

An  
Bord  
Pleanála

## Planning Appeal Form

### Your details

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

Your full details:

(a) Name

1. Miall + Siobhán Hearden
2. Ronan + Katie O'Reilly
3. Denise Brophy
4. Eamon Brophy
5. Brendan Kehoe
6. Pat + Elizabeth FitzPatrick

(b) Address

1. Knockbawn  
SPINK  
Abbeylara  
Co. Limerick

AN BORD PLEANÁLA

LDG- 057872 - 22

ABP-

05 OCT 2022

Fee: € 270 Type: card

Time: 11.25 By: hand

## 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

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

## 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)

Click or tap here to enter text.

Laois County Council

(b) **Planning authority register reference number**

(for example: 18/0123)

Click or tap here to enter text.

21/700

(c) **Location of proposed development**

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

Click or tap here to enter text.

Knockbawn SPINK Abbeykeir  
Laois

## 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.

As Per Documents Attached



## 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**

☒

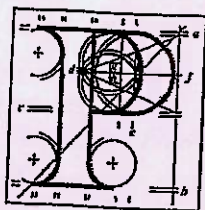
**No, I do not wish to request an oral hearing**

☐

NALA has awarded this document its Plain English Mark  
Last updated: April 2019.

**Planning Appeal Form**  
**April 2019**





An  
Bord  
Pleanála

## Planning Appeal Form

### Your details

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

Your full details:

(a) Name

Miall + Siobhán Headen

(b) Address

Clenagh SPink  
Abbeykin GO LARK

### 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

(b) Agent's address



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The agent at the address in Part 2

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(a) Planning authority

(for example: Ballytown City Council)

Laois County Council

(b) Planning authority register reference number

(for example: 18/0123)

21 / 700

(c) Location of proposed development

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

Knockbarris, Spink, Co Laois



## 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.

Llano County Council  
Failed to Address our  
Submission

They Failed to Protect our Home  
& Second Protect.

Failed to Protect the Peregrine falcons  
in the Quarry.

Failed to Protect SAC

Please See Supporting Documents.

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.





# COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

## ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

### THIS IS AN IMPORTANT DOCUMENT

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LAOIS COUNTY COUNCIL

Planning Reference No.21/700

**Applicant:** Lagan Materials Ltd c/o John Shiels 31 Athlumney Castle Navan  
Co. Meath, C15 HX29

**Development at:** Knockbaun, Spink, Co. Laois.

A submission/observation in writing, has been received on 02/08/2022  
from

Niall & Siobhan Headen  
Clenagh  
Spink  
Abbeyleix  
Co.Laois

The appropriate fee of €20.00 has been paid.

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

ADMINISTRATIVE OFFICER,  
PLANNING

Planning Authority Stamp:



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Arna phriontáil ar pháipéar atá 100% athchúrsáilte - Do Chomhshaoil a chothú





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**Planning Reference No.21/700**

**Applicant:** Lagan Materials Ltd c/o John Shiels 31 Athlumney Castle Navan  
Co. Meath, C15 HX29

**Development at:** Knockbaun, Spink, Co. Laois.

A submission/observation in writing, has been received on 19/08/2022  
from

Niall and Siobhan Headon  
Clenagh  
Spink  
Abbeyleix,  
Co. Laois

The appropriate fee of €20.00 has been paid.

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nó a Dhéanamh  
s Gaeilge

  
dlandsireland.ie

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Arna phríontáil ar pháipéar atá 100% atchúrsáilte - Do Chomhshaoil a chothú







# COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

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**Development at:** Knockbaun, Spink, Co. Laois.

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from

Ronan & Katie O'Reilly  
Knockbaun  
Spink  
Abbeyleix  
Co.Laois

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**Applicant:** Lagan Materials Ltd c/o John Shiels 31 Athlumney Castle Navan  
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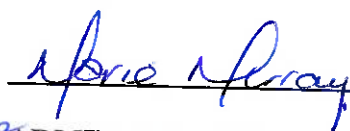
**Development at:** Knockbaun, Spink, Co. Laois.

A submission/observation in writing, has been received on 12/11/2021 from

Ronan & Katie O'Reilly  
Knockbaun  
Spink  
Abbeyleix  
Co. Laois

The appropriate fee of €20.00 has been paid receipt no. 570781 refers.

