S. 37

File With _____

SECTION 131 FORM

Appeal NO: ABP 319224 -24 **Defer Re O/H** ☐

Having considered the contents of the submission dated/ received 20/1/25 from

Joseph Robinson I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s): No new planning issues

E.O.: Darien & Conor **Date:** 22/1/25

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____ **Date:** _____

S.A.O: _____ **Date:** _____

M _____

Please prepare BP _____ **- Section 131 notice enclosing a copy of the attached submission**

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP _____

EO: _____ **Date:** _____

AA: _____ **Date:** _____

S. 37

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 319224-24

M _____

Please treat correspondence received on 20/1/24 **as follows:**

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP 23	**1. RETURN TO SENDER with BP** _____
3. Keep copy of Board's Letter ☐	2. Keep Envelope: ☐
	3. Keep Copy of Board's letter ☐

Amendments/Comments Joseph Robinson's response to S131 notice ✓ 22/1/25

4. Attach to file	**RETURN TO EO** ☑
(a) R/S ☐ (d) Screening ☐	DO Connor
(b) GIS Processing ☐ (e) Inspectorate ☐	
(c) Processing ☐	

	Plans Date Stamped ☐
	Date StampedFilled in ☐
EO: Daniel T Connor	**AA:**
Date: 21/1/25	**Date:** 22/01/2025

Alfie Staunton

From:	Trish Murphy <trish_murphy75@hotmail.com>
Sent:	Monday 20 January 2025 08:33
To:	Appeals2
Subject:	Objections -ABP 319224-24 Planning Authority Ref: 2360266 -Mr. Joseph Robinson
Attachments:	Joseph Robinson's Kilsaran Letter.docx

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir or Madam,

Please find enclosed a letter of objection to the above mentioned ABP319224-24, Planning Authority Reference 2360266. I am forwarding you this letter from my brother Mr. Joseph Robinson as he does not have wifi or a computer.

This is in response to a letter received from Mr. Daniel O'Connor, Executive Officer.

If there is anything further that you need please let me know.

Kind Regards.

Patricia Murphy for Joseph Robinson

January 19, 2024

ABP-319224-24
Planning Authority Reference Number : 2360266

Secretary,
An Bord Pleanala
64 Marlborough Street
Dublin 1
D0V V902

Submitted by Email: appeals@pleanala.ie

Joseph Robinson,
Kilrathmurray,
Enfield, Co. Meath
A83VF80

Re: Development of quarry and associated works. The proposed operational period is for 10 years plus 2 years to complete restoration.
Location: Kilrainy and Kilrathmurry Townlands, Clonard, Co. Kildare

Dear Sir/Madam,

Thank you for your letter of December 20th requesting further submissions and observations in relation to the above-mentioned application. As suggested by you I am submitting by email.

I wish to continue my objection to Kilsaran Concrete's quarry development which was approved by Kildare County Council. After reviewing the additional documents, you sent, my concerns have not been addressed. I believe approving this project is a mistake that will further harm the environment and the surrounding community. This quarry has been operating for 25 years and has depleted its supply of sand and gravel. The new application is to bring in 35,000 tonnes of sand and aggregate every year for the next 10 years into the quarry/pit. Also, 250,000 tonnes of rock to be extracted for 10 years. Two further years will be required to restore the land for agricultural use and to become a safe ecological site.

I am an elderly gentleman entering my 70's this year and have lived at my home for all those 70 years. This is also the home of my relatives, both living and deceased for generations. I do not enjoy good health and have struggled to meet the deadline to object to this appeal with only 17 business days provided to respond.

My Concerns:

Road Safety and Accessibility:

I have been instructed by my Doctor and Physiotherapist to walk every day as I have mobility issues. I find it is impossible to do so on this country road due to the heavy truck traffic caused by Kilsaran's operations. It is just not safe for pedestrians as to try to move in when these trucks pass cause me to step in ruts and I am afraid of falling. As I don't drive I am literally trapped in my house. This road is my only connection to the outside world and now I feel my mental health is also suffering.

