

Validation Checklist

Lodgement Number : **LDG-076573-24**
Case Number : **ABP-321387-24**
Customer: **Kilsaran Concrete Unlimited Company**
Lodgement Date: **04/12/2024 15:55:00**
Validation Officer: **Sinead White**
PA Name: **Kildare County Council**
PA Reg Ref: **2460265 *Digital File**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Appeal**



An
Bord
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm PA Case Link	Confirmed-Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
3rd Party Acknowledgement	Not Applicable
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

- BP62B to Appellant
- BP63B to PA

Run at: 06/12/2024 10:23

Run by: Sinead White



Appeal

From Sinead White <sinead.white@abpleanala.onmicrosoft.com>

Date Fri 12/6/2024 11:15 AM

To Appeals <Appeals@kildarecoco.ie>

Cc Daniel O'Connor <danieloconnor@pleanala.ie>

Chara,

The Board received an appeal on 4 December 2024, from a 1st party against a condition in relation to your reference; 2460265.

Please note our reference is; APB-321387-24

In order for the Board to validate this appeal, can you please confirm the following;

Your date of decision

Full Development Description

If an EIAR was submitted with the planning application at any stage?

If an NIS was submitted with this planning application at any stage?

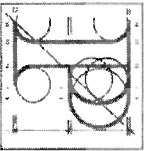
If this planning application is for an LRD (Large Residential Development) or if is for a Normal Planning Application?

Many thanks,

Sinead White

Lodgement Cover Sheet - LDG-076573-24

ABR - 321387-24



An Bord Pleanála

Details

Lodgement Date	04/12/2024
Customer	Kilsaran Concrete Unlimited Company
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-076573-24
Map ID	
Created By	Shirley Connolly
Physical Items Included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	2460265

Categorisation

Lodgement Type	Appeal
Section	Processing

PA Name	Kildare County Council
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Paid	220.00
Refund Amount	

Observation/Objection Allowed?	
Payment	PMT-059737-24
Related Payment Details Record	PD-059596-24

DD - 020340 - 24

DD: 07 | Nov | 24

LD: 04 | Dec | 24

Appeal

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Lodgement Deadline	
Development Description	
Development Address	

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

AN BORD PLEANÁLA
LDG- 076573-24
ABP- _____
04 DEC 2024
Fee: € 220 Type: CHQ
Time: 15.53 By: HAND

4th December 2024

[By hand]

Dear Sir/Madam,

Re: Kildare County Council Reg. Ref. 24/60265
An increase in the total permitted intake of soil and stone and broken rock to the existing licensed soil recovery facility at Halverstown, Kilcullen, Co. Kildare

First Party Appeal of Financial Contribution Condition

Introduction

We (Kilsaran Concrete Unlimited Company) recently received a *Notification of Decision to Grant Permission* from Kildare County Council (dated 7th November 2024) in respect of the development described above. This is a First Party Appeal of Financial Contribution Condition No. 37 of this decision.

This appeal is being made by Kilsaran Concrete Unlimited Company with an address at Piercetown, Dunboyne, Co. Meath, A86 W820. Please find enclosed payment of €220, being the appropriate appeal fee (Class A8 fee) for a First Party Appeal under section 48 and section 49 of the Planning and Development Act (as amended). A copy of the Notification of Decision to Grant Permission is provided in Appendix A.

Appeals are permitted against special contribution conditions imposed by a planning authority and appeals are also permitted where an applicant or developer considers that the

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terms of a Development or Supplementary Development Contribution Scheme were not properly applied.

In such cases, where there is no other appeal against the decision of the planning authority, the Board can only deal with the matter under appeal and the planning authority shall make the grant of permission notwithstanding the appeal to the Board provided that the person taking the appeal furnishes to the planning authority security for payment of the full amount of the contribution or special contribution, as appropriate.

Kildare County Council Development Contribution Scheme 2023-2029

Kildare County Council adopted the *Development Contribution Scheme 2023-2029* on the 19th December 2022. Section 5.2 of this document relates to special development contributions and states as follows (emphasis added):

'A special development contribution may be imposed under Section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only development that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.'

