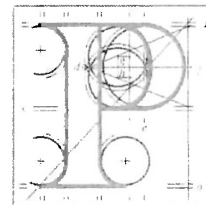


Our Case Number: ABP-321387-24

Planning Authority Reference Number: 2460265



An
Bord
Pleanála

Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
W91 X77F

Date: 21 January 2025

Re: Increase in the intake of materials to the existing licensed soil recovery facility and an extension to the life of the existing facility of 3 years (to December 2029). Environmental Impact Assessment Report and Natura Impact Statement received with application. The proposed development requires a waste licence review from the Environmental Protection Agency.
Halverstown Townland, Kilcullen, Co. Kildare

Dear Sir / Madam,

An Bord Pleanála has asked me to refer to the documents already received from you in relation to the above-mentioned appeal.

To enable consideration of the appeal to proceed, the following further documentation relevant to the application and to your decision is required:-

- Hard copy of history file 18453

Would you be good enough to have these documents forwarded by return of post please.

In relation to "history" documents relating to a grant of permission, please include details of the final grant.

Yours faithfully,

Dillon Colgan

Ian Kelly
Administrative Assistant
Direct Line: 01-8737216

BP10

Tel	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhride	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

DEVELOPMENT CONTRIBUTIONS - File Ref. 24/60265 - Kilsaran Concrete Unlimited Co.
Development at Halverstown, Kilcullen, Co. Kildare.

Soil recovery Facility (Extension of 3 years)

Rate Bands	Description	Rate per ha	Miscellaneous Rate €15,000 per ha	Area Considered for contribution	Contribution
8.2.3	Land Fillin/Reclamation	€15,000.00	18		€270,000.00
					33% of 270,000.00
				Development Contributions Applicable	€89,100.00

Development contribution applied in accordance with Sec.8.2.3 Land Filling of
€15,0000 per hectare & 10.1 Temporary permission Development Contribution
applied at 33% of current rate.

Signed: Ciara Pierce
Date: 7th November, 2024

Comhairle Contae Chill Dara
Kildare County Council



Date: 22nd January 2025
Our ref: 24/60265
ABP Ref: 321387-24

Planning Department

Registered Post

An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

AN BORD PLEANÁLA

LDG- _____

ABP- _____

23 JAN 2025

Fee: € _____ Type: _____

Time: 10:47 By: reg post

Re: Re: 24/60265 – Kilsaran Concrete Unlimited Company

Planning Permission will consist of (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.

Dear Sir/Madam,

I refer to your letter on 21st January 2025 in connection with the above and I attach herewith copies of the following for your information and attention:

- Hard copy of development contribution calculations

Comhairle Contae Chill Dara
Kildare County Council



Please note that all of the above documents are forwarded to you in compliance with section 128 and section 37(1) (b) of the Planning & Development Act 2000.

Yours faithfully,

pp E. Mulread

Senior Executive Officer

Comhairle Contae Chill Dara
Kildare County Council



Date: 22nd January 2025
Our ref: 24/60265
ABP Ref: 321387-24

Planning Department

Ian Kelly
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

AN BORD PLEANÁLA
LDG- _____
ABP- _____
23 JAN 2025
Fee: € _____ Type: _____
Time: 10:45 By: Reg Post

Re: PI. Ref 24/60265 – Kilsaran Concrete Unlimited Company

Planning Permission will consist of (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.

Dear Sir/Madam,

I refer to your letter in relation to the above planning reference and I attach herewith copies of the following documents as requested.

Comhairle Contae Chill Dara
Kildare County Council



Pl. Ref. 18/453 – Application Form, Site Layout, Planners Report, Decision & Chief Executive Order.

If you require any further information, please do not hesitate to contact the Planning Department on 045 980845.

Yours faithfully,


Senior Executive Officer

KILDARE COUNTY COUNCIL
PLANNING APPLICATION FORM



(Form No. 2 of the Planning and Development Regulations 2015)
Planning Department, Áras Chill Dara, Devoy Park, Naas, Co. Kildare.
Tel: 045-980840 Fax: 045-980845
E-mail: plandept@kildarecoco.ie Website: www.kildarecoco.ie

**BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING:
ALL INFORMATION SUBMITTED WITH A PLANNING APPLICATION WILL BE AVAILABLE
TO VIEW ON THE PUBLIC FILE AND ON THE COUNCIL'S WEBSITE**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to your application form.

Additional Information

It should be noted that the Kildare County Development Plan 2011-2017 sets out local development policies and objectives for County Kildare. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form (Rural Housing Policy – additional form).

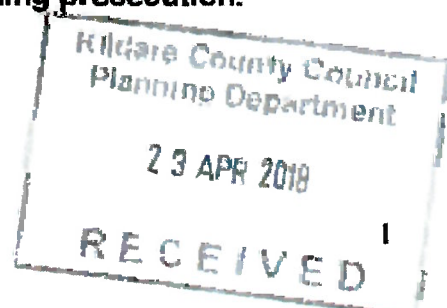
Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact Kildare County Council to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

Other Statutory Codes

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Arts, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

Data Protection

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Acts 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.



1. Name of Relevant Planning Authority:

KILDARE COUNTY COUNCIL

2. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)

H alverstown, Ki lullen, C o. Kildare

Ordnance Survey Map Ref No (and the Grid Reference where available)¹

KE028-15

ITM GridRef . 682515E 7 05300N

3. Type of planning permission (please tick appropriate box):

☒ **Permission**

☐ **Permission for retention**

☐ **Outline Permission**

☐ **Permission consequent on Grant of Outline Permission**

4. Where planning permission is consequent on grant of outline permission: **N/A**

Outline Permission Register Reference Number: _____

Date of Grant of Outline Permission: ____/____/____



5. Applicant² : (not agent acting on his/her behalf)

Name:

Kilsaran Concrete (trading as Kilsaran Build)

Address must be supplied at the end of this form (Question 24)

6. Where Applicant is a Company (registered under the Companies Acts):

Name(s) of company director(s)

Dermot McKeown, E. D. McKeown, T. D. McCartney, T. F. McCarthy, M. J. Curran,

David P. McKeown, Derry P. McKeown, Roy McKeown, Tom Tevlin

Registered Address (of company) Piercetown, Dunboyne, County Meath

Company Registration Number 23927

7. Person/Agent acting on behalf of the Applicant (if any): Peter Kinghan (SLR Consulting)

Address to be supplied at the end of this form (Question 25)

8. Person responsible for preparation of Drawings and Plans³ :

Name Peter Kinghan

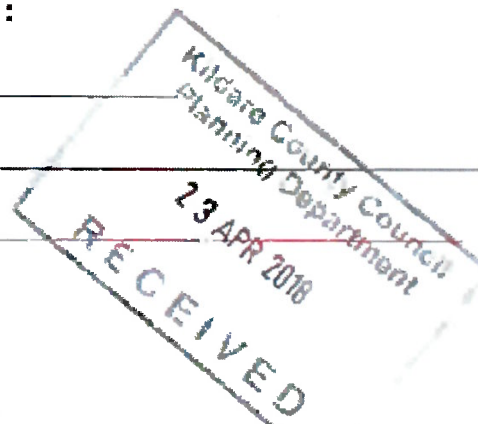
Firm/Company SLR Consulting Ireland

9. Description of Proposed Development:

Brief description of nature and extent of development⁴

The development, within an application area of 17.5 Ha., will comprise:

- (i) Establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials, principally excess soil, stone and/or broken rock to backfill the pit void to former ground level and improve lands currently in agricultural use. The development will be carried out on a phased basis and will be completed within 8 years;
- (ii) Shared use, with the existing Kilsaran concrete manufacturing and waste facilities, of existing site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access,
- (iii) Use of section of existing concrete block curing shed as a waste inspection and quarantine facility; and
- (iv) Temporary stockpiling of topsoil pending re-use as cover material for final restoration of the site.



10. Legal Interest of Applicant in the Land or Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier <input type="checkbox"/>
	C. Other <input type="checkbox"/>	

Where legal interest is 'Other', please expand further on your interest in the land or structure

If you are not the legal owner, please state the name of the owner. The owner's address must be supplied at the end of this form (Question 26) and a letter of consent from the owner to make the application must be supplied as listed in the accompanying documentation

11. Site Area:

Area of site to which the application relates in hectares	17.5 Ha.
---	----------

12. Where the application relates to a building or buildings:

Gross floor space of any existing building(s) in m² : 1,420 m² (refer to Planning Drawings)

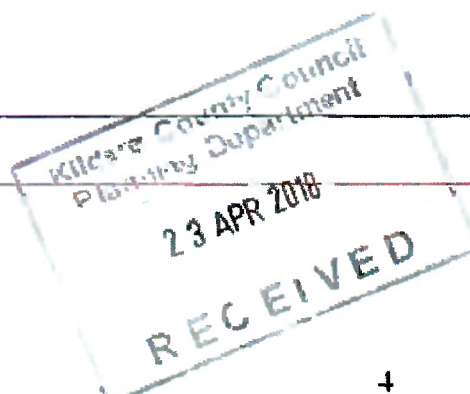
Gross floor space of proposed works in m² : N/A

Gross floor space of work to be retained in m² (if appropriate): N/A

Gross floor space of any demolition in m² (if appropriate) : N/A

13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development: N/A

Class of Development	Gross floor area in m ²



14. In the case of residential development please provide breakdown of residential mix: N/A

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses							
Apartments							
Number of car-parking spaces to be provided						Total	

15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use ⁶ (or previous use where retention permission is sought)	Current use is sand and gravel pit (non-operational), permitted inert waste recovery facility and agricultural lands.
Proposed use (or use it is proposed to retain)	Inert waste recovery facility
Nature and extent of any such proposed use (or use it is proposed to retain)	Use of imported approximately 1,200,000 tonnes of imported inert natural materials, principally excess soil, stones and/or broken rock to fill and restore a disturbed landform created by previous extraction of sand and gravel and to improve lands currently in agricultural use.

16. Social and Affordable Housing N/A

tick appropriate box	Yes	No
Is the application an application for permission for development to which Part V of the Planning and Development Act 2000-2015 applies?		
If the answer to the above question is "yes" and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act including, for example (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and (ii) details of the calculations and methodology for calculating values of land,		



<p>site costs, normal construction and development costs and profit on those costs and other related costs such as appropriate share of any common development works as required to comply with the provisions in Part V of the Act.</p> <p>If the answer to the above question is "yes" but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000-2015, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p> <p>If the answer to the above question is "no" by virtue of section 96(13) of the Planning and Development Act 2000-2015, details indicating the basis on which section 96(13) is considered to apply to the development should be submitted</p>		
---	--	--

17. Development Details

tick appropriate box	Yes	No
Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?		X
Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?		X
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994 ¹⁰		X
Does the application relate to work within or close to a European Site (under S.I. No.94 of 1997) or a Natural Heritage Area?		X
Does the proposed development require the preparation of an Environmental Impact Statement?	X	
Does the application relate to a development which comprises or is for the purposes of an activity requiring an		X

Kildare County Council
Planning Department
23 APR 2018
RECEIVED

Integrated pollution prevention and control licence?		
Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?	X	
Do the Major Accident Regulations apply to the proposed development?		X
Does the application relate to a development in a Strategic Development Zone?		X
Does the proposed development involve the demolition of any structure?		X

18. Site History

Details regarding site history (if known)

Has the site in question ever, to your knowledge, been flooded? Yes ☐ No ☒

If yes, please give details e.g. year, extent. _____

Are you aware of previous uses of the site e.g. dumping or quarrying? Yes ☒ No ☐

If yes, please give details. The lands were previously used for sand and gravel extraction; There is an existing waste permit and planning permission in place for an inert waste recovery facility for part of the lands (WP Ref. No. WFP KE 16 0085 01 and Plan File Ref. No. 15/189).