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

  
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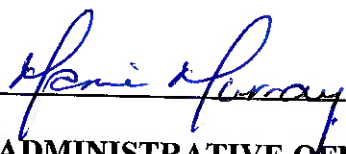
**Development at:** Knockbaun, Spink, Co. Laois.

A submission/observation in writing, has been received on 11/11/2021 from

Denise Brophy  
Knockbawn  
Spink  
Abbeyleix  
Co. Laois

The appropriate fee of €20.00 has been paid receipt no. 570723 refers.

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

  
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**Applicant:** Lagan Materials Ltd c/o John Shiels 31 Athlumney Castle Navan  
Co. Meath, C15 HX29


**Development at:** Knockbaun, Spink, Co. Laois.

A submission/observation in writing, has been received on 01/11/2021  
from

Eamonn Brophy  
Knockbawn  
Soink  
Abbeyleix  
Portlaoise, Co. Laois

The appropriate fee of €20.00 has been paid receipt no. 570450 refers.

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LAOIS COUNTY COUNCIL

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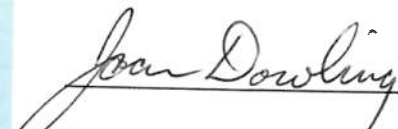
**Development at:** Knockbaun, Spink, Co. Laois.

A submission/observation in writing, has been received on 29/07/2022 from

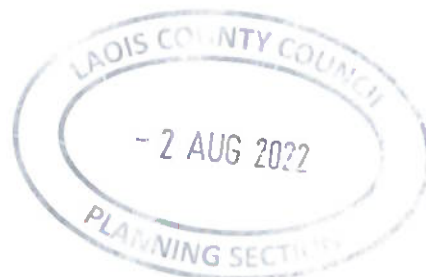
Eamonn Brophy  
Knockbawn  
Spink  
Abbeyleix  
Co.Laois

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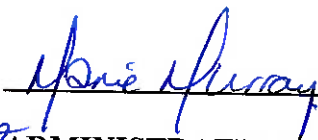
**Development at:** Knockbaun, Spink, Co. Laois.

A submission/observation in writing, has been received on 15/11/2021  
from

Brendan Kehoe  
Cleanagh  
Spink  
Abbeyleix  
Co. Laois

The appropriate fee of €20.00 has been paid receipt no. 570826 refers.

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ADMINISTRATIVE OFFICER,  
PLANNING

Planning Authority Stamp:



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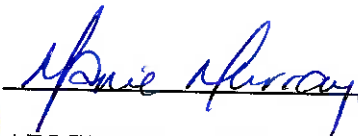
**Development at:** Knockbaun, Spink, Co. Laois.

A submission/observation in writing, has been received on 15/11/2021  
from

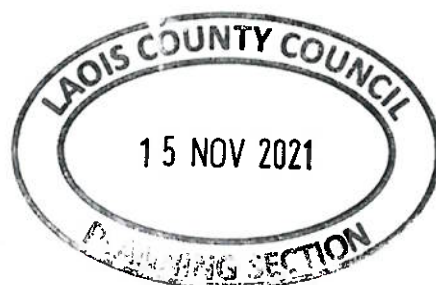
Pat & Elizabeth Fitzpatrick  
Knockacrin  
Timahoe  
Portlaoise  
Co. Laois

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

Knockbaun,  
Spink,  
Abbeyleix,  
Co. Laois.

05/10/2022

To whom it may concern,

We are writing to appeal the decision by Laois County Council to grant permission for planning ref 21/700, the operation of the Quarry at Knockbaun, Spink, Co.Laois.

We wish to register our appeal on a number of grounds, as outlined below.

**1. Distance:**

Laois County Council failed to take into consideration the fact that our family residence at Eircode R32 E917 is 175m from the proposed Quarry site at Knockbaun, Spink.

Planning was granted for a residence at R32 E197 in 1999 (Planning File No. 9965) by Laois County Council.


Mr Larry Behan applied for planning permission for the Quarry at Spink in 2001 (Planning File No. 01947). Before doing this, he purchased the site and residence at R32 E197, and the field between the residence and Quarry, which meant that the Quarry, surrounding lands and dwelling all became one lot.

This then meant that when Mr Behan was applying for permission for the Quarry, the dwelling 175m from the Quarry was not of concern or taken into account by Laois County Council because it was owned by the Quarry owner as part of the lot that the Quarry was on. This dwelling was then used to purpose the Quarry as offices.

