

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABP 319224-24Defer Re O/H ☐Having considered the contents of the submission dated/ received 8/4/24  
fromApplicant I recommend that section 131 of the Planning and Development Act, 2000  
be/not be invoked at this stage for the following reason(s): No new material planning issuedE.O.: 15/4/24Date: 15/4/24

## For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached  
submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

File With \_\_\_\_\_

**CORRESPONDENCE FORM**Appeal No: ABP 319224.24

M \_\_\_\_\_

Please treat correspondence received on 8/4/24 as follows:

|  |   |
|--|---|
| 1. Update database with new agent for Applicant/ Appellant _____ |   |
| 2. Acknowledge with BP <u>20</u>                                 | 1 RETURN TO SENDER with BP _____                        |
| 3. Keep copy of Board's Letter <input type="checkbox"/>          | 2. Keep Envelope: <input type="checkbox"/>              |
|  | 3. Keep Copy of Board's letter <input type="checkbox"/> |

|                     |                                       |
|---------------------|---------------------------------------|
| Amendments/Comments | <u>Applicants response to appeals</u> |
|                     |                                       |
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|---|--|
| <b>4. Attach to file</b><br>(a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/><br>(b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/><br>(c) Processing <input type="checkbox"/> | RETURN TO EO <input type="checkbox"/><br><u>Screening drawer</u> |
|---|--|

|                                |   |
|--------------------------------|---|
|                                | Plans Date Stamped <input type="checkbox"/>     |
|                                | Date Stamped Filled in <input type="checkbox"/> |
| EO: <u>Daniel &amp; Connor</u> | AA: <u>Tom Kelly</u>                            |
| Date: <u>8/4/24</u>            | Date: <u>10/04/2024</u>                         |

**Eoin O'Sullivan**

---

**From:** Fergus Gallagher <Fergus.Gallagher@Kilsaran.ie>  
**Sent:** Monday 8 April 2024 16:11  
**To:** Appeals2  
**Subject:** Appeal ABP-319224-24 Observations to Appeals  
**Attachments:** 240408 Comments on Appeal ABP319224.pdf

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Your Ref: **ABP-319224-24**  
P. Reg. Ref. No.:23/60266 County Kildare

Re: Quarry and associated development on 51.7 hectares at Kilrainy and Kilrathmurry Townlands, Clonard, Co. Kildare.

Dear Sir/Madam,

Please accept the attached submission of observations to appeals lodged against Kildare County Councils decision to grant planning permission for the above referenced development by Kilsaran Concrete.

Kind Regards,

Fergus Gallagher  
**Planning & Environmental Manager**



Phone: +353 (0)1 802 6391  
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[Chat with me on Teams](#)



**Kilsaran**  
PAYING BY WALLING

**Kilsaran**  
**KPRO**  
PHASES  
& MONITORING

**Kilsaran**  
LONG-TERM ROAD PROJECTS  
IN A COUNTRY (EAT & S)

**Kilsaran**  
PRECAUTION

**Kilsaran**  
ROAD DISRUPTION  
IN CONTRACT

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The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

**Submitted by Email: [appeals@pleanala.ie](mailto:appeals@pleanala.ie)**

8<sup>th</sup> April 2024

**Your Ref: ABP-319224-24**

**P. Reg. Ref. No.:23/60266 County Kildare**

**Re: Quarry and associated development on 51.7 hectares at Kilrainy and Kilrathmurry Townlands, Clonard, Co. Kildare.**

Dear Sir/Madam,

On the 13<sup>th</sup> February 2024 Kildare County Council issued a decision to GRANT PERMISSION for the above referenced development at Kilrainy and Kilrathmurry Townland, Co. Kildare subject to 18 conditions (attached at **Appendix A**).

An Bord Pleanála circulated three number, third party appeals to that decision by letter dated 12<sup>th</sup> March 2024, please accept this submission of observations in relation to these appeals.

**James & Mary Robinson**

**Point 1 – Access to private monitoring wells**

The three boreholes referred to by the Appellant as 4, 5 and 6 (also referred to as BH4/21-CL-04, BH5/21-CL-05 and BH6/21-CL-06) were drilled with Mr. Robinsons consent as part of the earlier planning application P.Reg.Ref.No. 22/83, which he also refers to in his appeal. The purpose of these boreholes was to examine the underlying sediment pile and to provide for long term groundwater level monitoring as proposed in that application. That earlier planning application was for, among other things, the extension of a sand and gravel pit. The sand and gravel extension area was extensively within the appellants lands contained within Folio KE32868F and the deepening of the existing hard rock quarry by 35m below its current level was within the Kilsaran's land. That application was refused planning permission by Kildare County Council for three reasons as follows:

- 1) Firstly that it had not been satisfactorily demonstrated by the applicant that the proposed development would not have an adverse effect on the surface water systems and their associated conservation objectives

ideas taking shape

Piercetown, Dunboyne, Co. Meath, Ireland, A86 W820.  
T: +353 (0)1 802 6300 E: [info@kilsaran.ie](mailto:info@kilsaran.ie) W: [www.kilsaran.ie](http://www.kilsaran.ie)

Directors: E.D. McKeown (Chairman), David P. McKeown (Co-CEO), Derry P. McKeown (Co-CEO),  
R. McKeown, T.F. McCarthy, M.J. Curran, P. Hogan, S. Keshane.