Are you aware of any valid planning applications previously made in respect of this land/structure?

Yes ☒ No ☐

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

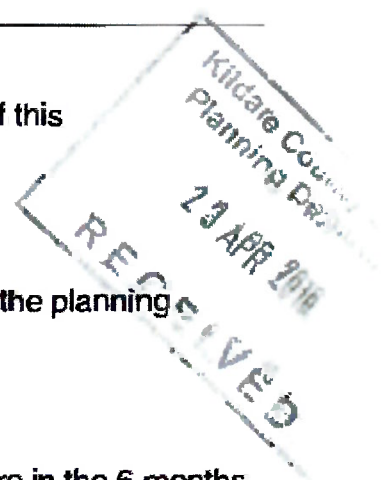
Reference No.: **15/189** Date: **16/03/2015**

If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001 as amended.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development?

Yes ☐ No ☒ An Bord Pleanála Reference No.: _____

(Note: The Appeal must be determined or withdrawn before another similar application can be made).



19. Pre-application Consultation

Has a pre-application consultation taken place in relation to the proposed development?

Yes ☒ No ☐

If yes, please give details: _____

Reference No. (if any): PT3710

Date(s) of consultation: 4th July 2017

Persons involved: Kildare Co Co : Fiona Breen; Ciara Sherry; Hilary Malin
Kilsaran : Fergus Gallagher
SL R: Peter Kinghan

20. Services

Proposed Source of Water Supply

Existing connection ☒ New connection ☐

Public Mains ☐ Group Water Scheme ☐ Private Well ☒

Other (please specify): _____

Name of Group Water Scheme (where applicable) _____

Proposed Wastewater Management/Treatment

Existing ☒ New ☐

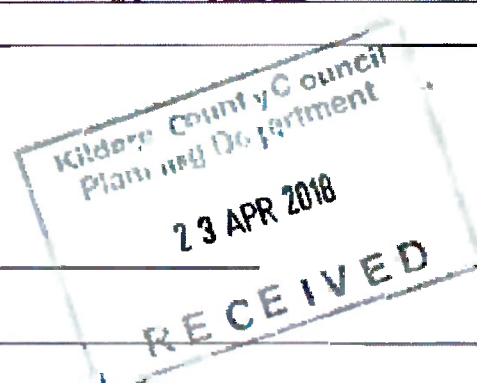
Public Sewer ☐ Conventional septic tank system ☒

Other on-site treatment system ☐ Please specify _____

Proposed Surface Water Disposal

Public Sewer/Drain ☐ Soakpit ☐

Watercourse ☐ Other ☐ Please specify Natural percolation to ground



21. Details of Public Notice

Approved newspaper ¹⁵ in which notice was published	The Leinster Leader
Date of publication	10 th April 2018
Date on which site notice was erected	12 th April 2018

22. Application Fee

Fee Payable	€8,750
Basis of Calculation	17.5 hectares @ €50/0.1 ha (Class 6b)

23. Declaration

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000-2015, and the Regulations made there under:

Peter Kughan
Signed
(Applicant or Agent as appropriate)

Date: 23rd April 2018



• **THIS FORM SHOULD BE ACCOMPANIED BY THE FOLLOWING DOCUMENTATION:**

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

A. ALL Planning Applications

- 1 original application form
- 1 original and 5 copies of relevant page of newspaper that contains notice of your application
- 6 copies of the site notice
- 6 copies of site location map¹⁶
- 6 copies of site or layout plan¹⁶⁺¹⁷
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections – except in the case of outline permission)
- The appropriate Planning Fee

B. Where the applicant is not the legal owner of the land or structure in question:

- The written consent of the owner to make the application

C. Where the application is for residential development that is subject to Part V of the 2000 Act:

Details of the manner in which it is proposed to comply with section 96 of Part V of the Act including, for example

(i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and

(ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as appropriate share of any common development works as required to comply with the provisions in Part V of the Act.

Or

A certificate of exemption from the requirements of Part V

Or

A copy of the application submitted for a certificate of exemption.

D. Where the application is for residential development that is not subject to Part V of the 2000 Act by virtue of section 96(13) of the Act:

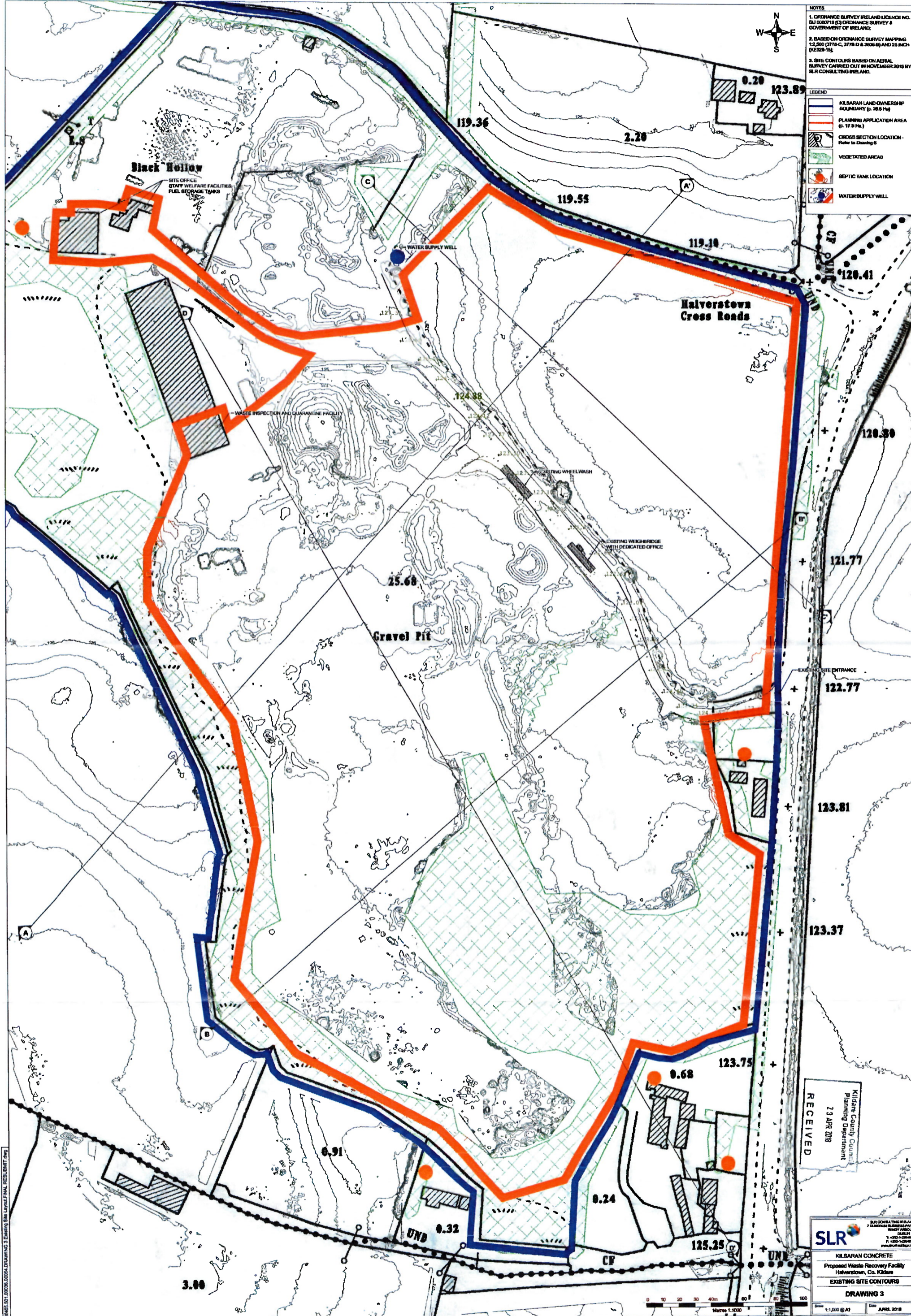
- ☐ Information setting out the basis on which section 96(13) is considered to apply to the development.

E. Where the disposal of wastewater for the proposed development is other than to a public sewer:

- ☐ Information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed

F. Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):

- ☐ Photographs, plans and other particulars necessary to show how the development would affect the character of the structure.



NOTES
1. ORDNANCE SURVEY IRELAND LICENCE NO. BU 000718 (C) ORDNANCE SURVEY & GOVERNMENT OF IRELAND;
2. BASED ON ORDNANCE SURVEY MAPS 12,500 (3776-C, 3778-D & 3836-B) AND 25 INCH (K1229-15);
3. SITE CONTOURS BASED ON AERIAL SURVEY CARRIED OUT IN NOVEMBER 2016 BY SLR CONSULTING IRELAND.

- LEGEND
- KILSARAN LAND OWNERSHIP BOUNDARY (c. 26.5 Ha)
 - PLANNING APPLICATION AREA (c. 17.5 Ha)
 - CROSS SECTION LOCATION - Refer to Drawing 6
 - VEGETATED AREA
 - SEPTIC TANK LOCATION
 - WATER SUPPLY WELL

RECEIVED
Kildare County Council
Planning Department
23 APR 2018

SLR
KILSARAN CONCRETE
Proposed Waste Recovery Facility
Halverstown, Co. Kildare
EXISTING SITE CONTOURS
DRAWING 3
Scale: 1:1,000 @ A1 Date: APRIL 2018

26/10

Grant
28/10.

KILDARE COUNTY COUNCIL
PLANNING DEPARTMENT

Planning Report No.2



Pl. Ref. No: 18/453

Name of Applicant	Kilsaran Concrete t/a Kilsaran Build
Address of Development	Halverstown, Kilcullen Co. Kildare
Type of Permission:	Permission
Type of Development:	Inert Soil Waste Recovery Facility, ancillary infrastructure and associated site works. The application is accompanied by an Environmental Impact Assessment Report (EIAR)
Due Date	28/10/18

Further Information.

I refer to the Planner's Report, dated 14/06/18, which recommended that the applicant be requested to submit Further Information. The following further information was requested;

1. The Planning Authority notes from the development description of the proposal, as provided in the submitted planning application form and public notices, that the proposed development seeks *"the establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials"*, with the development proposed to *"be carried out on a phased basis and will be completed within 8 years"*. On the basis of the development description provided in this application, the Planning Authority has regard to the classes of infrastructure developments for the purposes of Sections 37A and 37B of the Planning and Development Act 2000, as amended, as prescribed in the Seventh Schedule of the Act. Under those infrastructure developments classified under *'Environmental Infrastructure'* of the Seventh Schedule of the Act, development comprising of an *"installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes"* is specified.