The Quarry and surrounding lands went up for auction in 2014 by a vulture fund (See Appendix 1). During this auction the lot was split into two parts to achieve maximum return. The Quarry was sold as one lot, and the house and agricultural land was sold as another. In our opinion, by selling in this manner, and allowing the house to become a residential property, it rendered the planning permission on the Quarry redundant. Planning permission was granted for a residential dwelling at R32 E197 when there was no concern of a Quarry in operation at Knockbaun, Spink.

**2. Quality of Life:**

Our family residence as outlined above is 175m from the proposed Quarry site. We have a young family, we have an 11 month old and a 27month old.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Of course, as a family in general, the impact this Quarry would have on us is detrimental for various reasons. Our mental and physical health would be hugely impacted on, giving our close proximity. We are immeasurably concerned about the impact the blasting in the Quarry will have on us, however given our close proximity it is not just the blasting but the daily operation that will also cause major noise, dust and traffic concerns for us.

We strongly feel that the granting of permission to this Quarry in such close proximity to our family home, is in breach of Article 8 of the European Convention on Human Rights (ECHR) which provides a right to respect for one's private and family life. In fact, Section 9 of this article, highlights how we have the right for our private life not to be impacted by environmental issues, which Quarrying falls under (See Appendix 5).

### **3. Blasting**

Laois County Council have been made aware of a court case that was taken against Lagan Materials Ltd regarding fly rock being ejected outside of the danger zones at one of their Quarries in Wales in 2020 (see submission in appendix 2 and details of case in appendix 6). Laois County Council clearly failed to take any of this information into consideration.

"An investigation by the Health and Safety Executive (HSE) found that fly-rock from the blasting operation had landed approximately 270m away, punctured the roof of an occupied work shed, and put a hole in the outside pane of the occupied manager's office skylight window."

Our family residence is 175m from the proposed Quarry. We are extremely concerned for our safety, and the safety of our children. There has been no proof that this will not occur here in Spink too. Given that we have a young family within "the danger zone" this Quarry should not be allowed to reopen, and the Breedon / Lagan group should not be allowed to Quarry there, given they have openly pled guilty to such severe safety breeches.

These breeches were seen to be so severe that Adrian Jurg, HM specialist Inspector of Quarries, said 'Blasting operations at quarries are inherently high risk, and these risks must be rigorously controlled by good explosives engineering practice and in accordance with legal requirements. It is unacceptable that employees, and potentially members of the public, be put at serious risk of being hit by rocks that could easily lead to death or serious injury.'

We struggle to understand how Laois County Council have granted permission to this Quarry to operate and for blasting to occur within 175m of a family home after being made aware of this court case, putting our lives and the lives of our two young children at such great risk, for the benefit of the Breedon/Lagan group.

In addition to the above information, we have raised our concerns with Laois County Council regarding the structural damage blasting within such close proximity will inevitably cause to our home. Laois County Council have failed to consider this in their planning conditions. There has been no consideration given for the structure of our home, by either the council or the Breedon/Lagan group, other than our property is 'under a hill'.

#### **4. Water**

Laois County Council and the Breedon/Lagan group have failed to take into consideration the significant impact this Quarry will have on our water supply. We have spent quite a lot of money since purchasing this home to fix the damage that the Quarry caused when in operation, to the well supply. We have very little faith in the promises set out by the Breedon / Lagan group – and this was not helped when a consultant from their team came to do a water test at our home to aid in further information. We requested an independent assessor for this task but were told that if we wished to get someone else that we would have to pay for this ourselves. They then claimed that their assessor was indeed independent, however from a quick google search it was very obvious that Ms Pamela Bartley has worked on many projects with this group so far. It is our opinion that we should have been asked to pick an independent party for this task to work for Lagan on the matter so that we could have faith in the results. Furthermore, it was very obvious that this task of testing our water was simply just a box ticking exercise, given that they did not even have the correct equipment with them to check the levels of our water, something which we feel is quite important.

#### **5. Property Value**

We bought our property in 2017, and at the time, the Quarry was not in use and flooded, so therefore did not impact in any way on the sale of the property. As house prices increase across Ireland, we are very lucky to be in a position where our house has improved in value since purchasing. This is both down to the wider economic impact, but also the works we have carried out at our home. The reopening of the Quarry at Spink, within 175m of our property, will greatly impact the value of our home, and from

discussing this with a number of local auctioneers, it is estimated that the value would decrease by at least 30%. It would not only reduce the sale price, but also reduce the amount of interest in our home if we were to sell.