The grounds of appeal and the reasons/considerations on which these are based, are set out below. The Board is requested to consider this appeal under the provisions set out in the Act.

Planning Reg. Ref. 24/60265 (Rationale for Planning Application)

Planning permission was granted by Kildare County Council for the current operation (Planning Ref: 18/453) in December 2018. Since that time, the level of demand for recovery capacity generated by ongoing construction and development activity in the surrounding region has been such that the rate of soil waste intake at Halverstown has been at or close to the maximum permitted rate of 300,000 tonnes per annum in 2021 and 2022. In view of the

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existing sustained high level of demand for soil waste recovery capacity at the Halverstown facility, the existing backfilling and restoration scheme has been reviewed in order to optimise soil waste intake and recovery capacity at the existing facility and a revised development scheme prepared to support this project.

The planning application and accompanying Environmental Impact Assessment Report (EIAR) were submitted to Kildare County Council by Kilsaran Concrete Unlimited Company in relation to:

- (i) an increase in the total permitted intake of soil and stone and broken rock from 1.2 million tonnes to 2.06 million tonnes and
- (ii) an extension to the life of the existing facility of 3 years (to December 2029) in order to accommodate the additional soil and stone intake at the existing licensed soil recovery facility at Halverstown, Kilcullen, Co. Kildare.

Appeal of Condition No. 37 (Special Contribution)

Condition No. 37 of the Notification of Decision to Grant Permission states as follows:

37. The Developer shall make a special contribution of **€250,000.00** to the Planning Authority. This contribution is in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022 and in accordance with Section 48 (2)(c) of the Planning and Development Act 2000 as amended. The value of the road safety measures is made of the following components:

- (a) **€100,000.00** towards the cost of upgrading the nearby Thompson Cross Regional Road Junction which is currently being examined by the KCC Project Team and where additional HGV traffic will be generated by the current development (24-60265).
- (b) **€150,000.00** towards the future maintenance of approach roads and local road junctions in the area of the development by the Kildare Newbridge Municipal District Office.

Reason: In the interest of traffic safety.

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37(a)

Part (a) of the condition requires the payment of €100,000 towards the cost of upgrading the nearby Thompson Cross Regional Road Junction which is currently being examined by the KCC Project Team.

We note the inclusion on the public file of a document entitled 'KCC Junction Improvement Programme – Phase 1B Thompson Cross – Feasibility and Options Report' dated 8th May 2024. The introduction to the Report states as follows:

'Kildare County Council (KCC) have appointed Clandillon Civil Consulting to progress the development of five junction improvement schemes in Co. Kildare. This report is interested in considering the feasibility and options associated with improvements to Thompson Cross. Thompson Cross is located on the R448 west of Kilcullen where the R448 forms a junction with a with R418. The L6080 also forms a junction with the R448 a short distance north such that the junction arrangement is that if a right-left staggered junction. The location of Thompson Cross is illustrated in Figure 1 below.'



Figure 1 Thompson Cross Location Map

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The Report further states that: *'The proposed scheme will provide a safer junction arrangement and should result in a significant reduction in accidents at this location.'*

Five options have been developed for the scheme. A breakdown of cost estimates for each of the six options is provided in Table 5. These estimates range from €914,000 to €1,823,111 (extract provided as Table 5 below).

Table 5: Option Comparison Cost Estimate

Item	Description	Level 2 Estimate					
		Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
1	Estimated Construction Cost Incl. VAT	1,227,125	867,114	1,604,363	1,762,382	1,466,945	1,322,678
2	Main Contract Supervision (Active Travel)	12,322	12,322	12,322	12,322	12,322	12,322
6	Land and Property	8,957	5,129	14,734	18,860	16,736	8,018
7	Planning and Design	29,546	29,546	29,546	29,546	29,546	29,546
TOTAL		1,277,950	914,112	1,600,965	1,823,111	1,525,549	1,372,564

There is no evidence that any progress has been made with the Thompson Cross project since the publication of the feasibility report in May 2024. The project is still very much in the early stages of consideration by Kildare County Council. Given that no contract award has been made it is entirely unreasonable that the Applicant should be required to bear the cost of €100,000 towards the construction of an up-grade scheme with an indeterminate cost that may never actually happen. The imposition of this condition is inconsistent with the Kildare County Council Development Contribution Scheme 2023-2029 which states that *'a special development contribution may be imposed under Section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services.'* Consequently, we request that the Board delete Condition 37(a).