Registered as: Kilsaran Concrete Unlimited Company

Registered at: Piercetown, Dunboyne, Co. Meath, Ireland Reg No: 23927 VAT No: IE 8202417D

2) Secondly that the Planning Authority was not satisfied based on the information submitted that there would not be a negative impact on local water supply wells arising from the dewatering operations, and

3) The third reason related to an inadequacy in the noise impact assessment associated with the potential for queuing trucks at the site entrance.

The current planning application, the subject of this appeal seeks to overcome the previous reasons for refusal by amending the proposed development scheme.

The revised extraction scheme in relation to the hard rock quarry will not extract below the previously permitted level of c.75.1m AOD. This limit on depth will maintain the rock extraction above the underlying watertable and allow the quarry rock to be extracted dry without the need to actively dewater the working area. The sand and gravel extension is not included in this planning application.

The omission of rock extraction beneath the watertable has the knock-on effect of removing the requirement for the water treatment and discharge of waters off-site to the adjacent surface water system (the Annagh stream and subsequently the River Boyne), as sought in planning application 22/83. With the removal of the requirement to discharge water off-site to the adjacent watercourse, any risk of degradation of the adjoining Annagh Stream is removed as is any impact on the ecological status of the River Boyne Special Area of Conservation (SAC) downstream, addressing Item 1 of the Kildare County Council refusal on P. Ref. 22/83.

Removal of the requirement to actively lower the watertable will therefore remove any impact of lowering of groundwater levels in supply wells of third party residences within the local area.

A revised noise impact assessment has been provided in Chapter 10 of the EIAR addressing the third item of the Kildare County Council refusal on P. Ref. 22/83. To mitigate against noise impacts from the relocated entrance and internal access road, the overall development scheme has been amended to include for an acoustic barrier fence. The fence will be set-back c. 3m from the new internal access road and run for a distance of c.170m from the proposed new site entrance into the site (refer to Kilsaran Planning Drawing KC2A that accompanied the application). Further to this, the new internal road will be hard surface paved at the entrance area and for its full length.

A new internal barrier will be set-back c. 80m into the site from the site entrance along the new access road to allow HGV traffic access to the site without the need for trucks to queue on the public road if awaiting entry to the site.

A detailed assessment of the potential effects of the proposed development on the surface water and groundwater regimes of the locality is given at Chapter 7 – 'Hydrology and Hydrogeology' of the Environmental Impact Assessment Report (EIAR).

At paragraphs 7.202 of the EIAR a regime of groundwater levels, surface water quality and groundwater quality monitoring is proposed, it states:

*The following monitoring activities will be carried out to demonstrate that the development is not having an adverse impact on the surrounding environment:*

- *Groundwater levels in all on-site boreholes (21-CL-01 – 21-CL-06 and W3) and one off-site (W4) will be monitored on a monthly basis for the duration of the proposed development;*

- *Regular groundwater quality monitoring (quarterly) of nearby private wells (provided consent is given) to demonstrate the development is not having any adverse impacts on private water supplies;*
- *The water quality in the adjacent stream will be monitored on a quarterly basis for the duration of the proposed development. Suggested parameters are outlined below; and*
- *The groundwater quality in all on-site boreholes and one off-site borehole (if permission is granted by owner) will be monitored on a quarterly basis for the duration of the proposed development. Suggested parameters are outlined below.*

Kilsaran will offer to monitor all boreholes as detailed in the hydrological monitoring plan (refer to paragraph 7.202 of the submitted EIAR). No monitoring will be completed at any borehole without consent being sought from the relevant landowners. If the appellant withholds consent for monitoring at the 3 no. boreholes located on his lands (MW-21-04 (BH4), MW-21-05 (BH5) and MW-21-06 (BH6)), the efficacy and overall utility of the overall monitoring programme would not be impacted for the following reasons:

- These boreholes are remote from the proposed lateral extension to the bedrock quarry.
- The local groundwater flow direction is to the northwest, therefore, these boreholes are neither upgradient nor downgradient of the proposed lateral quarry extension area.
- Existing on-site boreholes are located in close proximity (GW1 and GW2), upgradient (BH1) and downgradient (BH2, BH3 and GW3) of the lateral extension area and can be used to monitor any potential effects which may arise.

Therefore, exclusion of BH4, BH5 and BH6 from the monitoring programme will not make that programme less complete and appropriate.

#### **Point 2 – Water quality River Boyne**

The existing Kilsaran extractive operations at this site are worked dry above the watertable and the aggregates washing plant operates in a closed circuit, recycling wash water through a series of closed lagoons. For this reason, there are no discharges from the site to the River Boyne so the appellant is wrong to assume that the existing operations at the Kilsaran extractive facility is the source of the EPA reported deterioration of the water quality status of the River Boyne between Ballyboggan Bridge and Ashfield Bridge.

#### **Point 3 – Traffic impact of importing 35,000 tonnes of fine aggregate**

The appellant states that the import of 35,000 tonnes of aggregate annually will greatly increase, an already overloaded volume of HGVs on the local roads.

Chapter 14 'Traffic' of the EIAR that accompanies this application clearly sets out the traffic levels associated with both the past and proposed developments. A detailed description of associated traffic generation is given from paragraph 14.61 on page 14-16 to 14.69 on page 14-17.

In summary, the previously permitted rock quarry and sand & gravel pit had a combined maximum output of 360,000 tonnes per annum (tpa), the proposed development is confined to rock quarrying at a rate of 250,000 tpa with no sand and gravel extraction.

