container, a weighbridge and a wheelwash, installation of a processing plant and associated settlement lagoon (closed water system), extraction of sand and gravel with processing that includes crushing, washing and screening, using the newly installed plant over an area of 9.2 hectares. The extraction works will take place in two phases (Extraction Phase 1: circa 4.9 hectares and Extraction Phase 2: circa 4.3 hectares). The sand and gravel extraction will be dry working above the water table, the remaining circa 7.8 hectares will consist of the processing area, a stockpile area, and overburden storage area and buffer zones to the

UC

site boundaries. Restoration of the site lands will be to a beneficial agricultural after-use. The proposed operational period is for eight years plus one year to complete restoration (total duration sought nine years), all within an overall application area of 17 hectares at Brackagh Townland, Carbury, County Kildare. The proposed development was revised by further public notices received by the planning authority on the 28th day of July, 2021.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to:

- (a) the National Planning Framework – Ireland 2040,
- (b) the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019),
- (c) the policies of the planning authority as set out in the Kildare County Development Plan 2023-2029,
- (d) the distance to dwellings or other sensitive receptors,
- (e) the submissions made in connection with the application,

UC

- (f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- (g) the report and recommendation of the Inspector, and
- (h) the nature and scale of the proposed development, as set out in planning application documentation and the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, including water and air quality, would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development on a greenfield site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, planning authority and observers, and

(d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made during the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Noise and dust during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) which includes specific provisions relating to the control of dust and noise.
- The increase in vehicle movements and resulting traffic during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR).
- The impacts on residential amenity during the construction and operational phases in terms of disturbance, nuisance and visual impact would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) which includes specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and the conclusion reached in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European Sites: the Mount Hevey Bog Special Area of Conservation (Site Code 002342), the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) or any other European site, in view of the site's conservation objectives.

This screening determination is based on the following:

- The absence of a direct hydrological link or pathway between the subject site and the closest European sites.



- The Russelswood River, a tributary of the River Boyne, which runs along the southern boundary of the site would create an indirect hydrological to the River Boyne and River Blackwater Special Area of Conservation and Special Protection Area, however, the hydrological separation distance between both sites would be circa 9.17 kilometres.
- Furthermore, the proposed development would not involve any water discharge from the site and no works are proposed to be carried out within 30 metres of the site boundary.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application (including the Environmental Impact Assessment Report and Appropriate Assessment Screening report), as amended by the further plans and particulars submitted on the 14th day of July 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

UC

2. This grant of permission shall be for a period of nine years from the date of this Order. Within eight years from the commencement of development on the site all quarrying related activities, including extracting, processing and operations on site shall cease. The site restoration works described in the application shall be completed within one year of the date of cessation of quarrying activities on the site.

Reason: In the interests of visual amenity and orderly development.

3. No extraction of sand or gravel shall take place below one metre above the level of the winter groundwater table.

Reason: To protect groundwater in the area.

4. The proposals, mitigation measures and commitments set out in the Environmental Impact Assessment Report and additional information received by the planning authority shall be implemented in full as part of the proposed development.

Reason: In the interest of clarity, to mitigate the environmental effects of the proposed quarry and to protect the amenities of the area and of property in the vicinity.

5. The developer shall comply with the requirements of the planning authority with regard to traffic management and access arrangements. Details of such works, including general road works, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to safeguard local amenities.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

7. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed ground levels, landscaping proposals including hedgerows and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory restoration of the site, in the interest of visual amenity.

8. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1900 hours, Monday to Friday and between 0700 hours and 1430 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

Reason: In order to protect the residential amenities of property in the vicinity.

9. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to safeguard local amenities.

10. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and convenience, and to protect the amenities of the area.

11. All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

Reason: In order to protect groundwater and surface water.

12. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

ul

- (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

13. During the operation phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed: -
- (a) an Leq, 1h value of 55 dB(A) between 0800 and 2000 hours, and
- (b) an Leq, 15 min value of 45 dB(A) at any other time. Nighttime emissions shall have no tonal component.

Reason: In order to protect the residential amenities of property in the vicinity.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory restoration of the site. The form and amount of the security shall be as agreed between the planning authority and the developer.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

17. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a signage scheme warning road users of the existence of the quarry. This signage scheme shall be maintained at the developer's expense for the duration of the quarrying activity permitted by this grant of planning permission.

Reason: In the interest of traffic safety.

18. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details of all landscaping mitigation measures to be implemented on the site during the construction and operational phase of the development. This shall include the details and locations of all berms, planting, and overburden areas. Hedges and trees shall not be removed during the nesting season, (that is, March 1st to August 31st).

Reason: In the interests of residential and visual amenity.

19. Where an existing badger sett will be disturbed or destroyed, an artificial sett shall be constructed beforehand and the badgers relocated thereto. Details of any such artificial setts shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of wildlife protection.

20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of waste.

Reason: In the interests of public safety and residential amenity.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

ue

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Una Crosse

Una Crosse

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *22* day of *August* 2023.