

Dan Wigglesworth

From: Appeals <Appeals@kildarecoco.ie>
Sent: Monday 22 April 2024 10:19
To: Appeals2
Subject: ABP-319218-24 KCC Submission to ABP S34(2) Report 19-4-2024
Attachments: ABP-319218-24 KCC Submission to ABP S34(2) Report 19-4-2024.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Hello,

Please find attached Kildare County Council submission to appeal Ref No ABP-319218-24 KCC Submission to ABP S34(2) Report 19-4-2024

Thanks and regards,
Catherine
ASO - Planning Department,
Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co.Kildare.
W91 X77F
Contact: 045 980467: cehoward@kildarecoco.ie



Tá an ríomhphost seo príobháideach agus ní ceadmhach úsáid an ríomhphoist seo d'éinne ach don té ar seoladh chuige é. D'fhéadfadh go mbeadh eolas ann atá faoi phribhléid agus rúnda de réir an dlí. Munar duit an ríomhphost seo, déan teagmháil leis an seoltóir chomh luath agus is féidir. D'fhéadfadh nach iad tuairimí Chomhairle Contae Chill Dara na tuairimí atá curtha in iúl sa ríomhphost seo. Déanann Comhairle Contae Chill Dara iarracht ríomhphoist a chosaint ó víris. Mar sin féin, moltar duit gach ríomhphost a scanadh, mar ní ghlacann an Chomhairle aon dliteanas i leith damáiste do do chórais. Le haghaidh eolas ar do chearta príobháideachta agus ar conas a bhainistimid sonraí pearsanta, logáil isteach ar <https://kildarecoco.ie/YourCouncil/GovernanceandCompliance/DataProtection/> Chun do chuid sonraí pearsanta a nuashonrú cuir ríomhphost chugainn ag customer care@kildarecoco.ie Caithfidh tú deis a thógáil don Chomhairle cé thú féin a chinntiú trí cruthúnas céannachta agus/nó seoladh a sholáthar, sula ndéanaimid aon athruithe.

This message is intended only for the use of the person(s) to whom it is addressed. It may contain information which is privileged and confidential within the meaning of applicable law. If you are not the intended recipient, please contact the sender as soon as possible. The views expressed in this communication may not necessarily be the views held by Kildare County Council. Kildare County Council endeavours to protect e-mails and their attachments from viruses. However, you are advised to scan all messages, as the council does not accept any liability for contamination or damage to your systems, however caused. For information on your privacy rights and how we manage personal

data, log on to <https://kildarecoco.ie/YourCouncil/GovernanceandCompliance/DataProtection/> To update your personal information, email us at customercare@kildarecoco.ie You must enable the Council to verify your identity by providing proof of identity and/or address, before we make any changes.

Our Website kildarecountycouncil.ie 'Follow' us on Twitter - 'Like' us on Facebook

KILDARE COUNTY COUNCIL
PLANNING DEPARTMENT

Planning Report



ABP-319218-24

Applicant:	Hudson Brothers Limited
Address:	Red Bog, Blessington, Co. Kildare
Development:	Continuance of Extraction
Development type:	Section 37L PDA

This report provides the view of the Planning Authority on the effects of the proposed development on the environment and proper planning and sustainable development of the area. Planning permission is sought under Section 37L of the Planning and Development Act 2000 (as amended) for continuance of use of an existing extraction facility. ABP Case number 319218-24 refers. The report is set out in four main sections as follows:

1. Description of Development and Background Information
2. Relevant Policy/Guidance provision
3. Planning Authority's view
4. Conclusion

1. Description of Development and Background Information

Planning permission is sought for the continuation and extension of quarrying activities, comprising of digging for sand and gravel and extraction of rock. The westerly extension is for the extraction of sand and gravel and rock. The northerly extension is for the extraction of sand and gravel only. Blasting is therefore confined to the west.

The site area holds the main pit extraction area of the quarry and a proposed northern extension (approximately 21.2 ha in total with an internal extraction area of approximately 17.7 ha) and a proposed western extension (approximately 10.2 ha in total with an internal extraction area of approximately 9.4 ha).

Extraction of sand and gravel (to the north and west) will involve the following:

- Continuing excavation of sand/gravel using excavators;
- Washing and screening of sand/gravel at the existing 'wet' aggregate processing plant (which has a water recirculation system) into stockpiles of specific fragment sizes; Loading of material onto trucks for sale and distribution;
- Passing of trucks through an existing wheel wash before travelling onto the N81.