Having regard to the function and use of the proposed development, the proposed volume of inert waste materials to be imported onto the site for recovery and the envisaged operational timeframe of the proposed development, the Planning Authority is of the opinion that the proposed development constitutes a class of development specified in the Seventh Schedule of the Planning and Development Act 2000, as amended. As a result, it is considered that the applicant should have entered into consultations with An Bord Pleanála in respect of the proposed development under Section 37B of the Planning and Development Act 2000, as amended, as advised by the Planning Authority at the pre-planning consultation held on 04/07/2017 (and as referenced above in Section 8 of this report). Subsequent to any such consultations with the Board under Section 37B of the Act, the applicant should have received written notice from the Board stating its opinion as to whether or not the proposed development would fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act and whether or not the proposed development might constitute Strategic Infrastructure Development (SID). In this regard, it is noted that a prospective applicant is precluded from making an application for permission for a class of development specified in the Seventh Schedule of the Act to a Planning Authority in the absence of written notice from the Board stating its opinion that the proposed development does not fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act.

Accordingly, given the opinion of the Planning Authority that the proposed development constitutes a class of development specified in the Seventh Schedule of the Planning and Development Act 2000, as amended, the applicant is requested to comment on this opinion and provide a rationale for the making of an application for permission for the proposed development to the Planning Authority in the absence of any documented written notice from An Bord Pleanála stating its opinion that the proposed development does not fall within one of more of paragraphs (a) to (c) of Section 37A(2) of the Act and therefore does not constitute Strategic Infrastructure Development (SID).

Response:

The applicant contends that the proposed development does not fall into a class of development specified in the Seventh Schedule of the Planning and Development Act 2000 as amended nor meet the required thresholds of Section 37A(2) and cannot therefore be considered to be Strategic Infrastructure Development. The applicant states that the principle activity of the proposed development is to establish an inert soil waste recovery facility to provide for the importation of natural inert waste material to backfill the pit void to former ground levels and to restore site use to natural grassland. The restoration of the former sand and gravel pit is deemed to constitute inert waste recovery for the purposes of land improvement or restoration. The proposal provides for the direct use of imported soil and stone without further processing, whereas the infrastructure specified in the Seventh Schedule Planning and Development Act 2000 as amended applies to developments

where further processing of waste material is required. Furthermore Section 37A(2) of the Planning and Development Act 2000 as amended requires that a development if carried out would satisfy one or more of the following;

- (a) The development would be of strategic economic or social importance to the State or the region in which it would be situate,*
- (b) The development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would situate.*
- (c) The development would have a significant effect on the area of more than one Planning Authority.*

The proposed development it is stated does not satisfy the requirements outlined above.

The applicant also cites a number of examples where developments were deemed to be Strategic Infrastructure Developments by An Bord Pleanala, all of which differ in terms of scale of tonnage per annum, processing involved and waste types to that proposed.

Furthermore the applicant cites examples of similar developments assessed and approved by Planning Authorities, including a decision of Kildare County Council, Planning Ref 16/526. The development is similar to the proposed development and was determined by Kildare County Council without being deemed Strategic Infrastructure Development. The decision was appealed to An Bord Pleanala, who also assessed and determined the application without deeming it Strategic Infrastructure Development. The applicant contends that the same principles are also applicable in this instance and that an established precedent for this type and scale of development being assessed by Kildare County Council therefore exists.

Assessment:

The applicant's contention that the proposed development is not considered to be Strategic Infrastructure Development and the rationale upon which that opinion is based is noted by the Planning Authority. It is considered that the proposed development does not satisfy the criteria as set out in Section 37A(2) and therefore the Planning Authority of Kildare County Council is considered to be the competent authority to determine the this planning proposal.

2. (a) The submitted Environmental Impact Assessment Report (EIAR) refers to the presence of Japanese Knot weed on site but does not provide any Management Plan for this invasive species. Accordingly, the applicant is requested to submit a site specific Management Plan to address the removal of Japanese Knot weed from the subject site. Any such Management Plan shall be prepared by a professional who has experience in dealing with invasive species.

(b) The applicant is requested to provide details as to how imported natural inert waste materials will be managed to avoid the introduction of invasive species. Details of bio-security measures to avoid the introduction of invasive species should be provided as well as details of how soil found to be contaminated will be managed and any other necessary bio-security measures required to prevent the spread of invasive species.

Response:

A Site Management Plan was received on 03/09/18, produced by Knotwood Control Ireland, specialists in invasive species control. The Plan outlines the treatment measures required to eradicate the presence of Japanese Knotweed currently present on site together with appropriate bio-security measures required to prevent the spread of invasive species.

Assessment:

The Site Management Plan was received by the Heritage Officer, who has no objection to the proposed development subject to condition. The response to item no 2 is considered adequate.

3. The applicant is requested to undertake and submit the results of a Road Safety Assessment for the approaches to the site entrance along the R448 and for the internal road network of the site.
4. The applicant is requested to provide a swept path analysis for development and for haul routes adjacent to car parking and work zones.
5. The applicant is to confirm with measurements that the lines of sight at the entrance to the site will be provided and which should be strictly in accordance with the Design Manual for Roads and Bridges. This should include measures to prevent vegetation from interfering with visibility splays, particularly along the verge of the R448.
6. The applicant is requested to demonstrate how it is proposed to keep the access road from the wheel wash to the entrance clean. The deposition of mud or other debris is prohibited on the roads outside the site. Such deposits made lead to internal road safety issues and could also be a dust nuisance for local residents.
7. The applicant is requested to provide details of the public lighting necessary for safe access, egress and working activities as planned hours of operation on the site include some hours of darkness, during winter- time.

Response:

A report compiled by Trafficwise Ltd, stated engineering specialists in traffic and transportation planning and geometric road design on behalf of the applicant, and was received on 03/09/18 in response to items no 3 through 7 of the FI request.

Assessment:

The report, prepared by Trafficwise Ltd was reviewed by the Transportation Department in relation to items 3,4,5,6 & 7 of the FI request. The Transportation Department have no objection to the proposed development subject to condition.

8. The applicant is requested to submit details to limit light leakage at the edges of the development into what is a rural area with wildlife and to submit details to limit potential glare from flood lights onto adjacent roads and households.

Response:

The applicant indicates that no further lighting is proposed, in addition to that which already exists on the site. The existing lighting is concentrated around the staff welfare facilities, weighbridge and to the quarantine area and are located away from the site boundary. The light is required to ensure a safe working environment during hours of darkness. The mobile plant on site will provide their work area illumination of their work space. The site is screened by way of mature vegetation along the perimeter boundary. As such there is no potential glare impact onto adjacent roads or households.

Assessment:

Given that no lighting is proposed beyond that which already exists on site, the location of the existing lighting and the site screening it is considered that there will be no potential glare impact onto adjacent roads or households and no increased impact on the rural area or the wildlife therein, as a result of the proposed development. It is considered that the response to item no 8 is sufficient.

9. Receptors R1, R2, R3 and R32, as identified in the submitted EIAR, are in close proximity to the proposed site. The applicant is requested to clarify why a reduction of -10 dB (A) has been assumed for R1, R2, R3 and R32 for partial screening in the noise impact assessment documented in Chapter 10 of the submitted EIAR.
10. Paragraph 10.60 of the submitted EIAR states that all noise sources will be active 20% of the time at the application site. The applicant is requested to clarify how the site will only be active 20% of the time when there will be 59 no. HGV trips a day. (Time to drive in, deposit load, drive back out of site could take up to 5 minutes). Also it is necessary to take into account the time taken for machinery spreading the waste at the proposed site.
11. The applicant is requested to submit amended noise impact assessment results taking into account clarifications relating to Further Information request item nos. 9 and 10, if applicable.

Response:

The applicant indicates that a reduction of -10dB (A) has been assumed for R1, R2, R3 & R32 as there is no direct view from the receptors to the site. Dense vegetation surrounding the receptors and partial banks / berms / pit faces are situated between the site and the receptors. A number of the residential houses are further screened by other buildings such as agricultural sheds and outhouses. There is also attenuation path difference arising between the noise source and receptors.

The applicant indicates that 59 trips a day are assumed for the entire site. The noise assessment has been carried out for the closest activity location to the receptor ie worst-case scenario. It is indicated that it is unlikely that all 59 loads in one day will be deposited in the same location at the boundary at the closest distance to the receptors. On that basis it is assumed that only 20% of the daily activity will be carried out at the location closest to the receptors.

The applicant indicates that in light of the response to items no 9 & 10 an amended noise impact assessment is not warranted and considers that the information already submitted in the EIAR is reasonable and accurate in assessing the potential noise impacts of the proposed development.

Assessment:

The applicant has put forward a rationalisation for the assessment of noise generated from the proposed development and in particular the items raised in the further information request. The response to items number 9, 10 & 11 has been reviewed by the Environment Section, who subject to conditions have no objection to the proposed development. It is therefore considered that these items have been adequately addressed.

12. The applicant is requested to submit certification from a competent person with a recognised technical qualification and accredited with the FAS National Certificate Training Programme in Site Suitability Assessments for On-Site Wastewater Treatment Systems and that a copy of their professional indemnity insurance shall also be submitted, that the hydraulic and biological loading generated by the proposed development can be catered for in the existing septic tank system and percolation area. Design details and calculations shall be included as part of the report.

Please note that if the existing system requires upgrading to achieve compliance with the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" then a fully completed 'Site Characterisation Form for an On-Site Wastewater Treatment System' shall be submitted. A "Site Characterisation Form for an On-Site Wastewater Treatment System" shall be completed in full and signed by a competent person with a recognised technical qualification accredited with the FAS National Certificate Training Programme in Site Suitability for On-Site Wastewater Treatment Systems and that a copy of their professional indemnity insurance shall also be submitted. The Site Characterisation Form shall be completed

in accordance with the requirements of the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)".

If a proprietary wastewater treatment system is proposed, then a Site Suitability Report, prepared by the manufacturers/suppliers of the Irish Agrément Board approved wastewater treatment system, shall be submitted. The Site Suitability Report shall be based on a site visit by the manufacturers/suppliers of the wastewater treatment system, and on a fully completed Site Characterisation Form for an on-site wastewater treatment system. The design and location of the wastewater treatment system and polishing filter shall be indicated clearly on a Site Layout Plan all in accordance with the requirements of the EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)".

Response:

A copy of a certification report produced by Trinity Green Environmental Consultants in relation to the existing Wastewater Treatment System was received on 03/09/18. The report indicates that the on-site wastewater treatment system has more than sufficient capacity to cater for the proposed development.

Assessment:

It is noted that the proposed development only proposes the addition of 1 staff member. The report produced by Trinity Green Environmental Consultants indicates that the existing septic tank on site has a capacity of 4.32m³ and is more than adequate to cater for the additional loading. The report also states that there is no evidence of any malfunction of the percolation area or indeed the septic tank. The response to item number 12 has been reviewed by the Environment Section, who subject to conditions have no objection to the proposed development.

13. The applicant is requested to indicate on a Site Layout Plan (1:500 scale) the exact location of any septic tanks/wastewater treatment systems and wells on or adjoining the site and the extent of all streams/ditches that are on, bordering, or adjacent to the site.

Response:

The applicant indicates that a revised site layout plan indicating the required information has been submitted with the further information response.

Assessment:

It is considered that the response to item no 13 is adequate.

14. The Planning Authority notes an apparent discrepancy on the submitted 'Existing and Proposed Cross Sections' drawing (Drawing No. 6) in respect of Section A-A¹, wherein the existing and proposed ground levels are identical. Accordingly, the applicant is requested to submit a revised cross section drawing in respect of Section A-A¹ which

addresses this discrepancy and accurately depicts the existing and proposed ground levels for this section.