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37(b)

Part (b) of the condition requires the payment of €150,000 towards the future maintenance of approach roads and local road junctions in the area.

The recommendation from the Municipal District Office states that:

'The applicant shall make a special development contribution levy to the Kildare Newbridge Municipal District Office of €150,000 to go towards the future maintenance of roads serving the development. The Applicant is looking to increase the intake to the development from 1.2 million tonnes to 2.06 million tonnes, an increase of 860,000 tonnes. The maximum weight laden of a four-axle rigid truck with twin tyres and road friendly suspension is 32 tonnes. This would lead to an increase of 26,875 additional truck journeys on the roads around this development. Given the high level of additional traffic generated as a result of this development and the period of 3 years sought to complete the additional soil and stone intake to the site.'

The assessment set out above provides no basis for the calculation of a €150,000 financial contribution. It is entirely unclear as to how the amount has been calculated. The works described relate to *'the future maintenance of roads serving the development'*. The permission being sought is temporary in nature (an additional 3 no. years) and it is respectfully submitted that the deterioration in road quality associated with truck movements from the site over that period will not amount to €150,000.

Furthermore, there are no specific, exceptional costs being incurred by the local authority in this instance as the works constitute routine maintenance and consequently Condition 37(b) is inconsistent with the terms of the *Development Contribution Scheme 2023-2029*. In addition, the proposed condition is also inconsistent with Section 48(12)(b) of the Planning and Development Act (as amended) which sets out a refund mechanism where specified works are either not commenced or not completed within a defined period of time. Given that the works are non-specific in nature there is no way to determine if they have been commenced within 5 years of the date of payment to the authority of the contribution.

Condition no. 39 seeks the payment of €89,100 and this is consistent with the terms of the Scheme. This amount represents the fair and equitable financial contribution for the

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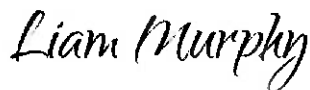
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development towards the delivery of public infrastructure and facilities within Kildare County Council. Seeking the Applicant to pay an additional charge for ongoing road maintenance works amounts to double taxation. We ask that the Board delete Condition 37(b).

Conclusion

As Condition no. 37 of the grant of permission is inconsistent with the terms of the *Kildare County Council Development Contribution Scheme 2023-2029* we request that the Board delete the condition in its entirety.

Yours sincerely,



Liam Murphy

Senior Project Planning Manager

For and on behalf of Kilsaran Concrete Unlimited Company.

Liam.Murphy@kilsaran.ie

Piercetown, Dunboyne, Co. Meath, A86 W820

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**Appendix A Copy of Planning Permission
Kildare County Council Reg. Ref. 24/60265**

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Piercetown, Dunboyne, Co. Meath, Ireland, A86 W520.
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Comhairle Contae Chill Dara
Kildare County Council



Date: 07/11/2024
Pl. Ref.: 24/60265

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

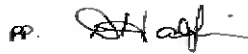
Notification of a decision under Section 34 of the Planning & Development Act 2000 (as amended)

Planning Register Number: 24/60265
Application Received Date: 28/03/2024
Further Information Received Date: 13/09/2024