It is proposed to continue readymix concrete production at the existing rate of up to 30,000 cubic metres per annum.

It is proposed to import 35,000 tonnes of fine aggregate, principally sand for use in readymix concrete production. In the interest of operational logistical efficiency, the trucks used to import the fine aggregate will be used to export aggregate processed from the rock extracted at the quarry. This is called back loading in the industry and is an efficient, economic use of haulage trucks. It doesn't make economic sense to send a truck out from the site empty when it can be used to deliver a load.

There will therefore be no net increase in HGV traffic arising from the proposal to import 35,000 tonnes of fine aggregate per year as argued by the Appellant.

The overall reduction in the annual output, coupled with the back loading of the delivery trucks will reduce the average daily HGV trip generation from 74 HGV to 60 HGV or by approximately 20% from pre-existing levels (please refer to Table 14-4 of the EIAR).

### **Patricia & Larry Murphy**

#### **Point 1 – Roads Impact**

The existing and proposed site entrances are located on the L5002 local road, not the R148. From the entrance, access to the R148 from the site is first by a section of the L5002 local road that connects to the L5001, which in turn joins the R148 at round 3 to 3.5 km north of the site.

The receiving road network is described on page 14-6 of Chapter 14 'Traffic' of the EIAR. The Local Road L5002/L5001 between the site and R148 is a single lane carriageway. The metalled carriageway surface varies in width measuring approximately 6m over the primary haul route to the R148. Accommodating a verge varying in width up to 4m on either side, save for in the vicinity of the M4 overbridge there are generally no centreline road markings but there are road edge markings as is typical of the regional road network. The road is subject to a posted speed limit of 80kph.

This road was widened by and at the expense of Kilsaran Concrete from an average width of 3.7m to the current width as part of the grant of planning permission under Kildare County Council Ref. No. 97/1731 and confirmed under subsequent permissions Ref. Nos. 03/2754 and 99/2042 (PL09.123207). Table 14-1 on page 14-6 of Chapter 14 of the EIAR provides road and roadway cross-sectional measurements at intervals of 200m between the existing site access and R148. The average width of the verge to the east of the road is 1.2m, the average width of the road is 6.2m and the average width of the verge on the west of the road is 0.9m.

All HGV traffic will be required to access the site from the R148. As set out in the planning submission, occasionally there may be ready mixed concrete deliveries arising from specific local demands relating to finite activities or simply arising on smaller jobs or works such as local house building or extensions and the like. Ordinarily the demand for local supply of materials is very low and this is reflected in the site records nevertheless where such occasional local demand arises and in the interest of logistical sense it is reasonable that these vehicles might turn left from the site access. Excepting this occasional local demand, no general HGV haulage traffic will be permitted to turn left from the new access so the turning radius for traffic turning left from the access is appropriately sized to reflect the very low frequency for HGV to turn left.



Following a pavement condition survey of the L5002/L5001 local roads from the existing site entrance to the R148 regional road some strengthening works and overlays are proposed should planning permission be granted for the proposed development. These improvement and maintenance works are designed to accommodate the existing network traffic and the traffic generated by the proposed development. During a site inspection of the road with Engineers from Kildare County Council key constraints on the haul route were identified and discussed together with what improvements beyond the boundaries of the public road would be feasible subject to the agreement and consent of third-party landowners. The landowners' consents have been secured for the sections of the road where a set back of the public road boundary is required. These areas are included in the application area of this planning application.

#### **Point 2 – Annagh Stream**

Like the existing Kilsaran extractive operations at this site the proposed operations will be worked dry above the watertable and the aggregates washing plant operates in a closed circuit, recycling wash water through a series of closed lagoons. There will be no discharge from the site to the Annagh Stream and the River Boyne beyond.

#### **Pont 3 – No Material Benefit**

It is wrong to say that there is no material benefit from the quarry to the area. Apart from being a source of vital construction raw materials, the quarry a ratable hereditament. Local authority rates to the region of just under €30,000 are paid each and every year by Kilsaran for the quarry. In addition, the quarry is a good source of employment in this rural area and under the planning condition it will generate a substantial financial development contribution.

#### **Point 4 – Monetary/Contribution**

The Appellant mentions that Kildare County Council will benefit from the €3,539,605.82 planning contribution it has imposed. We submit to the Board that the quantum being sought is incorrect. This refers to Condition 18 of the Notification of Decision to Grant, the full condition states:

**18.** The Applicant/Developer to pay to Kildare County Council the sum of €3,539,605.82 being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in accordance with Section 34 of the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022.

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

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

This is a Development Contribution under Section 48 of the Planning and Development Act 2000, as amended. The method of setting the quantum of the contribution is strictly laid out in the current Kildare County Council Development Contribution Scheme (KCCDCS).

Under Section 8.2.2 'Extractive Industries' of the current 2023-2029 Development Contribution Scheme a contribution of €0.50 per cubic metre of material extracted is to be levied.

The proposed development seeks to extract 2.5 million tonnes of Limestone rock over a ten year term. To convert tonnes to cubic metres the bulk density of the material to be extracted needs to be known.

Caterpillar Inc. is the world's leading manufacturer of construction and mining equipment. They produce a performance handbook for their machines which includes a table setting out the bulk densities for many material types, both in situ in the ground (bank) and loose in stockpiles (see Table from the Handbook attached). The Caterpillar Performance Handbook is the respected and trusted reference for weights of materials throughout the Worldwide extractive industry.