Extraction of rock (to the west) will involve the following:

- Excavation of rock by drilling, blasting, digging and rock breaking;
- Mobile crushing and screening of rock into stockpiles of specific fragment sizes on the quarry floor;
- Loading of material onto truck for sale and distribution; and
- Passing of trucks through an existing wheel wash before travelling onto the N81.

Site location/context

The site is located north of the settlement of Blessington, and while close to the Kildare / Wicklow border, and part of a larger quarry, the specific site subject of this application is located wholly within Co. Kildare but accessed via and directly bordering Co. Wicklow. The site comprises an active extraction area / quarry face(s), processing plant, offices, welfare facilities, ancillary development such as wastewater and surface water treatment as well as greenfield agricultural property.

The site is accessed from four points; two to the N81 in Co. Wicklow to the east, one to the R410 to the west and one to a local road to the northeast. There is a network of internal private roads / tracks leading to the specific areas subject of this application. The main access is to the southeast, from the N81 in Co. Wicklow, along a long unsurfaced private road also utilised to access two other quarries not in the ownership or control of the Applicant. There is a gas transmission pipeline traversing the site in an area currently in agricultural use in the northwest of the site.

The main site office and weighbridge is situated southeast of the site on nearby property in Co. Wicklow near the main entrance point, while extraction related plant such as screening and crushing machines together with large stockpiles of material are primarily positioned in the southeast of the site itself. There are also a number of

items of mobile rock processing plant and machinery currently situated in the southwest of the site. An isolated pocket / island of land is left out of the overall site which comprises a HGV maintenance shed, welfare facilities and ancillary development which was recently granted retention planning permission, refer to planning history below.

The surrounding land uses comprise a mix mainly of agricultural and extraction land however there are also a number of dwellings situated in linear patterns to the west and northeast in particular. The site is immediately adjacent and sharing a property boundary with one dwelling at the west of the site. Glen Ding Woods, a local amenity area is situated to the southwest of the site. There are scattered 'gappy' lines of hedgerow and trees situated in the agricultural lands to the west and northeast of the existing quarry void, and there is little other vegetation within quarry void, with the exception of some colonising ground on the extremities of the existing active extraction area. There is a detached agricultural style shed situated in the northwest of the site which appears to be unused.

There are no watercourses on the site however two perched ponds were noted from which water is abstracted for use in processing gravel or spraying roads for dust suppression.

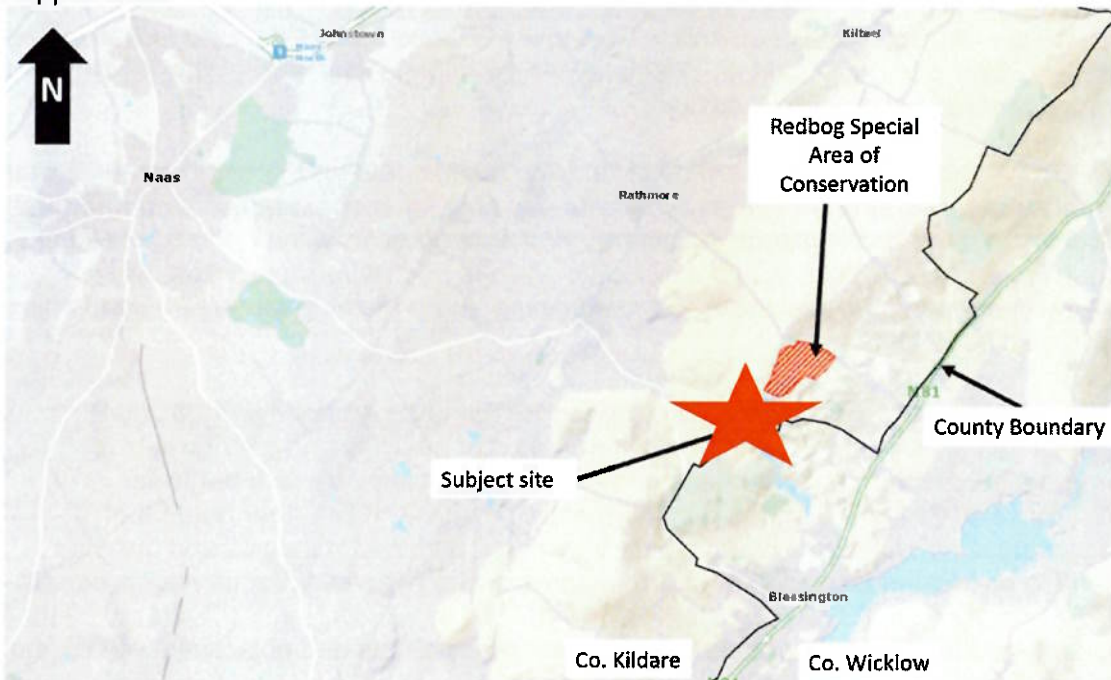


Figure 1: Site Location Map

Built/Natural Heritage

There are no built heritage features located within the site boundary. There is a record from the National Monuments Service Record of Monuments and Places approximately 200m west of the site which comprises a burial. The following description is provided on the record:

