



# Comhairle Contae Chill Dara

## Kildare County Council

Date: 2<sup>nd</sup> May 2025.  
Our Ref: ED/1166.

John Keegan,  
Keegan Quarries Ltd,  
Trammon,  
Rathmolyon,  
Co. Meath  
A83 DA36

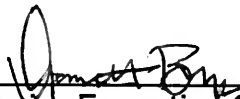
**RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Ballyonan, Broadford, Co. Kildare**

Dear Sir/Madam,

I refer to your correspondence received on 4<sup>th</sup> November 2024 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

PP   
Senior Executive Officer,  
Planning Department.





# Comhairle Contae Chill Dara

## Kildare County Council

### Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1166.

**WHEREAS** a question has arisen as to whether the restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed at Ballyonan, Broadford, Co. Kildare, is exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 4<sup>th</sup> November 2024

**AND WHEREAS** John Keegan requested a declaration on the said question from Kildare County Council,

**AND WHEREAS** Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and
- (c) Documentation received with the application

**AND WHEREAS** Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

- (a) Sections 2, 3, 4 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) The nature, extent and purpose of the works,

**NOW THEREFORE** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed at Ballyonan, Broadford, Co. Kildare **IS development and IS NOT EXEMPTED development pursuant to Article 9 (1) (a) (iii), (viiB) (viii) Planning and Development Regulations 2001 (as amended).**

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

2<sup>nd</sup> May 2025.

PP   
Senior Executive Officer,  
Planning Department.



**KILDARE COUNTY COUNCIL**



**PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT**

**Section 5 referral & declaration on development & exempted development**

**Planning & Development Act 2000 (as amended)**

**Reference No. ED/1166**

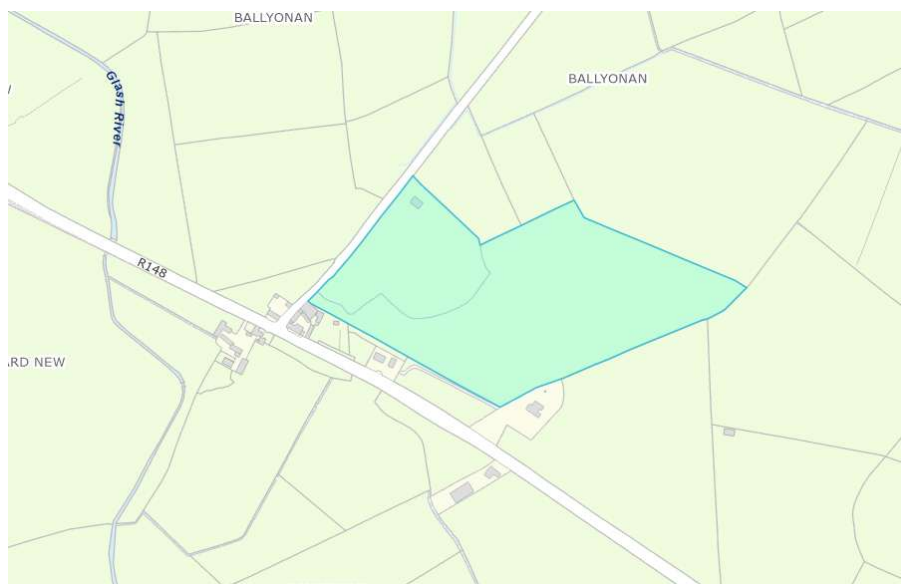
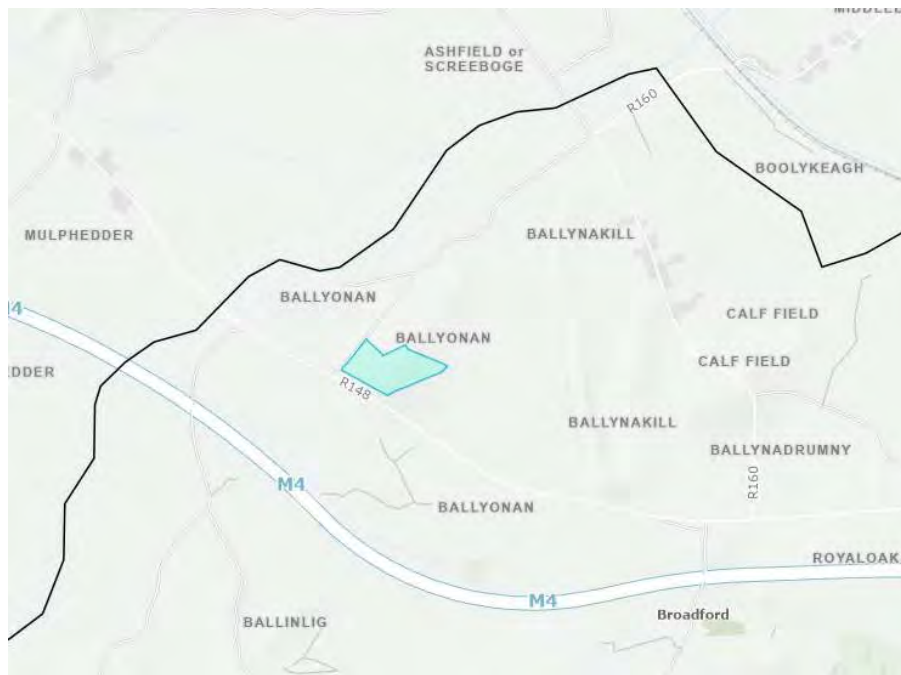
<b>Name Of Applicant(s):</b>	Keegan Quarries Ltd c/o John Keegan
<b>Address Of Development:</b>	Ballyonan, Broadford, Co. Kildare
<b>Development Description:</b>	Works required for the restoration of a pre-1964 sand and gravel pit (QR45), to include the importation of subsoil and topsoil under an Article 27 process
<b>Due date</b>	2 <sup>nd</sup> December 2024

**Introduction**

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works which are as described within the application form, the restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed.

**Site Location**

The site is location within the townland of Ballyonan, c.400m from the county boundary with Meath, c.2km northwest of Broadford. which is located in the northwest of the county. Access to the site is taken via a local road, the L1011, which connects to the Regional Road, the R148, approximately 500 metres south west of the entrance.



**Fig 1 & 2:** Site Location and context





**Fig 3:** Aerial view of subject site (Google Images)

### **Description of Proposed Development**

The extent of proposed development as described within the application form, is, *“the restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed.”*

It is stated within the cover letter included with the application that the development will consist of the importation of 91,825 cubic metres of materials.

### **Planning History**

**ED7387:** Unauthorised development consisting of Non-compliance with conditions 1, 2, 3, 8, 10, 11, 12, 18, 19, 20, 21, 22, 23, 25, 26, 32, 33 (a) and (b) 35(a) 36, 37, 38, 40, and 41 attached to Section 261 decision QR45 (of the Planning and Development Act 2000) o

**ED/828:** The erection of a temporary steel container for use as an on-site welfare facility constitutes the carrying out of works which results in development which is **not exempted development**.

**ED/754:** Eco Advocacy applied for a section 5 in relation to the use and operation of the site, on such matters as importation of aggregate, processing of material. This was referred to An Bord Pleanála, the Board stated the referral was **invalid**, dated 25/10/2018.

**Section 261A (QRA-01-001) (3<sup>rd</sup> October 2012)** – Planning Authority determined that the requirements in relation to the registration under Section 261 were not fulfilled and

that development was carried out after 1st February 1990 which development would have required, having regard to the Environmental Impact Assessment Directive, a determination as to whether an environmental impact assessment was required, but that such a determination was not carried out or made. It was also identified that there would have been potential for significant impacts arising from these quarrying activities on River Boyne and River Blackwater cSAC and SPA.

An Bord Pleanála determined that development was not carried out on site after 26<sup>th</sup> February 1997 that would have been likely to have had a significant effect on any European Site, having regard to the small scale of the quarry, the level of processing undertaken on the site, the lack of potential for connectivity to watercourses, the limited potential for connectivity to a European Site and the minimal extent to which the quarry developed after 26<sup>th</sup> February 1997.

**Section 261a Registration of Quarry – QR45** granted by An Bord Pleanála with modifications to KCC's decision (8<sup>th</sup> January 2008). 40 conditions attached. The following are noted in relation to this Section 5, Declaration of Exempt Development.

**LANDSCAPING & RESTORATION PLANS:**

33. (a) *Within six months of the date of this decision the quarry operator shall submit for the written agreement of the Planning Authority a restoration and landscaping scheme. This scheme shall include, inter alia, details of: The proposed extractive scheme for the quarry, Interim and proposed final site levels for excavation and restoration, Landscaping proposals and a timescale for implementation of those proposals, All existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out,*

*(b) The restoration proposals shall include the following: The purpose, aims and objectives for the after-use of the quarry complex, A review of the nature conservation opportunities and constraints of the site, Details of the proposed final landform and phased progression of workings toward this form, Details of water (ground and surface water) management, Details of soil movement and management, associated with restoration; Description of target habitats and range of species appropriate of the site, Details of habitat linkages and continuity of habitat within and outside the site, Selection of appropriate strategies for maintaining or introducing target habitats and species, Techniques and practices for establishing habitats and species, Sources of soil forming materials, plant stock and other species introductions, Method statement for ground forming, soil preparation and habitat and species establishment, Prescriptions and programme for initial aftercare and longer term management, Timing of the restoration operations in relation to phased working of the site, Proposals for monitoring the success of all restoration works, Disposal of wastes arising from the restoration.*

*(c) The site shall be restored and landscaped in accordance with the agreed scheme.*

*(d) Details of material to be imported for restoration purposes shall be submitted to and agreed in writing with the Planning Authority as part of the scheme,*

*(e) The restoration and landscaping scheme shall also include an estimate of the total cost of the restoration plan along with an estimate of all individual phases. A qualified and indemnified Quantity Surveyor or other professional acceptable to the Planning Authority shall prepare the estimate.*

*REASON: To regulate the development and to allow the Planning Authority assess the proposed restoration plan and to ensure that the site is restored in the interest of visual amenity and proper planning and sustainable development of the area.*

*34. Nothing in this decision or in Condition No. 33 above shall allow the operator to use the site for the purposes of land-filling.*

*REASON: It is considered that land-filling is not an ancillary use to the use of the site as a quarry and consequently any use of the site as a land fill requires a separate planning permission under the Planning and Development Act, 2000-2006.*

**94/474 – J Cribben sought permission to open sand and gravel pit – refused**

Reasons for Refusal were as follows:

- 1. The proposal as submitted gives inaccurate and insufficient information to allow the development to be properly assessed in respect of its affects on the environment, amenity and public health of the area containing as it does few details, if any, on the matters set out in the County Development Plan, Part 1, Pages 74 & 75, including details of:*
  - (g) The amount and type of sand and gravel to be extracted;*
  - (g) The site layout;*
  - (g) Proposed work programme;*
  - (g) Landscape;*
  - (g) Workings of the site;*
  - (g) Transport, and*
  - (g) Rehabilitation*
- 2. The proposed development located on an unimproved section of a County Road which is substandard in safety, structural strength, surface condition, capacity, alignment in width, and where the maximum speed limit applies would endanger public safety by reason of traffic hazard and obstruction or road users due to the movement of the extra traffic generated.*
- 3. The proposed development is located near a crest on the County Road. By taking access from the public road at a point where maximum speed limit applies, where the sight visibility distances at the proposed entrance would be substandard, the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users.*
- 4. The development would lead to a serious deterioration in the visual amenity and rural character of this area, close to the River Boyne and would accordingly be contrary to the proper planning and development of such a sensitive area.*

### **Adjacent site to northeast**

**19/1138** permission **refused** for a development area of approximately 1.05ha, the use of a weighbridge, wheelwash, the erection of a staff office and administration building, car park area, access road and improved site entrance, concrete and readymix batching plant, block yard and associated infrastructure. The proposed site access will be from the L-1011 local road, to the north of an existing sand and gravel pit, QR45. An EIAR and Appropriate Assessment accompanies this application. Revised by significant further information consisting of; amendments/clarification to the Environmental Impact Assessment Report (EIAR). Development on site

**Appealed** (first party) to ABP Ref 312162-21- **Refused** for the following reasons:

*1. Having regard to the location of the proposed development and its proximity to residential dwellings, and to the lack of adequate baseline information in respect of sensitive receptors as presented in the application and appeal documentation, it is considered that the proposed development, notwithstanding the mitigation measures proposed in the Environmental Impact Assessment Report submitted at application stage, would seriously injure the amenities of properties in the vicinity by reason of noise and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2. The HGV turning movements which would arise on entering and exiting the proposed site access would result in a conflict with oncoming traffic travelling along local road L1011, and as such, the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*3. On the basis of the information submitted with the planning application and appeal, the Board is not satisfied that the overall water management and drainage system as proposed, is at a level of detail to draw satisfactory conclusions in relation to the proper and satisfactory management of surface water and groundwater. The proposed development would, therefore, give rise to a potential source of water pollution, would be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.*

### **Relevant Legislative Background**

Planning and Development Act 2000 (as amended)

#### **Section 2(1)**

*'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the*

*application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

### **Section 3(1)**

*In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

*Include other relevant sections of the act. E.g. (below)*

### **Section 4(1)**

*The following shall be exempted development for the purposes of the Act-*

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

*(l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949 , not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced.*

### **Section 5(7) EIA Screening**

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Planning and Development Regulations 2001 (as amended)

### **Article 6(1)**

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

*8C. Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development*

### **Article 9 (1)(a)(i)**

Restrictions on exemption.

9. (1) *Development to which article 6 relates shall not be exempted development for the purposes of the Act—*

*(a) if the carrying out of such development would—*



*(iii) endanger public safety by reason of traffic hazard or obstruction of road users*

*(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

*(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*

## **Assessment**

The proposed development, is considered to be works as defined by Section 2 (1) of the Planning and Development Act.

In relation to section 4 (1) (h) of the Planning and Development Act, it is considered, the development does not relate to a structure, therefore this section is not relevant.

