

Comhairle Contae Chill Dara
Kildare County Council



Date: 12/07/2016
Pl. Ref.: 15/189

REGISTERED POST

Kilsaran Concrete
c/o SLR Consulting Ireland
7 Dundrum Business Park
Windy Harbour
Dublin 14

Notification of a decision under Section 34 of the Planning & Development Act 2000-2015

Planning Register Number: 15/189
Application Received Date: 16/03/2015
Further Information Received Date: 18/05/2016

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 12/07/2016 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:- inert soil & stone / construction and demolition waste recovery facility at **Halverstown, Kilcullen, Co. Kildare** subject to **37 conditions** set out in the schedule attached.

The reason for the imposition of the said conditions are also included. The Planning Authority have had regard to any submissions or representations made on this file. If there is no appeal against the said decision a **grant of permission** in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala (see footnote). It should be noted that until a grant of permission has been issued the development in question is **NOT AUTHORISED** and work should not commence.

Date: 12/07/2016



Senior Executive Officer, Planning
Kildare County Council

PLEASE ARRANGE TO REMOVE SITE NOTICE

Any appeal against the decision of a Planning Authority under Section 37 of the Planning and Development Act 2000-2015 may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1. First and third party objections must be received by the Bord within 4 weeks beginning on the day of making the decision by the Planning Authority. The appeal must be fully complete from the start - you are not permitted to submit any part of it later, even within the time limit.

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

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

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

Planning Permission is sought for inert soil & stone / construction and demolition waste recovery facility at Halverstown, Kilcullen, Co. Kildare – Kilsaran Concrete – 15/189

Schedule 1: Considerations and Reasons

Having regard to the nature of the proposed development and the existing uses on site and the policies and objectives of the Kildare County Development Plan 2011-2017, it is considered that, subject to compliance with the conditions set out below and the implementation of mitigation measures as outlined in the EIS, the proposed development would not seriously affect the amenities of the residential property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

Schedule 2: Conditions

1. The development shall be carried out and completed in accordance with drawings received by the Planning Authority on the 16th March 2015, and as altered by revised documentation and details submitted on the 6th August 2015 and on the 18th May 2016, except where altered or amended by conditions in this permission.

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

2. This permission authorises the importation and recovery of inert soil and stone/construction and demolition waste to partially restore the former extraction and silt settlement lagoon in the southern part of the Kilsaran landholding at Halverstown only and does not authorise a waste recycling facility.

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

3. The development shall be carried out, completed and maintained in accordance with undertakings for measures to mitigate its impacts as outlined in the Environmental Impact Statement received by the Planning Authority on the 18th May 2016, except where altered by the conditions of this permission.

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

4. Activities at the facility shall be restricted to the partial restoration of the site with materials as set out in the documentation contained in the Environmental Impact Statement received by the Planning Authority on 18th May 2016, or as subsequently amended. No further excavation of material for sale/transport off the site is permitted.

Reason: In the interest of clarity.

5. The applicant shall submit an annual topographical survey and site section drawings to detail the annual progression of the restoration relative to the final restoration plan. Details shall receive the written agreement of the Planning Authority.

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

6. The applicant shall provide a weighbridge and shall provide annual data of tonnage imported to the site. Details of the annual tonnage shall be submitted to the Planning Authority for its written agreement.

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

7. The hours of operation shall be 08.00-18.00hours Monday to Friday (excluding bank holidays) and 08.00-13.00 hours on Saturdays. There shall be no operations on site on Sundays.

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

8. This permission is for a period of **5 years** from the date of this permission unless before the end of this period a further permission has been granted by the Planning Authority or An Bord Pleanála.

Reason: To regulate the development and to clarify the duration of the operation hereby permitted and to limit the life of the development, in the interests 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.

9. **Prior to the commencement of development**, the applicant shall carry out and submit a breeding birds survey for the written agreement of the Planning Authority. Any mitigation measures required from the findings of the survey shall be put forward and also agreed in writing with the Planning Authority.

Reason: In the interest of ecological protection

10. Inert material only shall be used for the purposes of restoration of the site.

Reason: In order to protect the local environment and to protect the residential amenities of the area

11. All former internal field boundaries to be reinstated as part of the restoration plan. Native hedgerows and tree species to be used in hedgerows/tree lines. All site boundary hedgerows are to be retained and infilled where gaps exist.

Reason: In order to ensure the restoration of the site within the specified period

12. Within 3 months of the completion of restoration of the site, an inspection shall be carried out by a suitably qualified person(s) in order to confirm that the site has been restored. A detailed report, which shall include survey plans, sections and a coloured photographic survey of the site showing the restored landform shall be submitted to the Planning Authority for agreement.

Reason: In the interest of the proper planning and sustainable development of the area and of adequate development management.

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

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

14. Any on-site lighting during restoration shall be cowled and directed away from any public road and dwellings and be shielded horizontally and vertically to prevent glare, light spillage and light pollution outside the site. All external lighting shall be of the sodium type. No mercury vapour lamps are to be used on the site.

Reason: To regulate the development and to control emissions from the site to prevent light pollution and in the interests of traffic safety and adjoining residential amenity.

15. The applicant shall apply for and obtain a Waste Facility Permit under the Waste Management (Facility Permit and Registration) Regulations 2007, as amended from the Environment Section of Kildare County Council prior to waste activities commencing on site.

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

16. Only the following waste type:- List of Waste Code (2015 edition) 17 05 04 – soil and stones other than those mentioned in 17 05 03, is permitted at the site.