Response:

A revised existing and proposed cross sectional drawing in respect of section A-A has been received, with corrected existing and proposed ground levels.

Assessment:

It is considered that the revised drawing accurately indicates proposed and existing ground levels and therefore the response to item no 14 is adequate.

Natural Heritage – Impact of Further Information

The previous AA screening report concluded that, having regard to the regard to the location of the development and the proximity of the nearest SAC site, it is not considered that it would have potential significant affects on the Natura 2000 Network. This conclusion remains applicable following consideration of the response to Further Information.

Development Contributions.

Stated Inert Soil Waste Recovery Facility site area 17.5 Ha

Conclusion:

Having assessed the application submitted in conjunction with; the internal reports of Kildare County Council and the policies outlined in the Kildare County Development Plan 2017-2023 it is considered reasonable in this instance to permit the proposed development subject to conditions.

Recommendation

It is therefore recommended to **grant permission** subject to the conditions set out below.

Schedule 1: Main Reasons and Considerations;

Having regard to the Kildare County Development Plan 2017 – 2023, the nature, extent and design of the development, the character of adjoining development, it is considered that subject to compliance with the conditions attached, the development would not seriously injure the amenities of the area or of property in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

Schedule 2: Conditions

1 The development shall be carried out in accordance with documentation and particulars received by the Planning Authority on 23/04/2018, and Further Information received on 03/09/2018 except where altered or amended by conditions in this permission. ✓

Reason: To enable the Planning Authority to check the proposed development when completed, by reference to approved particulars.

2 ✖ This permission authorises the importation and recovery of inert natural materials as set out in Section 2.8 of the Environmental Impact Assessment Report received by the Planning Authority on 23/04/18, to restore disturbed lands created by previous extraction of sand and gravel and does not authorise a waste recycling facility.

Reason: In the interest of clarity and in the interest of the proper planning and sustainable development of the area.

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 23/04/18 and Further Information received on 03/09/2018 except where altered or amended by conditions in this permission. ✓

Reason: To enable the Planning Authority to check the proposed development when completed, by reference to approved particulars and to restrict and minimise any adverse environmental impacts resulting from the development.

4 All importation and recovery of inert natural material operations on the site shall cease 8 years from the date of the final grant of planning permission. All plant and machinery shall be removed from the site within 6 months from that date unless, prior to that date planning permission shall have been granted for the continuance of use.

Reason: To limit the impact of the development on the amenities of the area and in the interest of the proper planning and sustainable development of the area.

5 The hours of operation on site shall be 08.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 13.00 hours on Saturdays. No activities or maintenance shall be permitted outside of the above stated hours or on Sundays, Bank or Public Holidays.

Reason: To limit the impact of the development on the residential and rural amenities of this rural area and in the interest of the proper planning and sustainable development of the area.

- 6 w a) Prior to commencement of development the Developer shall submit for the written agreement of the Planning Authority, design details to demonstrate that the existing percolation area can cater for the hydraulic and biological loading generated by the proposed development. ✓
- u3 b) Where the percolation area is found to be incapable of cater with the additional loading, a percolation area shall be designed and constructed in accordance with the EPA Code of Practice "Wastewater Treatment and Disposal Systems serving Single Houses".

Reason: In the interest of public health and in order to avoid pollution.

7 The developer shall apply for and obtain a Waste Licence from the Environmental Protection Agency prior to waste activities commencing on site.

Reason: To prevent pollution and in the interest of public health.

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

Reason: To prevent pollution and in the interest of public health.

9 ~~Noise Control~~

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

- (i) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive
(excluding bank holidays)
- (ii) 45 dB(A) at any other time.

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

Note: *Noise sensitive location:

Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

Reason: To prevent pollution and in the interest of residential amenity.

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

b) Applicant shall use "Best Practicable Means" to prevent/minimise noise and dust emissions during the operational phase of the development, through the provision and proper maintenance, use and operation of all machinery all to the satisfaction of the Planning Authority.

Reason: To prevent pollution and in the interest of public health.

11 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 100% 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 off-take points shall be located within the bunded area(s).

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

12 The existing 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: To prevent pollution and in the interest of public health.

13 Prior to commencement of development the Developer shall ensure a Pest Control Management Plan is devised and implemented by a competent pest control company. A copy of the Pest Control Management Plan shall be submitted to the Planning Authority.

Reason: In the interest of public health.

14 Prior to commencement of development the Developer shall establish a complaints line to ensure that residential complaints or queries are dealt with in an efficient manner. All complaints shall be documented and a record maintained.

Reason: In the interest residential amenity.

15 Prior to commencement of development, the Developer shall provide advance warning signs as outlined in section 2.1.1.5 of the report of Trafficwise, traffic & transportation solutions received by the Planning Authority on 03/09/18. The combined warning signs of "works entrance" ahead with the "speed limit" shall be erected at the approach to the development, from both the north and the south, along the R448. The exact location shall be agreed with the Municipal District Engineer prior to their erection and written confirmation of such agreement shall be submitted to the Planning Authority

Reason: In the interests of traffic safety

16 Prior to commencement of development the Developer shall carry out works to the front boundary, namely the cutting back of the existing hedgerow to the south of the existing entrance and cutting and maintenance of the existing verge to the north of the existing entrance, to allow sufficient sightlines to be achieved as indicated in Section 4.1.2 of the report of Trafficwise traffic & transportation solutions received by the Planning Authority on 03/09/18.

Reason: In the interest of traffic safety.

17 The sight visibility line shall be kept free from obstruction and shall be maintained by the occupant, so as not to impede lines of sight at the entrance; as provided in accordance with the Design Manual for Roads and Bridges document (TD 41-42/09)

Reason: In the interest of traffic safety.

18 No queuing of delivery trucks shall take place on the R448 and provision shall be made for queuing of vehicles within the subject site.

Reason: In the interest of traffic safety.

19 a) The applicant shall maintain a wheel-wash facility for all trucks exiting the site.

b) 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. A special bond of €10,000 shall be paid to Kildare County Council to ensure satisfactory compliance with this condition.

Reason: In the interest of traffic safety and ensuring no muck/dirt is deposited onto the R448 during periods of wet weather.

20 a) Existing land and road side drainage shall not be impaired; changes at the entrance shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage.

b) No surface water runoff from the site shall be discharged onto the public road. As the existing entrance falls towards the public road, run off shall be collected either gullies or precast concrete drainage channels and discharged to suitably sized soak holes located within the site boundary.

c) Only ^cclean, uncontaminated surface water shall be discharge to adequately sized soakpits(s) or surface water system.

d) Applicant shall be responsible for the proper design, construction and maintenance of all surface water drains installed as part of the proposed development including soakways.

Reason: To prevent interference with existing roadside drainage in the interest of public health, to avoid pollution and in the interest of the proper planning and sustainable development of the area.

21 When the proposed development is completed the site shall be used for agricultural related and amenity purposes only, and not for any commercial, industrial, or other non agricultural use, without the benefit of a separate planning permission.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

22 Landscaping to be carried out in accordance with 'landscape and restoration plan drawing 5' as received by the Planning Authority on 23/04/18. Native hedgerows and tree species to be used in areas indicated for woodland planting and all capping soil shall conform to BS 3382:2007- the British Standard for topsoil.

Reason: In the interest of ecological improvement, visual amenity and in the interest of the proper planning and sustainable development of the area.

Note to Admin: Development Contribution €15,000 / Ha or part thereof. Site Area – 17.5 Ha.
--


John O' Hara
Assistant Planner

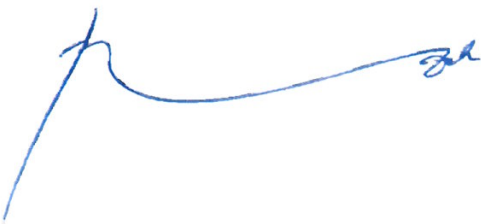
25/10/18
Date


Liam McGree
Senior Planner

25/10/18
Date

Attached

Appendix A - Environmental Impact Assessment



25th October 2018

Written Statement of Decision Maker (Chief Executive)

It is noted that the Environmental Impact Assessment (EIA) carried out by the Assistant Planner dated 25/10/18 and approved by the Senior Planner, has been carried out giving full consideration to the Environmental Impact Assessment Report (EIAR) and all plans and other particulars received by the Planning Authority on the 23/04/18 and further information received on 03/09/18, all County Council internal department reports, and all submissions and observations received from prescribed bodies in relation to the environmental effects of the proposed development.

It is considered that the EIAR received on the 23/04/18 and further information received on 03/09/18 does adequately assess the likely significant environmental effects of the proposed development and thereby does comply with the requirements of Article 5(1) of EIA Directive 2014/52/EU and the potential impacts on

- Population and Human Health;
- Biodiversity;
- Water, air and climate;
- Material assets and landscape
- The discharge of surface water;
- The capacity of the existing road network to accommodate further HGV movements in the locality, and;
- The assessment of cumulative impacts arising from the proposed development.

The EIAR submitted with this application is deemed to adequately describe the direct and indirect effects on the environment of the proposed development and a thorough assessment of the proposed development has been undertaken by the Planning Authority.

In these circumstances I am satisfied that planning permission be granted for the reasons as set out in the attached planners report and recommendation.

Signed: 
Chief Executive



Environmental Impact Assessment (EIA)

To accompany Planning Report for Reg. Ref. 18/453

1. Introduction

The content of this EIA has been prepared in accordance with the DECLG '*Guidelines for Planning Authorities and An Bórd Pleanála on carrying out Environmental Impact Assessment (2018)*', and namely Section 8 of same entitled '*Outline and Guide to Key Sections of the Act*'. The aim of this EIA is to identify and assess the effects of the proposed development on various environmental factors, in order to assist in considering whether it is consistent with the proper planning and sustainable development of the area. An assessment of the adequacy of the information contained in the planning application and Environmental Impact Assessment Report (EIAR) is therefore required. The content of a number of chapters of the EIAR are more pertinent to the competent internal departments of the Planning Authority. This EIA has therefore also been informed by reports received from the Planning Authority's internal departments. Submissions received from prescribed bodies and third parties have also been taken into account. In the interest of clarity and legibility for the reader it is proposed to structure this EIA in line with the sequencing of the information contained in the EIAR. It is not the intention of this EIA Report to summarise the content of the EIAR, but rather to address the information contained therein in a direct and succinct manner.

2. Directive 2014/52/EU

Where applications for planning permission received on or after 16th May 2017 and falling within the scope of Directive 2011/92/EU or within the scope of Directive 2014/52/EU, competent authorities are advised to consider applying the requirements of Directive 2014/52/EU. In this regard the application was submitted on the 23rd April 2018 and is considered to fall within the provisions of the 2014 Directive. It was noted that the applicant has submitted an EIAR in compliance with 2014/52/EU.

3. Environmental Impact Assessment

3.1 Context

Chapter 1 of the EIAR outlines the statutory requirement for the Environmental Impact Assessment Report given that the proposed annual intake of the proposed waste recovery facility will exceed 25,000 tonnes and therefore there is a requirement for an EIA under the provisions of paragraph 11 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, wherein it is stated:

"(b) Installations for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in Part 1 of this Schedule".