"In undulating pasture. Discovered in 1983 during topsoil-stripping for the construction of the Cork-Dublin natural gas pipeline. Most of a flat-based, bucket-shaped pot containing 'tiny fragments of burnt bone' was found standing upright in a pit of only very slightly larger volume and shape, which may originally have been sealed by a covering stone. While the paucity of the burnt bone led the excavator to caution against

interpreting it as a cinerary urn, the form of the vessel suggests a Late Bronze Age date."

An undesignated record from the Sites and Monuments Record is situated on the southwest boundary of the site and comprises a 285m length of mortared stone wall enclosing a former deer park.

2. Relevant Policy/Guidance Provisions

There are multiple National Policy Objectives relating to water, protected areas, cultural heritage landscape character, air quality and noise. The following is noted regarding extractive industry.

NPO23

Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

Regional and Spatial Economic Strategy for the Eastern and Midland Region

There are multiple Regional Policy Objectives relating to water, noise pollution, air quality, light pollution habitats directive and landscape character. The following is noted regarding extractive industry.

RPO 6.7: Support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bio economy, tourism, and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage.

Quarries and ancillary activities- Guidelines for Planning Authorities April 2004

These guidelines note the economic importance of quarries and the demand for aggregates arising from the needs of the construction industry with particular reference to house building and infrastructure provision. It is further noted that aggregates can only be worked where they occur and that many pits and quarries tend to be located within 25km of urban areas where most construction takes place.

Chapter 2 identifies appropriate development plan policies and objectives with regard to the development of quarries.

Chapter 3 identifies the potential environmental issues associated with the development of the extractive industry / quarries and recommends best practice / possible mitigation measures in respect of:

- Noise and vibration
- Dust deposition / air quality
- Water supplies and groundwater
- Natural heritage
- Landscape
- Traffic impact
- Cultural heritage
- Waste management

The Guidelines also recommend Environmental Management Systems (EMS) as a

quality assurance system to measure a company's operations against environmental performance indicators.

Chapter 4 refers to the assessment of planning applications and Environmental Impact Statements. It provides guidance on the information to accompany an application and the inclusion of possible planning conditions.

Chapter 5 refers to the implementation of the registration procedures set out in Section 261 of the Act.

Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA, 2006:

These guidelines are intended to complement existing national guidance and to be of assistance to operators, regulatory authorities, and the general public (They are also complemented by the 'Environmental Management in the Extractive Industry – Guidelines for Regulators'). The guidelines provide general advice and guidance in relation to environmental issues to practitioners involved in the regulation, planning, design, development, operation and restoration of quarry developments and ancillary facilities.

These environmental management guidelines also represent a summary of current environmental management practices for quarries and ancillary facilities (including manufacturing of concrete and bituminous mixes/asphalt products, and processing of dimension stone). They are based on a review of current environmental management practice in Ireland, the UK and Europe. Under each of the key environmental issues, good environmental practice is summarised together with recommendations for the use of environmental management systems (EMSs), and emission limit values (ELVs), where appropriate.

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

These guidelines coincide with the making of the European Union (Planning & Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) and the coming into operation of the Regulations on 1st September, 2018 in order to transpose the Directive into Irish law. The Guidelines replace *Guidelines for Planning Authorities and An Bord Pleanála on carrying out environmental impact assessment* issued by the DoECLG in 2013. The purpose of the guidelines is to give practical guidance on procedural issues and the EIA process arising from the requirements of Directive 2014/52/EU.

Kildare County Development Plan 2023-2029

The development plan supports the extractive industry and all developments must be carried out in a sustainable manner. It is stated that extractive industry can have damaging environmental effects and permission will only be granted where the council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and ground water safeguarded.