According to the Caterpillar Performance Handbook the bulk density for 'Bank', 'Broken' Limestone is 2610 kg/m<sup>3</sup>. This equates to 2.61 tonnes per cubic metre.

Applying this bulk density to the 2.5 million tonnes of Limestone to be extracted at the application site over the 10 year extractive term of this permission, a volume of 957,855m<sup>3</sup> is calculated.

The 2023-2029 Development Contribution allows a reduced rate for temporary permissions, the reduction for permission of up to 10 years is 66% of the normal rate (refer to Section 10.1 of the Scheme).

Therefore, we calculate that according to the current Development Contribution Scheme the contribution due under condition 18 for the subject development is thus:

|  |                                |
|--|--------------------------------|
| Total Quantity of Limestone to be Extracted  | 2,500,000 tonnes               |
| Caterpillar Handbook Bulk Density            | 2.61 tonnes per m <sup>3</sup> |
| Volume to be Extracted                       | 957,855 m <sup>3</sup>         |
| Level of Contribution Extractive Industries  | €0.50 per m <sup>3</sup>       |
|  | €478,927.50                    |
| Reduction for Temporary Permission <10 years | 66%                            |
| Contribution Due                             | <b>€316,092.15</b>             |

We respectfully request that the Board impose a new condition for this contribution amount reflecting the basis of the calculation set out above.

#### **Point 5 – Monitoring**

The Appellant points out that Kildare County Council have requested numerous monitors and continuous monitoring of various environmental aspects of the development, such as air, noise, water etc., but takes issue that the monitoring is to be done by the Applicant.

In the 2004 Department of the Environment, Heritage and Local Government advice guidelines 'Quarries and Ancillary Activities – Guidelines for Planning Authorities', it states with respect to planning conditions providing for environmental monitoring that:

'The environmental monitoring can be carried out either by the developer, by agreed independent specialists, or by the planning authority at the developer's expense.

The Environmental Protection Agency (EPA) publication 'Environmental Management Guidelines – Environmental Management in the Extractive Industry' is intended to complement existing guidance and be of assistance to operators, regulatory authorities, and the general public.

According to the EPA Guidance each quarry operator should implement an Environmental Management System (EMS) in accordance with the principles set out in the Guidance.

Under Section 3.11 'Environmental Management and Monitoring' it states that 'The monitoring programme should be carried out by trained company personnel or external companies with appropriate experience.'

Kilsaran Concrete has a long history of environmental monitoring at this site going back 25 years. The quarry operates under an Environmental Management system. Monitoring is carried out by external companies with appropriate experience, currently BHP Laboratories for noise, dust, groundwater and Kemek (formally Irish Industrial Explosives) for ground vibration and air overpressure for blasting. This approach is in line with the National guidance.

Environmental monitoring results are collated and submitted on a quarterly basis to Kildare County Council. The monitoring results are available for public inspection at the planning authority's offices.

### **Joseph Robinson**

#### **Point 1 – Roads**

As outlined above in our observations to the James Robinson appeal, the L5002/L5002 road was widened by and at the expense of Kilsaran Concrete under earlier planning permissions. The average carriage width is now 6.2m and has provided safe access to the existing Kilrathmurray/Kilrainy quarry/pit site for the past 25 years at extraction outputs in excess of what is proposed under the current application. Further improvement and maintenance works are proposed to be carried out, as outlined in the planning application.

#### **Point 2 – Monitoring**

Kilsaran Concrete has a long history of environmental monitoring at this site going back 25 years. The environmental monitoring results are collated and submitted on a quarterly basis to Kildare County Council. The monitoring results are available for public inspection at the planning authority's offices.

#### **Point 3 – Bringing in 35,000t of material a step too far**

It is proposed to import 35,000 tonnes of fine aggregate, principally sand for use in readymix concrete production. In the interest of operational logistical efficiency, the trucks used to import the fine aggregate will be used to export aggregate processed from the rock extracted at the quarry. This is called back loading in the industry and is an efficient and economic use of haulage trucks. It doesn't make economic sense to send a truck out from the site empty when it can be used to deliver a load.

There will therefore be no net increase in HGV traffic arising from the proposal to import 35,000 tonnes of fine aggregate per year.

Yours faithfully,

A handwritten signature in blue ink that reads "Fergus Gallagher". The signature is written in a cursive style and is positioned above a horizontal line.