#### **6. Operational Hours**

Laois County Council have granted permission for the Quarry to operate from 07:00 hours to 18:00 hours Monday to Friday and between 07:00 hours and 14:00 hours on Saturdays. Laois County Council claim that this will limit the impact of the development on the residential and rural amenities of this rural area, however these hours of operation will greatly impact our home lives.

The fact that our residence is so close to this Quarry means that we will be awoken from the moment this Quarry opens, not just when it begins to operate and the machines are turned on, and not to mention the noise of the lorries lining up on the road outside our premises. Our daily lives will not only be disrupted on the week days, but also on a Saturday. Laois County Council claims that this will limit the impact on our lives, but we fail to understand how, given such operational hours 6 out of the 7 days of the week.

We are also hugely concerned that Laois County Council have made these promises before, when the Quarry was previously in operation, and they then reneged on this promise when they granted permission for the Quarry to open from 05:00 hours to 20:00 hours Monday to Friday, and 05:00 hours to 14:00 hours on Saturdays (planning ref No. 08729).

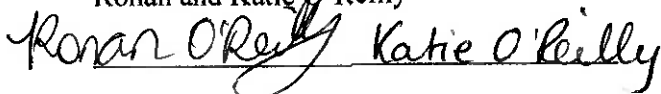
Laois County Council made a number of promises when the Quarry was previously in operation surrounding Quarrying conditions, and did not follow through on them, as can be seen by the number of submissions made to them at that time (see submissions on planning ref No. 08729). While the Breedon/Lagan group may argue that they are new owners and will abide by the conditions set out, the community of Spink have zero faith in Laois County Council's ability to ensure these conditions are upheld and zero faith that if urgent matters are brought to their attention, it will be dealt with appropriately, as this was not the case previously.

We feel that Laois County Council have failed us on a number of grounds with this application, most of which are mentioned above. We were utterly disappointed in Laois County Council's handling of the second round of submissions on this application. The Council originally gave a closing date of 01/08/2022 for objections on the significant further information, which only gave a two week notice period and put a lot of pressure on any residents who wanted to submit objections. We were then contacted by phone on 11/08/2022 (after submissions were made) and informed that there was an administrative error, which meant that submissions were now open until 22/08/2022. The original date for decision on this application was supposed to be 15/08/2022. Given that we only received a phone-call four days in advance of this, to inform us about the administrative error, it highlights for us the lack of time and proper consideration given to this application by Laois County Council. If they have made such a big administrative error in something so important as giving the public adequate time to make objections on the application, we are valid in our concerns for what else the council may have overlooked in reviewing this application.

We trust that the team at An Bord Pleanála will take our appeal into consideration when reviewing this case.

Kind Regards,

Ronan and Katie O'Reilly

Handwritten signatures of Ronan O'Reilly and Katie O'Reilly in black ink.

## **Appendix 1:**

[Quarry Approx. 27.3HA \(68 Acres\), Knockbaun, Spink, Co. Laois Sale Price \(speakingssame.com\)](#)



### **Quarry Approx. 27.3HA (68 Acres), Knockbaun, Spink**

€575,000 listed in Aug 2014

**Commercial:**

**Land size:** [\[Measure\]](#)

**Agent:** [Lisney Commercial \(Dublin\)](#)



[More Photos](#)

[Map](#) | [Street view](#) | [Nearby](#)

### **Property Description:**

On the instructions of RSM Farrell Grant Sparks Receiver of L.Behan Quarries Ltd. LOCATION The quarry is located in a relatively remote rural area on the R430 just outside the village of Spink in Co. Laois. It is situated within close proximity to the N77, N78 and N80, approximately 10km east of Abbeylisk, approximately 20km south of Portlaoise and approximately 100km southwest of Dublin. THE PROPERTY The property comprises of a substantial holding of approximately 27.3 ha (68 acres) with the surrounding area which is typically rural in character and dominated by primarily agricultural lands. This site can be divided into two main categories of land, the quarry of approximately 20 ha (50 acres) and detached modern house on agricultural lands of approx. 7.3 ha (18 acres). The house is of block construction, rendered externally in painted smooth plaster and stone all under a pitched timber roof with slate covering. The property is available in three lots: Lot 1 Quarry on 20 ha (50 acres) Lot 2 House on 7.3 ha (18 acres). Lot 3 The Entire PLANNING Under the Laois County Development Plan 2011 – 2017 it is understood that the quarry was registered with Laois County Council in accordance with requirements with Section 261 of the Planning and Development Act 2000 (Reference QY/174) In order for to continue the extraction of the quarry ten year planning permission was applied for on the 23rd of July 2010 and granted by Laois County Council on the 19th of September 2011 subject to 20 conditions (Reference No: 10/383). The granted planning permission states the following: "continue use for (a) quarrying on an area of 16.79 Ha in an overall site area of 26.70 Ha, (b) offices, weighbridge, service workshop, laboratory, toilets, canteen and stores having a total floor area of, 466.52m<sup>2</sup>, septic tank, bord na mona puraflo effluent treatment system and entrance, (c) of all associated plant an