In relation to section 4 (1) (l) of the Planning and Development Act, it is considered, the development proposed is not listed within the definition of “works” as referred to in the Land Reclamation Act 1949, these relate to only to the following:

- (a) field drainage;*
- (b) land reclamation;*
- (c) the construction and improvement of watercourses;*
- (d) the removal of unnecessary fences;*
- (e) the construction of new fences and the improvement of existing ones;*
- (f) improvement of hill grazing;*
- (g) reclamation of estuarine marsh land and of callows;*
- (h) any operations ancillary to the foregoing.*

In relation to Part 2 Article 8(c) of the Planning and Development Regulations 2001(as amended), the site is not located within a farmyard and therefore this article is not considered to be relevant.

### Transportation

A report has been received from the Road section of KCC, which states the following in relation to traffic:

*“91,825m<sup>3</sup> of material is proposed to be imported onto the site. Assuming a bulk density factor of 1.50 for soil and stone, this equates to approximately 138000.00 tonnes.*

*91,825m<sup>3</sup> of restoration material is proposed to be imported onto site. This equates to approximately 6500 no. 8 wheel HGV deliveries, 13,000 no. HGV movements to and from the site. No Traffic Impact Assessment (TTA), Road Safety Audit (RSA), a HGV Traffic Management Plan containing haul routes and warning signage in accordance with the Department of Transport, Tourism and Sport (DTTAS) Traffic Signs Manual and Site Layout Plans indicating, inter alia, lines of sight on the L-1011 local road and R148 Regional Road have been submitted in the Section 5 application.*

- a. In light of the absence of sufficient information having been submitted by the applicant.*
- b. The extent of the quantities of restoration materials and the potential negative impact this would have on the structural integrity, alignment, drainage and capacity of the local and regional road network due to the number HGV movements.*
- c. The proposals represent an endangerment of public safety by reason of traffic hazard and obstruction to road users.*

*The proposed importation of restoration material is therefore considered works and therefore development and not exempted development in accordance with Article 9 (1) (a) (iii) of the Planning And Development Regulations 2001.”*

This report is noted. It is considered the proposed development would not endanger public safety by reason of a traffic hazard and therefore is not considered to be exempt development under Article 9 (1) (a) (iii) of the Planning And Development Regulations 2001

### Appropriate Assessment

The site is c. 2.5km northwest of the River Boyne/Black Water SAC (Site code 002299) The Glash river which is hydrologically linked to the Boyne River/Blackwater SAC and is located c.195m to the west/southwest of the site.

The Special Area of Conservation (SAC) has following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive:

- Alluvial Forests\* (priority)

- Alkaline Fens
- River Lamprey
- Atlantic Salmon
- Otter

Therefore, water quality is a significant issue in relation to maintaining the aforementioned habitats and species.

The site is located within the catchment of the Glash river. It is noted there is open water on site. The application site is considered to be hydrologically and functionally connected to the SAC.

It is a requirement using the provision of necessary scientific information and best scientific knowledge to determine the development has no significant effects on the qualifying interests of any European Sites on its own or in combination with other developments.

Having regard to the connection with the application site and the SAC, at a minimum what is required is a Natura Impact Statement. It is therefore considered the development is not exempt development having regard to Article 9. (1)(a) (viiB) of the Planning and Development Act 2001 (as amended).

#### Unauthorised Development

Condition 33 of the Section 261 process, Quarry ref: QR45 required a restoration and landscaping scheme, this was not submitted within 6 months of the decision date 08/01/2008. This condition has not been complied with, as this condition was a time sensitive condition.

The proposed importation of restoration material would therefore be considered works and development and not exempted development in accordance with Article 9 (1) (a) (viii) of the Planning And Development Regulations 2001, as amended which states:

#### Conclusion

Having regard to:

- Sections 2, 3, 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- The nature, extent and purpose of the works;

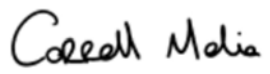
it is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is NOT exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Article 9 (1) (a) (iii), (viiB) (viii) Planning and Development Regulations 2001 (as amended).

#### Recommendation

It is recommended that the applicant be advised that the development as described in the application *is development and is NOT exempted development*.

Signed:   
L. Murphy  
Executive Planner

Signed:  
Planner:  
Date: 02/04/2025

  
\_\_\_\_\_  
Carroll Melia  
Senior Executive Planner  
30<sup>th</sup> April 2025

## **Declaration of Development & Exempted Development under**

### **Section 5 of the Planning and Development Act 2000 (as amended)**

**WHEREAS** a question has arisen as to whether the restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed.

**AS INDICATED** on the plans and particulars received by the Planning Authority on 04/11/2024

**AND WHEREAS** John Keegan requested a declaration on the said question from Kildare County Council,

**AND WHEREAS** Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

**AND WHEREAS** Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, 4 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) The nature, extent and purpose of the works,

**NOW THEREFORE** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

the restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed

**IS development and IS NOT EXEMPTED development pursuant to Article 9 (1) (a) (iii), (viiB) (viii) Planning and Development Regulations 2001 (as amended).**

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: \_\_\_\_\_



# COMHAIRLE CONTAE CHILL DARA

## KILDARE COUNTY COUNCIL

### Director of Services Order



I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

**ORDER NO:** DO58302 **Section:** Planning

**SUBJECT:** ED1166 John Keegan, Keegan Quarries Ltd, Trammon, Rathmolyon, Co. Meath. Exempt Development Application for the restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed at Ballyonan, Broadford, Co. Kildare

**SUBMITTED:** ED1166 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers

**ORDER:** **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is not exempted development.

MADE THIS 2<sup>ND</sup> DAY  
OF MAY YEAR 2025

SIGNED:   
**DIRECTOR OF SERVICES**

# Kildare County Council

## Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended



Incomplete application forms will  
be deemed invalid and returned

All responses must be in block  
letters

<b>Section 1</b>	<b>Details of Applicants</b>
------------------	------------------------------

1. Name of Applicant(s) A. Surname KEEGAN Forenames JOHN  
Phone No 046 9555116 Fax No N/A
2. Address TRAMMON, RATHMOLYON, CO. MEATH, A83 DA36

<b>Section 2</b>	<b>Person/Agent acting on behalf of applicant (if applicable) N/A</b>
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1. Name of Person/Agent: Surname Forenames  
Phone No Fax No
2. Address



<b>Section 3</b>	<b>Company Details (if applicable)</b>
------------------	--

1. Name of Company KEEGAN QUARRIES LTD  
Phone No 046 9555116 Fax No N/A
2. Company Reg. No 214494
3. Address TRAMMON, RATHMOLYON, CO. MEATH, A83 DA36

<b>Section 4</b>	<b>Details of Site</b>
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1. Planning History of Site PRE '64 SAND & GRAVEL PIT
2. Location of Proposed Development BALLYONAN, BROADFORD, CO. KILDARE  
ITM 667303, 743574  
GRID REFERENCE N 67358 43550  
EASTING 267358, NORTHING 243550  
LAT 53.4379, LONG -6.9870
3. Ordnance Survey Sheet No DISCOVERY SERIES 49.  
1:2500 SHEET NOS 2981-D, 2982-C, 3051-B, 3052-A
4. Please state the Applicants interest in the site OWNER & OPERATOR

5. Please state the extent of the proposed development

The restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed.

6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (*specific details required*).....

Under Section 4 of the Planning and Development Act 2000 (as amended) (1) (h); “*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of the neighbouring structures*”;

And (1) (l); “*development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced*”.

Part 2 of the Planning and Development Regulations 2011, Article 8C; “*Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development*”.

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*)

See Cover Letter for details

<b>Section 5</b>	<b>The following must be submitted for a valid application</b>
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(Please Tick)		
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
4.	All drawings to differentiate between the original building, all extensions and proposed development	N/A
5.	Fee of 80 Euro	✓



Section 6	Declaration
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I, JOHN KEEGAN certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: 

Date: 01/11/2024



Planning Department  
Kildare County Council  
Devoy Park  
Naas  
County Kildare  
W91 X77F



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Fax: +353 (0)46 9555144  
Email: [info@keeganquarries.com](mailto:info@keeganquarries.com)  
Web: [www.keeganquarries.com](http://www.keeganquarries.com)

01/11/2024

*Re: Request for a Declaration under Section 5 of the Planning and Development Act 2000, as amended.*

*The works required for the restoration of a pre-1964 sand and gravel pit (QR45) at Clonard, Ballyonan, to include the importation of subsoil and topsoil under an Article 27 process.*

Dear Sir or Madam,

This application for a Declaration under Section 5 of the Planning and Development Act 2000, as amended is made on behalf of Keegan Quarries Ltd, Trammon, Rathmolyon, Co. Meath.

This request for a Section 5 Declaration related to the restoration that is required to be done by Keegan Quarries Ltd at the site of the QR45, Ballyonan, sand and gravel pit. The declaration relates specifically to the requirement for the importation of subsoil and topsoil under the Article 27 process to enable the restoration to be completed.

Background:

The lands in Folio 29356F County Kildare have been quarried for many years prior to 1<sup>st</sup> October 1964. In 2005, Keegan Quarries Ltd applied to Kildare County Council to register the lands as a quarry under Section 261 of the Planning and Development Act 2000. Kildare County Council, reciting that the quarry had commenced operations before 1<sup>st</sup> October 1964, stated that it decided to impose conditions on the future operations of the quarry. Following an appeal by Keegan Quarries Ltd to An Bord Pleanála, some conditions were amended or removed.

In 2012 Keegan Quarries Ltd registered the Ballyonan site under 261A and of the 3 possible determinations available to Kildare County Council, they decided to send the site for a substitute consent to An Bord Pleanála. This was based Scott Cawley report (2012) stating that there was a connection between the quarry and the River Boyne SAC. Keegan Quarries Ltd appealed the determination of Kildare County Council to An Bord Pleanála. The Bord overturned Kildare County Council and stated that the site did not require an EIA, an AA and that a substitute consent was not necessary.



A dispute arose between Kildare County Council and Keegan Quarries Limited in relation to the conditions imposed under the 261A process and the timeline in relation to the closure and restoration of the pit. Agreement was reached in relation to all but one condition (Condition 33, Restoration and Landscaping, see below and attached). It was also agreed between Keegan Quarries Ltd and Kildare County Council that the operation of the site would cease on 30<sup>th</sup> April 2027 (Court Order dated 26<sup>th</sup> July 2023, attached), and the lands restored to agricultural use.

**LANDSCAPING & RESTORATION PLANS:**

33.

(a) Within six months of the date of this decision the quarry operator shall submit for the written agreement of the Planning Authority a restoration and landscaping scheme. This scheme shall include, inter alia, details of:

- The proposed extractive scheme for the quarry,
- Interim and proposed final site levels for excavation and restoration,
- Landscaping proposals and a timescale for implementation of those proposals,
- All existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out,

(b) The restoration proposals shall include the following:

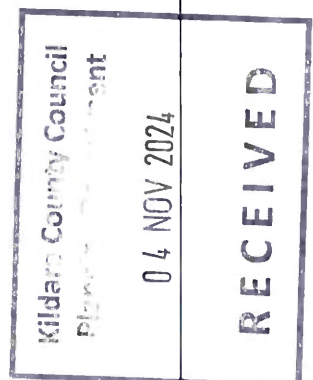
- The purpose, aims and objectives for the after-use of the quarry complex,
- A review of the nature conservation opportunities and constraints of the site,
- Details of the proposed final landform and phased progression of workings toward this form,
- Details of water (ground and surface water) management,
- Details of soil movement and management, associated with restoration;
- Description of target habitats and range of species appropriate of the site,
- Details of habitat linkages and continuity of habitat within and outside the site,
- Selection of appropriate strategies for maintaining or introducing target habitats and species,
- Techniques and practices for establishing habitats and species,
- Sources of soil forming materials, plant stock and other species introductions,
- Method statement for ground forming, soil preparation and habitat and species establishment,
- Prescriptions and programme for initial aftercare and longer term management,
- Timing of the restoration operations in relation to phased working of the site,
- Proposals for monitoring the success of all restoration works,
- Disposal of wastes arising from the restoration.

(c) The site shall be restored and landscaped in accordance with the agreed scheme.

(d) Details of material to be imported for restoration purposes shall be submitted to and agreed in writing with the Planning Authority as part of the scheme,

(e) The restoration and landscaping scheme shall also include an estimate of the total cost of the restoration plan along with an estimate of all individual phases. A qualified and indemnified Quantity Surveyor or other professional acceptable to the Planning Authority shall prepare the estimate.

**REASON:** To regulate the development and to allow the Planning Authority assess the proposed restoration plan and to ensure that the site is restored in the interest of visual amenity and proper planning and sustainable development of the area.



This Condition #33 relates to the restoration of the site to use for agricultural purposes. It is Keegan Quarries Ltd.'s position that a large amount of material (subsoil and topsoil) would be required to be imported onto the site to complete the restoration.

A report was prepared by Pete Mullins (included), which sets out the required amount of material to be imported to enable the site to be used for agricultural purposes.

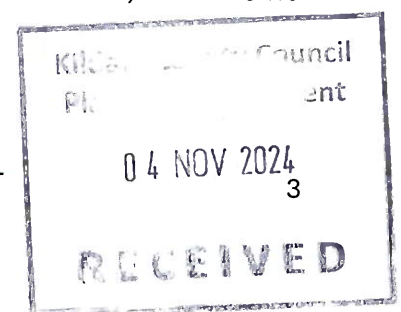
This report was submitted to Kildare County Council. Kildare County Council wrote back to Keegan Quarries Ltd acknowledging and accepting that the importation of material was necessary to restore the lands and comply with Condition 33, however, Kildare County Council stated that it was not necessary to import the amount of material under the Article 27 that Pete Mullin had indicated in his restoration report.

It is respectfully submitted that Pete Mullin is a professional landscape architect with vast and wide experience in the restoration of sand & gravel pits and quarries. Whilst it is encouraging to note that Kildare County Council have accepted that the importation of material is necessary, we respectfully submit that Pete Mullin's assessment of the tonnage required is a true and accurate account of the subsoil and topsoil requirement for the site.