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 07/11/2024 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:- for (i) an increase in the total permitted intake of soil and stone and broken rock to the existing licensed soil recovery facility at Halverstown, Kilcullen, Co. Kildare (Planning Ref: 18/453), from 1.2 million tonnes to 2.06 million tonnes and (ii) an extension to the life of the existing facility of 3 years (to December 2029) in order to accommodate the additional soil and stone intake. These works, which are required to implement a revised backfilling and restoration scheme for the former sand and gravel pit will also provide for (i) continued shared use of existing, co-located site facilities, structures and infrastructure (including the site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access road); (ii) continued soil and stone intake at a rate of up to 300,000 tonnes per annum, of which no more than 95,000 tonnes (per annum) will be managed as waste; (iii) continued separation of any construction and demolition waste (principally concrete, metal, timber, PVC pipework and plastic) inadvertently imported to the facility, prior to removal off-site to authorised waste disposal or recovery facilities; (iv) continued use of a section of the existing concrete block curing shed as a waste inspection and quarantine facility; (v) continued environmental monitoring of noise, dust and groundwater for the duration of the site recovery and restoration activities and for a short period thereafter (and in accordance with current EPA waste licence requirements); (vi) continued temporary stockpiling of topsoil pending its re-use as cover material for final restoration of the site; and (vii) ultimate restoration of the modified final landform to native woodland and grassland habitats. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of this Planning Application. The proposed development requires a waste licence review from the Environmental Protection Agency at **Halverstown Townland, Kilcullen Co. Kildare R56 DD21** subject to **39 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: 07/11/2024



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 5th September, 2011)
 - i. Appeal by 1st 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 1st party relating to commercial development (no retention element in application) - €1,500 or €3,000 if an EIAR or NIS involved.
 - iii. Appeal by 1st party non-commercial development where the application included the retention of development - €660
 - iv. Appeal by 1st 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 (i) an increase in the total permitted intake of soil and stone and broken rock to the existing licensed soil recovery facility at Halverstown, Kilcullen, Co. Kildare (Planning Ref: 18/453), from 1.2 million tonnes to 2.06 million tonnes and (ii) an extension to the life of the existing facility of 3 years (to December 2029) in order to accommodate the additional soil and stone intake. These works, which are required to implement a revised backfilling and restoration scheme for the former sand and gravel pit will also provide for (i) continued shared use of existing, co-located site facilities, structures and infrastructure (including the site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access road); (ii) continued soil and stone intake at a rate of up to 300,000 tonnes per annum, of which no more than 95,000 tonnes (per annum) will be managed as waste; (iii) continued separation of any construction and demolition waste (principally concrete, metal, timber, PVC pipework and plastic) inadvertently imported to the facility, prior to removal off-site to authorised waste disposal or recovery facilities; (iv) continued use of a section of the existing concrete block curing shed as a waste inspection and quarantine facility; (v) continued environmental monitoring of noise, dust and groundwater for the duration of the site recovery and restoration activities and for a short period thereafter (and in accordance with current EPA waste licence requirements); (vi) continued temporary stockpiling of topsoil pending its re-use as cover material for final restoration of the site; and (vii) ultimate restoration of the modified final landform to native woodland and grassland habitats. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of this Planning Application. The proposed development requires a waste licence review from the Environmental Protection Agency at Halverstown, Townland, Kilcullen, Co. Kildare – Kilsaran Concrete Unlimited Company
- 24/60265

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 the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and if constructed in accordance with the attached conditions, the proposed development would accord with the proper planning and sustainable development of the area.

Schedule 2 – Conditions to apply.

1. The proposed development shall be carried out in accordance with documentation and particulars lodged with the Planning Authority on 28/03/2024 and as revised by further information received on 13/09/2024, except where altered or amended by conditions in this permission.

Reason: In the interest of proper planning and to ensure that the development shall be in accordance with the permission granted

2. This permission authorises the development as described in the public notices only.

Reason: In the interest of clarity.

3. The development shall be carried out, completed and maintained in accordance with undertakings for measures to mitigate its impacts as outlined in the Environmental Impact Assessment Report received by the Planning Authority on 28/03/2024 and Further Information received on 13/09/2024 except where altered or amended by conditions in this permission.

Reason: To minimise any adverse environmental impacts resulting from the development and in the interest of proper planning and sustainable development.

4. The Applicant shall comply with all conditions of the current Waste Licence issued by the Environmental Protection Agency (EPA) for the importation of waste into the site.

Reason: To prevent pollution and in the interest of proper planning and sustainable development.