Trucks:

I observe the trucks going by every day as I stand at my avenue gate and of late, I have noticed there are numerous trucks from different companies taking covered loads into the quarry/pit. How does Kilsaran monitor these subcontracted haulage companies? How does Kilsaran hold them to the same standard Kilsaran drivers are supposed to adhere to?
Before this new application went in, I have counted 20 trucks an hour going by. The dust and dirt that is thrown off either from the trucks or the road itself coats everything. If I leave my windows open in the Summer, they are covered in a layer of dust and dirt. The number of particulates in the air that can affect human health is substantial.

Water and Well Issues:

The use of water is an issue for all surrounding homes and farms. If my well or any other household or farm goes dry, we will have no access to clean water. In the Application that Kilsaran first put in and was refused this was an issue. Kilsaran offered to truck in water. That is not a real or sustainable solution.

Noise and Blasting:

The noise and vibrations from blasting have been unbearable at times and are likely to get worse as this application is asking for permission to extract 250,000 tonnes of rock per year. The proposed new entrance will make the noise from the trucks turning into the Quarry/Pit and waiting even louder as they are now about 400 meters from my house.

Too Many Quarries:

Our area is overwhelmed by quarries. Kilsaran have just opened a new Quarry/Pit about 1 kilometer away. There is another one, 3 kilometers away operated by Roadstone that has just reopened. Like the L5002, the roads where both these quarries are on are single track roads and cannot take all the heavy traffic. People driving to work, school buses going to and from Clogherinkoe school, people going to Clogherinkoe Church, parents taking their children to school and play school at Clogherinkoe must contend with truck traffic. The environmental damage is extensive.

As someone who has lived here for decades, I ask An Bord Pleanala to protect our community and our countryside. Consider this application carefully and the consequences it will have on the farms and families in the area. These farms and families are already struggling to protect agricultural land for future generations. The effects of climate change are being felt more and more every day and we watch in despair as towns and villages flood and burn all over the world, with Ireland being no exception. Having trucks going in and out of a sand pit day in, day out, taking the very essence of the land away, spewing diesel into the air, is only adding to that.

I implore you to think wisely before you make your decision. I have already submitted to you a letter of objection which you received on March 7, 2024. I would be grateful if you would include that letter with this one for the Board's perusal.

With sincere thanks.

Joseph Robinson

AN BORD PLEANÁLA
LDG- _____
ABP- _____
21 JAN 2025
Fee: € _____ Type: _____
Time: 8.49 By: Post

Kilrathmurray
Enfield
Co. Kildare
A83 X295

18th January 2025

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

By email & post: bord@pleanala.ie & appeals@pleanala.ie

Re: Matter: Case No: ABP-319224-24
Appeal of Decision of Kildare County Council
Planning Permission Reference 2360266
Applicant: Kilsaran Concrete Unlimited Company

Dear Sirs,

We refer to your correspondence to us of the 20th December last in relation to the submission furnished from Kilsaran Concrete Unlimited Company.

In relation to our letter of appeal to An Bord Pleanala in this matter, all submissions raised by us in our correspondence remain the same and re further re-emphasise our grounds of appeal to Kilsaran's application. We further want to make the following additional submissions in support of our grounds to appeal the decision of Kildare County Council in light of the submissions made by Kilsaran Concrete Unlimited Company:-

1. **Monitoring of Wells** – Our reply to the submission of Kilsaran to this point is that if they are now saying, in contradiction to the planning application, that the exclusion of the boreholes on our property will not make the monitoring programme of the water levels less complete and appropriate, then why include the requirement of the monitoring of same on their original planning application. They clearly indicated on the report submitted to Kildare County Council in support of their planning application that the groundwater levels in the boreholes will be monitored on a monthly basis for the duration of the proposed development to demonstrate that the development is not having adverse impacts on the private water supplies.

