

Validation Checklist

Lodgement Number : **LDG-070505-24**
Case Number: **ABP-319224-24**
Customer: **Patricia Murphy and Larry Murphy**
Lodgement Date: **07/03/2024 11:21:00**
Validation Officer: **Daniel O'Connor**
PA Name: **Kildare County Council**
PA Reg Ref: **2360266**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Appeal**



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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

BP01M to appellant with receipt and copy of all other appeals enclosed

12/3/24 — D.C.

Lodgement Cover Sheet - LDG-070505-24

Details

Lodgement Date	07/03/2024
Customer	Patricia Murphy and Larry Murphy
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	rl521364044ie

Categorisation

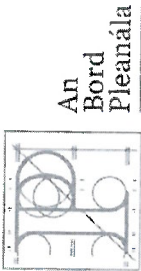
Lodgement Type	Appeal
Section	Processing

Fee and Payments

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

Appeal

Run at: 07/03/2024 11:31
Run by: Andrea Caraus



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DD- 018371-24
AP- 319224-24

Lodgement ID	LDG-070505-24
Map ID	
Created By	Andrea Caraus
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	2360266

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

Observation/Objection Allowed?	
Payment	PMT-054908-24
Related Payment Details Record	PD-054780-24

Check Validity of Acknowledgement
+
Address of Applicant

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

The Secretary
An Board Pleanála
64 Marlborough Street
Dublin 1
D01 V902

March 1st, 2024

2801 Seaview Road
Victoria
British Columbia
V8N 1K9

AN BORD PLEANÁLA	
LDG-	<u>070505-24</u>
ABP-	
07 MAR 2024	
Fee: €	<u>220.00</u> Type: <u>pmo</u>
Time: <u>10:11</u>	By: <u>reg post</u>

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

Dear Sir or Madam,

We are writing 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 of February 2024.

We wish you to know that we objected to this Application on numerous grounds and to also inform you that a previous Application was brought by the Applicants , Application No. 2283 which was denied by Kildare County Council.

The Applicants have been operation this quarry and associated works for over 25 years and during that time no information was ever supplied to the residents of R148 with regards to any monitoring, notice of accidents, spills etc. The residents were required to accept trucks going up and down the road all day every day of the week and a half day on Saturday. To now have the potential for another 10 years should this application be allowed is just too much.

We own 30 acres of land directly across from the current gates of this Sand Pit and land is also bordered by the Annagh Stream that runs past the quarry and onto our land. It is this stream that eventually flows into the River Boyne. Should pollution or contaminants be washed into the Boyne it will go through our land first.

Schedule 1 - Considerations and Reasons on which this Decision is based as required By Article 31 of the Planning and Development Regulations 2001 (as amended).

The Kildare County Council have decided to grant approval subject to the Applicants being compliant with the conditions attached as they feel it would not seriously injure the amenities of the area or of the property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

We find this not to be true.

The value of the land will most certainly be affected and property owners will have their homes affected. How can allowing a quarry to continue operating not affect the value of the surrounding area? We would ask you to find anywhere in the Republic of Ireland, where having a quarry continue its operations did not have a detrimental effect on the physical structure of properties as well as the financial value.

They say amenities will not be affected. The continued use of the R148 Road by trucks coming and going, loaded down with sand, gravel and blocks from 7.00 am – 6.00 pm 5 days a week and half a day on Saturday will have an enormous effect on the ability of anyone to use the road. How can you honestly think a person can ride a bike, go for a run or walk, take a baby out for a walk in a buggy and not risk their life. How can other motorists going to work in the mornings, parents taking their children to the local school 3 kilometers away not be impeded by the constant truck and quarry pit traffic.

Having trucks driving past with dust, particulates, dirt, sand, blowing around also affects the air one is breathing and can cause all sorts of respiratory illnesses, particularly for children and the elderly.

Schedule 2 – Conditions to Apply. The development shall be operated and Managed in accordance with the Environmental Management System (EMS) Submitted to the Planning Authority on 15th December 2023.

The reason given: In the interest of environmental protection.

Kildare County Council has imposed certain conditions and specifications. They have allowed for continued use for another 10 years and with two years for the restoration and remediation of the site to its former state.

Why is it being allowed at all? Surely if all the sand and gravel have been removed from this site what advantage to the area and surrounding households is to be gained from having 35,000 tonnes of aggregate, sand brought in from other locations every year. There is no material benefit whatsoever to the environmental area of the quarry, to flora, fauna, water, citizens, roads, rivers

and streams by allowing it to continue. The only benefit is monetary to the Applicants. Kildare County Council by requesting 3,539,605.82 euros contribution will also benefit. Who stands to lose the most?

The local residents, the rivers, streams, the roads and the environment of the area in general.

Kildare County Council have also asked for a sum of money to be set aside in trust for remediation of the quarry to its pre-quarry state.