Fergus Gallagher

For and on behalf of Kilsaran Concrete

# **Caterpillar Performance Handbook**

# **49**

**CATERPILLAR®**

## Tables

| WEIGHT* OF MATERIALS                | LOOSE             |                    | BANK              |                    | LOAD FACTORS |
|-------------------------------------|-------------------|--------------------|-------------------|--------------------|--------------|
|                                     | kg/m <sup>3</sup> | lb/yd <sup>3</sup> | kg/m <sup>3</sup> | lb/yd <sup>3</sup> |              |
| Basalt.....                         | 1960              | 3300               | 2970              | 5000               | 0.67         |
| Bauxite, Kaolin.....                | 1420              | 2400               | 1900              | 3200               | 0.75         |
| Caliche.....                        | 1250              | 2100               | 2260              | 3800               | 0.55         |
| Carnotite, uranium ore.....         | 1630              | 2750               | 2200              | 3700               | 0.74         |
| Cinders.....                        | 560               | 950                | 860               | 1450               | 0.66         |
| Clay — Natural bed.....             | 1660              | 2800               | 2020              | 3400               | 0.82         |
| Dry.....                            | 1480              | 2500               | 1840              | 3100               | 0.81         |
| Wet.....                            | 1660              | 2800               | 2080              | 3500               | 0.80         |
| Clay & gravel — Dry.....            | 1420              | 2400               | 1660              | 2800               | 0.85         |
| Wet.....                            | 1540              | 2600               | 1840              | 3100               | 0.85         |
| Coal — Anthracite, Raw.....         | 1190              | 2000               | 1600              | 2700               | 0.74         |
| Washed.....                         | 1100              | 1850               |                   |                    | 0.74         |
| Ash, Bituminous Coal.....           | 530-650           | 900-1100           | 590-890           | 1000-1500          | 0.93         |
| Bituminous, Raw.....                | 950               | 1600               | 1280              | 2150               | 0.74         |
| Washed.....                         | 830               | 1400               |                   |                    | 0.74         |
| Decomposed rock —                   |                   |                    |                   |                    |              |
| 75% Rock, 25% Earth.....            | 1960              | 3300               | 2790              | 4700               | 0.70         |
| 50% Rock, 50% Earth.....            | 1720              | 2900               | 2280              | 3850               | 0.75         |
| 25% Rock, 75% Earth.....            | 1570              | 2650               | 1960              | 3300               | 0.80         |
| Earth — Dry packed.....             | 1510              | 2550               | 1900              | 3200               | 0.80         |
| Wet excavated.....                  | 1600              | 2700               | 2020              | 3400               | 0.79         |
| Loam.....                           | 1250              | 2100               | 1540              | 2600               | 0.81         |
| Granite — Broken.....               | 1660              | 2800               | 2730              | 4600               | 0.61         |
| Gravel — Pitrun.....                | 1930              | 3250               | 2170              | 3650               | 0.89         |
| Dry.....                            | 1510              | 2550               | 1690              | 2850               | 0.89         |
| Dry 6-50 mm (1/4"-2").....          | 1690              | 2850               | 1900              | 3200               | 0.89         |
| Wet 6-50 mm (1/4"-2").....          | 2020              | 3400               | 2260              | 3800               | 0.89         |
| Gypsum — Broken.....                | 1810              | 3050               | 3170              | 5350               | 0.57         |
| Crushed.....                        | 1600              | 2700               | 2790              | 4700               | 0.57         |
| Hematite, iron ore, high grade..... | 1810-2450         | 4000-5400          | 2130-2900         | 4700-6400          | 0.85         |
| Limestone — Broken.....             | 1540              | 2600               | 2610              | 4400               | 0.59         |
| Crushed.....                        | 1540              | 2600               | —                 | —                  | —            |
| Magnetite, iron ore.....            | 2790              | 4700               | 3260              | 5500               | 0.85         |
| Pyrite, iron ore.....               | 2580              | 4350               | 3030              | 5100               | 0.85         |
| Sand — Dry, loose.....              | 1420              | 2400               | 1600              | 2700               | 0.89         |
| Damp.....                           | 1690              | 2850               | 1900              | 3200               | 0.89         |
| Wet.....                            | 1840              | 3100               | 2080              | 3500               | 0.89         |
| Sand & clay — Loose.....            | 1600              | 2700               | 2020              | 3400               | 0.79         |
| Compacted.....                      | 2400              | 4050               |                   |                    |              |
| Sand & gravel — Dry.....            | 1720              | 2900               | 1930              | 3250               | 0.89         |
| Wet.....                            | 2020              | 3400               | 2230              | 3750               | 0.91         |
| Sandstone.....                      | 1510              | 2550               | 2520              | 4250               | 0.60         |
| Shale.....                          | 1250              | 2100               | 1660              | 2800               | 0.75         |
| Slag — Broken.....                  | 1750              | 2950               | 2940              | 4950               | 0.60         |
| Snow — Dry.....                     | 130               | 220                |                   |                    |              |
| Wet.....                            | 520               | 860                |                   |                    |              |
| Stone — Crushed.....                | 1600              | 2700               | 2670              | 4500               | 0.60         |
| Taconite.....                       | 1630-1900         | 3600-4200          | 2360-2700         | 5200-6100          | 0.58         |
| Top Soil.....                       | 950               | 1600               | 1370              | 2300               | 0.70         |
| Taprock — Broken.....               | 1750              | 2950               | 2610              | 4400               | 0.67         |
| Wood Chips**.....                   | —                 | —                  | —                 | —                  | —            |

\*Varies with moisture content, grain size, degree of compaction, etc. Tests must be made to determine exact material characteristics.