The structure of the EIAR is provided along with information on the site of the development, screening and scoping for the EIAR and difficulties encountered with the EIAR compilation and a list of contributors involved in the preparation of the EIAR.

3.2 Project Description

Chapter 2 summaries the proposed development and consists of:

- The use of approximately 1,200,000 tonnes of imported inert natural materials, principally excess soil, stones and/or broken rock to fill and restore a disturbed landform created by previous extraction of sand and gravel and to improve lands currently in agricultural use;
- The use of existing and/or previously approved site and services infrastructure including, site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks, waste inspection and quarantine facility and covered shed;
- Separation of any construction and demolition waste (principally concrete, metal, timber, PVC pipes and plastic) inadvertently imported to site prior to removal off-site to authorised waste disposal or recovery facilities;
- Temporary stockpiling of topsoil and subsoil pending re-use as cover material for final restoration of the site;
- Restoration of the excavated landform (including placement of cover soils and seeding) to its natural habitat, rough grazing and tillage;
- Environmental monitoring of noise, dust and groundwater for the duration of the site restoration works and for a short period thereafter.

The lands will be filled using only inert soil materials imported from external, pre-approved development sites. No peat, contaminated soils or non-hazardous waste will be accepted at the proposed recovery facility. It envisaged that the following wastes (EWC codes) will be deposited (or recovered) at the facility:

- 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;
- 20 02 02 Soil and stone from municipal facilities.

A separate waste licence application, associated with the proposed development, is to be lodged with the Environmental Protection Agency (EPA).

The following site development works will be required for the proposed recovery facility:

Years	Development Description
1	Remove scrub and vegetation from the western infill area
1	Placement of hardstanding materials for the proposed internal temporary haul roadsto allow access to the active infill areas
2	Topsoil stripping from the northern infill area in preparation for placement of inert material

The proposed restoration is to be undertaken on a phased basis, with the submitted application documentation identifying six separate phases which are outlined below.

Phase	Years (est.)	Development Description
1	1	<ul style="list-style-type: none"> ▪ Remove Scrub and Vegetation from the Western Infill Area; ▪ Placement of hardstanding materials for the proposed internal temporary haul roads to allow access to the active infill areas.
2	1-2	Infill of Area 1: Southern part of Pit Workings
3	2	Topsoil Stripping from the Northern Infill Area in preparation for placement of Inert Material
4	2-3	Infill Area 2: Field to the North East
5	3-4	Infill Area 3: Northern part of Pit Workings
6	5	Site LandscapingAnd Restoration

Whilst the phased works are indicated to take place over a 5 year programme, this duration is based on an average importation rate of 300,000 tonnes per annum. However, the proposal refers to a completion of the recovery facility within 8 years in the scenario that if the rate of filling is less than anticipated.

The former pit on the site will be restored to its previous landform working upwards from the existing floor level of c. 116mOD, with final formation levels on completion of the filling and restoration works varying on account of the sloped nature of the restored landform, from approximately 122mOD to 128mOD. Existing ground levels in the adjacent field to the north-east range from 118mOD to 124mOD, with final formation levels on completion of the filling and restoration works to vary from 119mOD to 125mOD.

The final restoration scheme will seek the placement of a cover layer comprising 150mm of topsoil and approximately 300mm of subsoil over the inert filled materials which will then be seeded with grass with woodland planting proposed for a number of areas across the site. On completion, the application lands will be returned to use as natural grassland for use as agricultural land or to be naturally recolonised by natural vegetation.

The proposed development is expected to coincide with the existing concrete manufacturing processes on site, with the majority of these processes occurring northwest of the application site boundary but within the overall landholding of the applicant. The proposed inert waste recovery facility will share the use of the existing Kilsaran concrete manufacturing and waste facilities and infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access. This includes proposed use of the existing concrete block curing shed as a waste inspection and quarantine facility for imported inert materials.

Environmental controls are proposed in relation to: Noise generation and control; Landscape and boundary treatment; Bird control; Dust control; Litter control; Odour control; Invasive Species; Vermin Control; Fire Control. Safeguards to ensure that only suitable material is received and handled on site include:

- All material arriving on site is subject to a visual inspection on site prior to and during unloading;
- Any unacceptable materials identified at the facility at the time of delivery are immediately returned to the source site or forwarded to an authorised waste disposal or recovery facility;
- Any Contractor who persistently carries unacceptable waste to the recovery facility will be denied further use of the facility.

Environmental monitoring is proposed in relation to dust; ecological; groundwater; leachate and landfill gas; meteorological; noise; odour; surface water; and stability and settlement monitoring.

3.3 Alternatives Considered

The issue of alternatives considered is addressed in Chapter 3 of the EIAR. No alternative locations were considered on the basis that the proposed intensification of waste recovery activities at the subject site are essentially similar to those arising from existing land use within the landholding, which principally comprise of:

- Production of construction materials (concrete blocks); and
- Waste recovery activities.

Accordingly, it is considered that the subject site provides clear environmental and economic advantages relative to other locations and/or greenfield sites, with the proposed development compatible with established on-site production activities.

In relation to alternative designs, the EIAR states that alternative layouts within the subject site were considered, with particular attention paid to the phased infilling of the development. The EIAR states that the design and phased layout chosen is considered to best minimise the potential impacts on the environment from noise, dust, visual and landscaping impacts. In this regard, the EIAR states that consideration was given to proximity of neighbouring residential properties, as well as ecological, landscape and visual considerations.

Overall, the Planning Authority is satisfied that the issue of reasonable alternatives has been adequately addressed in the EIAR.

3.4 Population and Human Health

Chapter 4 of the EIAR relates to population and human beings. It considers the impact of the proposed development under the following headings:

Employment

The proposed development will provide employment to machinery operators during the initial phase and would be undertaken by Kilsaran employees leading to a short-term, direct, temporary and positive effect. During the operational stage, the EIAR states that the proposed development will require at least one individual to be present on site, principally to operate a dozer and excavator and to monitor and inspect the quality and sustainability of inert waste being brought to the facility. The EIAR states that the proposal will also indirectly support hauliers, sub-contractors and maintenance contractors, as well as contributing indirectly to sustaining and developing the local and regional economy through the provision of a suitable location for the recovery of inert stone and soil. The EIAR states that the proposed development will lead to a medium-term temporary, direct and positive effect. Following the completion of the project, this would result in the loss of jobs related to the restoration of the site, however, employment in relation to other operations at the site would be unaffected by the cessation of restoration operations.

Human Health

During the construction stage, the EIAR states that the proposed development has the potential to generate dust and noise and the spillage of materials such as fuel to soil and ultimately groundwater. The EIAR references a number of mitigation measures to be employed in this regard which are considered to be acceptable. The EIAR identifies a number of potential impacts on air, noise, water and soils during the operational stage. Similarly, mitigation measures to be employed are identified in the EIAR in this regard which are also considered acceptable. The potential effects on air and noise are stated to cease at post-operational stage. Effects on water and soils may occur if non-inert materials are placed during the operational phase, however, given the proposed inspection procedures for imported materials, this is unlikely to occur.

The Planning Authority concurs with the EIAR wherein it is considered that there would be no likely significant or permanent effects on human health during the construction, operational and post-operational stages of the proposed development.

Amenity

Key matters relating to amenity identified in the EIAR are air, noise, landscape and traffic. The EIAR has stated that the construction phase has the potential to cause nuisance (through noise and dust generation), however, mitigation measures are identified to render the potential for residual impacts to be low. Similar potential impacts are identified in the operational stage, including ongoing changes to visual amenity as the inert spoil is placed

and the generation of traffic by the importation of material. Similarly, mitigation measures to be employed are identified in the EIAR in this regard which are also considered acceptable.

In terms of the post-operational stage, the EIAR states that the effects of the development would be ultimately beneficial owing to the removal of a detracting element in the landscape.

The Planning Authority concurs with the EIAR wherein it is considered that there would be no likely significant or permanent effects on amenity during the construction, operational and post-operational stages of the proposed development following implementation of the proposed mitigation measures to minimise impacts.

Overall, the Planning Authority considers that the EIAR has adequately identified and assessed the potential environmental impacts on Population and Human Beings arising from the proposed development.

3.5 Biodiversity

Chapter 5 of the EIAR addresses the potential ecological impacts of the proposed development. The biodiversity assessment was informed by an ecological impact assessment of the proposed development using available existing ecological information on the site and a site inspection conducted on the 11th October 2017 to determine the ecological value of the site. The submitted EIAR states that the proposed development will not result in the loss of any important habitats and specifies a number of mitigation measures to be implemented to ensure the protection of breeding birds, common frog and smooth newt. Further mitigation measures in relation to habitats features such as trees and hedgerows, which if implemented, will not give rise to any significant impacts.

There are no designated sites located within the study area, with the closest designated site (Dunlavin Marshes pNHA (Site Code 001772) located c. 2.3km southeast of the site.

It is noted that the submitted EIAR refers to the presence of Japanese Knotweed on the site but does not provide any detailed management plan for this invasive species, although it is noted that reference is made to the preparation of a dedicated invasive species management plan in the proposed environmental controls outlined in Chapter 2 of the EIAR. Further Information was requested in relation to this matter. A Site Management Plan produced by Knotwood Control Ireland was received in response to these issues. The Site Manage Plan outlines the proposed treatment measures to be taken to eradicate the presence of Japanese Knotwood on site and also the appropriate bio-security measures required to prevent the spread of invasive species.

The report of Knotwood Control Ireland and the proposals therein have been reviewed by the Heritage Officer and are considered acceptable. It is considered that the EIAR, with the addition of the report of Knotwood Control Ireland does fully address the potential impacts of the proposed development on Biodiversity.

3.6 Land, Soils and Geology

Chapter 6 of the EIAR addresses the potential impacts on land, soils and geology as a result of the proposed development. The EIAR provides a description of the soils and geology underlying the proposal site based on a desktop study and supplemented by a site walkover, trial pitting, and borehole surveys in December 2015 and April 2017. There are no sites designated County Geological Status within, or immediately adjacent to, the proposed development site. The submitted EIAR has identified the sensitive receptors as being both land and soils which are both of agricultural value. In this regard, the proposed development will give rise to a short to medium term negative impact through the temporary loss of a small area of agricultural land during the works. The Planning Authority concurs with the findings of the EIAR in relation to the long term impacts of the proposed development

wherein the restoration of soils suitable for higher value tillage use is predicted to give rise to long term positive impacts. No impact is predicted on subsoils or the bedrock geology.

Mitigation measures identified during the site preparation stage consist of stockpiling techniques/measures and the minimal re-handling of soil material in order to preserve the integrity of the topsoil material. No mitigation measures are proposed in respect of the operational stage of the development as the imported inert material does not have the potential to adversely impact on land, soil and geology.

Overall, the Planning Authority considers that the EIAR has adequately identified and assessed the potential environmental impacts on Land, Soils and Geology arising from the proposed development.

3.7 Water

Chapter 7 of the EIAR addresses the potential impacts on water as a result of the proposed development and provides a description of the existing hydrological (surface water) and hydrogeological (groundwater) setting at the regional and local scale. The assessment was based on available desktop information, monthly groundwater monitoring undertaken at the site by the applicant since April 2017 and a field visit in which aspects of the surface water management at the site and the site's hydrology and hydrogeology were examined. The applicant has also undertaken a survey of local residences and septic tank treatment systems at residences adjoining their lands.