   We respectfully suggest that the submission being made by Kilsaran in now contradictory to the report that they furnished to Kildare County Council in support of this application.

We again re-emphasise that no permission will be given by us to our property on Folio KE32868F for Kilsaran Concrete Unlimited Company on which boreholes BH4, BH5, BH6 are located.

2. **Water Quality** – The submission by Kilsaran to our concern regarding the effect that their operations will have on the River Boyne is short and inadequate in circumstances where the concern regarding this issue was of paramount importance in the assessment of their application by Kildare County council under planning reference 22/83, which was refused by the Local Authority.

   We attach herewith copy of extract from the planning application from Kildare County Council in relation to planning reference 22/83. We refer to the note from Environment Section of Kildare County Council which indicates that the River Boyne is a protected revert and "is at risk of not meeting its objectives under the EU Water Framework Directive with extractive industries identified as the significant pressure in terms of not meeting those objectives". The Local Authority further indicates in that following an inspection of the road at the entrance to the quarry during a period of heavy rainfall that this inspection noted high volumes of sediment laden run off flowing from the quarry down the road and into roadside drains which are connected to the Annagh Stream and eventually flow into the River Boyne. The recommendation from the Environment Section of the Local Authority clearly highlights that the Applicant, Kilsaran Concrete UC did not adequately demonstrate in this planning application will be minimised during the lifetime of the quarry.

   We enclose herewith for your attention a copy of the reason for the refusal of planning application 22-83 by Kilsaran Concrete UC. We respectfully suggest that the submission by Kilsaran to our concern about this issue has not demonstrated appropriately that any development works that the quarry would not impact on the River Boyne.

3. **Traffic Impact** – Kilsaran Concrete have another operational quarry located approximately 1 km away from the location of this property the subject of this planning appeal. The road way leading to the location of the quarry the subject of this appeal is a single lane carriageway, which is not wide enough to permit two large HGV's to pass each other. In our own experience, driving a ordinary car along this road, one would be required to pull in tight to a verge to pass safely.

   We note that Kilsaran indicate that the proposed development is for readymix concrete production and that fine sand for use in production will be brought to the quarry. We believe that there is an increase in the weight of the vehicles on the road and this will impact on surface of the roadway and will increase in the damage to the road. Kilsaran acknowledge that the will be using lorries in the transport of sand to the quarry to make ready mix concrete, therefore the amount of trips by HGV's will increase and will not be economic.

   The position is as follows:-

A) HGV lorry will bring sand to the quarry to be used in the making of ready mix – 1 trip
B) The lorry referred too an point A, will leave the quarry, despite being emptied from sand, this is a further trip on the road by this lorry (increased traffic)
C) Kilsaran are aware that a particular HGV lorry can only bring readymix concrete and therefore once this is produced in the quarry, further traffic on the road with a readymix concrete truck leaving the quarry, with a heavier weight with wet readymix concrete
D) The HGV lorry referred too at point C will be required to return to the quarry once emptied, therefore another trip along this roadway.

In our opinion, we can not comprehend how Kilsaran can maintain that there will be no increase in HGV traffic in light of the above straight forward example of lorries in and out of the quarry.

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.
James Robinson

Mary Robinson.
Mary Robinson

adequately carried out. The applicant has not demonstrated an attempt to carry out noise monitoring during a queuing event and if this was not possible they have not stated the reasons why. No evidence has been provided to show that 2 trucks idling on the road is the worst case scenario. There is no indication that the affected residents were contacted. Please note that this information may have been sought as part of Clarification of FI however the timeframe for making a decision did not allow for it.

