

Validation Checklist

Lodgement Number : **LDG-070506-24**
Case Number: **ABP-319224-24**
Custom **James Robinson and Mary Robinson**
Lodgement Date: **07/03/2024 11:37:00**
Validation Officer: **Daniel O'Connor**
PA Name: **Kildare County Council**
PA Reg Ref: **2360266**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Appeal**



An
Bord
Pleanála

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

3rd v Grant with conditions ✓

BP01M to issue to Appellant with receipt and all other appeals enclosed ✓

12/3/24 — D-C

Lodgement Cover Sheet - LDG-070506-24



An Bord Pleanála

00-018371-24
188-319224-24

Details

Lodgement Date	07/03/2024
Customer	James Robinson and Mary Robinson
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	RL521364027IE

Lodgement ID	LDG-070506-24
Map ID	
Created By	Andrea Caraus
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	2360266

Categorisation

Lodgement Type	Appeal
Section	Processing

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

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	0.00

Observation/Objection Allowed?	
Payment	PMT-054909-24
Related Payment Details Record	PD-054781-24

Appeal

Run at: 07/03/2024 11:42
Run by: Andrea Caraus

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

Appeals Type	
--------------	--

AN BORD PLEANÁLA
LDG- 070506-24
ABP- _____
07 MAR 2024
Fee: € 220.00 Type: Chq
Time: 10:07 By: reg post

Kilrathmurray
Enfield
Co. Kildare
A83 X295

4th March 2024

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

**Re: Matter: Appeal of Decision of Kildare County Council
Planning Permission Reference 2360266
Applicant: Kilsaran Concrete Unlimited Company**

Dear Sirs,

We want to appeal the Decision of Kildare County Council to grant Kilsaran Concrete Unlimited Company (the Applicants herein) permission to carry out quarry development and associated works at Kilrainy and Kilrathmurray Townlands, Clonard, Co. Kildare pursuant to Planning Permission reference 2360266. The decision of Kildare County Council was made on the 13th day of February 2024.

The grounds for our appeal are as follows:-

I, James Robinson, am the sole registered owner of the lands at Kilrathmurry, Clonard, Co. Kildare which said lands are comprised on Folio KE 32868F. We attach herewith copy of the said Folio showing, James Robinson as owner of the lands together with the file plan/map indicating the location of the lands (**Exhibit 1**). Part of the said lands were previously associated in a planning application by the Applicants to Kildare County Council under planning reference number 2283, which said application was correctly refused.

The Applicants of Planning Reference **2360266**, in their application to Kildare County Council submitted to the Local Authority a map indicating the Location of Boreholes 4, 5 and 6. We attach herewith map submitted to Kildare County Council with the boreholes identified by blue dots and labelled BH4/21-CL-04, BH5/21-CL-05 and BH6/21-CL-06 (**Exhibit 2**). The said bore holes are located on my lands on Folio KE 32868F.

The Applicants have no authority or permission, either express or implied, to enter on to my property comprised on Folio KE 32868F. Any such acts by the Applicants to enter my property would amount to an act of trespass.

The Applicants in their application to Kildare County Council, stated at page 12 of the report submitted to the Local Authority under the heading "3.4 Hydrology and Hydrology" (**Exhibit 3**) that "groundwater levels in boreholes (21-CL-01 to 21-CL-06, W3 and W4) will be monitored on a monthly basis for the duration of the proposed development". This statement by the Applicants is false as the said Applicants have no permission from me to enter onto my property at Kilrathmurry, Clonard, Co. Kildare to monitor or inspect borehole numbered 21-CL-04, 21-CL-05 and 21-CL-06, which are located on my property on Folio KE 32868F.

Further, in an Environmental Management System report submitted to Kildare County Council at page 12 of 22 thereof, (**Exhibit 4**), the Applicants clearly state under the heading groundwater that "At the present time, groundwater monitoring wells are installed around the existing site and the proposed extension lands to monitor groundwater levels on a monthly basis". To further reiterate the point, the Applicants have no permission nor is there an agreement between them or us that allows them to enter onto the property of James Robinson to carry out any monitoring in relation to ground water as stated in their reports and application to Kildare County Council.

The Applicants have no authority or consent to enter our property/lands at Kilrathmurry, Clonard, Co. Kildare which said lands are comprised on Folio KE 32868F to carry out monitoring or inspection of boreholes. To state otherwise is incorrect and false. The Applicants had no authority to state in any report to the Local Authority, in particular in the aforesaid reports which are dated the 14th December 2023, that they will monitor the boreholes on our property, as they have no permission or authority to enter our property at any time.