It is noted that there are no surface water courses at the site or adjacent to the site, with the nearest surface water course located approximately 1.5km south of the site which is the headwaters of a small stream which flows in a south westerly direction towards the River Barrow. Similarly, there is no surface water drainage infrastructure at the site. Surface water across the application site percolates down through the existing ground surface as recharge to groundwater.

The site is located on the Usk groundwater body, which is classified as a Locally Important Sand/Gravel aquifer. It is also noted that groundwater vulnerability maps have indicated that the groundwater vulnerability is classified as being 'High' with a significant thickness (>3m) of unsaturated sand and gravel material above the groundwater table.

In terms of potential construction stage impacts, the EIAR states that there will be no discharge from the site to surface watercourses and therefore there are no direct impacts on surface water quality or quantity during this stage. The EIAR has identified potential impacts on groundwater quality during the construction (site preparation) stage and operational stage relating to accidental spillages of fuel, release of suspended solids from soil and subsoil stripping and the accidental importation of non-inert material to the site. In this regard, a number of appropriate mitigation measures are identified to be employed at the construction and operational stages to reduce the potential impact on the Locally Important Sand/Gravel aquifer from 'medium' to 'low'.

It is noted that there is an existing septic tank located to the west of the existing site office, with effluent from the tank discharged to ground via a percolation area. No details are provided in the EIAR in relation to the performance of this existing wastewater treatment system. Further information was requested in relation to this matter. A certification report produced by Trinity Green Environmental Consultants in relation to the existing Wastewater Treatment System was received on 03/09/18. The report indicates that the on-site wastewater treatment system (septic tank) on site has a capacity of 4.32m³ and is more than adequate to cater for the additional loading. The report also states that there is no evidence of any malfunction of the percolation area or indeed the septic tank. The report of

Trinity Green Environmental Consultants has been reviewed by the Environment Section, who subject to conditions has no objection to the proposed development.

The Planning Authority considers that the EIAR has adequately identified and assessed the potential environmental impacts on Population and Human Beings arising from the proposed development.

3.8 Air Quality

Chapter 8 of the submitted EIAR addresses the potential impacts of the proposed development in respect of Air Quality.

The assessment was informed by available desktop information and supplemented by site specific dust monitoring at the existing waste recovery facility in compliance with Condition no. 23 of Pl. Ref. 15/189 and WFP-KE-16-0085-01.

The assessment provided in Chapter 8 identified 32 sensitive receptors within the 1km study area around the application site and 17 sensitive receptors within 500m of the application area. The EIAR states that the potential impact on sensitive receptors from fugitive dust emissions arises from the following activities:

- Trafficking by HGVs over unpaved surfaces;
- Stockpiling, handling and compaction of inert soil and stone material; and
- Placement of inert materials.

In the absence of any mitigation measures, the EIAR states that the risk of impact from dust emissions varies from insignificant to acceptable at assessed receptors within 500m of the dust generating activities. Risk of impact from dust emissions at receptors R1, R5, R6 and R7 was assessed to be moderate adverse without the proposed mitigation measures.

The EIAR also states that the proposed development will have an insignificant dust deposition impact on ecological receptors.

In terms of traffic emissions, the EIAR states that the projected additional traffic movements associated with the proposed development is predicted to be 55AADT HGVs, with no significant changes to either road alignment or speed. In this regard, the EIAR considers that the proposed intensification in recovery activity and HGV traffic movement is considered to be 'negligible' in terms of local air quality and no further air quality assessment is required.

The EIAR has proposed a sufficient suite of mitigation measures to render any potential residential Air Quality impact 'insignificant' or 'acceptable'. Overall, it is considered that the EIAR has adequately identified and assessed the potential environmental impacts on Air Quality arising from the proposed development.

3.9 Climate

Chapter 9 of the EIAR addresses the potential impacts of the proposed development in respect of Climate.

The assessment in the EIAR provided an analysis of the following:

- Likelihood analysis of climate hazards (e.g. extreme rainfall, flooding, heat, drought, wildlife fires, storms, landslides, cold weather, freeze-thaw damage and rising sea-levels);
- Climate hazard impact analysis;
- Sensitivity of project to climate hazards;
- Exposure of the project to current and future climate hazards; and

- Vulnerability analysis of project to climate hazards.

The project vulnerability assessment of the proposed development considered that measures to improve the resilience of the project to extreme rainfall, flood, flash flood, storms and winds are required.

Proposed mitigation includes measures to increase adaptive capacity of the site and the development of disaster risk strategies with a view to reducing vulnerability and increasing resilience of the development. Significant climate change incidents that affect operations at the site will be recorded for future analysis. The developer also intends to adopt GHG monitoring programmes at the site upon which short, medium and long-term objectives and targets for a GHG reduction programme are to be developed.

Having assessed the potential impact, mitigation measures, predicted impacts and monitoring, it is considered that the potential impacts of the proposed development in respect of Climate have been adequately addressed in the EIAR

3.10 Noise

Chapter 10 of the EIAR addresses the potential impacts of the proposed development in respect of Noise and provides details of the noise impact assessment undertaken, the anticipated effects of the proposed development and a description of the mitigation measures to be employed.

The noise impact assessment undertaken in respect of the proposed development is based on guidance provided by the EPA Noise Guidance for Scheduled Activities (NG4) and the Institute of Environmental Management and Assessment (IEMA). The assessment was informed through a combination of desk-based study, site visit and technical assessments consistent with current standard methodologies and published best practice guidelines. The assessment was based on a noise prediction assessment, whereby the levels of noise were calculated (using the methodology set out in BS 5228:2009+A1:2014) at the nearest noise sensitive receptors to the subject site, as derived from 4 no. baseline noise monitoring locations considered to be representative of the nearest noise sensitive locations.

The principal noise source within the site is stated to be machinery (dozer, hydraulic excavator and HGV).

The EIAR states that a number of assumptions have been factored into the predicted noise impact assessment including:

- That all of the noise sources are active and arise continuously and simultaneously during the assessment hours;
- A reduction of -10 dB(A) has been assumed for partial noise screening as the attenuation path difference arising (between the noise source and receptors);
- That all noise sources are active for 20% of the time at the application site.

It is also stated that the soil deposition activity by the HGV will not occur at the site boundary and the soil excavator and dozer will not be working simultaneously.

The predicted operational noise levels at each receptor location arising from the proposed recovery facility are stated to be less than the EPA NG4 daytime noise criterion limits. Furthermore, cumulative operational noise levels have been compared to existing ambient noise levels at each of the noise sensitive locations, with the cumulative noise impact stated to be 'negligible' with reference to the 'Guidelines for Noise Impact Assessment' produced by the IEMA. The EIAR states that in view of the predicted operational noise levels arising from the proposed development, mitigation measures are not strictly necessary.

In respect of noise exposure and potential health effects, the EIAR states that the predicted operational noise levels of the facility are comfortably below the Reported Health Effects Threshold at all nearby noise sensitive locations.

Notwithstanding the results of the noise impact assessment, a suite of mitigation measures are provided on page 10-18 of the EIAR which include:

- the use of existing screening berms and planting as acoustic barriers;
- plant and machinery on site to have noise emission levels compliant with limiting levels defined in EC Directive 86/662/EEC and any subsequent amendments;
- traffic management in relation to delivery times, unloading procedures, maintenance of access/internal haul roads, and engine management.

Notwithstanding the submitted results of the predicted noise impact assessment, it is noted that the Environment Section queried the rationale for the application of an assumed reduction of -10 dB(A) in respect of receptors R1, R2, R3 and R32 given the close proximity of these receptors to the proposal site.

Furthermore, the Environment Section made referenced to paragraph 10.60 of the EIAR wherein it is stated that the assumption that all noise sources will be active 20% of the time at the application site has been factored into the predicted noise impact assessment. The rationale behind this assumption is also queried, with further clarification required as to why it is assumed all noise sources will only be active 20% of the time when there will be 59 no. HGV trips a day. (Time to drive in, deposit load, drive back out of site could take up to 5 minutes). Also it is necessary to take into account the time taken for machinery spreading the waste at the proposed site.

Further Information was requested in relation the issues outlined above. The applicant in their response indicates that a reduction of -10dB (A) has been assumed for R1, R2, R3 & R32 as there is no direct view from the receptors to the site. Dense vegetation surrounding the receptors and partial banks / berms / pit faces are situated between the site and the receptors. A number of the residential houses are further screened by other buildings such as agricultural sheds and outhouses. There is also attenuation path difference arising between the noise source and receptors.

The applicant indicates that 59 trips a day are assumed for the entire site. The noise assessment has been carried out for the closest activity location to the receptor i.e. worst-case scenario. It is indicated that it is unlikely that all 59 loads in one day will be deposited in the same location at the boundary at the closest distance to the receptors. On that basis it is assumed that only 20% of the daily activity will be carried out at the location closest to the receptors.

The applicant indicates that in light of the response to the further information request in relation to noise, an amended noise impact assessment is not warranted and considers that the information already submitted in the EIAR is reasonable and accurate in accessing the potential noise impacts of the proposed development.

The applicant's response has been reviewed by the Environment Section, who subject to conditions have no objection to the proposed development. It is considered that the EIAR adequately addresses the potential impacts of the proposed development on Noise and Vibrations.

3.11 Material Assets

Chapter 10 of the EIAR addresses the potential impacts of the proposed development in respect of Material Assets. For the purposes of this assessment, Material Assets in respect of the proposed development are considered to be built services and waste management.

In relation to built services, electricity to the site is supplied via mains power, with electricity the principal source of energy for office lighting and heating. Phone, email and broadband connections to the site will be provided via a mobile (4G) network. As outlined previously, an existing septic tank is located on the landholding and outside of the application area, with effluent from the tank discharged to ground via a percolation area. Potable water is provided to the site via an existing groundwater supply well in the block yard, again located outside the application area. Residences in the vicinity of the site are stated to be on the mains water supply.

In relation to general waste management, waste oils, batteries, tyres, domestic waste and scrap metal are stated to be stored on site in designated areas and collected and recycled or disposed of by an authorised waste contractor. In respect of inert waste management, it is stated that all imported inert waste is subject to a visual inspection by the applicant's site staff. Where inspection or testing of suspect soil waste occurs, it is segregated and temporarily stockpiled (quarantined) pending removal off-site by permitted waste collectors to an authorised waste disposal or recovery facility.

In terms of construction and operational stage impacts on built services, the EIAR determines that there will be no effects on the septic tank and percolation area and the water supply which are located outside the application area. Overhead power lines traversing the application site will need to be relocated in consultation with the ESB, with the effects of this considered to be short-term, temporary and slight.

Having assessed the potential impact, mitigation measures, predicted impacts and monitoring, it is considered that the potential impacts of the proposed development in respect of Material Assets have been adequately addressed in the EIAR.

3.12 Cultural Heritage

Chapter 12 of the submitted EIAR addresses cultural heritage issues in respect of the proposed development. The assessment provided in the submitted EIAR was informed by a desk-top study using information obtained from the Record of Monuments and Places of County Kildare, The Kildare County Development Plan 2017-2023, the Topographical files and finds list of the National Museum of Ireland, list of previous excavations and cartographic and documentary sources. Field assessments of the application area were also carried out on the 9th May 2016 and 5th February 2018 to identify and assess any known archaeological sites and previously unrecorded features and possible finds within the area.