3. Planning Authority's view

The application area of approximately 64.0 ha. It is stated that the reserve at this quarry is greywacke rock, overlain by sand and gravel, currently worked to a maximum depth of 188 mOD. The rock reserve is traditionally excavated by blasting and mechanical means, primarily processed by mobile plant at the working face. It is submitted that blasting has not occurred in the period since 07/267 expired on 18 September 2020. Excavated material is transported to a centrally located existing administration and processing plant area over approximately 5 ha. that holds further processing plant (washing, screening, grading). This plant and processing area is an established part of the quarry area.

The principle of extending an existing quarry is supported in policy at all tiers, locally and nationally, however this is subject to environmental impacts such as noise, dust, landscape etc. Much of the extraction area has previously been permitted under reg. ref. 07/267 however that permission is expired and it is now proposed to continue extraction into that area as previously permitted, as well as two new sections of land to the west and north. Section 2.6 of Quarries and Ancillary Activities: Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government, 2004 states

"The development plan will indicate areas of high landscape quality, together with proposed geological Natural Heritage Areas, where quarrying will not normally be permitted. While Quaternary landscape features such as eskers and moraines comprise valuable sediments, they also represent non-renewable records of past climate and environmental change, and should be afforded some protection."

The site is located in the Eastern Uplands Landscape Character Area – a high sensitivity landscape area described as:

'Areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.'

The landscape and Visual (LVIA) chapter of the EIAR produced clear evidence of the likely potential for visibility of the site in a study area of 5km from the site. It identified little actual visibility is afforded due to intervening topography and vegetation in a landscape characterised by undulating ground levels and mature hedgerows and field boundaries.

The proposed development is to be carried out in a phased manner and dependant on the quality of materials encountered and also market demands.

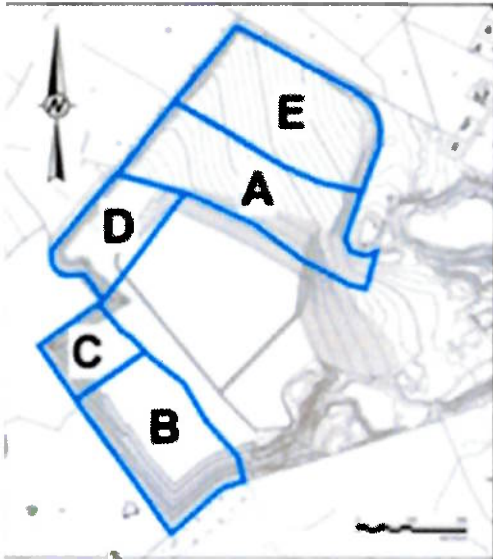


Figure 2: Phasing Map

Phase 1: Topsoil and overburden stripped.

It is proposed to maintain the existing fence along the length of the site boundary and to maintain native hedgerows that align this fence. In addition, new areas for extraction will be securely fenced around the perimeter and planted with native hedgerow species to provide screening.

A buffer area will be developed around the existing pond/surface water body located to the north of the main extraction area and east of the northern lateral extension. The area surrounding this waterbody will be planted and will extend 3-5 m surrounding the waterbody. The buffer will be composed of a wet woodland mix of willow and alder and the remainder of the buffer areas will be allowed to naturally colonise with aquatic and marginal plants. Topsoil and overburden stripped from the proposed extraction areas (Areas A, B, C, D & E as presented in Figure 1 above) will be removed and used to construct new existing safety/screening berms in appropriate locations to screen active working areas. A new 6 m safety/screening berm in the northeast of the lateral northern extension will be constructed to establish visual, safety and acoustic screening.

The security fence around the perimeter of the site (i.e. planning boundary) will be maintained, with a perimeter access track around the inside of the security fence and outside the screening berm.

Phase 2: Further rock and gravel extraction

During this phase of the development, it is proposed to continue to develop the quarry in Areas B, C and D to allow for blending of this valuable resource, with topsoil and overburden being striped ahead of the advancing faces. This phase will include a:

- 3D topographical survey and planning boundary of the site.
- 3m wide access track between planning boundary and outside edge of screening berm.
- 2m high screening berm with 1 in 1.5 slopes on either side.

- 1 in 2 excavation slope from edge of inside access track surface to base of overburden. 1 in 1.5 excavation slope from base of overburden to base of sand and gravel.
- 3m stand-off on rock-head (i.e. between base of sand and gravel slope and top of rock 'cut').
- 7.5m wide benches with edge protection.
- 70° slope from top of rock-head to bottom of quarry face (depending on ground conditions).
- Maximum 20m high benches where design and ground conditions allow.
- Safety berms/edge protection should be >1.5m or higher than the radius of the largest wheel/tyre.