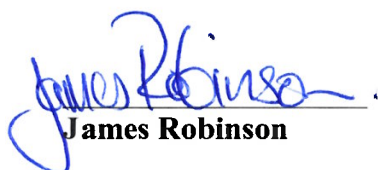
Further, planning application reference 2283 was refused by Kildare County Council due to concerns regarding the water quality of the river Boyne. The EPA monitored water quality between Ballyboggan bridge and Ashfield bridge. It found that the water quality deteriorated from good to moderate. The cause of this deterioration was identified as being caused by extractive industries. The quarry of the Applicants is the only extractive industry located between these bridges, it can be assumed that this quarry is the source of this problem. We submit that this permission should not be granted so as to preserve the good quality of water for domestic consumers downstream, in towns such as Trim and Navan etc.

Finally, the Applicants stated in their application that they wish to import 35,000 tonnes of aggregate annually, mainly sand. These imports will greatly increase, an already overloaded volume of HGV's, using this rural road. There is already a major safety concern when these vehicles meet on this road.

We trust that you will take the above submissions on board when making your decision in this matter.

We await hearing from you.

Yours faithfully,


James Robinson


Mary Robinson

Exhibit 1

Land Registry

County Kildare

Folio 32868F

Register of Ownership of Freehold Land

Part 1 (A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	<p>A plot of ground being part of the Townland of KILRATHMURRY and Barony of CARBURY containing 49.7760 Hectares shown as Plan(s) 25 edged RED on the Registry Map (OS MAP Ref(s) 2/8, 3/1, 3/5).</p> <p>The Registration does not extend to the mines and minerals</p>	From Folio KE1370N

File Plan Issued: Yes

Page 1 of 4

Land Cert Issued: No

Collection No.:

Land Registry

County Kildare

Folio 32868F

Part 1(B) - Property Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

Land Registry

County Kildare

Folio 32868F

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
1	21-JAN-2000 D2000KW000746G	JAMES ROBINSON of Kilrathmurray, Enfield, County Kildare is full owner.