5. (a) All non-waste/by product greenfield soil and stone accepted at the site shall comply with the current EPA National By-Product Criteria for Greenfield Soil and Stone that can be regarded as a By Product under Regulation 27 of the European Union (Waste Directive) Regulation 2011, as amended.

(b) Only the following waste types:

- 17 05 04 Soil and Stones other than those mentioned in 17 05 03,
- 17 05 06 Dredging spoil other than those mentioned in 17 05 05 and
- 20 02 02 Soil and stone are permitted at the site.

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

6. All hauliers importing waste to the facility shall hold a valid waste collection permit in accordance with the Waste Management (Collection Permit) Regulations 2007, as amended.

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

7. The Applicant shall ensure that all Air Mitigation Measures specified in Table 8.13 and Sections 8.138 – 8.147 of the Environmental Impact Assessment Report, written by SLR Consulting, received by the Planning Authority on 28/03/2024 and 13/09/2024 shall be implemented.

Reason: In the interest of public health and the use of best practice guidelines to avoid pollution.

8. The Applicant/Developer shall retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant throughout the life of the construction works. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed in line with the agreed landscape proposals. The Practical Completion Certificate to be submitted by the Developer.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in the interests of biodiversity, amenity and climate action and in accordance with the relevant green infrastructure, landscape and environmental policies.

9. The Applicant shall retain the services of a qualified Arborist as an Arboricultural consultant, for the entire period of construction activity. The Applicant shall inform the Planning Authority of that appointment in **writing prior to commencement of development**. Please note the following:

- All recommendations pertaining to tree retention, tree protection and tree works as detailed in the Arboricultural Method Statement and Tree Protection Plan in the submitted tree report shall be implemented to ensure the protection of trees and hedgerows on the site.
- All tree felling, surgery and remedial works shall be completed prior to the completion of construction works on site.
- All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations.
- The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1 March – 31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.
- The Arborist shall carry out a post-construction tree survey and assessment of the condition of the retained trees and hedgerows. A Completion Certificate shall be signed off by the Arborist when all permitted development works are completed and in line with the recommendations of the tree reports and plans. The certificate shall be submitted to the Parks Section of Kildare County Council for written agreement upon completion of construction works on site.

Reason: To ensure the retention, protection and sustainability of trees/hedgerows during and after construction of the permitted development.

10. The Developer shall engage a suitably qualified Archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks and/or the implementation of agreed preservation in-situ measures associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No sub-surface works shall be undertaken in the absence of the Archaeologist without their express consent.

Reason: In the interest of archaeological heritage.

11. (a) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the Department of Housing, Local Government and Heritage, regarding appropriate mitigation (preservation in situ/excavation).

(b) The Developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the Developer.

(c) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the Planning Authority shall be furnished with a Final Archaeological Report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the Developer.

Reason: In the interest of archaeological heritage.

12. (a) In terms of ecology, all mitigation measures outlined in Chapter 5 of the EIAR shall be completed in full.
(b) All measures contained in the Invasive Species Management Plan shall be completed in full.
(c) Root protection zone shall be fenced with notices erected to avoid machinery of any kind entering the area.

Reason: In the interest of ecological protection.

13. A report prepared by the Landscape Architect/Arborist shall be submitted and shall contain photographic evidence of fixed (non-movable) tree protection fencing in place in locations as per the Tree Protection Plan and confirmation from the Landscape Architect that all existing trees and hedgerows identified to be retained are retained and protected **prior to development commencement**.

Reason: To ensure the retention, protection and sustainability of trees/hedgerows during and after construction of the permitted development.

14. **Prior to commencement of development**, the Developer shall obtain the written agreement of the Planning Authority for the following works on the Regional Road R448:

- (a) Refreshment of Road Markings to include Right Turning Lane, additional SLOW on approaches, and continuous white overtaking line.
- (b) Anti-skid surfacing for 100 metres, centred about the junction to the site from the main road, i.e., for 50 metres on each approach to the junction and to include the approach to the right turning lane.
- (c) 100 mm depth of Hot Rolled Asphalt for the full width of the widened road, approximately 9.5 metres wide for 75 metres, and for the recessed Bell Mouth Shaped area at the entrance gate.
- (d) Detailed proposals for the Public Lighting for 200 metres on either side of the approach, i.e., over a 400 metres length.)
- (e) Advance Warning and other Signage along frontage to be setback and made Passively Safe.
- (f) The Developer to revise the drawings accordingly.