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

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

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

18. Mitigation, Enhancement and Compensation Measures specified in Sections 4.108 – 4.110 and Specific Ecological Mitigation, Enhancement and Compensation Measures specified in Sections 4.111 to 4.115 of the Environmental Impact Statement, written by SLR Consulting Ireland, received on the 18th May 2016 shall be implemented.

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

19. Surface and Groundwater Mitigation Measures specified in Section 6 of the Environmental Impact Statement, written by SLR Consulting Ireland, received on the 18th May 2016 shall be implemented.

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

20. Air Quality Mitigation Measures specified in Sections 8.93 to 8.98 of the Environmental Impact Statement, written by SLR Consulting Ireland, received on the 18th May 2016 shall be implemented.

21. Noise Mitigation Measures specified in Sections 9.52 to 9.55 of the Environmental Impact Statement written by SLR Consulting Ireland, received on the 18th May 2016 shall be implemented.

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

22. Noise Control

(a) Noise from the development shall not give rise to sound pressure levels (LAeq 30 minutes) measured at *noise sensitive locations which exceed the following limits:

55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays)

45 dB(A) at any other time.

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

Note: *Noise sensitive location:

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

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

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

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

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

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

25. All overground oil, chemical storage tank(s) shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume equal or greater than 100% of the capacity of the largest tank within the bunding area or 25% of the total volume of the substance which could be stored within the area, whichever is greater. Filling and offtake points shall be located within the bunded areas.

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

26. The applicant shall erect appropriate warning signage in the vicinity of the proposed entrance for the benefit of all those passing the entrance and those entering and exiting from the site.

Reason: In the interest of traffic safety.

27. **Prior to the commencement of development**, the applicant shall submit full details of permanent advance warning signage on both approaches to the site entrance at the R448 to warn drivers of the entrance, as well as the quarry and landfill site. Details shall be agreed in writing with the Planning Authority.

Reason: In the interest of traffic safety.

28. **Prior to the commencement of any development**, the applicant shall contact the Roads and Transportation Section and/or the Naas Municipal District Engineer to agree on the locations of permanent advance warning signage on the R448 for the proposed development.

Reason: In the interest of traffic safety.

29. No queuing of delivery trucks shall take place on the R448. Should a large volume of deliveries take place on a given day, the site entrance and access road shall be capable of accommodating all deliveries to the site.

Reason: In the interest of traffic safety.

30. The applicant shall install a wheelwash facility for all trucks exiting the site. Prior to the commencement of development on site the applicant shall submit an updated site layout plan showing the location of the required wheelwash facility. Details shall be agreed in writing with the Planning Authority.

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

31. No spoil, dirt, debris or other materials shall be deposited on the public road or verge by machinery or vehicles travelling to or from the development site during the landfill operational phase. The applicant shall arrange for vehicles leaving the site to be kept clean. A special bond of €10,000 shall be paid to Kildare County Council to ensure satisfactory compliance with this condition.

Reason: In the interest of traffic safety.

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

Reason: In the interest of traffic safety.

33. Lines of sight at entrance to the site shall be provided *strictly* in accordance with the requirements of the Design Manual for Roads and Bridges.

Reason: In the interest of traffic safety.

34. The development shall not impair existing land or road drainage.

Reason: To prevent interference with existing land or road drainage in the interests of proper development.

35. All surface water generated on-site shall be disposed of on-site and not allowed onto the public road.

Reason: To prevent interference with existing land or road drainage in the interests of proper development.

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

Reason: In the interest of sustainable drainage of the catchment.

37. The applicant/developer to pay to Kildare County Council the sum of €50,100 being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 5th November 2015 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in accordance with Section 13 of Development Contribution Scheme adopted by Kildare County Council on 5th November 2015.

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

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

ADVICE NOTE TO APPLICANTS All applicants are advised to make themselves aware of the requirements of the Building Control (Amendment) Regulations (S.I. No 9) 2014 which comes into effect on 1/3/2014 and the Construction Products Regulations (CPR) (Regulation (EU) no. 305/2011) which came into effect on 1/7/2013. Information leaflets can be viewed or downloaded on the council's website

<http://kildare.ie/CountyCouncil/Planning/BuildingControlDepartment/> or the Department of the Environment Community and Local Government website <http://www.environ.ie/en/>

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Dear Sir/Madam,

I refer to the above application for planning permission and the Notification of the Council's Decision to GRANT Permission made on the...01/07/2016 and I am now to inform you that the requirements of the Environmental Health Officer (as set out hereunder) must also be complied with:

Dust

Dust deposition must not exceed 350mg/m² per day as specified in Environmental Management in the extraction Industry EPA 2004.

It is noted that the proposed traffic will travel on paved roads; however measures must be put in place to deal with any situations likely to give rise to fugitive dust, e.g. provision of a wheel wash, also a bowser must be provided to hose down any stockpiles on windy days.

Any material quarantined on site must be stored on impervious surface and kept covered.

Groundwater Protection

The applicant must submit a report from a competent person, certifying that the existing waste water treatment system and percolation area is operating in accordance with EPA Code of Practice 2009.

The percolation area must be protected from damage from trucks and other traffic.

A supply of potable drinking water must be provided for staff, in order to determine potability the water must be tested in an approved laboratory.



It is noted that all oil chemical storage will take place inside the existing garage. Therefore all existing disused oil / chemical storage tanks must be decommissioned and removed from site.

General

Pest control measures must be put in place to prevent infestation due to any disturbance of nests or, importation in materials brought on site.

An environmental management plan must be drawn up for the duration of the proposed works.

Yours faithfully,


Senior Executive Officer.