For the reasons above it is recommended that this application be refused on the following grounds:

1. The quarry is located in the Boyne_040 catchment (SAC) which is at risk of not meeting its objective of 'Good' status under the Water Framework Directive. Most recent monitoring carried out by the EPA shows that the monitoring station, Ballyboggan Br. (RS07B040400), upstream of where the drains from the existing facility discharge to the Boyne_040 is at 'Good' status but then at the next monitoring station further downstream at Ashfield Br. (RS07B040600) the status drops to 'Moderate'. Extractive industries have been identified as a significant pressure in this catchment and the applicant was invited to demonstrate how the proposed development would not impact further on the catchment. The response to further information request has not demonstrated to the satisfaction of the Council that the risk to surface waters from this development is not impacting, and that further development as planned will not cause further degradation of the ecological status of the River Boyne (SAC).

2. The noise assessment report by the applicant has been noted however it failed to adequately assess the potential impact that relocating the site entrance and wheel wash may have on nearby Noise Sensitive Locations (NSL's). It also failed to adequately demonstrate that there will be no impact from trucks queuing on the road awaiting entry to the site. The applicant was invited to consider these concerns but their response to further information request has not demonstrated that nearby NSL's will not be unduly impacted upon, and he has therefore failed to demonstrated that the proposed development will not lead to a nuisance as outlined under Section 108 of the EPA Act.

Inspector: Date:

15/02/2023

Approved by SEE/SE: SEE Date:

16/2/2023

Reference Number: 22/83 **Environment Section**
Name of applicant: Kilsaran Concrete Unlimited Company (trading as Kilsaran)

RECOMMEND REFUSAL

Note to planner:
The Environment Section has significant concerns regarding the depth below groundwater that rock quarrying is proposed to take place and the volume of groundwater that may be displaced as a result and the potential impact that this may have on local water supplies and on the quality of surface waters. It is considered that the following items have been inadequately addressed by the applicant:

- The River Boyne is a protected river for the purposes of the Salmonid Regulations 1988 and is at risk of not meeting its objectives under the EU Water Framework Directive with extractive industries identified as the significant pressure in terms of not meeting those objectives. An inspection of the road at the entrance to the quarry by council staff last year during heavy rainfall depicted high volumes of sediment laden run-off flowing from the quarry down the road and into the roadside drains which are connected to the Annagh Stream and eventually flow into the River Boyne. In response to further information item 1(c) the applicant has proposed a shallow drain with percolation to ground however there has been no information provided on the likely volume of water the drain will have to cater for and no design details or schematic or site layout drawings for the drain and percolation area. There are also no proposals to implement the same measures at the relocated site entrance.

- The response to further information item 1 (b) (iii) which is addressed in Section 2.3 of the Hydrological Report states that any storm water overflow from the settlement lagoons will be directed to the quarry floor for containment however there are no schematic drawings or site layout drawings to demonstrate how this will be implemented.

- Section 7.122 of the EIAR notes elevated levels of Nitrite, Manganese, Iron, Barium, Zinc and Nickel in some boreholes however there is no proposal to treat the groundwater for these pollutants prior to discharge to surface water.

- The applicant has not adequately demonstrated that the risk to local water supply levels will be minimised during the lifetime of the quarry. In response to further information item 1 (a)(ii) they have only quantified the volume of groundwater required to be abstracted for the purposes of dust suppression and not for the welfare facilities or the batching plant as requested.

- The applicant has proposed to provide an alternative water supply to residents should their water supply be affected however they have not provided any detail in relation to what the alternative supply will be, how long the supplies may be affected for or what conditions would trigger the implementation of this measure. They have not indicated any other measures that will be implemented should this occur e.g. cease quarrying activity until water supplies are restored, either temporarily or permanently..? Please note I have not included these points regarding the impact on water supplies as this matter should be referred to the Water Services section and/or EHO for comment.

- Further information request 2 (b) noted noise exceedances at N2 and requested mitigation measures to be proposed to reduce the noise impact on nearby sensitive receptors. The mitigation measure proposed was to relocate the entrance however the impact of the relocated entrance and wheelwash on nearby sensitive receptors was not assessed in the noise assessment (as requested in FI item 2(c)).

- F.I. request 2 (d) required the applicant to complete a noise survey which takes account of trucks queuing on the road awaiting entry to the quarry. It is considered that this has not been