Safety/screening berms will be constructed outside the appropriate exclusion zones. Boundary hedgerows will be developed and left intact for the life of the quarry (and in perpetuity to continue to provide biodiversity to the Site and the local environment). Berms and planting in this area will serve to mitigate against noise and potential dust emissions from the Site, as well as offer reduced visibility of the site from surrounding lands.

Phase 3: Further rock sand and gravel extraction

It is proposed that during this Phase of the development that ongoing production from Area B will take place for rock, and from Areas C, and Area E for sand and gravel. Extraction of rock will continue in Area B in a westerly direction to the site boundary, with extraction of sand and gravel continuing in Areas C but ceasing in Area D. Stripping of topsoil and overburden will continue in Area E, with stripped materials used in the construction of screening berms. Surplus stripped materials from Area E will be stored in temporary stockpiles for use in the restoration on cessation of quarrying. During this Phase of the operation, Area D will undergo restoration.

Having a number of different operating faces will allow for blending of materials of variable quality from different parts of the Site and help to ensure efficient use of this valuable resource. However, as noted previously, not all faces identified will be operational at any one time. During this phase of the operation, the quarry faces will be pushed back to their extraction limits.

Phase 4 – Restoration of the whole site

Following cessation of extraction, the site will be restored to a mixture of grassland, hedgerows, woodland and a waterbody. The site restoration will be carried out in line with the Site Restoration Plan (submitted with the Application).

It is expected that the final restoration will be completed in 3 years following the cessation of extraction activities. An additional waterbody will be located in the northern section of the main pit, following cessation of quarrying, which will also add to the biodiversity of the area. Water is trapped by clay/silt layers in the sand and gravel deposit in this region. Similar features exist throughout the landscape to the west and north of the site and also the Red Bog SAC. It is anticipated that this waterbody and the waterbody identified in Phase 1 will be of similar composition and complement each other in the restored landscape.

In addition, the site will undergo planting of grassland, native tree and shrub species. Indigenous plant species will be encouraged to re-colonize worked out areas (benches) to develop unique habitats and provide for increased biodiversity in the area.

A native wildflower and grassland mix will be planted on finished sand and gravel faces (not steeper than 1(V): 2.5(H)). All seed mixes will be agreed with the local authority in advance. Inter-mixed with the planting of native trees and scrubs, restoration surfaces will be seeded with native grasses and wildflowers to provide increased biodiversity. Areas for grassland restoration will be dressed with ca. 0.3 m of topsoil and re-seeded with a grass seed mixture, similar to that used on adjoining lands.

Vertical faces which remain along the southern and western part of the site will be maintained and enhanced to promote biodiversity. Upon decommissioning of the site, it is the Applicant's intention to reinstate the majority of the site back to agricultural use, with a waterbody in the mid-western part of the site. All plant, equipment and temporary structures shall be decommissioned and removed from the site.

The combined total of sand and gravel, and rock to be extracted in the proposed development is 8,708,900 m³ or ca. 13,218,200 t. Details of quantities of each resource are identified below.

Sand & Gravel - A volume of ca. 5,544,900 m³ or ca. 8,317,350 t (using a conversion factor of 1.5) of extractable sand and gravel material has been estimated for the Application Site using 3D modelling software, AutoCAD Civil 3D.

Rock - A volume of ca. 1,960,345 m³ or ca. 4,900,860 t (using a conversion factor of 2.5) of extractable rock above the water table has been estimated for the Application Site using 3D modelling software, AutoCAD Civil 3D.

A 5.5 day working week operating for 50 weeks a year and a production rate of ca. 12,796 tonnes per week for sand and gravel, and ca. 7,540 tonnes per week for rock, provides an estimated extraction tonnage of ca. 639,794 tonnes per year for sand and gravel, and ca. 376,989 tonnes per year for rock, giving an approximate annual extraction of ca. 1,016,483 tonnes and a life of operations of ca. 13 years (depending on market conditions). This 13 year life-of-quarry requirement is proposed over a period of 13 to 15 years to reflect the potential external market effects and volatility in the construction industry.

The restoration proposal is detailed in Chapter 11 of this EIAR. It is anticipated that restoration will require 24 months for plant and building removal, regrading and planting works and first planting season inspection. This two year requirement may actually occur over a period of 2 to 3 years to reflect the potential for slippage in that programme by reason of seasonality and weather/working conditions, and demolition and removal issues or plant failure.