#### Section 5:

A Section 5 Declaration is requested in respect of the following matters:

1. Whether the importation of 91,825 m<sup>3</sup> of material which is required to comply with Condition #33 is exempted development.
2. Whether the **amount** of material imported onto the site changes the status of the development and therefore changes the exempted development status.
3. Where the restoration condition allows for the importation of material onto the site, complies with a planning permission condition, eliminates the need for a new planning application and therefore is exempted development.
4. Whether, as a consequence of the need to cease works and restore the quarry, the works required to comply with this condition should be classed as exempted development.
5. Whether the use of Article 27 material, which is clearly acceptable under Article 27 (Draft National By-Product Criteria Reference Number: BP-N002/2024) as exempted development in circumstances where the restoration of the sand and gravel pit is necessary and needs to be complied with.
6. Whether the importation of material to be spread across the site is, which is no greater than 2m in depth is exempted development.



It is important to repeat that Kildare County Council have already accepted in principle that material can be imported under the Article 27 process. It is also important to note that the Article 27 process, is widely accepted around the country as being an acceptable system for reuse.

The reclamation / restoration of a site is allowable without the need for a planning application in circumstances where the landform has not changed.

The following provisions are considered to be the relevant statutory provisions to this Declaration:

- Under Section 4 of the Planning and Development Act 2000 (as amended) (1) (h); *“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of the neighbouring structures”*;
- And (1) (l); *“development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced”*.
- Part 2 of the Planning and Development Regulations 2011, Article 8C; *“Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development”*.
- 33. (d) from the Planning condition above “Details of material to be imported for restoration purposes shall be submitted to and agreed in writing with the Planning Authority as part of the scheme”.
- Letter from Kildare County Council (attached) dated 11<sup>th</sup> July 2024 stating “Whilst, the Planning Authority may consider the importation of some materials for the purpose of grassing, landforming and landscaping the site”.
- The Court Order (attached) dated 26<sup>th</sup> of July 2023 stating that “the property shall be restored, in accordance with the restoration and landscaping scheme agreed with the Application Council, pursuant to condition 33 of QR45”.

We enclose the following drawings in support of this application:

- Site Location Map 1:2500
- Site Layout Plan 1:500
- Site Layout Plan 1:75
- Plan Views, Elevations & Sections of steel container on the site 1:50
- Plan Views, Elevations & Sections of wheel wash and weighbridge on the site 1:50
- Landscape Restoration Report and drawings dated June 2024, prepared by Pete Mullin Chartered Landscape Architect
- Copy of the QR45 261 Conditions from Kildare County Council & An Bord Pleanála



- Copy of the letter from Kildare County Council, Re Compliance with Conditions, dated 11<sup>th</sup> July 2024
- Copy of the Court Order dated 26<sup>th</sup> of July 2023

Also enclosed is a cheque in the sum of €80.

If you have any queries in relation to the application, please do not hesitate to contact me.

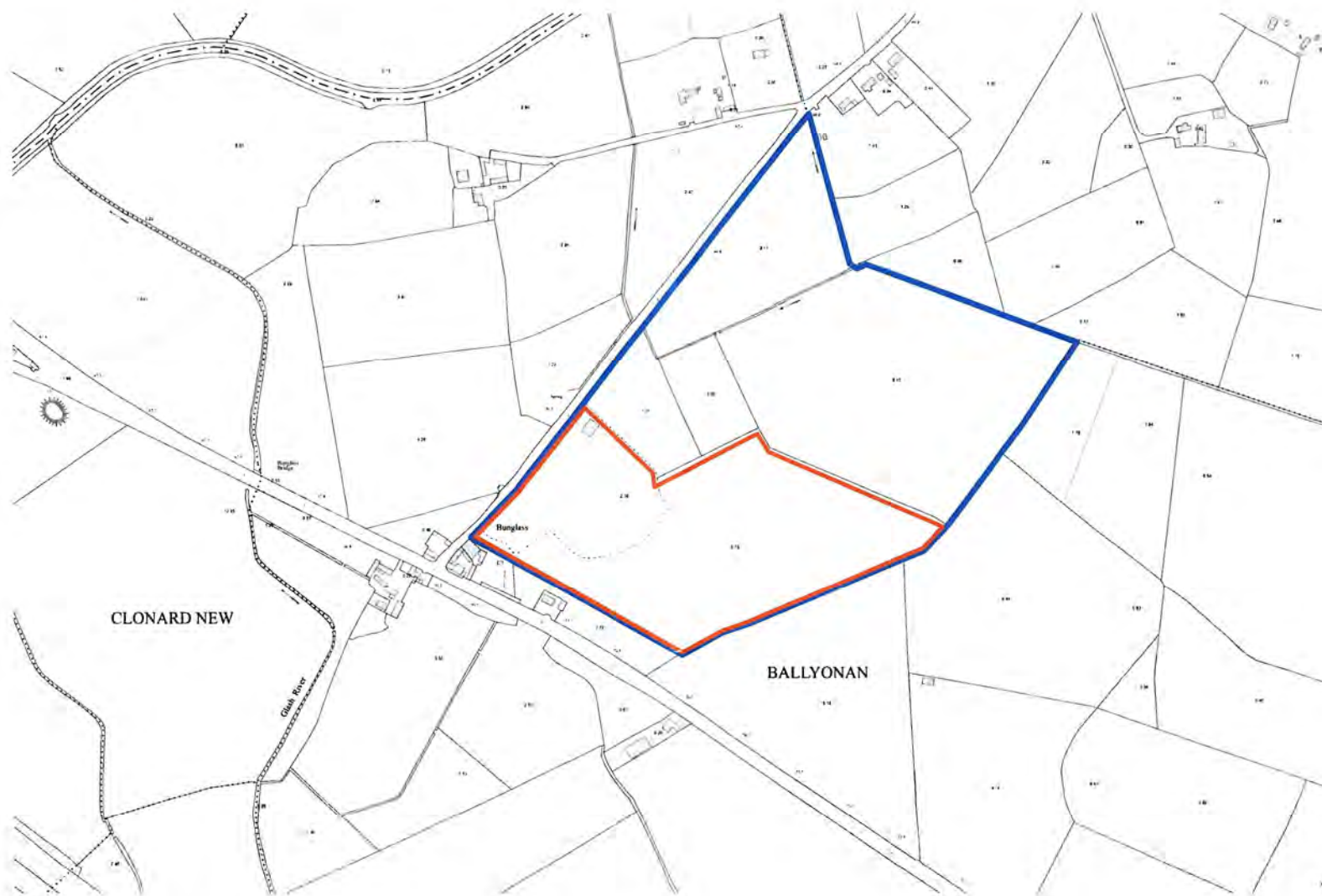
Yours sincerely



John Keegan  
Managing Director







RED LINE INDICATES SITE BOUNDARY

BLUE LINE INDICATES AREA OF LAND OWNERSHIP

SITE AREA = 85478 sq.m. / 8.5478 HECTARES

SITE LOCATION MAP

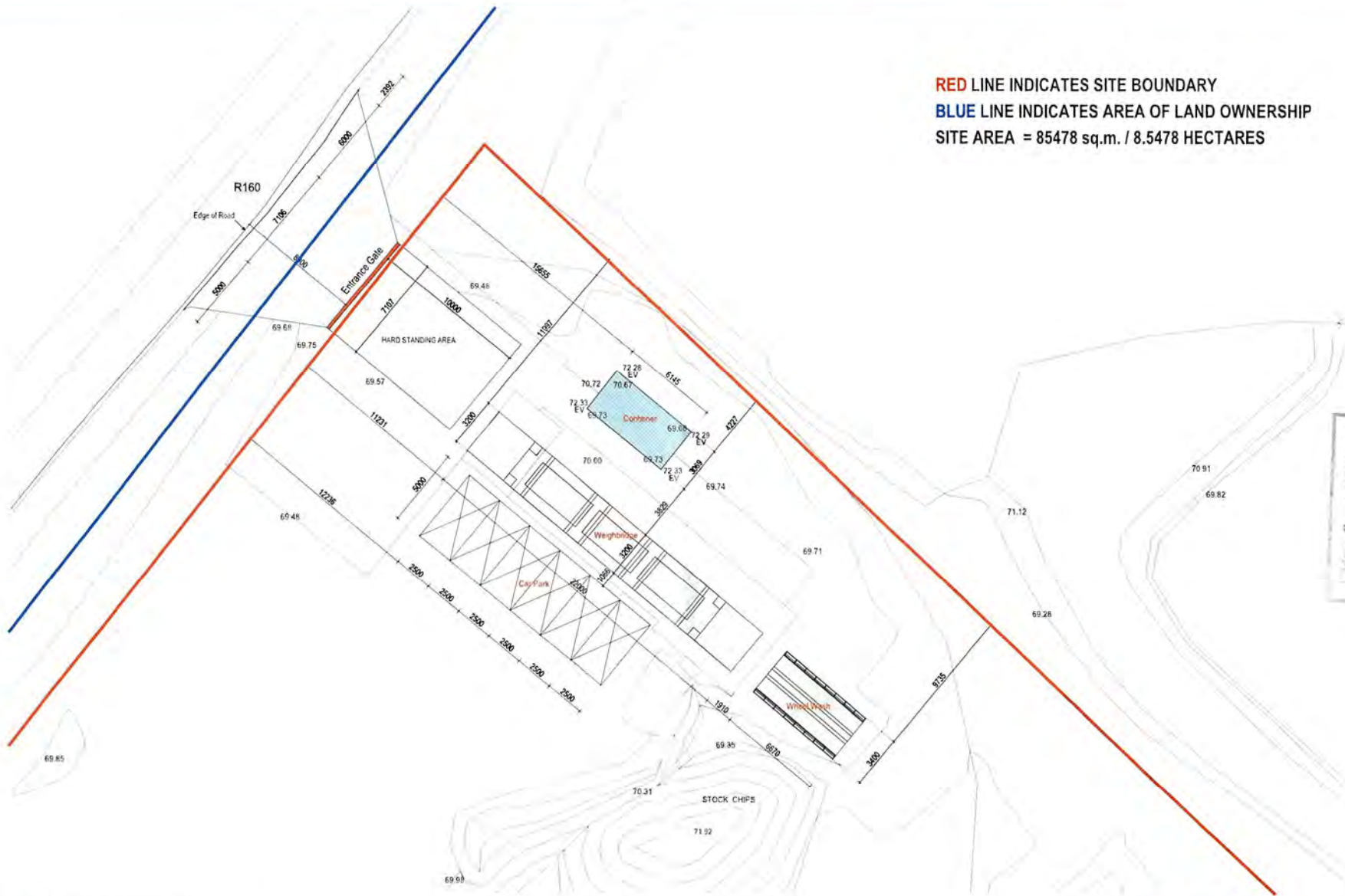
Scale 1:2500

O.S. 2981-D, 2982-C, 3051-B, 3052-A

 <b>KEEGANQUARRIES</b> CONCRETE, STONE & PRE-CAST PRODUCTS <small>Tramore, Rathfriland, Co. Meath • Phone: 045-8255-115 • Fax: 045-8560-917 • Email: info@keeganquarries.com</small>	
Title	Section 5, Ballyonan, Co. Kildare
Project	20150 - Keegan Quarries, Clonard
Contents	Site Location Map
PLANNING APPLICATION DRAWING	
Sheet: A1	Scale: 1:2500
Drawing No. 20150-KPL-DR-102	



**RED LINE INDICATES SITE BOUNDARY**  
**BLUE LINE INDICATES AREA OF LAND OWNERSHIP**  
**SITE AREA = 85478 sq.m. / 8.5478 HECTARES**



KEY PLAN



**Site Plan Layout**  
**Scale 1:75**

<b>KEEGAN QUARRIES</b> CONCRETE, STONE & PRE-CAST PRODUCTS <small>Tramore, Rathmore, Co. Meath • Phone: 046-9555-116 • Fax: 046-9560-017 • Email: info@keeganquarries.com</small>	
Title	Section 5, Ballynash, Co. Kildare
Project	20150 - Keegan Quarries, Clonard
Contents	Site Plan Layout
PLANNING APPLICATION DRAWING	
Sheet A3	Scale 1:75
Drawing No. 20150-KPL-08-103	

Kildare County Council  
 Planning Department  
 04 NOV 2024  
 RECEIVED



Date: 31<sup>st</sup> March 2025

**To: Planning Compliance Dept**  
**Re: ED1166 – Keegan Quarries**

To whom it may concern,

I refer to your email request to the Env Dept dated 26<sup>th</sup> March last, seeking a report on the 4<sup>th</sup> Nov 2024 submission from Keegan Quarries. From reviewing the submission, i wish to advise that the Env Dept have no objection to the proposed remediation plan; subject to the following conditions:

1. Restoration to be by way of using only inert Soil & Stone originating from sites with appropriate planning authorisation.
2. Strict compliance required with Regulation 27 of the EU Waste Regulations, and the relevant EPA Criterion.
3. If by-product material proposed to originate from brownfield sites; compliance required with the EPA 2019 Single-Case Criteria, and notifications can be registered with the EPA by the developer or by other, subject to written agreement with Keegan Quarries.
4. If however greenfield Soil & Stone proposed to be used; compliance required instead with the EPA 2024 National Decision, and registrations can be submitted to the EPA only by the production sites and not by Keegan Quarries. Or agents acting on their behalf.
5. If Keegan Quarries are to market the site as a Soil & Stone landfill for the purposes of this restoration; they will require a waste permit and should consult in advance with the Env Dept of Kildare County Council in relation to the process involved.
6. Further advices on this can be found on the EPA website <https://www.epa.ie/our-services/licensing/waste/by-products-regulation-27/>

Regards

Colm Flynn  
Senior Executive Engineer



# Approx Areas for Proposed Restoration Types/Species

Initial Site Area 8504m<sup>2</sup> (8.504ha)

Restoration (Habitat) 400 Linear m

Restoration (Habitat) 8504m<sup>2</sup> (8.504ha)

Species Rich Grassland 1000m<sup>2</sup> (1.0ha)

Final Restoration (Agriculture) 75488m<sup>2</sup> (7.5488ha)

Traditional Grazing Pasture 75488m<sup>2</sup> (7.5488ha)