We would urge you most strongly, if you grant approval, this sum of money be confirmed and set in escrow before work commences.

Similarly the 3,539,605.82 Euros be received before work commences.

There are too many abandoned quarries, mines etc. left by companies, who for one reason or another walk away from proper clean up and leave it in the hands of the local authorities and taxpayers.

Kildare County Council have requested numerous monitors and continuous monitoring of the air, water, noise, pollution, ground water, wastewater, the amounts of materials brought in and removed. That is all very admirable and completely necessary.

However, this monitoring is to be done by the Applicants themselves. How can this be acceptable? There is no independence, no third party with no vested interest group doing the monitoring? This is a situation akin to a fox guarding the hen house. Completely and utterly unacceptable in this era of environmental awareness and responsibility for the care of our countryside.

People's lives are at risk here from poor water quality, dangerous road conditions and poor air quality.

This monitoring needs to be verifiable by independent, Kildare County Council approved expert companies with good environmental credentials.

It needs also to be readily available to the public and interested public parties.

If you are going to allow the Applicants to continue to destroy the countryside you can at least allow the citizens to know what is going on in their locale.

However, We would urge you to make a careful consideration on this application and to give our appeal your due diligence.

Ireland is very fortunate to have a wonderful countryside. I would urge you not to be the ones that allowed it to be destroyed.

We will look forward to hearing from you in due course.

Yours sincerely,

Patricia Murphy



A handwritten signature in blue ink, appearing to read "Larry Murphy". The signature is fluid and cursive, with the first name "Larry" and the last name "Murphy" clearly distinguishable.