Examination of the Record of Monuments and Places indicates that the proposal site intrudes into the zones of notification of two recorded monuments that no longer exist:

- KD028-054---- (three crouched inhumation burials located in the north-western section of the site near existing site office and staff welfare facilities); and
- KD028-055--- (a Bronze Age cist located near the southern boundary of the proposal site)

Both of these recorded monuments are cited in the submitted planning application documentation as being removed during quarrying of the sites in 1938 and 1939. Other remaining recorded monuments in the wider area are considered to be too far distant to be directly or indirectly impacted by the proposed development.

In relation to designated structures, there are no protected structures or buildings listed on the National Inventory of Architectural Heritage (NIAH) list within, or in close proximity to, the proposal site.

Proposed mitigation measures are outlined in the EIAR in the form of archaeological monitoring of soil-stripping in Area 1 of the application site owing to the possibility of the survival of previously unknown subsurface archaeological deposits.

Having assessed the potential impact, mitigation measures, predicted impacts and monitoring, it is considered that the potential impacts of the proposed development in respect of Cultural Heritage have been adequately addressed in the EIAR.

3.13 Landscape

Chapter 13 of the EIAR addresses landscape issues in respect of the proposed development. The assessment provided in the submitted EIAR was informed by a desk-top study and a site survey undertaken on the 25th July 2017 in bright conditions with good visibility.

The site is located in the 'Eastern Transition' Landscape Character Area as identified in Map 14.1 of the Kildare County Development Plan 2017-2023. This Landscape Character Area is characterised as a Class 2 'Medium Sensitivity' landscape *"with the capacity to accommodate a range of uses without significant adverse effects on the appearance or character of the landscape having regards to localised sensitivity factors."* (Chapter 14 Landscape Recreation and Amenity, Kildare County Development Plan 2017-2023). The Plan considers such Class 2 sensitivity classes as being of a 'high' compatibility with extractive processes such as sand and gravel extraction.

It is noted that there are no designated views and prospects within the immediate vicinity of the application site, however, there are three designated scenic routes in close proximity to the site:

1. Scenic Route 1 – views of Old Kilcullen from the R418 Motorway Interchange to South of Moortown House – a section of this route comprises of a narrow laneway which runs north of the application site which runs from the R418 to the R448 although this laneway is blocked by debris approximately halfway along this route.
2. Scenic Route 2 – views of Yellowbogcommon from the M9 Motorway Interchange to Halverstown Cross Roads – a section of this route runs along the R448 road to the north-east of the application site.
3. Scenic Route 35 – views of Dun Ailinne from the R418 north-west of the application site.

The EIAR provides a visual impact assessment of the proposed development accompanied by a series of photomontages which provide a detailed analysis of the visual impact of the development on the receiving environment.

In terms of construction stage impacts, the EIAR states that the proposed development will give rise to effects from the clearance of vegetation and stripping and storage of topsoil on the site in advance of filling operations. The EIAR states that these direct changes are considered to result in very minor changes to key landscape characteristics, namely loss of pastoral land cover and woodland vegetation in the context of the existing exhausted sand and gravel pit facility. The planning Authority concurs with the view presented in the EIAR that due to the short term duration of the proposed vegetation clearance and topsoil stripping and storage, as well as the relatively small scale nature of the site within a landscape setting, the character of the 'Eastern Transition' Landscape Character Area would not be altered to the extent that would result in significant effects on character.

In relation to visual effects during the construction stage, activities associated with vegetation removal and topsoil stripping in the northern infill area would be visible by road users on the R448 and by residents/road users along the local road which runs to the north of the site and connects the R418 to the R448. The EIAR states that significant visual effects are not predicted to arise during the construction stage, taking into account the short term nature of these activities (i.e. vegetation clearance and topsoil stripping and storage).

Operational stage impacts identified in the EIAR relate to direct impacts on the landscape through the introduction of fill material which will result in changes to the existing landform. Indirect effects on landscape character identified in the EIAR concern short to medium term effects on the character of the surrounding landscape. However, the EIAR refers to the influence of existing mature hedgerow vegetation and scattered mature trees, as well as the rolling terrain of the surrounding landscape and changes in its topography provide existing mitigating circumstances which limit the potential effects on landscape character to an acceptable level.

It is noted from the visual impact assessment provided in the submitted EIAR, that the views which were the subject of the designations for Scenic Routes 1 and 2 are directed away from the application site with no effects predicted to arise. Scenic Route 35 provides an overall view direction extending from the north to the east and includes the application site, however, the proposed development is considered not to be visible from this scenic route due to screening provided by intervening vegetation, topography and structures.

It is acknowledged that the application site is bounded by extensive mature hedgerow and tree vegetation, most of which are to be retained, which provide effective screening mitigation of the proposal site. Further mitigation measures are provided in the EIAR consisting of the implementation of measures outlined in BS 5837 Trees and further planting of the site. The submitted restoration plan contains details on further screening and landscaping measures to be employed featuring farmland, shrub and hedgerow planting.

Overall, it is considered that the proposal site is accompanied by adequate screening in the form of existing mature hedgerows and trees along its boundaries and the boundaries of the overall landholding of the applicant. Existing significant vegetation and changes of topography within the wider landscape setting also provides for effective screening mitigation of the proposal site. Moreover, given the nature of the proposed development, i.e. the restoration of a disused pre-1964 quarry to backfill the pit void to former ground level and improve lands currently in agricultural use, it is considered that the proposed development will give rise to positive impacts on the landscape and visual amenity as well as the enhancement of local ecological habitats.

Having assessed the potential impact, mitigation measures, predicted impacts and monitoring, it is considered that the potential impacts of the proposed development in respect of Landscape have been adequately addressed in the EIAR.

3.14 Roads and Traffic

Chapter 14 of the EIAR addresses roads and traffic issues in respect of the proposed development. This section of the EIAR was prepared by Trafficwise Ltd., specialist traffic and transportation planning consultants. The EIAR provides a description of the existing site access and receiving road network and includes a review of traffic characteristics of the existing facility together with detailed turning count surveys of the receiving local road network.

The assessment provided in the EIAR is informed by current Transport Infrastructure Ireland (TII) and Chartered Institution of Highways and Transportation (CIHT) guidance.

The EIAR states that based on the proposed total import of 300,000t of material per annum and based upon 5½ working days per week and 46 working weeks and assuming the lower value payload of 20t per vehicle, the proposed waste recovery operation is considered likely to give rise to a total of 59 No. HGV trips per day. Accounting for the current 4-5No. HGV trips per day associated with the permitted waste importation the proposed development is forecast as likely to give rise to an additional 55 HGV trips per day.

The forecast increase in traffic equates to an average of approximately 5-7 HGVs per hour. In the context of the ultimate carrying capacity of the receiving R448, the forecast traffic presented in the EIAR equates to an uplift in total traffic flow in the order of 2.34%. The EIAR further states that the two-way HGV traffic flow north of the existing site access is forecast to increase by an average of 87 HGV movements from 467 to 554 HGV per day which is an increase in HGV traffic in the order of 18.6%. The assessment provided in the EIAR concludes by stating that the forecast traffic arising from the development is unlikely, under normal traffic flow conditions, to give rise to significant increases in delay on the receiving road network.

Further Information in relation to the above matters was requested by the Transportation Section of Kildare County Council, in its assessment of the proposed development. In response a report compiled by Trafficwise Ltd, stated engineering specialists in traffic and transportation planning and geometric road design on behalf of the applicant was received on 03/09/18 to address the concerns of the Transportation Section. The Transportation Section have reviewed the report and its content and subject to compliance with stated conditions are satisfied with the proposed development. It is therefore considered that the potential impacts of the proposed development on Roads and Traffic have been adequately addressed in the EIAR.

3.15 Interaction of the Foregoing

Chapter 15 of the EIAR outlines the interactions of the various potential impacts and mitigation measures in the form of a matrix table of each issue considered in the EIAR and identify where there is a potential for significant interaction with other disciplines. These interactions are set out clearly and concisely. All of the interactions identified are deemed acceptable. No negative impacts are expected to arise as a result of interactions between different environmental disciplines.

4. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and to the EIAR and other information provided by the developer, the internal departments of Kildare County Council, prescribed bodies, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows;

No likely significant or permanent effects on human health during the construction, operational and post-operational stages of the proposed development.

Biodiversity impacts, which will be mitigated by site management plan / measures, protection of habitat features i.e. hedgerows and trees, invasive species management, measures for the protection of breeding birds, common frog and smooth newt.

Land, soil and geology impacts which will be mitigated by measures identified during the site preparation stage and consist of stockpiling techniques/measures and the minimal re-handling of soil material in order to preserve the integrity of the topsoil material.

Water impacts; no discharge from site to surface watercourses and therefore no direct impacts on surface water quality or quantity. Potential impacts on groundwater relate to accidental spillages of fuel, release of suspended solids from soil and subsoil stripping and

the accidental importation of non-inert material to the site. Mitigation measures proposed include managed surface water runoff, restrictions on refuelling / machinery maintenance, use of spill kits and drip trays.

Air Quality which will be mitigated by site management plan, minimising drop heights of materials, protection from wind, use of watersprays, restriction of vehicle speeds, retention of hedgerows etc. Envisaged that given the mitigation measures to be implemented and design measures proposed will render any potential residential Air Quality impact 'insignificant' or 'acceptable'.

Climate which will be mitigated by increased adaptive capacity of the site and the development of disaster risk strategies with a view to reducing vulnerability and increasing resilience of the development.

Noise which will be mitigated by screening berms and planting as acoustic barriers, plant and machinery on site to have noise emission levels compliant with limiting levels defined in EC Directive 86/662/EEC and any subsequent amendments; traffic management in relation to delivery times, unloading procedures, maintenance of access/internal haul roads, and engine management.

A positive impact expected with regard to the material asset, due to the restoration and improvement of disturbed landform, created by previous extraction of sand and gravel.

Cultural Heritage which will be mitigated by archaeological monitoring of soil-stripping.

Landscape given the nature of the proposed development, i.e. the restoration of a disused pre-1964 quarry to backfill the pit void to former ground level and improve lands currently in agricultural use, it is considered that the proposed development will give rise to positive impacts on the landscape and visual amenity as well as the enhancement of local ecological habitats.

Roads and Traffic which will be mitigated by advance signing, maintenance of sightlines at entrance.

Interaction of the foregoing, while potential for significant interaction with other disciplines, all identified interactions are considered acceptable with no negative impacts expected to arise as a result of interactions between different environmental disciplines.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. They do not require or justify refusing permission for the proposed development or requiring substantial amendments. It is considered that the EIAR is compliant with Article 94 of the Planning and Development Regulations 2001 as amended.

5. Conclusion

This report comprises an Environmental Impact Assessment of the development proposed under planning applications Reg. Ref.18/453.

The aim of the EIA Report is to identify and assess effects of the proposed development on various environmental factors, in order to assist in considering whether the proposed developments are consistent with the proper planning and sustainable development of the area.

It is considered that the EIAR in addition to the response to the further information request has adequately identified and assessed the effects of the proposed development on various

environmental factors. The EIAR submitted together with the information and the various reports received following the further information request with this application, is deemed to adequately describe the direct and indirect effects on the environment of the proposed development.