## **Appendix 2:**

Planning Department,  
Laois County Council,  
James Fintan Lawlor Avenue,  
Portlaoise,  
Co. Laois.

Knockbaun,  
Spink,  
Abbeyleix,  
Co. Laois.  
01/08/2022

**Re:** Planning Reference 21700

**Applicant:** Lagan Materials Ltd

**Development:** Operation of Quarry at Knockbaun, Spink, Co.Laois.

To whom it may concern,

We are writing to strongly oppose the proposed Quarry application at Knockbaun, Spink.

We wish to register our objection on a number of grounds, listed below.

- Since our first objection was submitted, it has come to our attention that Breedon were fined £300,000 and pled guilty for safety breaches (See Appendix 1). In a Quarry in North Wales, in 2020, a blast at the Quarry resulted in rocks being ejected outside of the danger zone.

"An investigation by the Health and Safety Executive (HSE) found that fly-rock from the blasting operation had landed approximately 270m away, punctured the roof of an occupied work shed, and put a hole in the outside pane of the occupied manager's office skylight window."

Our family residence is 175m from the proposed Quarry. We are extremely concerned for our safety, and the safety of our children. There has been no proof that this will not occur here in Spink too. Given that we have a young family within "the danger zone" this Quarry should not be allowed to reopen, and the Breedon / Lagan group should not be allowed to Quarry there, given they have openly pled guilty to such severe safety breaches.

These breaches were seen to be so severe that Adrian Jurg, HM specialist Inspector of Quarries, said 'Blasting operations at quarries are inherently high risk, and these risks must be rigorously controlled by good explosives engineering practice and in accordance with legal requirements. It is unacceptable that employees, and potentially members of the public, be put at serious risk of being hit by rocks that could easily lead to death or serious injury.'

Laois County Council cannot allow this Quarry to operate and blasting to occur within 175m of a family home, putting our lives and the lives of our two young children at such great risk, for the benefit of the Breedon/Lagan group.

- The planning permission for our residence (Application No. 9965) was originally applied for in 1999. At that time, in 1999 the Quarry at Spink was redundant and there was no planning permission in place. This therefore meant that Laois County Council did not take the Quarry into account when granting permission for a residential property 175m from the Quarry.

Mr Larry Behan applied for planning permission for the Quarry at Spink in 2001 (Application No. 01947). Before doing this, he purchased the site and residence at R32 E197, which meant that the Quarry, surrounding lands and dwelling all became one lot. This then meant that when Mr Behan was applying for

permission for the Quarry, the dwelling 175m from the Quarry was not of great concern or taken into account by Laois County Council because it was owned by the Quarry owner as part of the lot that the Quarry was on. This dwelling was then used to purpose the Quarry as offices.

The Quarry and surrounding lands went up for auction in 2014 by a vulture fund (See Appendix 2). During this auction the lot was split into two parts to achieve maximum return. The Quarry was sold as one lot, and the house and agricultural land was sold as another. By selling in this manner, and allowing the house to become a residential property, it renders the planning permission on the Quarry redundant. Planning permission was granted for a residential dwelling at R32 E197 PRIOR to planning permission being granted for the Quarry at Knockbaun, Spink. Laois County Council have a responsibility to us as the owners of this property, to reject the plans for a Quarry to blast within 175m of this property, as it is now in use as a residential dwelling.