Larry Murphy

Submitter

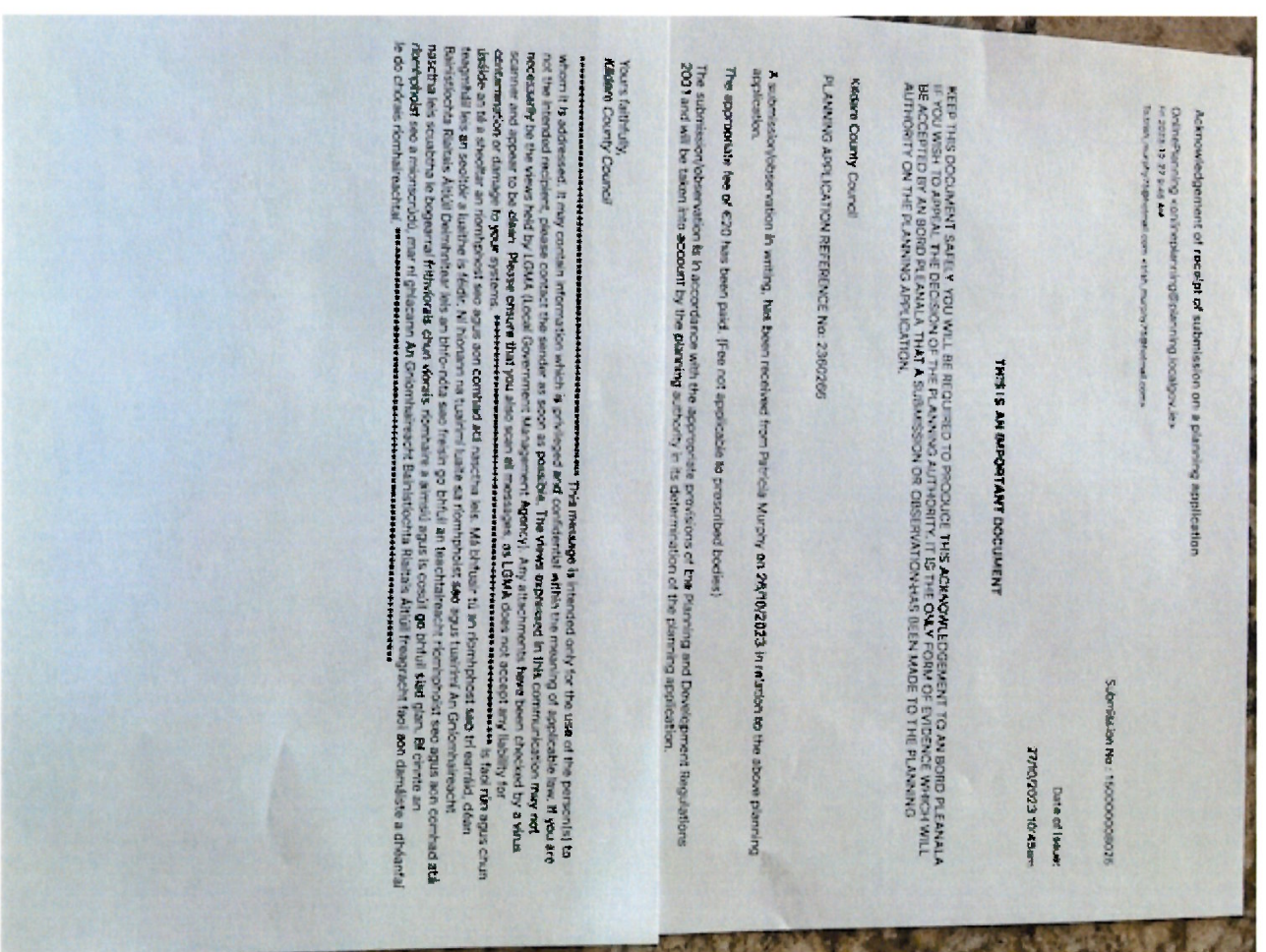
Name	Patricia Murphy
Address	Kilbarrumry, Enfield Co. M23 AG3V80
Address	<p>I would like to put in my objection to Planning Application No. 2360266 for the extension of 10 years plus two for restoration to agricultural land for a Quarry at Kilbarrumry/Kilbarrumry, Clonard. This Quarry has been operated by Kilsaran Concrete Limited, operating as Kilsaran for the past 25 years. They had a previous application for this quarry dated two years ago on three separate issues. They were the potential for the pollution of the Boyne River water from the run off from a stream, although stream which runs by the quarry, along the side of 30 acres that I own and joins the Boyne River. The water was seen to be in good condition at the Ballinagavan bridge which is before the quarry but poured after the Quarry at the Adfield Bridge near Clonard. This has not been addressed in this current application. The second issue was the use of ground water and the potential for various farms and houses to have their water supply impeded by said usage and the fact no adequate plan was in place to deal with this. A Kilsaran representative told my brother who has a farm within a kilometer of the quarry they would sink a well for him should he wish to do. Hardly an answer when animals are standing in fields waiting to drink. The third issue was the state of the road and the various tight bends and corners. This was also not been addressed and just down from my brother there is a very tight corner that two trucks cannot pass each other. In fact, I find the whole application to be quite dismissive of all the issues that were highlighted in the previous application as asking for Kilsaran to be allowed to bring in 35,000 tonnes of sand every year for the next 10 years as there is no sand left in the quarry. The residents of the road and surrounding roads will now be subjected to full trucks coming up both sides of the road doing damage with rutting and potholes particularly during the winter months. This road cannot be used or enjoyed by anyone who lives on it. Who wants to go for a walk with trucks whizzing past you every two minutes with dirt and dust falling out of them. Blasting, trucks, dust, noise, all impact livestock which graze our land. The real loss in value however is to the land use! Our land will be seriously devalued if this quarry is allowed to continue to operate for another 10 years. 25 years of operation should be enough and having taken all the sand out of the land to now want to bring in trucks of sand to continue the operation is a step too far. To subject residents of this road to another 10 years all for a large sand and gravel company to continue to make profits is completely outrageous. In the area of this quarry, there are already other quarries being operated. Roadstone has reopened its quarry three kilometers away. Kilsaran has been given approval to open and operate a new quarry on a greenfield site 3 kilometers away. This same site, diagram Planning Number 201409 is on the Clonard/Kilbarrumry road and across from the entrance to the Rahin Woods where people go for nature walks etc. Kilsaran already have a land bank between this site and the Kilbarrumry/Kilbarrumry Quarry. Also to be noted the Kilbarrumry quarry is within a 3 kilometer range of the Clonard/Kilbarrumry Quarry. There is another quarry company that has landed bank of sizeable amounts of land within a 6 kilometer range of the Kilbarrumry/Kilbarrumry quarry. Are the residents of this corner of North West Kildare to be continuously subjected to one quarry after another just to advance the profits of large sand and gravel companies? When do the lives of ordinary citizens be taken into consideration. I believe this is one more time that Kildare County Council and its Planning Department should in fact grasp the nettle and do the right thing and reject this application, don't consign one area of the County to becoming a vast quarry. Thank you for taking the time to read this submission. Yours sincerely, Patricia and Larry Murphy</p>

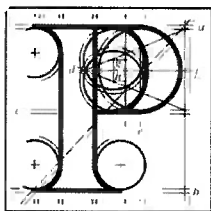
Note

relation to application

e Number	2360266
Site	Unlimited Company Kilsaran Concrete
Address	Kilbarrumry and Kilbarrumry Townlands, Clonard Co. Kildare AG3 DW26

Sent from my iPhone





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Planning Appeal Form

Your details

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

Your full details:

(a) Name

Patricia and Larry Murphy

(b) Address

2801 Seaview Road, Victoria, British
Columbia.V8N 1K9

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 Kilrathmurray Townlands, Clonard, Co Kildare.A83DW26

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 detailing the grounds for 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.