Reason: In the interest of Road Safety.

15. **Prior to commencement of Development**, the Developer shall submit a Road Safety Assessment (RSA) Stage 2, by an independent and qualified Road Safety Auditor, on the R448 approaches and internal development. In the Stage 2 RSA, the Developer shall also consider and mitigate the effects of right turning lane.

Prior to use of the increased landfill area, the Developer shall carry out a Stage 3 RSA and complete remedial works.

Reason: In the interest of Road Safety.

16. Prior to use of the new landfill area, the Developer shall ensure the completed construction of the following works along the R448: a refreshed right turning lane, public lighting, passively safe signage, drainage, anti-skid, Hot Rolled Asphalt resurfacing, vehicle containment around lamp standards and all associated works.

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

Reason: In the interest of Road Safety.

17. Where works are being carried out by the Developer's contractor on the Public Road, all works involving the opening of roads or footpaths shall be carried out under a Road Opening Licence submitted to the relevant Municipal District Area Office through the MRL system to ensure the following items are assessed:

- (a) Contractor's experience and competency to conduct such works.
- (b) Compliance with the Guidelines for Managing Openings in Public Roads (The Purple book, 2017 edition).
- (c) Compliance with Chapter 8 of Traffic Management Guidelines including a general assessment of traffic impacts within the local area.
- (d) Relevant Insurance's to carry out such works.

Reason: To improve Road Safety.

18. The Developer shall ensure that the hedgerow, at the main road fence line, is kept free from obstruction and maintained by the Occupant, so as not to impede lines of sight at the vehicular entrance as provided in accordance Transport Infrastructure Ireland (TII) Documents (DN-GEO-03031 and DN-GEO-03060).

Reason: In the interest of Road Safety.

19. No spoil, dirt, debris or other materials shall be deposited on the public road or verge by machinery or vehicles travelling to or from the development site during the landfill operational phase. The Applicant shall arrange for vehicles leaving the site to be kept clean.

Reason: In the interest of traffic safety.

20. The Developer shall ensure that there is no interference with land drainage and that no surface water runoff from the site discharges onto the public road. Changes at the entrance and along the Regional Road Frontage shall be designed and shaped to ensure an uninterrupted flow of road-side drainage.

Reason: In the interest of proper drainage facilities and traffic safety.

21. (a) **Prior to commencement of development**, the Developer shall submit a design for the public lighting. The public lighting design shall be submitted to and approved in writing by the Planning Authority (Public Lighting Engineers Office). The proposed lighting system shall comply with the requirements set out in Kildare County Council's Street Lighting Technical Specification.

(b) The Developer shall ensure that the lamp standards are positioned: at the back of the fence line at least two metres from the edge of the carriageway; and at least five metres from trees.

(c) The Developer shall note that it may be a requirement to adjust the aiming of streetlights or to fit appropriate additional louvers, to deal with remaining glare issues that may arise for road users/ nearby residents/ rural habitat and may only become apparent when the installation is commissioned.

(d) The Developer shall ensure that the approved, separate external and internal, lighting system is installed, prior to use of the development.

Reason: In the interests of properly planned and serviced development, and in the interest of public safety.

22. All contaminated surface water from the proposed development, run off from the wheel wash and from the carpark area shall pass through adequately sized and sited grit traps, petrol/oil interceptors before being discharged to an adequately sized soakpit(s) or surface water system.

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

23. Perimeter drainage channels shall be installed around the backfilled areas when the restoration works have ceased.

Reason: In the interest to ensure proper development and avoid run off from site.

24. All overground oil and 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. No pipework shall pass through the bunded area.

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

25. The total dust emission arising from the proposed development shall not exceed 350 milligrams per metre squared per day, averaged over a continuous period of 30 days, when measured as deposition of insoluble particulate matter at any position along the boundary of the site.