John O'Hara
Assistant Planner

25/10/18.
Date


Liam McGree
Senior Planner

25/10/18
Date

Comhairle Contae Chill Dara
Kildare County Council



Date: 26/10/2018
Pl. Ref.: 18/453

REGISTERED POST

Kilsaran Concrete
C/o SLR Consulting Ireland
7 Dundrum Business Park
Windy Arbour
Dublin 14

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

Planning Register Number: 18/453
Application Received Date: 23/04/2018
Further Information Received Date: 03/09/2018

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 26/10/2018 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:- (i) establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials, principally excess soil, stone and / or broken rock to backfill the pit void to former ground level and improve lands currently in agricultural use. The development will be carried out on a phased basis and will be completed within 8 years; (ii) share use, with the existing Kilsaran concrete manufacturing and waste facilities, of existing site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access; (iii) use of section of existing concrete block curing shed as a waste inspection and quarantine facility; and (iv) temporary stockpiling of topsoil pending re-use as cover material for final restoration of the site. The proposed development requires a waste licence from the Environmental Protection Agency. An Environmental Impact Statement (now referred to as an Environmental Impact Assessment Report (EIRA)) will be submitted at **Halverstown, Kilcullen, Co. Kildare** subject to **23 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 Pleanala (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: 26/10/2018


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 Pleanala, 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

Comhairle Contae Chill Dara Kildare County Council



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) establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials, principally excess soil, stone and / or broken rock to backfill the pit void to former ground level and improve lands currently in agricultural use. The development will be carried out on a phased basis and will be completed within 8 years; (ii) share use, with the existing Kilsaran concrete manufacturing and waste facilities, of existing site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access; (iii) use of section of existing concrete block curing shed as a waste inspection and quarantine facility; and (iv) temporary stockpiling of topsoil pending re-use as cover material for final restoration of the site. The proposed development requires a waste licence from the Environmental Protection Agency. An Environmental Impact Statement (now referred to as an Environmental Impact Assessment Report (EIRA)) will be submitted at Halverstown, Kilcullen, Co. Kildare – Kilsaran Concrete t/a Kilsaran Build – 18/453

Schedule 1: Main Reasons and Considerations;

Having regard to the Kildare County Development Plan 2017 – 2023, the nature, extent and design of the development, the character of adjoining development, it is considered that subject to compliance with the conditions attached, the development would not seriously injure the amenities of the area or of property in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

Schedule 2: Conditions

1. The development shall be carried out in accordance with documentation and particulars received by the Planning Authority on 23/04/2018, and Further Information received on 03/09/2018 except where altered or amended by conditions in this permission.

Reason: To enable the Planning Authority to check the proposed development when completed, by reference to approved particulars.

2. This permission authorises the importation and recovery of inert natural materials as set out in Section 2.8 of the Environmental Impact Assessment Report received by the Planning Authority on 23/04/18, to restore disturbed lands created by previous extraction of sand and gravel and does not authorise a waste recycling facility.

Reason: In the interest of clarity and in the interest of the proper planning and sustainable development of the area.

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 23/04/18 and Further Information received on 03/09/2018 except where altered or amended by conditions in this permission.

Reason: To enable the Planning Authority to check the proposed development when completed, by reference to approved particulars and to restrict and minimise any adverse environmental impacts resulting from the development.

4. All importation and recovery of inert natural material operations on the site shall cease 8 years from the date of the final grant of planning permission. All plant and machinery shall be removed from the site within 6 months from that date unless, prior to that date planning permission shall have been granted for the continuance of use.

Reason: To limit the impact of the development on the amenities of the area and in the interest of the proper planning and sustainable development of the area.

5. The hours of operation on site shall be 08.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 13.00 hours on Saturdays. No activities or maintenance shall be permitted outside of the above stated hours or on Sundays, Bank or Public Holidays.

Reason: To limit the impact of the development on the residential and rural amenities of this rural area and in the interest of the proper planning and sustainable development of the area.

6. (a) Prior to commencement of development the Developer shall submit for the written agreement of the Planning Authority, design details to demonstrate that the existing percolation area can cater for the hydraulic and biological loading generated by the proposed development.

b) Where the percolation area is found to be incapable to cater with the additional loading, a percolation area shall be designed and constructed in accordance with the Environmental Protection Agency Code of Practice "Wastewater Treatment and Disposal Systems serving Single Houses".

Reason: In the interest of public health and in order to avoid pollution.

7. The developer shall apply for and obtain a Waste Licence from the Environmental Protection Agency prior to waste activities commencing on site.

Reason: To prevent pollution and in the interest of public health.

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

Reason: To prevent pollution and in the interest of public health.

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

- (i) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays)
- (ii) 45 dB(A) at any other time.

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

Note: *Noise sensitive location:

Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

Reason: To prevent pollution and in the interest of residential amenity.

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

(b) Applicant shall use "Best Practicable Means" to prevent/minimise noise and dust emissions during the operational phase of the development, through the provision and proper maintenance, use and operation of all machinery all to the satisfaction of the Planning Authority.

Reason: To prevent pollution and in the interest of public health.

11. 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 100% 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 off-take points shall be located within the bunded area(s).

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

12. The existing 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: To prevent pollution and in the interest of public health.

13. Prior to commencement of development the Developer shall ensure a Pest Control Management Plan is devised and implemented by a competent pest control company. A copy of the Pest Control Management Plan shall be submitted to the Planning Authority.

Reason: In the interest of public health.

14. Prior to commencement of development the Developer shall establish a complaints line to ensure that residential complaints or queries are dealt with in an efficient manner. All complaints shall be documented and a record maintained.

Reason: In the interest residential amenity.

15. Prior to commencement of development, the Developer shall provide advance warning signs as outlined in section 2.1.1.5 of the report of Trafficwise traffic & transportation solutions received by the Planning Authority on 03/09/18. The combined warning signs of "works entrance" ahead with the "speed limit" shall be erected at the approach to the development, from both the north and the south, along the R448. The exact location shall be agreed with the Municipal District Engineer prior to their erection and written confirmation of such agreement shall be submitted to the Planning Authority.

Reason: In the interests of traffic safety

16. Prior to commencement of development the Developer shall carry out works to the front boundary, namely the cutting back of the existing hedgerow to the south of the existing entrance and cutting and maintenance of the existing verge to the north of the existing entrance, to allow sufficient sightlines to be achieved as indicated in Section 4.1.2 of the report of Trafficwise traffic & transportation solutions received by the Planning Authority on 03/09/18.

Reason: In the interest of traffic safety.

17. The sight visibility lines shall be kept free from obstruction and shall be maintained by the occupant, so as not to impede lines of sight at the entrance; as provided in accordance with the Design Manual for Roads and Bridges document (TD 41-42/09)

Reason: In the interest of traffic safety.

18. No queuing of delivery trucks shall take place on the R448 and provision shall be made for queuing of vehicles within the subject site.

Reason: In the interest of traffic safety.

19.(a) The applicant shall maintain a wheel-wash facility for all trucks exiting the site.

(b) 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. A special bond of €10,000 shall be paid to Kildare County Council to ensure satisfactory compliance with this condition.

Reason: In the interest of traffic safety and ensuring no muck/dirt is deposited onto the R448 during periods of wet weather.

20. (a) Existing land and road side drainage shall not be impaired; changes at the entrance shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage.

b) No surface water runoff from the site shall be discharged onto the public road. As the existing entrance falls towards the public road, run off shall be collected either gullies or precast concrete drainage channels and discharged to suitably sized soak holes located within the site boundary.

c) Only clean, uncontaminated surface water shall be discharge to adequately sized soakpits(s) or surface water system.

d) Applicant shall be responsible for the proper design, construction and maintenance of all surface water drains installed as part of the proposed development including soakways.

Reason: To prevent interference with existing roadside drainage in the interest of public health, to avoid pollution and in the interest of the proper planning and sustainable development of the area.

21. When the proposed development is completed the site shall be used for agricultural related and amenity purposes only, and not for any commercial, industrial, or other non agricultural use, without the benefit of a separate planning permission.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

22. Landscaping to be carried out in accordance with 'landscape and restoration plan drawing 5' as received by the Planning Authority on 23/04/18. Native hedgerows and tree species to be used in areas indicated for woodland planting and all capping soil shall conform to BS 3382:2007- the British Standard for topsoil.

Reason: In the interest of ecological improvement, visual amenity and in the interest of the proper planning and sustainable development of the area.

23. The applicant/developer to pay to Kildare County Council the sum of **€173,250.00** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 5th November 2015 in accordance with Section 48 of the Planning and Development Act

2000 as amended. Payments of contributions are strictly in accordance with Section 13 of Development Contribution Scheme adopted by Kildare County Council on 5th November 2015.

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

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 the requirements of the Building Control (Amendment) Regulations (S.I. No 9) 2014 which comes into effect on 1/3/2014 and the Construction Products Regulations (CPR) (Regulation (EU) no. 305/2011) which came into effect on 1/7/2013. Information leaflets can be viewed or downloaded on the council's website <http://kildare.ie/CountyCouncil/Planning/BuildingControlDepartment/> or the Department of the Environment Community and Local Government website <http://www.envirn.ie/en/>

COMHAIRLE CHONDAE CHILL DARA KILDARE COUNTY COUNCIL



Chief Executive Order

I, Peter Carey, Chief Executive, am duly authorised to make the following Order in accordance with Section 154 of the Local Government, 2001, as amended

ORDER NO: CE20398 **SECTION :** Planning

SUBJECT: 18/453
Kilsaran Concrete, c/o SLR Consulting Ireland, 7 Dundrum Business Park, Windy Arbour, Dublin 14, . PERMISSION for (i) establishment of an inert soil waste recovery facility to provide for the importation of approximately 1,200,000 tonnes of natural inert waste materials, principally excess soil, stone and / or broken rock to backfill the pit void to former ground level and improve lands currently in agricultural use. The development will be carried out on a phased basis and will be completed within 8 years; (ii) share use, with the existing Kilsaran concrete manufacturing and waste facilities, of existing site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, hardstand areas, fuel storage tanks and site access; (iii) use of section of existing concrete block curing shed as a waste inspection and quarantine facility; and (iv) temporary stockpiling of topsoil pending re-use as cover material for final restoration of the site. The proposed development requires a waste licence from the Environmental Protection Agency. An Environmental Impact Statement (now referred to as an Environmental Impact Assessment Report (EIRA)) will be submitted at Halverstown Kilcullen Co. Kildare

SUBMITTED: Department Reports and recommendations together with an Environmental Impact Assessment as endorsed by the Director of Services.

ORDER : Pursuant to the provisions of the Planning & Development Act 2000 (as amended), and the Regulations made thereunder, and having considered only the proper planning and development of the area, regard being had to the provisions of the County Development Plan and other relevant matters referred to in Section 34 of the said Planning & Development Act 2000 (as amended) and reports from Council's Technical Officers thereon, the Council hereby decides to **Grant permission** for the said development subject to the

conditions set out in the attached schedule, and the applicant to be notified accordingly.

It is further decided that at the expiration of 4 weeks from the date of receipt by the applicant of the notification of decision, provided there is no appeal before An Bord Pleanála affecting this decision then the aforementioned application be and is granted.

 26/10/2018



CHIEF EXECUTIVE OFFICER

I hereby certify that this is a true copy	
of Co. Manager's Order	
No. 18/453	Date 22/01/25
Signed E. Mulvree.	