\*\*Weights of commercially important wood species can be found in the last pages of the Logging & Forest Products section. To obtain wood weights use the following equations: lb/yd<sup>3</sup> = (lb/ft<sup>3</sup>) × .4 × 27  
kg/m<sup>3</sup> = (kg/m<sup>3</sup>) × .4

## **APPENDIX A**

Comhairle Contae Chill Dara  
Kildare County Council



**Date:** 13/02/2024  
**Pl. Ref.:** 23/60266

Kilsaran Concrete Unlimited Company  
c/o Shane McDermott  
7 Dundrum Business Park  
Windy Arbour  
Dublin 14  
D14 N2Y7

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

**Planning Register Number:** 23/60266  
**Application Received Date:** 02/10/2023  
**Further Information Received Date:** 15/12/2023

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 13/02/2024 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:- 1. Quarry development and associated processing previously permitted under P. Reg. Ref. No. 99/2042 and ABP Ref. PL09.123207) to include drilling, blasting, crushing and screening of rock; and lateral extension to same, with an overall extraction area of c. 6.2 hectares with no vertical deepening below the existing quarry floor. The appropriate period of planning register reference 99/2042 was extended by order dated 03/02/2017 by P. Reg. Ref. No. 16/1246; 2. Importation of up to 35,000 tonnes per annum of processed fine aggregate, principally sand for use in readymix concrete production on site; 3. Use of buildings and structures associated with the sand and gravel pit previously granted planning permission under P. Reg. Ref. No. 03/2754 comprising of the crushing, washing and screening plant with associated silt disposal lagoons; readymix concrete batching plant including powerhouse; prefabricated office; weighbridge; workshop building with concrete laboratory and bunded fuel tanks; aggregate storage bays; and one liquid effluent treatment system unit; 4. Closure of the existing site entrance with provision of a new site entrance located to the north of the existing entrance; realignment of the main internal site access road from the new site entrance to the central processing area with provision of a new wheelwash system; acoustic fence screening (c.2m in height x 170m in length); and a new screening berm along the western site boundary; 5. Restoration of the site lands will be to a combination of beneficial agricultural and ecological after-uses; 6. All associated site works within an overall application area of c. 51.7 hectares. The proposed operational period is for 10 years plus 2 years to complete restoration (total duration sought 12 years); and 7. Provision is also made for 3 no. sections of road improvements (widening) along the haul route between the site entrance and the R148 regional road. The proposals at the identified locations include for works in the public road and verge that aim to achieve a consistent carriageway width of 6.0m along with provision of verge widening on the inside of the three bends to improve forward visibility and intervisibility for all opposed traffic including traffic generated by the proposed development. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of this planning application at **Kilrainy and Kilrathmurry Townlands, Clonard, Co. Kildare A83 DW26** subject to **18 conditions** set out in the schedule attached.

The reason for the imposition of the said conditions are also included. The Planning Authority have had regard to any submissions or representations made on this file. If there is no appeal against the said decision a **grant of permission** in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanála (see footnote). It should be noted that until a grant of



permission has been issued the development in question is NOT AUTHORISED and work should not commence.

Date: 13/02/2024



Senior Executive Officer, Planning  
Kildare County Council

### PLEASE ARRANGE TO REMOVE SITE NOTICE

Any appeal against the decision of a Planning Authority under Section 37 of the Planning & Development Act 2000 as amended) may be made to An Bord Pleanála, 64 Marlborough Street, Dublin 1. First and third party objections must be received by the Bord within 4 weeks beginning on the day of making the decision by the Planning Authority. The appeal must be fully complete from the start - you are not permitted to submit any part of it later, even within the time limit.

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

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

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

Planning Permission is sought for 1. Quarry development and associated processing previously permitted under P. Reg. Ref. No. 99/2042 and ABP Ref. PL09.123207) to include drilling, blasting, crushing and screening of rock; and lateral extension to same, with an overall extraction area of c. 6.2 hectares with no vertical deepening below the existing quarry floor. The appropriate period of planning register reference 99/2042 was extended by order dated 03/02/2017 by P. Reg. Ref. No. 16/1246; 2. Importation of up to 35,000 tonnes per annum of processed fine aggregate, principally sand for use in readymix concrete production on site; 3. Use of buildings and structures associated with the sand and gravel pit previously granted planning permission under P. Reg. Ref. No. 03/2754 comprising of the crushing, washing and screening plant with associated silt disposal lagoons; readymix concrete batching plant including powerhouse; prefabricated office; weighbridge; workshop building with concrete laboratory and bunded fuel tanks; aggregate storage bays; and one liquid effluent treatment system unit; 4. Closure of the existing site entrance with provision of a new site entrance located to the north of the existing entrance; realignment of the main internal site access road from the new site entrance to the central processing area with provision of a new wheelwash system; acoustic fence screening (c.2m in height x 170m in length); and a new screening berm along the western site boundary; 5. Restoration of the site lands will be to a combination of beneficial agricultural and ecological after-uses; 6. All associated site works within an overall application area of c. 51.7 hectares. The proposed operational period is for 10 years plus 2 years to complete restoration (total duration sought 12 years); and 7. Provision is also made for 3 no. sections of road improvements (widening) along the haul route between the site entrance and the R148 regional road. The proposals at the identified locations include for works in the public road and verge that aim to achieve a consistent carriageway width of 6.0m along with provision of verge widening on the inside of the three bends to improve forward visibility and intervisibility for all opposed traffic including traffic generated by the proposed development. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of this planning application at Kilrainy and Kilrathmurry Townlands, Clonard, Co. Kildare - Kilsaran Concrete Unlimited Company - 23/60266

**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 policies and objectives of the Kildare County Development Plan 2023-2029, the nature and design of the proposed development, and the character of adjoining development, 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 to apply.**

1. The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications submitted with the Planning Authority on 02<sup>nd</sup> October 2023 and as modified by further information submitted on 15<sup>th</sup> December 2023 except as amended by the conditions of this permission.