Reason: In the interest of public health, and the use of best practice guidelines to avoid nuisance.

26. A Dust Survey of the site operations shall be carried out bi-annually by a competent Environmental Consultant in accordance with a plan shall be agreed in writing with the Planning Authority **prior to commencement of operations**. The Dust Assessment Reports shall be submitted to the Planning Authority on a bi-annual basis.

Reason: In the interest of public health, and the use of best practice guidelines to avoid nuisance.

27. The Applicant shall ensure that all Noise Mitigation Measures specified in Sections 10.92 and 10.93 of the Environmental Impact Report, written by SLR Consulting, received by the Planning Authority on the 28/03/2024 and 13/09/2024 shall be implemented in full.

Reason: In the interest of public health and the use of best practice guidelines to avoid pollution.

28. Noise from the proposed development shall not give rise to sound pressure levels (LAeq 15 minutes) measured at noise sensitive locations which exceed the following limits:

(a) 55 dB(A) between the hours of 08:00 and 18:00 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time, and

(b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.

(c) The site development works shall be confined to the hours of 07:00 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturdays. No site development works shall take place outside of these hours, or on Sundays or Public Holidays. Any alterations to these times shall be subject to the prior written consent of the Planning Authority.

Reason: To ensure the use of best practice guidelines and to avoid nuisance.

29. Noise Monitoring of the site operations shall be carried out bi-annually by a competent Environmental Consultant in accordance with a plan to be agreed in writing with the Planning Authority **prior to commencement of operations**. The Noise Monitoring Reports shall be submitted to the Planning Authority on a bi-annual basis.

Reason: In the interest of public health, and the use of best practice guidelines to avoid nuisance.

30. The Applicant shall ensure that all Surface Water and Groundwater Mitigation Measures outlined in Sections 7.167 – 7.171 of the Environmental Impact Assessment Report written by SLR Consulting, received on the 28/03/2024 and 13/09/2024 shall be implemented.

Reason: In the interest of public health and the use of best practice guidelines to avoid pollution.

31. Groundwater Monitoring shall be carried out at the site bi-annually by a competent Environmental Consultant in accordance with a plan to be agreed in writing with the Planning Authority **prior to commencement of operations**. The Ground Monitoring Reports shall be submitted to the Planning Authority on a bi-annual basis.

Reason: In the interest of public health, and the use of best practice guidelines to avoid nuisance.

32. The Applicant shall ensure that all Land, Soil and Geology Mitigation Measures outlined in Sections 6.92 – 6.96 of the Environmental Impact Assessment Report written by SLR Consulting, received on the 28/03/2024 and 13/09/2024 shall be implemented.

Reason: In the interest of proper planning.

33. No emissions, including odours, from the activities carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the site boundary or any other legitimate uses of the environment beyond the site boundary.

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

34. The Applicant shall provide a closed loop wheel wash system to the satisfaction of Kildare County Council. The wheel wash system shall be desludged on a regular basis by an authorised collector and the material removed to an authorised facility for recovery/disposal.

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

35. A suction sweeper shall be used where necessary to remove any material deposited by vehicles entering or leaving the facility.

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

36. The Applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the Applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann **prior to any works commencing**.

Reason: To provide adequate water and wastewater facilities.

37. The Developer shall make a special contribution of **€250,000.00** to the Planning Authority. This contribution is in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022 and in accordance with Section 48 (2)(c) of the Planning and Development Act 2000 as amended. The value of the road safety measures is made of the following components:

(a) **€100,000.00** towards the cost of upgrading the nearby Thompson Cross Regional Road Junction which is currently being examined by the KCC Project Team and where additional HGV traffic will be generated by the current development (24-60265).

(b) **€150,000.00** towards the future maintenance of approach roads and local road junctions in the area of the development by the Kildare Newbridge Municipal District Office.

Reason: In the interest of traffic safety.

38. 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.

39. The Applicant/Developer to pay to Kildare County Council the sum of **€89,100.00** 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.

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/AllServices/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.