The applicant is proposing similar hours of operation as permitted under planning reference 07/267. 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays. Loading and transporting of material is permitted from 07:00. There will be no associated activities undertaken on Sundays or public holidays.

Appropriate Assessment

A Natura Impact Statement has been submitted as part of the Section 37L application. The Habitats Directive (92/43/EEC), the transposing Irish legislation, the current body of related European and national case law, and guidance documents published by the European Commission, set out the current requirements relating to the preparation of an NIS, and the undertaking of screening for AA and Stage 2 AA by the competent authority in considering planning applications of this nature.

EIAR

The EIAR has been prepared in accordance with the 2014 EU directive as well as DECLG 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)' and other Irish guidance documents. It is submitted that where appropriate, environmental monitoring activities have been proposed for the operational and restoration phases. Monitoring is ongoing and will take place after the consent is granted for the proposed development to provide assurance that aspects of the design and management are functioning as intended and therefore not generating significant effects.

Whilst the environment must be protected, it is also important to ensure the availability of adequate supplies of aggregates and to facilitate the exploitation thereof to meet the future needs of the county and region in line with the principles of sustainable development and environmental management. Aggregate resources are important to the general economy with over 500 active quarries nationally in 2018, directly employing over 5,000 people. The industry provides a valuable source of employment in some areas of the county and the sector is vital to ensure provision of raw materials for the construction industry to facilitate the building of residential units, health care facilities, education facilities, social infrastructure and physical infrastructure to accommodate the existing and anticipated population growth in the county over the lifetime of the Plan and beyond.

The conditions of quarry after-use and rehabilitation frequently involves the restoration of quarries, as far as possible, to their original appearance. This may result in the loss of key features that may ironically, have some ecological benefit or rich biodiversity interest. For example, sand and gravel banks are sometimes used as nesting sites by sand martins; rock faces and cliff ledges can provide ideal nesting sites for ravens and peregrine falcons; their crevices have been known to provide nesting sites for jackdaws, kestrels, and barn owls. Duck species and waders (such as snipe and lapwing) have been known to frequent the ponds and wetlands at quarry sites.

Some of these species are of high or medium conservation concern being listed as red or amber (Birds of Conservation Concern Ireland/International Union for the Conservation of Nature). Orchids and other wildflowers have colonized exposed areas while colonizing scrub vegetation provides a sanctuary for other birdlife and mammals. Therefore, in developing any after-use strategy and/or restoration plan, there will be a requirement to prepare a detailed survey and assessment of the intrinsic ecological character first (by an appropriate ecologist), identifying the range and location of key species of flora and fauna on site. The rehabilitation plan should work around these habitats and species in a process known as Rehabilitation Ecology. Ideally, the final restoration plan will provide for a mosaic of habitats, including, for example, cliff/sand or gravel banks, ponds, wetlands, open meadow (appropriately seeded), naturally recolonizing scrubland and planted woodland (i.e., saplings of native tree species). The interface of habitats will provide for a rich biodiversity network. Where obvious scarring and visual impact off-site is evident, infilling and backfilling may be desirable however rather than reverting to agricultural grasslands, in such instances it is recommended that the lands be given over to specific biodiversity and ecological benefit with, for example, wildflower meadows and native woodland planting. It should be noted that the importation of any materials for the purpose of restoration requires planning permission, similarly where planning permission is required for any proposed after-uses same should be obtained.

In order to achieve this, specific targets need to be established. It is a requirement, that quarry remediation plans provide for environmental benefit, biodiversity, and

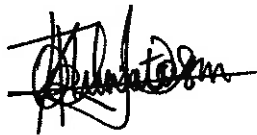
rewilding in all instances. The 80% requirement for environmental/biodiversity may be waived at sites closer to urban areas where a significant portion of the site is being provided for sports, recreation and amenity uses.

4. Conclusion

The remit of any Planning Authority is to balance the needs of economic activity in the County with environmental and social considerations. As set out previously, the Kildare County Development Plan 2023 - 2029, as well as policy at national and regional levels, all support the principle of such mineral extraction and processing proposals subject to environmental protection.

The proposed development comprises continuing the operation of and extension of quarrying activities including extraction of sand, gravel and rock, processing of extracted material on the site and storage of overburden for future restoration of the site.

Therefore, 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 full implementation of the mitigations within the EIAR, 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.



Kehinde Oluwatosin
Senior Executive Planner
19/04/2024