Stockproof Fencing 400 Linear m



## W1 WOODLAND MIX 8358 m<sup>2</sup> @ 2500 Plants Per Ha = 20890

T	SPECIES	COMMON	SIZE	GROWN	TRANSPLANTS	DENSITY
D	15 Quercus robur	Oak	60-80cm	BR	1 + 2 Branched	313
Pa	20 Pinus sylvestris	Scots Pine	60-80cm	BR	1 + 1 Branched	416
Ba	10 Betula pendula	Bush	60-80cm	BR	1 + 1 Branched	205
Al	10 Alnus glutinosa	Alder	60-80cm	BR	1 + 1 Branched	205
Sa	5 Sorbus aucuparia	Rowan	60-80cm	BR	1 + 1 Branched	104
Ch	10 Crataegus monogyna	Hawthorn	60-80cm	BR	1 + 1 Branched	205
Ca	5 Cornus avellana	Hazel	60-80cm	BR	1 + 1 Branched	104
Pa	5 Pinus spicata	Beech	60-80cm	BR	1 + 1 Branched	104
Al	5 Alnus aquatica	Holly	60-80cm	BR	1 + 1 Branched	104
Al	5 Alnus campensis	Feld Maple	60-80cm	BR	1 + 1 Branched	104
Un	5 Ulex europaeus	Gorse	60-80cm	BR	1 + 1 Branched	104
Sa	5 Salix caprea	Grey Willow	60-80cm	BR	1 + 1 Branched	104

## H1 LIVESTOCK HEDGEROW MIX 468 Linear @ 5 Plants Per Linear 23400

T	SPECIES	COMMON	SIZE	GROWN	TRANSPLANTS	DENSITY
Ch	75 Crataegus monogyna	Hawthorn	40-60cm	BR	1 + 1 Branched	1 per km
Ca	5 Cornus avellana	Hazel	40-60cm	BR	1 + 1 Branched	1 per km
Pa	5 Pinus spicata	Beech	40-60cm	BR	1 + 1 Branched	1 per km
Al	5 Alnus aquatica	Holly	40-60cm	BR	1 + 1 Branched	1 per km
Sa	5 Salix caprea	Grey Willow	40-60cm	BR	1 + 1 Branched	1 per km
Un	5 Ulex europaeus	Quail Bush	40-60cm	BR	1 + 1 Branched	1 per km

It is to be noted that there is a lot of variation in the number of plants per ha, however, as the site is large, the overall number of plants is expected to be close to the above.

## G1 TRADITIONAL GRAZING PASTURE MIX (Applied to Quarry New Field Restoration)

Contains a selection of grasses and clovers which complement each other to produce a productive grazing sward. May not be as high yielding as some ryegrass ley, but is more stable and independent over a range of soil and weather conditions, with the need for regular fertiliser and chemicals. It is ideally suited to low input extensive grazing systems.

Spreading rate - 40g per m<sup>2</sup> (20kg per ha)

## Grass Species

T	Latin Name	Common Name
12	Cynodon dactylon	Cocksfoot
12	Dactylis glomerata	Cocksfoot
12	Festuca ovina	Sheep Fescue
12	Lolium perenne	Perennial Ryegrass
6	Phleum pratense	Small Clover
6	Trifolium repens	White Clover
12	Schedonema pratense	Meadow Fescue

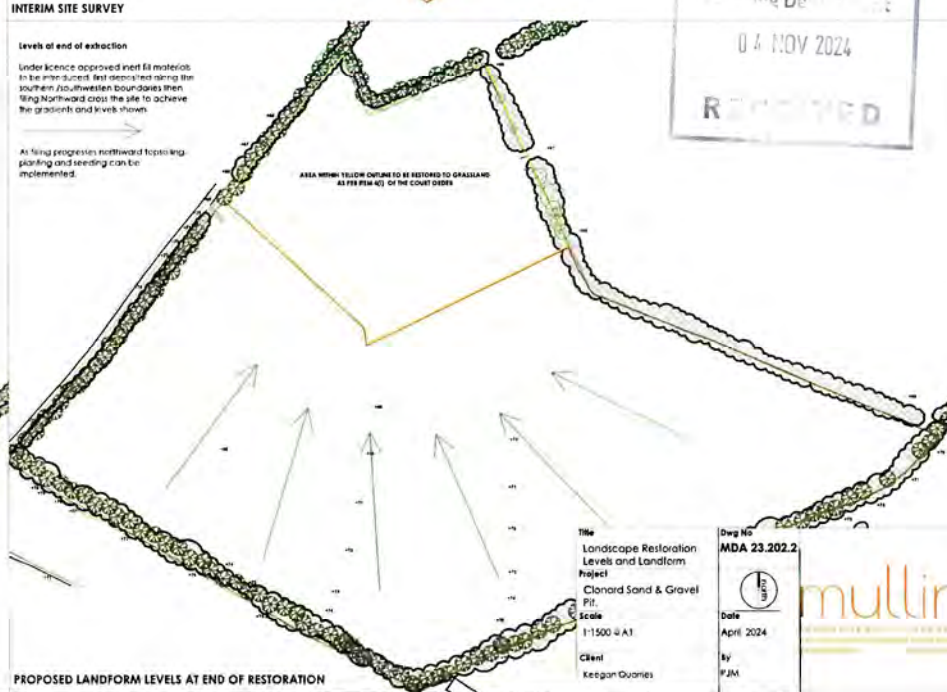
## Clovers, Legumes and herbs

T	Latin Name	Common Name
3	Trifolium repens	White Clover
3	Trifolium pratense	Red Clover
2	Trifolium repens	Small Leaved White Clover

## G2 SPECIAL RICH MEADOW MIX (Applied to Woodland Types Hedgerows)

grazing	Species	Common
1	<i>Brachiaria distachya</i>	Common
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Wade County Council  
Planning Department  
04 NOV 2024  
RECEIVED

Title  
Landscape Restoration  
Levels and Landform  
Project  
Clanard Sand & Gravel  
P.L.  
Scale  
1:1500 @ A1  
Client  
Kegan Quarries

Dwg No  
MDA 23.202.2

Date  
April 2024

By  
PJM

mullin

Clonard, Kinnegad  
Sand and Gravel Pit

Kildare County Council Reference UD7387

**Landscape Restoration - Condition 33**



**Prepared By Mullin Design Associates**  
Chartered Landscape Architects

On Behalf of

**Keegan Quarries Ltd**

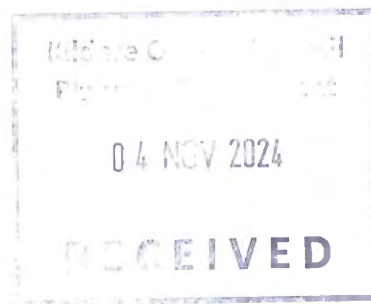
June 2024

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## Terms of Reference

This proposals has been drafted and overseen on behalf of Keegan Quarries Ltd by Pete Mullin, BA (Hons) CMLI, MLI who has over 30 years' experience studying, teaching and practicing Landscape Architecture. Pete has been a chartered member (CMLI) of the Landscape Institute since 1998. He has experience as employee and consultant for a number of recognised multinational practices, and set up Mullin Design Associates in 2000.

He is a respected and active member of both the Irish Landscape Institute (ILI) and the UK Landscape Institute (LI). Pete held the role of Policy Consultant for LI for seven years working across all of the N.I. councils and environmental policy advisors to influence landscape design related. He has held Chair positions in both the NI Landscape Institute and NI Environment Link - Land Matters Task Force.

To date he has been involved with preparation of several hundred Landscape and Visual Impact Assessments, for a wide variety of Annex 1 and Annex 2 projects, with particular experience within the mineral sector.

He has prepared numerous restoration schemes across UK and Ireland including an award winning Sand & Gravel Restoration at Kemnay Aberdeenshire. ( See Images below)



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## Introduction

This report has been revised and updated by Mullin Design Associates, Chartered Landscape Architects to provide details specifically requested by Kildare County Council within Condition 33 of QR45 ( Full condition set out below)

### LANDSCAPING & RESTORATION PLANS:

33.

(a) Within six months of the date of this decision the quarry operator shall submit for written agreement of the Planning Authority a restoration and landscaping scheme. This scheme shall include, inter alia, details of:

- The proposed extractive scheme for the quarry,
- Interim and proposed final site levels for excavation and restoration,
- Landscaping proposals and a timescale for implementation of those proposals,
- All existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out.

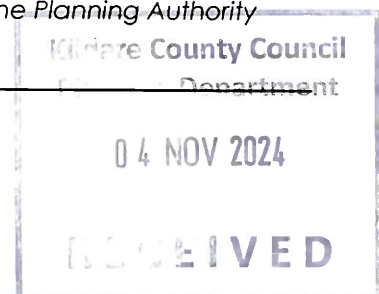
(b) The restoration proposals shall include the following:

- The purpose, aims and objectives for the after-use of the quarry complex,
- A review of the nature conservation opportunities and constraints of the site,
- Details of the proposed final landform and phased progression of works towards this form.
- Details of water (ground and surface water) management,
- Detail of soil movement and management, associated with restoration,
- Description of target habitats and range of species appropriate of the site,
- Details of habitat linkages and continuity of habitat within and outside the site,
- Selection of appropriate strategies for maintaining or introducing target habitats and species.
- Techniques and practices for establishing habitats and species
- Sources of soil forming materials, plant stock and other species introductions,
- Method statement for ground forming, soil preparation and habitat and species establishment.
- Prescriptions and programme for initial aftercare and longer term management,
- Timing of the restoration operations in relation to phased working of the site,
- Proposals for monitoring the success of all restoration works,
- Disposal of wastes arising from the restoration

(c) The site shall be restored and landscaped in accordance with the agreed scheme

(d) Details of material to be imported for restoration purposes shall be submitted to and agreed in writing with the Planning Authority as part of the scheme.

(e) The restoration and landscaping scheme shall also include an estimate of total cost of the restoration plan along with an estimate of all individual phases. A qualified and indemnified Quantity Surveyor or other professional acceptable to the Planning Authority shall prepare the estimate.



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In addition, the most recent correspondence with Kildare County Council, dated 15th March 2024, provided further advice in relation to a number of conditions (including Condition 33) as follows:

### Condition 33

The Developers commitment to comply with condition 33 is noted. The Planning Authority awaits the required Landscape & Restoration Plan. In relation to the clarity sought in your correspondence The Landscape & Restoration Plan shall only relate to the quarry site of QR45 (outlined in red on attached drawing) and not any adjoining lands. In the interest of clarity the lands outlined in yellow on the attached drawing ( see Plate 1.0 below) are required to be restored to grassland as per item 4(i) of the Court Order.



### Legend :

- Land holding as per Land Registry and recent planning applications
- Site boundary / Total site area of the Quarry as per QR45 27/04/2005
- Extraction area as per QR45 27/04/2005
- Application boundary as per 21/931
- Application boundary as per 19/1138



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### Introduction

Whilst we believe the majority of details relating to the proposed restoration have been addressed in previous submissions to Kildare County Council, for clarity this report shall be structured such that each item set out within Condition 33 is addressed sequentially.

Although this may result in a little repetition within the response – it is designed to ensure that no part of the Condition is missed.

### Location

The subject site (Kildare County Council Reference UD7387) is an existing sand and gravel operation located approximately 7km east of Kinnegad off the R148, approx. 0.6km from the M4. The river Boyne runs North South approx. 0.74km to the west.

Plate 2.0 Aerial Photography (c. Mar 2022)



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## Response to Condition 33

**33 (A)** Within six months of the date of this decision the quarry operator shall submit for written agreement of the Planning Authority a restoration and landscaping scheme. This scheme shall include, inter alia, details of:

**33 (A) Bullet Point 1** *The Proposed Extractive Scheme for the site.*

Figure 1.1 held in Appendix A illustrates the proposed extractive scheme - Note: This is end of extraction which would be complete as a single phase extractive operation. This final extractive phase will be immediately followed by implementation of a full restoration scheme, as agreed.

**33 (A) Bullet Point 2** *Interim and Proposed Site Levels for Excavation and Restoration*

The nature and timing of extractive operations at this site are such that upon acceptance by the competent authority of an approved restoration scheme, the operator will move straight to delivery of the approved restoration proposals.

MDA-23-201-2 illustrates the most recent topographical condition at the site, surveyed 29/04/2021

This allows comparison with the proposed final site levels illustrated in Figure 1.1 (Appendix A)

**33 (A) Bullet Point 3** *Landscaping Proposals and timescale for implementation of those proposals*

Landscape Proposals are illustrated in submitted Landscape Plan MDA 23-203-2. The timescale of implementation is set out below:

Key Completion Dates :-

1	Remaining extraction prior to final restoration	- December 2026
2	Site clearance of all plant and equipment	- January 2027
3	Bulk earthworks and movement to achieve proposed levels	- September 2027
4	Final ground preparation (including drainage)	- October 2027
5	Cultivation of growing medium	- November 2027
6	Fencing	- December 2027
7	Planting	- December 2027
8	Seeding	- December 2027

**33 (A) Bullet Point 4** *All existing trees and hedgerows on the site, specify those for retention together with measures for their protection during the period in which the development is carried out.*

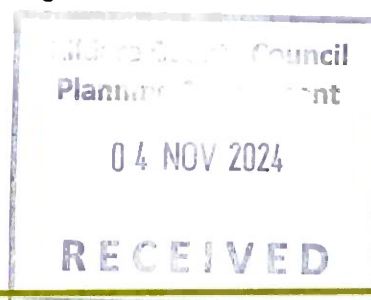
Submitted Landscape Plan MDA 23-203-2. illustrates the location of existing trees and hedgerows to be retained and protected. It should be noted that all existing trees and hedgerows at this site are located around the periphery.

It is also important to note that extractive operations have already been completed in the vicinity of existing boundaries, and therefore no requirement for site vehicles to be in close proximity to existing trees and hedgerows.

Existing trees / Hedgerows will be augmented with additional native plant stock.