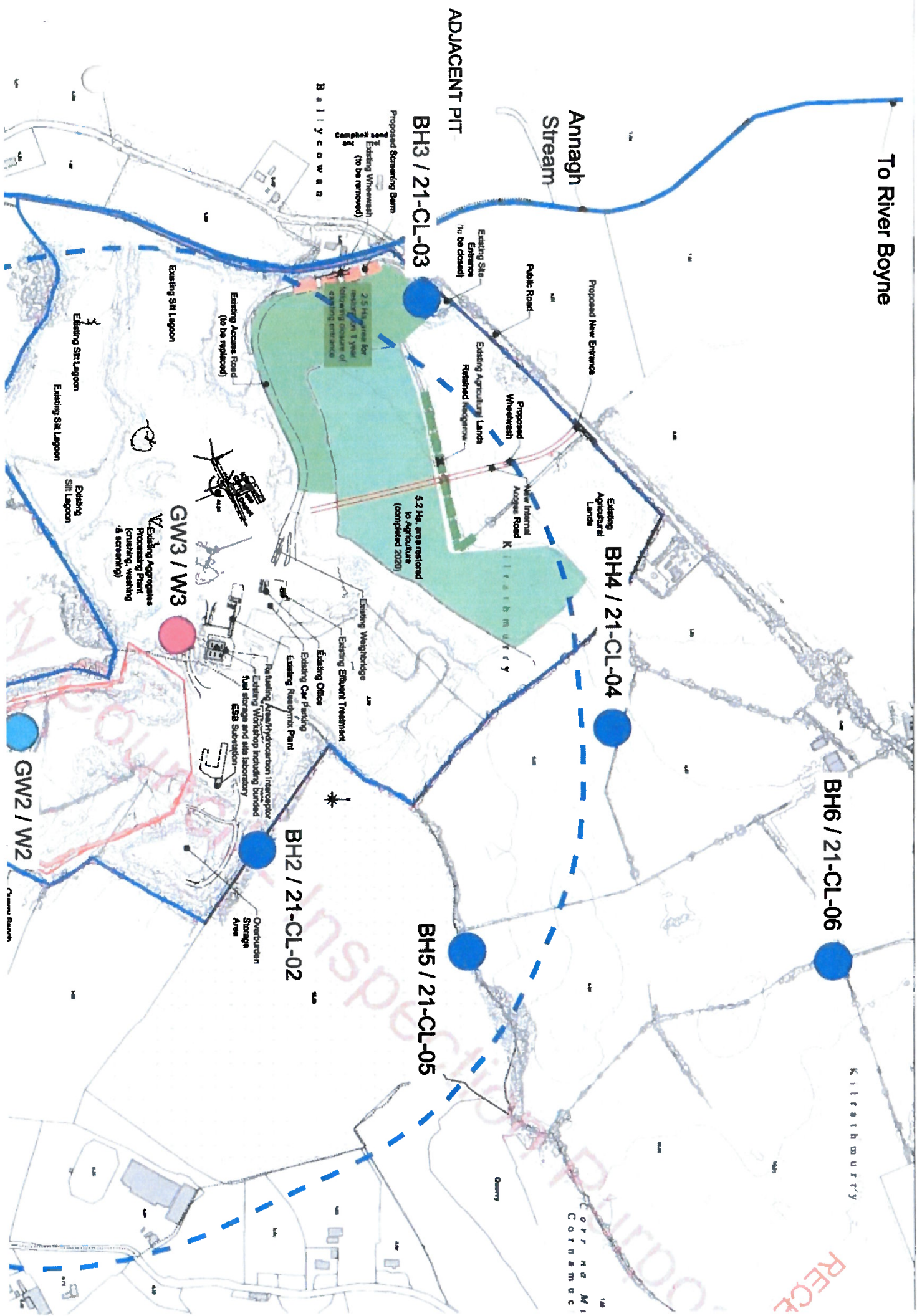
Land Registry

County Kildare

Folio 32868F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</p>





Taite Éireann

Clár-átha, Iúir-thail
Suirbhéireacht
Registration, Valuation,
Surveying

Official Taite Éireann Registration Map

This map should be read in conjunction with the folio

Taite Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.taite.ie

This map incorporates TÉ Surveying map data under a licence from TÉ. Copyright © Taite Éireann and Government of Ireland.

(notice line of parcel's, edged)

Freehold

Leasehold

Subleasehold

'S' Register

(see Section 8(1)(i) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

Taite Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



Creation Date: 04 March 2024 11:45:27

3.0 Monitoring Measures

A number of environmental monitoring activities are to be continued during all stages of the proposed development to confirm the effectiveness of the mitigation measures described above, to establish if there are any trends in environmental parameters and to highlight the need for remedial action if necessary.

The proposals for mitigation and monitoring have been informed by the previous experience of the EIA team based on their work on the site through previous planning applications, EPA and Discharge licensing processes.

Environmental monitoring requirements have been identified in the specific chapters of the EIA. The frequency of the monitoring requirements identified below have been collated and provided in a schedule displayed in Table 2.

Figure 1 indicates the monitoring locations across the application site. Additional monitoring locations can be provided if deemed necessary by the Planning Authority should planning permission be granted.

3.1 Population and Human Health

Monitoring for the protection of population and human health during the proposed development will be carried out in accordance with the wider environmental monitoring programme for the protection of water, air quality, noise and vibration.

3.2 Biodiversity

Periodic monitoring will be undertaken by the Quarry Manager of the use of the redundant sand faces by sand martins.

Following the badger survey required prior to site clearance works and the ecologist visit required prior to extraction works, an Ecological Management and Monitoring Plan should be prepared for the site based on the findings.

3.3 Land, Soils and Geology

Within the application site itself, three boreholes were drilled in 2021 for groundwater monitoring and were drilled into the bedrock along the landholding site boundary.

The borehole logs enabled analysis of ground conditions at the site.

Kilsaran will facilitate access to the quarry by GSI staff in order to inspect the geology at the Ballykane Hill geological heritage site and to enable national monitoring of geological resources.

3.4 Hydrology and Hydrology

Groundwater levels in boreholes (21-CL-01 to 21-CL-06, W3 and W4) will be monitored on a monthly basis for the duration of the proposed development.

The groundwater quality in all on-site boreholes and of nearby private wells will also be undertaken quarterly (provided consent is given) to demonstrate the development is not having any adverse impacts on private water supplies.

Surface water quality in the adjacent Annagh Stream will be monitored on a quarterly basis for the duration of the proposed development.



Condition 10 – 03/2754

- 10 Dust levels from the site shall not exceed 350 milligrams per square meter per day averaged over 30 days when measured at the boundary of the site. The developer shall submit to the planning authority for agreement details of ongoing dust monitoring programmes within three months of the date of this order. The details to be submitted shall include monitoring locations, commencement date and frequency of monitoring results. Details of all dust suppression measures shall likewise be agreed with the planning authority prior to commencement of development.