**Reason:** To clarify the plans and particulars for which permission is granted.

2. The development hereby permitted shall be carried out within 12 years from the date of the grant of permission providing for a 10-year extraction and processing period and subsequent 2 years to complete restoration.

**Reason:** Having regard to the nature, scale and location of the proposed development, the Planning Authority considers that it is reasonable and necessary to specify a period of validity of this permission in excess of five years.

3. All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS) and the Mitigation and Monitoring Commitments document shall be implemented in full within the timescales listed in the EIAR and the NIS including the following:

- (a) A maximum of 35,000 tonnes per annum of processed fine aggregates shall be imported to the site for use in readymix concrete production.
- (b) A maximum of 250,000 tonnes per annum of rock be extracted from the site.
- (c) 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 deposition of soluble and insoluble particulate matter at any position along the boundary of the site. No stripping of topsoil or overburden shall be carried out in periods of dry weather.
- (d) The noise level attributable to all on-site operations associated with the proposed development shall not exceed 55 dB(A) LAeq (1 hr) between the hours of 08:00 and 18:00 Monday to Friday inclusive (excluding bank holidays), and between 08:00 and 14:00 on Saturdays, when measured outside any noise sensitive location house in the vicinity of the site. Sound levels shall not exceed 45 dB(A) LAeq, (1hr) at any other time.
- (e) Vibration due to blasting activities shall not exceed a peak particle velocity of 12mm/s when measured in any of the three mutually orthogonal directions (for vibration with a frequency at less than 40 Hz) at any vibration sensitive location in the vicinity of the site. Air overpressure shall not exceed 125 dB (linear maximum peak value) at any air overpressure sensitive location in the vicinity of the site.
- (f) 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.
- (g) Excavation shall not take place below a level of 1 metre above the highest seasonal water table level on site. Water levels in the surrounding wells are not to be drawn down by the quarry activities and continuous monitoring of the water levels in the wells shall be carried out.

**Reason:** In the interest of environmental protection.

4. The development shall be operated and managed in accordance with the Environmental Management System (EMS) submitted to the Planning Authority on 15<sup>th</sup> December 2023.

**Reason:** In the interest of protecting residential amenities and environmental quality.

5. (a) The Developer shall monitor and record groundwater levels, surface water flow, ground and surface water quality, noise, ground vibration, and dust deposition levels at monitoring and



recording stations, the location and frequency of which **shall be submitted to and agreed in writing with the Planning Authority within one month of the grant of permission.**

(b) **On an annual basis**, for the lifetime of the facility (within two months of each year end), the Developer shall submit an environmental audit to the Planning Authority with reference to and take into account the requirements of the 2006 EPA publication 'Environmental Management Guidelines in the Extractive Industry'. Independent environmental auditors, approved in writing by the Planning Authority, shall carry out this audit. This audit shall be carried out at the expense of the Developer and shall be made available for public inspection at such locations as may be agreed in writing with the Planning Authority. This report shall contain:

(i) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

(ii) A record of traffic movements into and out of the site using Ctrack online or similar vehicle tracking system. This record shall contain details of all traffic movements (including origin and destination of vehicles, registration and type of vehicle) and should be available for inspection on site during working hours.

(iii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the Planning Authority. This survey shall show all areas excavated and restored. On the basis of this survey a full materials balance shall be provided to the Planning Authority.

(iv) A record of groundwater levels measured at monthly intervals.

(v) A written record of all complaints, including actions taken in response to each complaint.

(c) In addition to this annual audit, **the Developer shall submit quarterly reports** with full records of environmental monitoring including dust monitoring, noise monitoring, vibration monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the Planning Authority. Notwithstanding this requirement, all incidents where levels of exceedances shall be notified to the Planning Authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the Planning Authority without delay.

(d) Following completion of the audit and the submission of the relevant reports, or where incidents, as referred to in part (c) occur, the Developer shall comply with any requirements that the Planning Authority may impose in writing in order to ensure compliance with the conditions of this permission.

**Reason:** In the interest of protecting residential amenities and environmental qualities.

**6. The developer shall submit annually**, for the lifetime of the permission, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction.

**Reason:** In order to facilitate monitoring and control of the development by the Planning Authority.

**7. Restoration of the site shall be carried out in accordance with the plans, particulars and specifications submitted with the Planning Authority on 02<sup>nd</sup> October 2023 and as modified by further information submitted on 15<sup>th</sup> December 2023. The Developer shall commence implementation of restoration within one month of cessation of extraction and shall have completed all restoration works within 2years of cessation of extraction.**

**Reason:** In the interest of public amenity and public safety.

8. Contaminated surface water arising on site shall be contained on site and shall not be allowed discharge to any open drain or watercourse. Only clean uncontaminated surface water shall discharge to the surface water system. No surface water run-off from the site shall discharge onto the public road and existing land drainage shall not be impaired. Changes at the entrance shall be designed and shaped to ensure an uninterrupted flow of roadside drainage.

**Reason:** In the interest of public health, to avoid pollution and to ensure proper development.

9. **Prior to commencement of development**, the Developer shall submit a Construction Phase Surface Water Management Plan in accordance with IFI Publication 2016 "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters" for the written approval of the Planning Authority. The Plan shall address the collection, control and management of any surface water run-off from the site to prevent any polluting matter, suspended solids and silt, being discharged to any receiving water. The Plan shall, inter alia, include:

- (a) Site Layout Plan at sufficient scale identifying any potential surface water and/or groundwater receptors.
- (b) The location and design of any proposed mitigation measures.
- (c) Proposals for a surface water and/or groundwater monitoring programme, as appropriate.