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**33 (B) Bullet Point 1** *The purpose, aims and objectives for the afteruse of the proposed quarry complex.*

Restoration of this proposed extractive operation is focused primarily on reinstatement to low intensity agricultural grazing subdivided by native thorn hedging. Existing boundary hedgerows to be augmented and widened with additional native woodland species.

**33 (B) Bullet Point 2** *A review of the nature conservation opportunities and constraints of the site.*

When complete the restoration will :

- Reinforce existing hedgerows
- Introduce a number of new native Hedgerows
- Create a mowing regime along the proposed boundaries (Internal and external) which encourages species rich grassland and wildflower diversification.

**Fig 1.0 Restoration Plan Drawing – Refer to MDA 23.203.2 for detail**



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**33 (B) Bullet Point 3** *Details of the proposed final landform and phased progression of works towards this form.*

Refer to MDA-23-202 which provides a sequence of plans illustrating the existing surveys levels, proposed levels at the end of extraction and proposed level at the end of restoration. To achieve the final levels on site it is proposed to augment the existing stockpiled site materials, namely :-

Stockpile 1: 74(L) x 20(W) x 5(H) = 7,400m<sup>3</sup> of topsoil

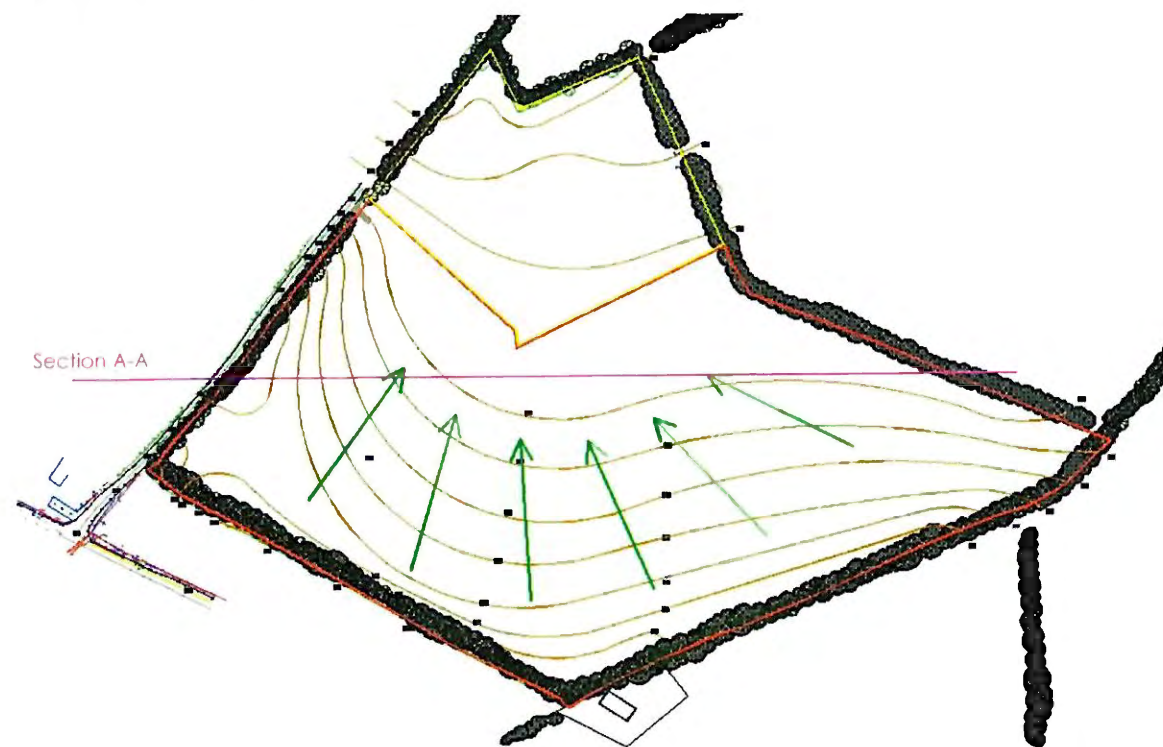
Stockpile 2: 90(L) x 15(W) x 6.5(H) = 8,775m<sup>3</sup> of topsoil

With importation of c.91825m<sup>3</sup> approved inert fill under licence separately agreed.

First material to be deposited along the southern /southwestern boundaries then grading filling Northward cross the site to achieve the gradients and levels shown.

As filling progresses northward topsoiling, planting and seeding can be implemented progressively.

**Fig 2.0 Final Landform – Refer to MDA 23.202.2**



**Fig 3.0 Indicative Cross-section of Final Landform**

(Note: Magenta coloured area would be composed of imported inert fill )



SECTION A-A  
Scale H-1:1,000 / V-1:500

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### 33 (B) Bullet Point 4 Details of water (ground and surface water) management.

Details of water (ground and surface water) management are being supplied and agreed with Kildare County Council separately as part of Condition 11 & 12.

In summary, across the entire site the final finished surface levels will be established well above the groundwater rebound level, with minimum 1m from final finished surface to final rebound level set within the site.

In term of surface water, as illustrated in the restoration proposals, the final ground profile will be graded from south to north and fully vegetated.

Precipitation landing within the site boundary will generally infiltrate the soil surface directly due to the high permeability of the overburden. However for precautionary and additional management control it is proposed to introduce a series of filter drains connecting to inceptor drains which in turn will connect to existing drainage ditches along the northern boundary.

This in simple terms the movement of surface water from south to north across the site will mirror the surface water management that existed prior to the extractive operations.

**Fig 4.0 Indicative Site Drainage Post-restoration**



**33 (B) Bullet Point 5** *Detail of soil movement and management, associated with restoration,*

Refer to MDA-23-202 which provides a sequence of plans illustrating including proposed finished levels at restoration.

There are a number of existing areas within the site where topsoils will be recovered for restoration purposes.

Soil Movement & Management

Prior to relocating topsoil's the following actions would be undertaken.

Handling Soils:-

- Aggressive weeds to be topped and selectively herbicide used prior to moving
- Site Plant selected to minimize disturbance, trafficking and compaction.
- Contamination: Identified topsoil will not be mixed Subsoil, stone, hardcore,
- Wet conditions: Handle topsoil in the driest condition possible. Do not handle during or after heavy rainfall or when it is wetter than the plastic limit less 3%, to BS 1377-2.

Spreading Soils:-

- All surfaces: Prepared and ripped for free drainage before spreading topsoil.
- Layers: - Depth (maximum): 150 mm. - Gently firm each layer before spreading the next.
- Depths after firming and settlement (minimum):
- Grass areas - min 150mm (excluding any wet wildflower grassland areas which will be <50mm)
- Planted areas - min 250mm. Crumb structure: Do not compact topsoil. Preserve a friable texture of separate visible crumbs wherever possible

**33 (B) Bullet Point 6** *Description of target habitats and range of species appropriate of the site*

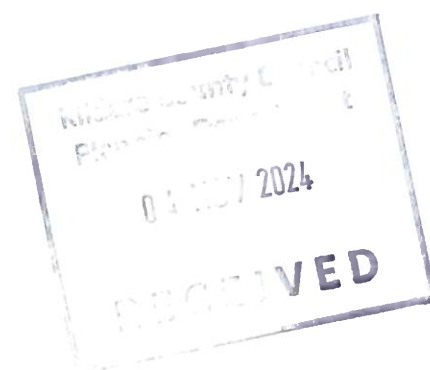
There are 4 habitats types targeted for the site post restorations.

- 1 Native Hedgerows
- 2 Dry Woodland
- 3 Species Rich Grassland (Hedgerow/ Woodland edge )
- 4 Traditional Grazing Pasture

These will be established in the following area :

Native Hedgerows	468 Linear m
Dry woodland	8358 m2 (0.83Ha)
Species Rich Grassland	10557 m2 (1.05Ha)
Traditional Grazing Pasture	78488 m2 (7.84 Ha)

Refer to MDA-23-203 restoration scheme for proposed plant lists and schedules – extract below)







**33 (B) Bullet Point 7** *Details of habitat linkages and continuity of habitat within and outside the site,*

MDA-23-203 illustrates the proposed restoration scheme including woodland belts and hedgerows.

The woodland belt is proposed to augment and reinforce the existing hedgerows and trees around the site, notably the South-eastern and South-western boundaries.

Post restoration the site will be subdivided with proposed native species hedgerows. These linear features will create habitat corridors around and across the site, tying to the existing hedgerow infrastructure in the surround area.

**33 (B) Bullet Point 8** *Selection of appropriate strategies for maintaining or introducing target habitats and species.*

Refer to separate **Landscape Maintenance, Management and Specification Report**

**33 (B) Bullet Point 9** *Techniques and practices for establishing habitats and species*

Refer to separate **Landscape Maintenance, Management and Specification Report**

**33 (B) Bullet Point 10** *Sources of soil forming materials, plant stock and other species introductions,*

It is proposed to fully utilising existing site based soil forming materials, these will be improved with imported non peat based composts and soils as required.

All plant stock to be sourced from Irish plant suppliers adhering to best practice guidance.

**33 (B) Bullet Point 11** *Method statement for ground forming, soil preparation and habitat and species establishment.*

Refer to response to 33 (B) Bullet Point 5 for soil preparation and handling

Also refer to separate **Landscape Maintenance, Management and Specification Report**

**33 (B) Bullet Point 12** *Prescriptions and programme for initial aftercare and longer term management,*

Refer to separate **Landscape Maintenance, Management and Specification Report**

**33 (B) Bullet Point 13** *Timing of the restoration operations in relation to phased working of the site,*

Refer to response to 33 (A) Bullet Point 3 for key timelines to complete restoration.

**33 (B) Bullet Point 14** *Proposals for monitoring the success of all restoration works,*

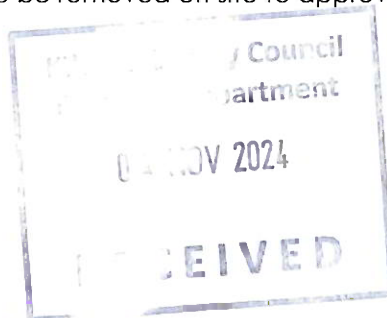
Refer to separate **Landscape Maintenance, Management and Specification Report**

**33 (B) Bullet Point 15** *Disposal of wastes arising from the restoration*

All waste arising from restoration to be removed off site to approved waste handling / recycling facility

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## Response to Condition 33

**33 (C)** *The site shall be restored and landscaped in accordance with the agreed scheme*

Noted.

**33 (D)** *Details of material to be imported for restoration purposes shall be submitted to and agreed in writing with the Planning Authority as part of the scheme.*

The site currently benefits from two existing stockpiles of topsoil totalling 16,175m<sup>3</sup>  
In addition c.91825m<sup>3</sup> of inert fill material would be imported as agreed under Article 27.

**33 (E)** *The restoration and landscaping scheme shall also include an estimate of total cost of the restoration plan along with an estimate of all individual phases. A qualified and indemnified Quantity Surveyor or other professional acceptable to the Planning Authority shall prepare the estimate.*

Restoration Task	Area / Detail	Cost
Relocation existing site stockpiles and berm	8.9ha Site c. 45000m <sup>3</sup>	<b>Total - €35000.00</b>
Inert fill imported to site under Article 27	8.9ha Site c. 91825m <sup>3</sup>	Cost neutral
Site Drainage		<b>Total - €10000</b>
Seeding with Species rich grassland along woodland and hedgerow edges	1.05ha x 20kg per Ha	€200 Per Ha <b>Total - €210.00</b>
Seeding with Species rich grazing pasture	1.05ha	€300 Per Ha <b>Total - €2353.00</b>
Planting of Woodland (W1)	0.83Ha @ 2500 per Ha (Inc guard & cane)	2075 No @ €3 per plant <b>Total - €6225.00</b>
Planting of Hedgerow	468 Lm @ 5plants Lm <sup>2</sup> (Inc guard & cane)	2340 No @ €3 per plant <b>Total - €7020.00</b>
		<b>TOTAL €50808.00</b>
<b>Aftercare</b>		
Aftercare Annual Inspection	€500 per Site Visit x 5 years.	<b>€2500.00</b>
Remedial actions resultant from annual Site Visits	e.g. replanting areas or herbicide spraying (contingency sum)	<b>€1000.00</b>
	<b>Total</b>	<b>€64308.00</b>

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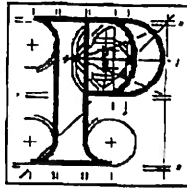
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# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

**Kildare County**

**Planning Register Reference Number: QR45**

An Bord Pleanála Reference Number: 09.QC.2168

**APPEAL** by Keegan Quarries Limited care of William Sheils Limited of 31 Athlumney Castle, Navan, County Meath against the decision made on the 30<sup>th</sup> day of April, 2007 by Kildare County Council to impose conditions on the operation of a registered quarry at Bunglass, Ballyonan, Clonard, County Kildare.

## DECISION

The Board, in accordance with subsection (9)(b) of section 261 of the Planning and Development Act, 2000, confirms with modifications the decision of the planning authority and, based on the reasons and considerations set out below, directs the said Council to **ATTACH** conditions numbers 2 and 12 and the reasons therefor, to **REMOVE** conditions numbers 34 and 42 and the reasons therefor and to **AMEND** condition number 21 and the reason therefor so that it shall be as follows for the reason set out.

21. The entrance to the site shall be upgraded to provide a recessed entrance with improved sight distance to the satisfaction of the planning authority. Within four months of the date of this order, the quarry operator shall submit for the written consent of the planning authority details of the revised vehicular site entrance and a timeframe for the provision of this entrance.

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



## REASONS AND CONSIDERATIONS

Condition 2: It is considered that Condition 2 is necessary in the interest of clarity.

Condition 12: It is considered that Condition 12 is necessary in the interest of ground water protection.

Condition 21: Having regard to the existing, historical site entrance it is considered that Condition 21 be amended to provide for enhanced traffic safety.

Condition 34: It is considered that Condition 34 is unnecessary having regard to Condition 2.

Condition 42: Having regard to the pre-1964 status of the quarry and the decision of the planning authority to impose conditions on the operation of the quarry in accordance with the provisions of section 261(6)(a)(i) of the Planning and Development Act, 2000, the Board concluded that there is no provision in section 261 of the said Act that would authorise the imposition of conditions requiring the payment of a financial contribution.