- We continue to have great concern for our water supply. We have spent quite a lot of money since purchasing this home to fix the damage that the Quarry caused when in operation, to the well supply. We have very little faith in the promises set out by the Breedon / Lagan group – and this was not helped when a consultant from their team came to do a water test at our home to aid in further information. We requested an independent assessor for this task, but were told that if we wished to get someone else that we would have to pay for this ourselves. They then claimed that their assessor was indeed independent, however from a quick google search it was very obvious that Ms Pamela Bartley has worked on many projects with this group so far. It is our opinion that we should have been asked to pick an independent party for this task to work for Lagan on the matter so that we could have faith in the results. Furthermore, it was very obvious that this task of testing our water was simply just a box ticking exercise, given that they did not even have the correct equipment with them to check the levels of our water, something which we feel is quite important.
- Our family residence, at R32 E197 is 175m from the Quarry site. We are a young family, with two small children, one of whom [REDACTED]. We are gravely concerned about the impact this Quarry will have on our children, our quality of life and our children's quality of life. We do not feel that Laois County Council have taken this into account so far, we expected it to be of concern with the further information requested. Laois County Council have a responsibility to us, to take into consideration how close our house is to the proposed Quarry site. We strongly feel that if Laois Council grant permission to this Quarry in such close proximity to our family home, that they would be in breach of Article 8 of the European Convention on Human Rights (ECHR) which provides a right to respect for one's private and family life. In fact, Section 9 of this article, highlights how we have the right for our private life not to be impacted by environmental issues, which Quarrying falls under (See Appendix 3).  
As I have said above, we are 175m from the Quarry. Our family residence is 175m from this Quarry that Breedon / Lagan wish to operate for the next 30 years. Noise, dust, and water pollution are of great concern for all residents in Spink at the moment with regards to this Quarry, however we are the closest and therefore will be impacted the most. Again, we have a right to a quality of life. We should be able to send our children outside to play without having to worry about noise pollution being a problem and making them feel uncomfortable. We should not feel unsafe in sending our children to play outside for fear that they inhale too much dust, or worse again are in danger of being hit by particles flying 'outside the danger zone'. The Breedon / Lagan group do not care about us, or the fact that our residence is so close. They met with some of the residence in Spink, a meeting which we could not attend, but they did not even have the decency to refer to us by name, instead we are known to them as "the two teachers on the hill". We are much more than this, we are a family who reside in this home. They clearly have not heeded any of our concerns.

We urge Laois County Council to take our concerns and objections into consideration.

Yours faithfully,

Ronan and Katie O'Reilly

**Appendix 3:**

From: Ronan O'Reilly [REDACTED]  
Date: Mon 5 Sep 2022, 08:00  
Subject: Planning Application No. 21700  
To: <doherty@adairsco.ie>

Dear David,

We are emailing in reference to the above planning application no. 21700 at Knockbaun Spink.

We are fully aware that all submissions and objections have now closed, however we feel that the below information must be noted on our behalf.

[REDACTED]

While the above information is extremely sensitive to us, we can only hope that this information, along with the submissions that we have already made listing our numerous valid concerns and fears, shows that the planning application 21700 should not be granted under any circumstances or conditions.

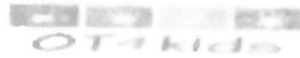
We appreciate you taking the time to read our email.

Yours Sincerely,

Ronan and Katie O'Reilly



**Appendix 4:**



**Colette O'Hanlon Bsc Hons OT**



Registration No. 61015253

27<sup>th</sup> September 2022

To whom it may concern,

My name is Colette O'Hanlon, I am a Senior Paediatric Occupational Therapist with a special interest in sensory integration. I have over 20 years experience in this field and have a private practice in Tullamore.

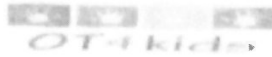
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Colette O'Hanlon Bsc Hons OT



Registration No. OT015253



I am hugely concerned for [redacted] welfare, development and her health should the quarry go ahead, its impact is potentially life altering for [redacted] and indeed for her family.

Regards,

Colette O'Hanlon (Bsc Hons OT)  
AOFL Number : 6470  
Core Registration Number: OT015253