**Reason:** In the interest of public health, to avoid pollution, and to ensure proper development.

10. The new entrance, the road improvements on the L5001 and L5002 and all associated access works referred to in the EIAR as the construction phase shall be implemented within 2 years of the grant of permission. The following shall also be undertaken:

- (a) The Developer shall provide a pavement overlay of Hot Rolled Asphalt, with pre-coated chipping, for the proposed new entrance:
  - (i) The full width of the L5002 carriageway, immediately in front of the proposed new vehicular entrance and for 20 metres on either side.
  - (ii) For the tie-in, widened entrance access to the site from the L5002, to beyond the joining of the parallel access road.
  - (iii) Appropriate thermoplastic road markings.

The Developer shall be liable for all costs associated with this work.

- (b) The Developer shall provide a turning circle for HGVs at the public side of the internal gateway.
- (c) The sight visibility line for the proposed new entrance shall be kept free from obstruction and maintained by the Developer, so as not to impede lines of sight at the entrance as provided in accordance with the Transport Infrastructure Ireland DN-GEO-03060-02 Geometric Design of Junctions June 2017 standards.
- (d) The old entrance shall be closed immediately upon operation of the new entrance in accordance with paragraph 2.20 of the Environmental Impact Assessment Report.
- (e) No left turn from the site access south of the L5002. Haul routes to be as indicated, turning north only from proposed new access onto L5002 to join the R148.
- (f) All landscaping along the roadside boundary shall be implemented in the first planting season following operation of the new entrance.
- (g) No queuing of delivery trucks shall take place on the L5002.
- (h) **Prior to commencement of development**, the Developer shall submit and provide details of signage for the no left turn arrangement and for advance warning along the public road. This shall

include a combined warning of “works entrance”, “quarry entrance” and chevron signage, ahead with the “speed limit” for each direction. The Developer is advised to consult with the Municipal District Engineer prior to making a compliance submission in this regard.

**Reason:** In the interest of road safety, visual amenity and habitat restoration.

**11. Prior to commencement of development,** the Developer shall carry out a Stage 1&2 Road Safety Assessment (RSA), by an independent accredited Road Safety Auditor and a site layout drawing outlining the measures identified in the RSA for improvement.

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

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

**12.** Five and ten years after the grant of permission, or otherwise as agreed with the Planning Authority, the Developer shall carry out condition surveys of the L5001 and L5002, north to the R148. This shall include:

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

Based on the above survey results the Developer shall ensure that the road carriageway remains in good condition to the satisfaction of the Planning Authority. The results of each survey and proposals to improve the condition of the road **shall be submitted to the Planning Authority for agreement.**

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

**13.** Any future site lighting requirements shall be agreed in writing with the Planning Authority in advance.

**Reason:** In the interest of road safety and residential amenity.

**14. Prior to the commencement of development,** the Applicant shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) in accordance with Appendix C of the “Environmental Protection Agency Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021)” including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the Planning Authority for written agreement **prior to the commencement of development.**

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



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

**Prior to commencement of development**, the Developer shall provide details and obtain the written approval of the Planning Authority for the following measures: (a) The jet wash wheel bath for vehicles leaving the site. (b) Details of the water bowser to be used during dry periods. (c) Measures to protect existing hedgerows and limit dust.

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

16. The Developer shall ensure that the operating hours for the development are restricted to between the hours of 07:00 and 18:00 Monday to Friday; and between 08:00 and 14:00 on Saturdays.

(a) No extraction or processing shall occur between 07:00-08:00 any day with only loading permitted during these hours.

(b) Blasting shall occur between 09:00-18:00 hours Monday to Friday only. Any blasting outside of these hours shall only occur with the **prior agreement of the Planning Authority**.

(c) No site operations shall take place on Sundays or Bank Holidays.

**Reason:** In the interest of protecting local amenity.

17. **Prior to commencement of development**, the Developer shall submit a report, prepared by a suitably qualified person, outlining the value of restoration /reinstatement of the site. The amount shall be agreed in writing with the Planning Authority and shall be lodged with the Planning Authority as a cash deposit or a bond of an insurance company, or other security of the agreed value, in relation to the restoration of the site, to secure the satisfactory reinstatement of the quarry, coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory completion of the restoration/reinstatement of any part of the development.

**Reason:** To ensure the satisfactory restoration of the site.

18. The Applicant/Developer to pay to Kildare County Council the sum of **€3,539,605.82** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19<sup>th</sup> December 2022 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in accordance with Section 34 of the Development Contribution Scheme adopted by Kildare County Council on 19<sup>th</sup> December 2022.

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

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

### **ADVICE NOTE TO APPLICANTS**

All Applicants are advised to make themselves aware of their responsibilities under the requirements of the Building Control Regulations 1997 to 2021, the EU Construction Products Regulations, and the EU Energy Performance of Buildings Regulations.

Further information and FAQ's can be found online at <https://localgov.ie/>

or <https://kildare.ie/countycouncil/Services/BuildingandDevelopmentControl/>

NB: Failure to submit a Commencement Notice (where required) is an offence and will have serious consequences which cannot be regularised at a later date. You may have difficulties in selling your property if you cannot prove that the statutory requirements relevant to the property have been met.