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

*Mary Mac Mahon*

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 8<sup>th</sup> day of January, 2008.



Date: 30<sup>th</sup> April 2007

Your Ref: QR45

**Planning and Development Act 2000 – 2006**  
**Notification under Section 261**

John Keegan,  
C/o William Sheils,  
31 Athlumney Castle,  
Co. Meath.



**Quarry Registration Number**      **QR45**

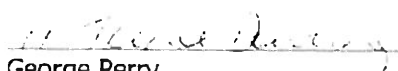
**Location of Quarry**                      **Bunglass, Ballyonan, Clonard, Co. Kildare.**

WHEREAS the above mentioned quarry commenced operation before the 1 October 1964 and WHEREAS the Planning Authority, in the interest of proper planning and sustainable development, and having regard to the development plan and submissions or observations (if any) made pursuant to a notice under subsection (4) or (5) of Section 261 of the Planning and Development Act 2000 – 2006 and having regard to the powers conferred upon by Section 261 6 of the Planning and Development Act 2000 – 2006. Kildare County Council has by Order dated 27/10/2006 decided to impose conditions on the operation of the above quarry.

Details of the conditions are set out in the attached schedule.

This notice is served on you, being the applicant for registration of the above quarry under Section 261 of the above Act, and being the owner/operator of the above quarry.

Signed on behalf of Kildare County Council

  
George Perry,  
Senior Executive Officer.



QR045

**SCHEDULE OF CONDITIONS**

**GENERAL:**

1. These conditions refer to the registration of the quarry under Section 261 of the Planning and Development Act, 2000-2006 and will relate only to the quarry described in the documents and particulars lodged with the application for registration on the 27/04/05, 05/09/05 and 23/04/07, except as may otherwise be required in order to comply with the following conditions.

**REASON:** To regulate the development and to clarify the scope and terms of the decision in the interests of proper planning and sustainable development.

2. This decision relates solely to the use of the quarry for the extraction of sand and gravel from the site and the use of the site as a quarry. Activities at the facility shall be restricted to the excavation, processing, haulage and storage of sand and gravel produced on site and the activities ancillary to the use of the quarry. This decision does not permit the use of the site as a landfill facility.

**REASON:** To regulate the development and to clarify the scope and terms of the decision in the interests of proper planning and sustainable development.

**DURATION OF DEVELOPMENT:**

3. Within six months of the date of this decision the owner/operator shall submit for the consent of the Planning Authority proposals relating to a timeframe for the lifespan of the quarry. This agreement shall be in the form of a Section 47 agreement and shall be entered as a burden on the title documents of the property.

**REASON:** To regulate the development, to clarify the duration of the operation hereby permitted and to limit the life of the development in accordance with the submission made on behalf of the operator received on the 23/04/07 and in the interest of amenity and proper planning and sustainable development and to allow the Planning Authority assess the development at the end of the stated time period.

**SITE OPERATIONS:**

4. All entrances to the site shall be locked shut at all times when the facility is closed or unsupervised so as to prevent entry of unauthorised persons or vehicles to the site.

**REASON:** To regulate the development in the interests of public safety and to prevent and control unauthorised dumping on site.

5. Any disused plant, machinery and scrap material shall be removed from the site within 3 months of its use being discontinued. Scrap material shall be deemed to include all scrapped vehicles and other machinery parts, empty oil barrels, broken or

otherwise unusable vehicle and digger parts, worn out conveyor belts/chains, batteries, tyres, etc.

**REASON:** To regulate the development, to control emissions from the site and to prevent environmental pollution.

6. No on-site lighting shall be permitted on this site without the grant of a separate planning permission.

**REASON:** To regulate the development and to allow the Planning Authority assess any proposal to provide lighting on the site in the interests of regulating the development and controlling emissions from the site to prevent light pollution and in the interests of traffic safety and adjoining residential amenity.

OPERATING HOURS:

7. Excavation and processing of material shall be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. However, loading and transporting of processed material may be carried out between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activities shall be permitted on Sundays or public holidays.

**REASON:** To regulate the development in the interests of controlling the hours of operation of the quarry in the interest of the amenity and proper planning and sustainable development of the area.

ENVIRONMENTAL MANAGEMENT SYSTEM & ENVIRONMENTAL AUDITS:

8. Within 6 months of the date of this decision the quarry operator shall submit for the written approval of the Planning Authority an Environmental Management System for the site. The Environmental Management System shall provide for a review of the Environmental Management System Plan every 5 years and the proposed review shall be submitted to the Planning Authority for its written approval.

**REASON:** To regulate the development to ensure that the development is operated in accordance with "best practice", to control environmental, surface water, ground water or atmospheric emissions and to allow the Planning Authority monitor the operation of the development in the interests of proper planning and sustainable development.

9. The details of the Environmental Management System shall be in accordance with the conditions contained in this decision.

**REASON:** To regulate the development to ensure that the development is operated in accordance with "best practice", to control environmental, surface water, ground water or atmospheric emissions and to allow the Planning

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Authority monitor the operation of the development in the interests of proper planning and sustainable development.

10.

- a) An Environmental Audit of the site operations shall be carried out annually (by the end of January each year) on behalf of the quarry operator by an independent competent person. Details of the monitoring arrangements, including locations and frequency of monitoring shall be submitted to the Planning Authority within 6 months of the date of this decision. The audit should be prepared with reference to, and should take into account, the requirements of the Environmental Protection Agency publication 'Environmental Management Guidelines in the Extractive Industry (Non-Scheduled Minerals)' and shall be submitted to the Planning Authority on an annual basis.
- b) The Environmental Audit shall, inter alia, contain:
  - A summary of all the environmental monitoring results of the year,
  - A record of all movement of heavy vehicles to and from the site,
  - A full record of any breaches over the previous year of noise, dust and water quality,
  - A written record of all complaints and action taken on each complaint.
- c) An independent qualified surveyor acceptable to the Planning Authority shall carry out a topographical survey of the site and this survey shall be submitted to the Planning Authority with the Environment Audit every third year. This survey shall show all areas that have been excavated and that have been restored.

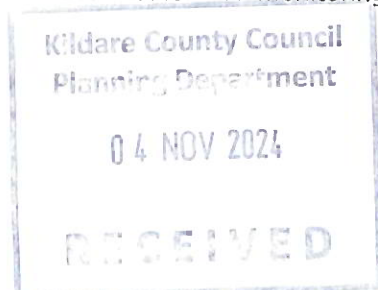
**REASON:** To regulate the development to allow the Planning Authority monitor the development and to control environmental, surface water, ground water and atmospheric emissions.

GROUND WATER PROTECTION & AQAUFER PROTECTION PLAN:

11. Within six months of the date of this decision, full details of the ground water monitoring programme shall be submitted for the written agreement of the Planning Authority and this programme shall ensure that the existing ground water sources serving local residents and farms in the vicinity of the site are unaffected by the development. Where a water source within the affected area has been compromised by the development, the quarry operator shall take whatever measures necessary for the provision of an adequate supply to replace the affected supply. The quarry operator shall provide the Planning Authority with the results of the monitoring of all wells and boreholes within a 500-metres radius of the site. The test results shall be submitted to the planning authority on an agreed basis.

**REASON:** To safeguard and control emissions to groundwater resources in the interest of proper planning and sustainable development and the protection of the environment.

12. The final extraction depth shall be not less than one metre above the level of the water table. A monitoring scheme shall be submitted to and agreed with the





Planning Authority to measure the groundwater levels at the lowest part of the site and to monitor the water levels and measurements of suspended solids.

**REASON:** To control emissions to groundwater in the interest of proper planning and sustainable development and the protection of the environment.

13. All contaminated surface water arising on site shall pass through adequately sized and sited petrol/oil interceptors and settlement lagoons before being discharged to the surface water system.

**REASON:** In the interest of public health and to protect the quality of surface and ground water.

**NOISE:**

14. During the operational phase of the development, the noise level from within the site, measured at noise sensitive locations in the vicinity, shall not exceed:

- a) An  $L_{AeqT}$  value of 55 dB(A) (1 hour) during the period 0800 to 1800 hours from Monday to Friday and the period 0800 hours to 1400 hours on Saturday (inclusive), and
- b) An  $L_{AeqT}$  value of 45 dB(A) (15 minutes) at any other time.
- c) All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate.

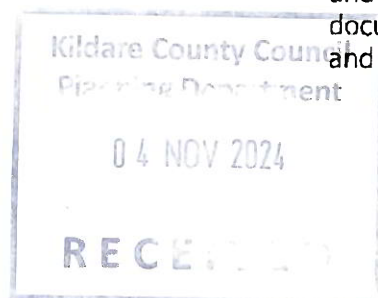
**REASON:** To reduce and prevent the generation and emission of noise and to protect the amenities of properties in the vicinity of the site.

15. A competent independent consultant shall carry out a noise assessment and an interpretive report relating to the site at 3 monthly intervals. The report shall be submitted to the Planning Authority. The locations of the monitoring stations shall be agreed with the Planning Authority.

**REASON:** To allow the Planning Authority monitor the impact of the development on a continuing basis and to reduce or prevent the generation and emission of noise and to protect the environment and prevent atmospheric pollution.

16. No blasting shall take place on the site at any time.

**REASON:** To prevent the emissions of noise and vibration from the development and to restrict the nature of the development in accordance with documents and information submitted by the applicant quarry operator and in the interest of the amenities of adjoining properties.



**DUST:**

17.

- (a) The total dust emission arising from all the on-site operations associated with the development shall not exceed 350-milligrams/m<sup>2</sup>/day averaged over a continuous period of 30-days when measured as deposition of soluble and insoluble particulate matter at any position along the boundary of the site.
- (b) Water shall be sprayed on the roads and exposed soil heaps in periods of windy and dry weather in order to reduce the potential impact of dust on neighbouring properties. Vehicles used for transport of materials from the site shall be equipped so as to prevent spillage of materials and dust blow.
- (c) Where possible stockpiles, tips and mounds shall be located away from sensitive receptors and their location should take into account prevailing wind direction.
- (d) Topsoil and earth stripping or moving should not be carried out in periods of dry and windy weather unless suitable mitigation measures are implemented.
- (e) An adequate hose capacity or other acceptable dust suppression system shall be provided to dampen down stockpiles and equipment during periods of dry or windy weather to prevent the emission of fugitive dust. Fine dry loads shall be covered or sprayed prior to exiting the site.

**REASON:** To regulate the development and to control dust emissions arising from the development and to protect the environment and prevent atmospheric pollution.

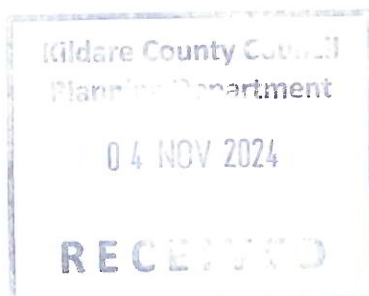
18. A competent independent consultant shall carry out a dust assessment and an interpretive report relating to the site at 3 monthly intervals. The report shall be submitted to the Planning Authority. The locations of the monitoring stations shall be agreed with the Planning Authority.

**REASON:** To allow the Planning Authority monitor the impact of the development on a continuing basis and to reduce or prevent the generation and emission of dust and to protect the environment and prevent atmospheric pollution.

**SIGNAGE:**

19. Within 3 months of the date of this decision the applicant shall submit details of all existing and proposed signage located or to be located at the site entrance. These details shall also provide for a sign indicating the name of the quarry operator, contact telephone number of the quarry, the permitted working hours of the quarry, the name of the Planning Authority and the planning register number of the development.

**REASON:** To regulate the development in the interests of proper planning and sustainable development.



**ROADS & TRAFFIC:**

20. Vehicle parking spaces shall be provided for all vehicles associated with the running of the business, staff cars, trucks, etc, on a durable permanent macadam surface within the curtilage of the site. Each car space shall be marked in 2.5 x 5.0-metre bays and by 100-mm wide white lines with a durable permanent material. Circulation aisles within parking areas shall be 6-metre wide.

**REASON:** To regulate the development in the interest of traffic safety and the interests of proper planning and sustainable development.

21. Within 4 months of the date of this decision the quarry operator shall submit for the written consent of the Planning Authority details of the vehicular site entrance demonstrating that the line of sight at the entrance is in accordance with the Design Manual for Roads and Bridges document TD 41/95.

**REASON:** To allow the Planning Authority assess the proposal and to regulate the development in the interest of traffic safety and the interests of proper planning and sustainable development.

22. The quarry operator shall keep a record of traffic movements in and out of the site. This record should contain details of all traffic movements (including origin and destination of vehicles, date and time of movement, registration number, type of vehicle, quantity of material recorded in tonnes and type of material). This record shall be available on site for inspection by the Planning Authority during working hours.

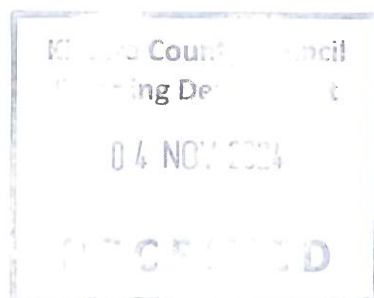
**REASON:** To regulate the development and to maintain a record and assess the impact of the development on the existing road network and to ensure that the levels of generated traffic are in accordance with the applicant's submission.

23. Within 4 months of the date of this decision the quarry operator shall submit details of the haul routes used in connection with this development for the written consent of the Planning Authority.

**REASON:** To regulate the development and to maintain a record and assess the impact of the development on the existing road network.

24. Fully laden vehicles shall not access any alternative routes except for the purpose of local deliveries.

**REASON:** To regulate the development in the interests of traffic safety and to minimise the impact of traffic on the existing road network.



25. Within 4 months of the date of this decision the quarry operator shall submit for the written consent of the Planning Authority details of warning signage to be erected at either side of the quarry entrance to warn road users of the quarry entrance.

**REASON:** To regulate the development and to alert road users of the location of the quarry entrance in the interests of traffic safety.