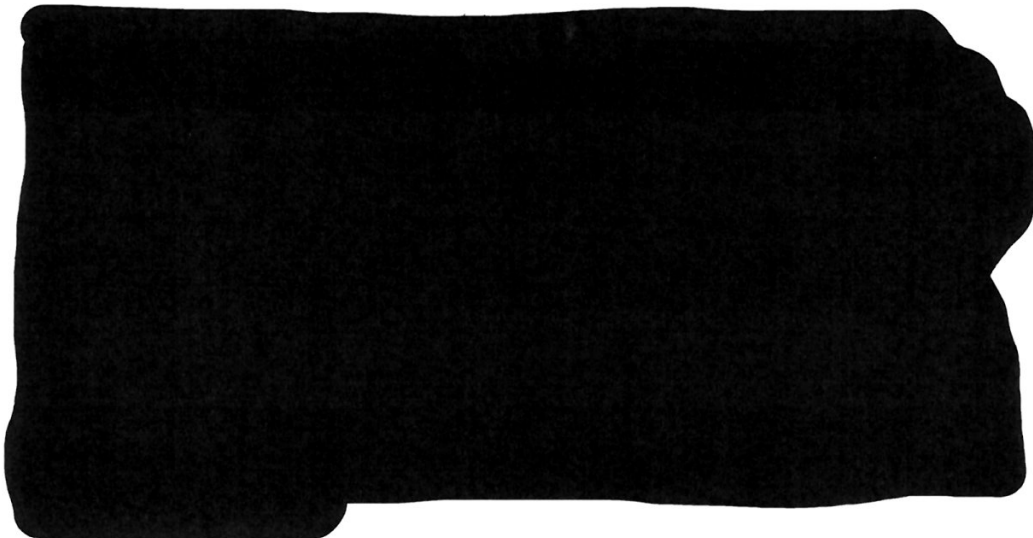
South East Clinical Psychology Practice  
Dr Eve Markey  
Chartered Clinical Psychologist

Dr Eve Markey  
Chartered Clinical Psychologist  
South East Clinical  
Psychology Practice  
49 Feltham Hall  
Blackbog Road  
Co Carlow

29/09/2022

RE: 

To Whom It may concern,



Eve Markey

**Dr Eve Markey**  
Senior Clinical Psychologist  
Chartered Member Of PSI  
PSI Membership No: M7246C

[Dmarkeypsychologyservices@gmail.com](mailto:Dmarkeypsychologyservices@gmail.com)

087-2947254

**Appendix 5:**

[https://www.echr.coe.int/documents/guide\\_art\\_8\\_eng.pdf](https://www.echr.coe.int/documents/guide_art_8_eng.pdf)

## Appendix 6:

[Breedon fined £300,000 following fly-rock incident](#) | [Agg-Net](#)

# Breedon fined £300,000 following fly-rock incident



Thursday, November 22, 2024 - 16:04

Company prosecuted for safety breaches after blasting operation puts workers at risk

**BREEDON** have been fined £300,000 for safety breaches after a fly-rock projection event occurred during blasting at Cwt-y-Bugail Quarry in Llan Ffestiniog, Gwynedd, North Wales. Llandudno Magistrates' Court heard how, on 15 January 2020, a blast at the quarry resulted in rocks being ejected outside of the danger zone

An investigation by the Health and Safety Executive (HSE) found that fly-rock from the blasting operation had landed approximately 170m away, punctured the roof of an occupied workshop and put a hole in the outside pane of the occupied manager's office daylight window

The HSE said it was reasonably practicable for the company to ensure that the blasting did not give rise to danger by increasing the danger zone, clearing the increased danger zone, increasing the quality and quantity of stemming for the explosives in the blasthole, and by ensuring an adequate blasting code of practice was produced and authorized

However, it found that there were poor stemming practices, the written code of practice was prepared after the firing of the blast, and an inadequate danger zone was in place. As a result, there was a projection of fly-rock outside of the danger zone that caused a quarry employee to run for cover and put other employees at risk when the roof of the shed they were working in was punctured

Breedon pleaded guilty to breaching Section 1(1) of the Health & Safety at Work etc Act 1974 by virtue of the Quarries Regulations 1999, regulation 25, and were fined £300,000 and ordered to pay £2,514.50 in costs

After the hearing, Adrian Jung, HM Specialist Inspector of Quarries, commented: "Blasting operations at quarries are inherently high risk, and these risks must be rigorously controlled by good explosives engineering practice and in accordance with legal requirements

"It is unacceptable that employees, and potentially members of the public, be put at serious risk of being hit by rocks that could easily lead to death or serious injury."

Knockbawn,  
Spink,  
Abbeyleix,  
Portlaoise.  
Co. Laois  
4/10/22

**Re: Planning Application 21700 – Quarry in Spink  
Appeal to An Bord Pleanala**

Dear Sir/Madam,

I have enclosed my original objection to this development as my concerns remain the same. NONE of my concerns were addressed as I am over 500m from the development. I am just over 700m from the quarry.