Reason: To control dust emissions arising from the development in the interest of the amenities of the area.

Groundwater

At the present time, groundwater monitoring wells are installed around the existing site and the proposed extension lands to monitor groundwater levels on a monthly basis.

Condition 9 – 99/2042

- 9 (1) No quarrying operation shall take place at a level below 1 metre above ground water level.
- (2) Prior to commencement of development, details of a groundwater monitoring programme shall be submitted to the planning authority for agreement and such programme shall ensure that the existing ground water sources serving local residents in the vicinity of the site are unaffected by the development. An alternative water supply shall be provided to residents in the event of disruption of the existing water supplies or their contamination due to the activities of the quarry.

Reason: In the interest of proper planning and development and the protection of the environment.

Condition 6 – 03/2754

- 6 A minimum of one monitoring well shall be installed on site to at least one metre below the summer water table. Monitoring of the water level in the well shall be carried out on a monthly basis and the results of the monitoring shall be submitted to the planning authority on a six monthly basis.

Reason: To ensure that groundwater resources are protected.

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

Kildare County Council

PLANNING APPLICATION REFERENCE No: 2360266

A submission/observation in writing, has been received from James Robinson on 01/11/2023 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

**Yours faithfully,
Kildare County Council**

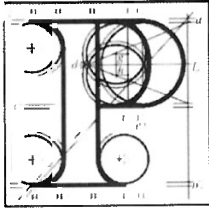
Submission Details

Submitter

Name	James Robinson
Address	Kilrathmurry Clonard Enfield Co Kildare A83X295
Note	<p>Name: James and Mary Robinson, Kilrathmurry, Clonard. We would like to put in an objection to Planning Application no. 2360266 Kilsaran Quarry extension under the following grounds:</p> <p>1. A section of our property was associated with a previous application by Kilsaran (No. 2283). This application was justifiably refused. The present application does not involve our property in any way whatsoever. In the current application (2360266) in the hydrology section, Kilsaran state that they will carefully monitor both the levels and the quality of the water supply by regularly checking their 6 water boreholes. We find this unbelievable as boreholes numbered BH4, BH5 and BH6 are located on our property. Kilsaran have absolutely no permission to access our property. Surely this makes this application erroneous and we have been advised to seek legal guidance on this matter. 2. The previous application, 2283, was rightly refused on grounds of concern about the water quality of the river Boyne. The EPA monitored water quality between Ballyboggan bridge and Ashfield bridge. It found that the water quality deteriorated from good to moderate. The cause of this deterioration was identified as being caused by extractive industries. As the existing Kilsaran quarry is the only extractive industry between these bridges, we can presume that this quarry is the source of the problem. Therefore, an extension should not be considered in order to preserve the good quality of water for domestic consumers downstream, in towns such as Trim and Navan. Perhaps Meath county council should be made aware of this application. In addition to this, in August 2023 Kilsaran were granted permission for a new sand and gravel extraction site at Brackagh, planning no. 201409. This site is approx. 500 metres from the Boyne at Ballyboggan bridge, therefore further exacerbating the pressure on the quality of the water. 3. In this application Kilsaran state that they wish to import 35,000 tonnes of aggregate annually, mainly sand. Where is this aggregate coming from and we are concerned that this will greatly increase the already overloaded volume of HGVs using this road. As there is already a major safety concern when these vehicles meet on the road, there may be a temptation to access the site using other routes. As the council are aware there has been a proliferation of extraction industry sites in this area to date, there are more currently seeking permission and we are led to believe that there are yet more in the pipeline, all within a 5 mile radius of Kilrathmurry. Surely the council can see that the residents of this area have tolerated this for long enough and need protection from any further degradation of our area. Yours sincerely, James and Mary Robinson.</p>

In relation to application

File Number	2360266
Name	Unlimited Company Kilsaran Concrete
Address	Kilrainy and Kilrathmurry Townlands, Clonard, Co. Kildare A83 DW26



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

James Robinson & Mary Robinson

(b) Address

Kilrathmurry, Clonard, Enfield, Co. Kildare, A83
X295

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

N/A

(b) Agent's address

N/A

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the
address in Part 1

☒

The agent at the address in
Part 2

☐

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Kildare County Council

(b) Planning authority register reference number

(for example: 18/0123)

2360266

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Kilrainy and Kilrathmurry Townlands, Clonard, Co. Kildare, A83 DW26

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please find attached letter setting out the grounds of our appeal.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal.
You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