26. The quarry operator shall ensure that the wheels of all vehicles transporting material from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel wash facility, details of which to be approved by the Planning Authority. The area between the wheel wash and the public road shall be sealed with bituminous surfacing or concrete paving to prevent the deposition of mud, dust or other material on the public road.

**REASON:** To regulate the development in the interests of traffic safety and amenity of the area.

27. The quarry operator shall ensure that all public roadways in the vicinity of the site are swept clear of all loose material daily, and that all loose material is removed from the road verges.

**REASON:** To regulate the development in the interests of road safety and the amenity of the area.

28. The quarry operator shall ensure that access arrangements prevent vehicles from reversing onto the public road or from queuing on the public road before entering the site.

**REASON:** To regulate the development in the interests of traffic safety.

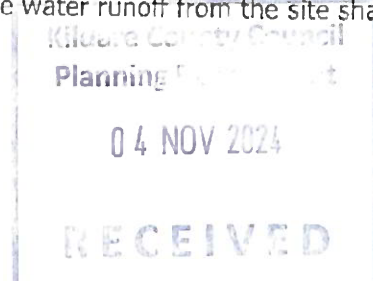
29. The quarry operator shall ensure that no vehicles that exceed the legal maximum axle weight shall use the public road.

**REASON:** To regulate the development to ensure that the road system serving the development is protected in the interest of traffic safety and proper planning and development of the area.

30. The apron at the site entrance shall be built up and finished to the satisfaction of the Planning Authority with concrete/bitmac/asphalt.

**REASON:** To regulate the development in the interests of road safety and to avoid damage to the structure of the existing road.

31. No surface water runoff from the site shall discharge onto the public road.



**REASON:** To regulate the development in the interest of traffic safety.

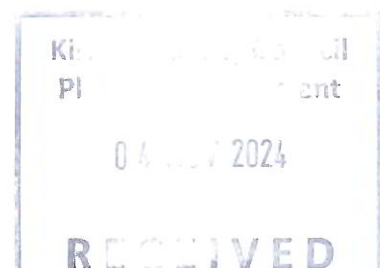
32. Within 4 months of the date of this decision the quarry operator shall submit for the written consent of the Planning Authority details relating to water supply and drainage arrangements, including the disposal of surface water and wheelwash water.

**REASON:** To regulate the development, to allow the Planning Authority assess the proposal in the interests of preventing pollution and protecting the surface water and groundwater.

**LANDSCAPING & RESTORATION PLANS:**

33.

- (a) Within six months of the date of this decision the quarry operator shall submit for the written agreement of the Planning Authority a restoration and landscaping scheme. This scheme shall include, inter alia, details of:
- The proposed extractive scheme for the quarry,
  - Interim and proposed final site levels for excavation and restoration,
  - Landscaping proposals and a timescale for implementation of those proposals,
  - All existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out,
- (b) The restoration proposals shall include the following:
- The purpose, aims and objectives for the after-use of the quarry complex,
  - A review of the nature conservation opportunities and constraints of the site,
  - Details of the proposed final landform and phased progression of workings toward this form,
  - Details of water (ground and surface water) management,
  - Details of soil movement and management, associated with restoration;
  - Description of target habitats and range of species appropriate of the site,
  - Details of habitat linkages and continuity of habitat within and outside the site,
  - Selection of appropriate strategies for maintaining or introducing target habitats and species,
  - Techniques and practices for establishing habitats and species,
  - Sources of soil forming materials, plant stock and other species introductions,
  - Method statement for ground forming, soil preparation and habitat and species establishment,
  - Prescriptions and programme for initial aftercare and longer term management,
  - Timing of the restoration operations in relation to phased working of the site,
  - Proposals for monitoring the success of all restoration works,
  - Disposal of wastes arising from the restoration.
- (c) The site shall be restored and landscaped in accordance with the agreed scheme.
- (d) Details of material to be imported for restoration purposes shall be submitted to and agreed in writing with the Planning Authority as part of the scheme,





- (e) The restoration and landscaping scheme shall also include an estimate of the total cost of the restoration plan along with an estimate of all individual phases. A qualified and indemnified Quantity Surveyor or other professional acceptable to the Planning Authority shall prepare the estimate.

**REASON:** To regulate the development and to allow the Planning Authority assess the proposed restoration plan and to ensure that the site is restored in the interest of visual amenity and proper planning and sustainable development of the area.

34. Nothing in this decision or in Condition No. 33 above shall allow the operator to use the site for the purposes of land-filling.

**REASON:** It is considered that land-filling is not an ancillary use to the use of the site as a quarry and consequently any use of the site as a land fill requires a separate planning permission under the Planning and Development Act, 2000-2006.

**RESTORATION BOND:**

35.

- a) Within 3 months of the date of this decision, the operator shall lodge with the Planning Authority a bond of an insurance company, a cash deposit, or other security as agreed to secure the provision and satisfactory completion and restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the site including all necessary demolition and removal.
- b) The form and amount of the security shall be at least one quarter of the estimate mentioned in Condition No. 33 above and agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.
- c) All such security provided shall be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index - Building and Construction ( published by the Central Statistics Office). The bond shall remain in full force and effect until discharged by the Council.

**REASON:** To regulate the development and to ensure the satisfactory reinstatement of the site.

**FENCING, HEDGEROWS & BOUNDARIES:**

36. A buffer zone of at least 10-metres in width shall be retained undisturbed between the proposed extraction area and hedgerows/site boundaries around the perimeter of the site. A buffer zone of at least 30-metres in width shall be retained undisturbed between the proposed extraction area and any dwelling.





**REASON:** To regulate the development to ensure the protection of the landscape and for the protection of flora and fauna in the interests of residential amenity.

37. A stock and trespass proof fence shall be erected around the full perimeter of the site.

**REASON:** To regulate the development in the interest of orderly development and public safety.

**SURFACE WATER GROUNDWATER PROTECTION:**

38. Within 4 months of the date of this decision the quarry operator shall submit for the written consent of the Planning Authority details relating to adequately bunded overground oil and chemical storage tank(s) so that they are protected against spillage. Bunding shall be impermeable and capable of retaining a volume greater than 110% of the capacity of the largest tank within the bunding area or 25% of the total volume of the substance which could be stored within the area, whichever is greater. Filling and off-take points shall be located within the bunded areas. Spill pallets are to be used to store drum of oils and chemicals (including waste oils).

**REASON:** To regulate the development, to allow the Planning Authority assess the proposal and to prevent water pollution in the interests of proper planning and sustainable development.

39. All contaminated surface water arising on site shall pass through settlement lagoons and adequately sized and sited petrol/oil interceptors before being discharged to the surface water system.

**REASON:** To regulate the development to control emissions to surface water and groundwater in the interest of public health and to protect the quality of surface, ground and receiving waters.

40. Prior to the discharge of treated effluent (this includes water from settlement ponds and interceptors) or surface water from the development to waters, a Section 4 Effluent Discharge Licence under the Local Government (Water Pollution) Act 1977, as amended, shall be obtained from Kildare County Council.

**REASON:** To control emissions to surface water and groundwater in the interest of public health and to protect the quality of surface and ground water and prevent pollution.

**ARCHAEOLOGY:**

41.

a. Within 4 months of the date of this decision the quarry operator shall engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the site. The archaeologist shall identify any areas of high

Kildare County Council  
Planning Department

04 NOV 2024

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archaeological potential that may be impacted upon. The identification of these areas may require geophysical analysis.

- b. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the archaeologist. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and the Department of the Environment, Heritage and Local Government. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. This may necessitate archaeological mitigation measures.

**REASON:** To regulate the development to ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

**SPECIAL FINANCIAL CONTRIBUTIONS:**

42. The quarry operator shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000-2006 in respect of improving the road in the vicinity of the access points for the development. The amount of the contribution shall be agreed between the Planning Authority and the quarry operator or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be agreed and paid within 4 months of the date of this decision or in such phased payments as the Planning Authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**REASON:** It is considered reasonable that the quarry operator should contribute towards the specific exceptional costs which are incurred by the Planning Authority which are not covered in the Development Contribution Scheme and which will benefit the development.



Document Type: Decree (Order)



Record No:

Filed By:

Copy  
021/APP19

AN CHUIRT CHUARDA  
(THE CIRCUIT COURT)

EASTERN CIRCUIT  
COUNTY OF KILDARE

BEFORE JUDGE NOLAN at ATHY

THE 26<sup>th</sup> DAY OF July 2023

BETWEEN

KILDARE COUNTY COUNCIL

APPLICANT

-AND-

KEEGAN QUARRIES LIMITED AND MAURA KEEGAN

RESPONDENTS

The Respondents having been duly served with the Application herein and the same coming for hearing before the Court this day.

THIS MATTER coming on for hearing this 24th and 26th day of July, 2023,

WHEREUPON having considered the pleadings and hearing what was urged by Counsel for the Applicant and Counsel for the Respondents, the Court doth make Orders in the within proceedings, in the following terms: -

BY CONSENT THE COURT DOTH ORDER

1. An Order directing the Respondents to forthwith cease the use of the property, being the lands situate at Ballyonan, Broadfield, in the County of Kildare ('the property'), for the importation and stockpiling of aggregate onto the property for storage, processing and/or distribution, in breach of condition 2 attached to Section 261 decision QR45, An Bord Pleanála Reference no: 09.QC.2168, save for the small importation of maximum 40 tonnes per week of Blending Sand to be used solely as an aggregate mixer/blender in respect of sand and gravel extracted from the property.

IF YOU THE WITHIN NAMED KEEGAN QUARRIES LIMITED, MAURA KEEGAN, AND ALL OTHER PERSONS HAVING KNOWLEDGE OF THE GRANTING OF THE JUDGMENT OR ORDER HEREIN, NEGLECT TO OBEY THIS JUDGMENT OR ORDER BY THE TIME THEREIN LIMITED, YOU WILL BE LIABLE TO A PROCESS OF EXECUTION INCLUDING IMPRISONMENT FOR THE PURPOSE OF COMPELLING YOU TO OBEY THE SAME ORDER.

Certified To Be A True Copy  
Of The Original Order Filed  
In The Courts Service Office,  
Naas, Co. Kildare.  
Dated this 28<sup>th</sup> day of July 2023  
*Ciarra W. McQuinn*  
Nominated Signatory  
By The Combined Office Manager

2. Restraining the Respondents, their respective servants, agents, licensees or any person acting in connection with them or on their instruction, and all persons having knowledge of the granting of any Order herein from continuing the said development and use of the property other than in accordance with the Order herein and any other authorised use.

3. An order directing the Respondents to cease all activity and uses of the area outside the as permitted site boundary, as authorised by section 261 decision QR45, An Bord Pleanala Reference No: 09.QC.2168, pertaining to the property and outlined in Red in the map attached hereto, within a period of seven days of the date of service of the within Order on the Respondents, acknowledging that the Respondents have already substantially advanced appropriate restoration.

4. An Order directing the Respondents to complete the restoration works on the area outside the as permitted site boundary, authorised by the section 261 decision QR45, ABP reference no.09.QC.2168 and outlined in yellow on the map attached hereto, within a period of five months of the date of service of the within Order on the Respondents. The said restorations works to include the following-

i) Removal of all aggregates stockpiled on the area outlined in yellow on the map attached hereto and to restore this area to grassland.

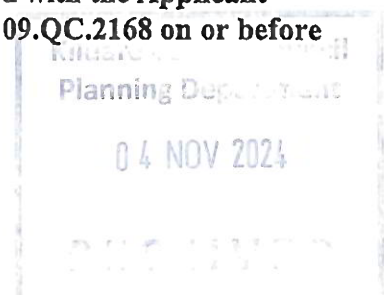
ii) Removal of the site office at the entrance to the property, with a stay on such removal pending the determination of the decision of An Bord Pleanala pursuant to section 5 declaration ED900 and/or the submission of a

valid planning permission in respect of the site office within a period of 8 weeks from the date of the Order herein and thereafter receipt of a grant of planning permission in respect of the application by Kildare County

Council or a decision on appeal in respect of this said planning application by An Bord Pleanala.

5. An Order directing the Respondents to comply with the conditions attached to Sections 261 decision QR45, An Bord Pleanala (ABP) Reference no: 09.QC.2168 which pertain to the property, save for condition no.41, within a period of three months from the date of the service of the within Order on the Respondents. For the avoidance of doubt no extraction below the water table is to occur on the property and as regards the pond on the property, where the water table has been breached, no water will be extracted from the water table into this pond and all necessary water shall be tanked onto the property and/or harvested from rainfall.

6. As regards Condition no 3 attached to the section 261 decision, ABP reference no: 09.QC.2168, the property will continue to operate as a quarry for the extraction of sand and gravel and the processing of material so extracted, as authorised by s.261 decision QR45, ABP reference no.09.QC.2168, until 30th April, 2027, by which date all quarry activities and processing shall have ceased and the property shall be restored, in accordance with the restoration and landscaping scheme agreed with the Applicant Council, pursuant to condition 33 of QR45, ABP reference no. 09.QC.2168 on or before 31st December, 2027.





7. Directing the Respondents to discharge the Applicant's costs and expenses of the proceedings, to be taxed in default of agreement.

8. Proceedings are to be adjourned to the next civil sessions in Naas Circuit Court, with liberty to apply.

BY THE COURT

*Ciara ní Mhóiráin*

NOMINATED SIGNATORY BY THE COMBINED OFFICE MANAGER

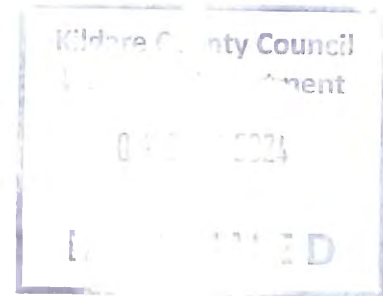




**Our ref: QR45 (UD7387) Please quote this reference in future correspondence)**

11<sup>th</sup> July 2024

Keegan Quarries,  
Bunglass,  
Ballyonan,  
Clonard,  
Co. Kildare



**RE:- Compliance with Conditions 11, 12 & 33 of QR45**

Dear Mr Keegan,

I refer to your compliance submission received on 27th June 2024 in relation to Conditions 11, 12 & 33 of QR45 and wish to advise as follows:

**Condition 11 of QR45**

The Planning Authority has examined your submission and notes your letters to occupants of dwellings within 500m of the site. As previously advised condition 11 requires the quarry operator to provide the Planning Authority with the results of the monitoring of all wells and boreholes within a 500-metres radius of the site. The monitoring as stated in condition 11 is required to achieve compliance with this condition.

The Planning Authority notes that there are a number of parameters for groundwater testing in Table 1 of the submitted Groundwater Monitoring Plan dated 25th June 2024, the Plan has provided no basis for these parameters, please ensure the parameters identified in the revised Groundwater Monitoring Plan is in full accordance with the parameters detailed in the most up-to date groundwater and drinking water regulations.

**Condition 12 of QR45**

Your submission received on 27th June 2024 has been examined. The Planning Authority is satisfied that compliance with condition 12 of QR45 has been achieved. Continued compliance with this condition is required.

**Condition 33 of QR45**

Your submission received on 27th June 2024 has been examined. The submission has failed to have regard to the Planning Authority's correspondence dated 29th May 2024 in relation to compliance with condition 33. The Planning Authority notes that page 3 of your submission incorrectly states the most recent correspondence from Kildare County Council was 15th March 2024, it is further noted that the drawings submitted are the same drawings as submitted previously and are dated April 2024,

# Comhairle Contae Chill Dara Kildare County Council



upon which the Planning Authority has provided its comments to you in correspondence dated 29th May 2024.

As per your previous proposal your restoration proposal submitted is based on the importation of 108,000m<sup>3</sup> of materials onto the site (16,175m<sup>3</sup> from the adjoining yellow lands and 91,825m<sup>3</sup> to be imported under Article 27). The Planning Authority is of the view that the importation of this very significant volume of materials onto the site for the purpose of restoration is excessive and unnecessary for the purposes of achieving the appropriate restoration and landscaping of this quarry. In the planning authority's view the final landforming and phased progression of the restoration of this quarry would not require the extensive importation of the materials proposed in your restoration plan. Please submit a revised Restoration Plan which utilises existing materials on site and on the adjoining yellow lands for the purpose of restoration and particularly for the appropriate grading of all boundary slopes. Whilst, the Planning Authority may consider the importation of some materials for the purpose of grassing, landforming and landscaping the site, it would be envisaged that this amount would vary throughout the site and such amounts would be considerably less than the volumes of material proposed in your current restoration plan. (The amount of materials shall be expressed in cubic metres and tonnes).

Please note that should you wish to import the volume of materials proposed in your current restoration plan it is likely that a separate planning permission and associated EIAR and NIS screening/assessments as applicable would be required.

**Please submit a revised Landscape Restoration Plan with associated drawings which address the above.**

Please forward all compliance submissions to Kildare County Council, Planning Enforcement Section, Planning Department, Áras Chill Dara, Devoy Park Naas, Co. Kildare W91 X77F. Please quote UD7387 on all correspondence.

Email [planningcontrol@kildarecoco.ie](mailto:planningcontrol@kildarecoco.ie)

Yours Sincerely,

A/Senior Executive Officer

Planning Department





## **KCC Transport, Mobility and Open Spaces Department Report**

**File Number:** ED1166  
**Applicant:** Keegan Quarries Limited.  
**Address:** Lands at Ballyonan, Broadford, Co. Kildare.  
**Date:** 2<sup>nd</sup> April 2025.

### **Quantities and tonnages of proposed restoration material:**

91,825m<sup>3</sup> of material is proposed to be imported onto the site. Assuming a bulk density factor of 1.50 for soil and stone, this equates to approximately 138000.00 tonnes.

### **Assessment:**

91,825m<sup>3</sup> of restoration material is proposed to be imported onto site. This equates to approximately 6500 no. 8 wheel HGV deliveries, 13,000 no. HGV movements to and from the site. No Traffic Impact Assessment (TTA), Road Safety Audit (RSA), a HGV Traffic Management Plan containing haul routes and warning signage in accordance with the Department of Transport, Tourism and Sport (DTTAS) Traffic Signs Manual and Site Layout Plans indicating, *inter alia*, lines of sight on the L-1011 local road and R148 Regional Road have been submitted in the Section 5 application.

- a. In light of the absence of sufficient information having been submitted by the applicant.
- b. The extent of the quantities of restoration materials and the potential negative impact this would have on the structural integrity, alignment, drainage and capacity of the local and regional road network due to the number HGV movements.
- c. The proposals represent an endangerment of public safety by reason of traffic hazard and obstruction to road users.
- d. The proposed importation of restoration material is therefore considered works and therefore development and not exempted development in accordance with Article





9 (1) (a) (iii) of the Planning And Development Regulations 2001, as amended which states:

*Restrictions on exemption.*

*9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act –*

*(a) if the carrying out of such development would -*

*(iii) endanger public safety by reason of traffic hazard or obstruction of road users.*

**Conclusion:**

The proposed importation of restoration materials is considered works and therefore development and not exempted development from a transportation perspective having consideration to Article 9 of the Planning And Development Regulations 2001, as amended. The proposed development represents an endangerment to public safety and an obstruction to road users. This would be contrary to the proper planning and sustainable development of the area.

Signed: \_\_\_\_\_  
C. Lynch,  
Executive Engineer.

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

Endorsed: \_\_\_\_\_  
*Annette Keaveney*  
A. Keaveney,  
Senior Executive Engineer.

Date: 02/04/2025

**Planning Register Reference: ED1166**

Kildare County Council  
Roads, Transportation and Public Safety Department,  
Aras Chill Dara,  
Devoy Park,  
Naas,  
Co. Kildare.

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Date: 31<sup>st</sup> March 2025

**To: Planning Compliance Dept**  
**Re: ED1166 – Keegan Quarries**

To whom it may concern,

I refer to your email request to the Env Dept dated 26<sup>th</sup> March last, seeking a report on the 4<sup>th</sup> Nov 2024 submission from Keegan Quarries. From reviewing the submission, i wish to advise that the Env Dept have no objection to the proposed remediation plan; subject to the following conditions:

1. Restoration to be by way of using only inert Soil & Stone originating from sites with appropriate planning authorisation.
2. Strict compliance required with Regulation 27 of the EU Waste Regulations, and the relevant EPA Criterion.
3. If by-product material proposed to originate from brownfield sites; compliance required with the EPA 2019 Single-Case Criteria, and notifications can be registered with the EPA by the developer or by other, subject to written agreement with Keegan Quarries.
4. If however greenfield Soil & Stone proposed to be used; compliance required instead with the EPA 2024 National Decision, and registrations can be submitted to the EPA only by the production sites and not by Keegan Quarries. Or agents acting on their behalf.
5. If Keegan Quarries are to market the site as a Soil & Stone landfill for the purposes of this restoration; they will require a waste permit and should consult in advance with the Env Dept of Kildare County Council in relation to the process involved.
6. Further advices on this can be found on the EPA website <https://www.epa.ie/our-services/licensing/waste/by-products-regulation-27/>

Regards

Colm Flynn  
Senior Executive Engineer

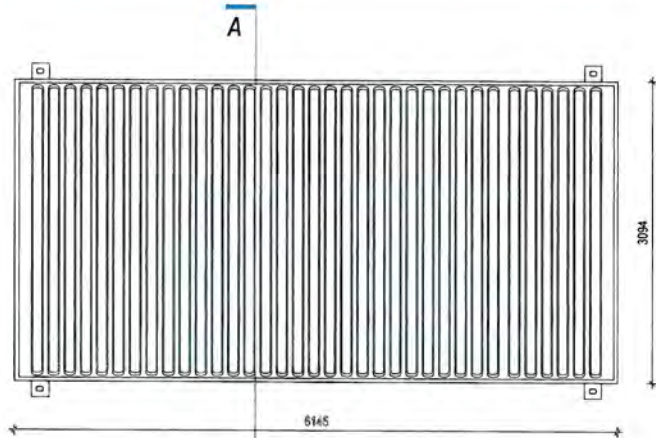


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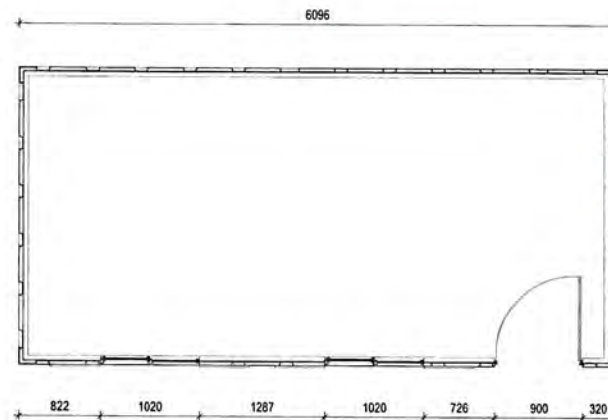
Title	Site Survey	Dwg No	MDA 23.201.2
Project	Clonard Sand & Gravel Pit	Date	
Scale	1:750 @A1	By	PJA
Client	Keegan Quarries		



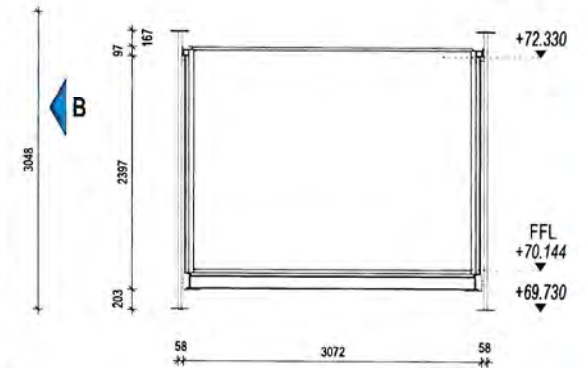




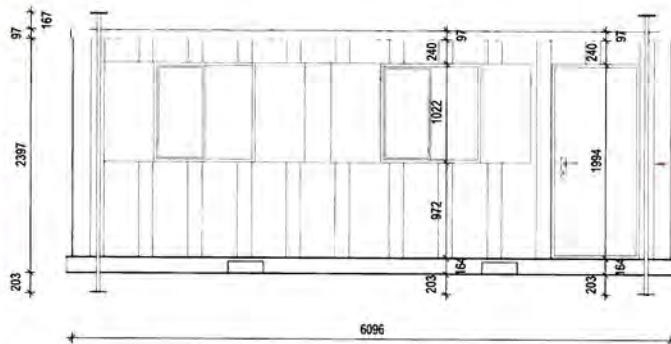
**Roof Plan View**  
Scale 1:50



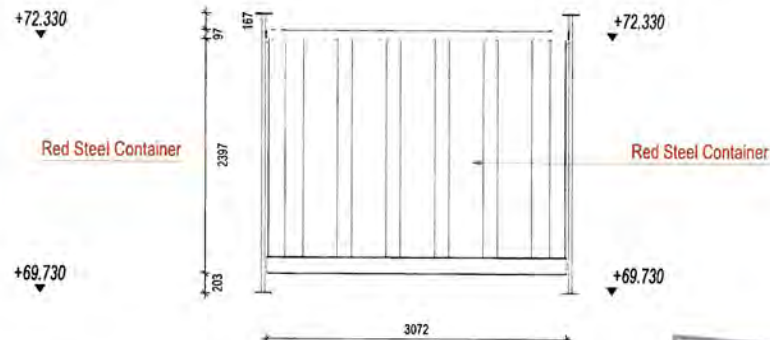
**Plan View**  
Scale 1:50



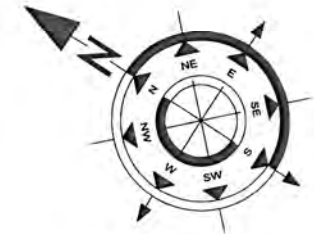
**Section A-A**  
Scale 1:50



**Elevation A**  
Scale 1:50

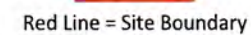


**Elevation B**  
Scale 1:50

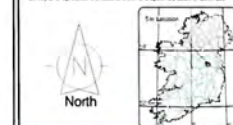


**KEEGANQUARRIES**  
CONCRETE, STONE & PRE-CAST PRODUCTS  
Tralee, Rathfriland, Co. Meath • Phone: 046-9555-116 • Fax: 046-9550-917 • Email: info@keeganquarries.com

Title	Section 5, Ballyonan, Co. Kildare
Project	20150 - Keegan Quarries, Clonard
Contents	Steel Container - Plan Views, Elevations & Sections
PLANNING APPLICATION DRAWING	
Format	A3
Scale	1:50
Drawing No.	20150-KPL-DR-104



04 NOV 2024

[illegible][illegible]

Fingerprint Services, Manual Fingerprinting Services,  
 Latent Print, Latent Print Services, Latent Print Services, Latent Print Services,  
 Physical Services, Physical Services, Physical Services, Physical Services,  
 Latent Fingerprinting, Latent Fingerprinting

**Head Office**  
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 Phone: (+353) 045 466040  
 Fax: (+353) 045 466004  
 Email: info@norris.ie

Client:

Project: Keegan Quarries  
Ballyman, Clepard

Date : 03.05.2021 Scale : 1:1000 (A1)

Drawing Number:	<b>MGL41708 T ITM</b>
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**KEEGAN QUARRIES**

Title: Section 5, Ballyonan, Co. Kildare

Project	20150 - Keegan Quarries, Clonard
Contents	Site Blank Layout

PLANNING APPLICATION DRAWING		
Form: A1	Scale: 1:1000	Drawing No.: 2015-0-FBI-DW-1

Project No.	2007-2-0000	Project	2007-2-0000
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FINANCE CASH OFFICE  
Kildare County Council  
Aras Chill Dara  
Devoy Park  
Naas  
Co. Kildare  
04/11/2024 11:49:56

Receipt No. : FIN1/0/505712

RE: KEEGAN QUARRIES LTD

PLANNING EXEMPT DEVELOP FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :  
Cheque 80.00

Change : 0.00

Issued By : Maeve Timmons Finance  
From : Financial Lodgement Area  
Vat reg No.0440571C