My house was built in 1979 and I have had no problems with its structure UNTIL the blasting started in the quarry, when cracks started to appear. The foundations are built on the same rock as is being blasted and will have detrimental affects on my house if it is allowed to continue. Just because I am over 500m from the quarry does not exempt the council from looking after my livelihood as I am a resident of this County and expect to have the same quality of life as others. This needs to be addressed

My water is another major concern not addressed for the same reason.  
Condition 5 C states

***“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”***

There is also no timeframe stated for reinstatement of supply and since I am over 700m away. How am I protected by Laois Co Co?

It took my neighbour over 3 years to get reimbursed when his water went after the first blast by previous operator

My submission also states that

*My horses will be adversely affected also. I have a few breeding mares and breed foals for the Sport Horse Industry. These pregnant animals can FEEL the vibrations and pressure much more than their owners and can have detrimental affects on their health also.*

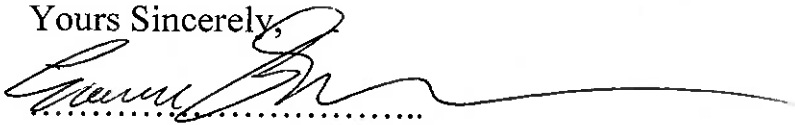
There is no consideration whatsoever given to equines in the conditions and my animals will be grazing within the 500m zone of the quarry.  
Laois Co Co failed to address this matter entirely.

In short

This is a totally unnecessary development in a rural community that should be refused planning permission as it will have major adverse affects on the residents of this country area.

Also it has inadequate supplies of raw materials for concrete, therefore most of the materials will have to be imported from other quarries resulting in a major carbon footprint which is totally unnecessary.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Eamonn Brophy', followed by a long horizontal flourish line.

Eamonn Brophy

Clenagh  
Spink  
Abbeyleix  
Co. Laois  
11/11/2021

Dear Sir/Madame,

Please see submission on planning reference 21700 for quarry development at Knockbaun, Spink, Abbeyleix, Co. Laois on behalf of Niall and Siobhan Headen, Peter Sweetman and Wild Ireland Defence.

The Planning Authority's Legal Functions.

The Planning Authority has four distinct sets of legal tasks when it deals with an application such as this one.

It must assess the planning merits of Application in accordance with the Planning and Development Act 2000 (as amended) to ensure that the proposed development is in accordance with the proper planning and sustainable development of the area.

Secondly, the Planning Authority is required to form and record a view as to the environmental impacts of the development, considering the EIA Report (EIAR) if furnished by the applicant, the views of the public concerned and applying its own expertise or to screen the development for Environmental Impact Assessment.

Thirdly, and different in nature to the first two tasks, the Planning Authority is the competent authority having responsibilities under the Habitats Directive. The threshold the Application must pass in this context is explained in paragraph 44 of CJEU Case 258/11

**"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."**

This is a strict standard and the Planning Authority does not have legal jurisdiction to give permission if it is not met.

Fourthly, the development must be assessed for compliance with the requirements of the Water Framework Directive.

Peter Sweetman and on behalf of Wild Ireland Defence CLG

113 Lower Rathmines Road Dublin 6



COPY OF ORIGINAL  
OBJECTION

Knockbawn,  
Spink,  
Abbeyleix,  
Portlaoise.  
Co. Laois  
30/10/21

**Re: Planning Application 21700 – Quarry in Spink**

Dear Sir/Madam,

I refer to application by Lagan Materials Ltd (planning application No 21700) for development of Quarry at Knockbawn, Spink, Abbeyleix. Co. Laois. I have an objection to this development being granted planning permission on a number of grounds.

1. The structure of my house will be adversely affected by blasting of the rock. I live less than 1 km from the site (as the crow flies) and blasting by the previous operator has caused my house to *SHUDDER* during these blasts. (I would not have believed the effect that it could have but for the fact that I happened to be in my house on a blast day and felt its full effects) It has already caused some cracks in the structure of my house and would not like this to be repeated as my house is built on the same rock as the quarry
2. My water supply is another major concern that I have as I have a borehole for domestic use. One of my neighbours lost his supply on the first blast by previous operator. My well is over 100ft deep and has been given NO consideration in this operation.
3. My horses will be adversely affected also. I have a few breeding mares and breed foals for the Sport Horse Industry. These pregnant animals can *FEEL* the vibrations and pressure much more than their owners and can have detrimental affects on their health also.

There is another concern that is more for the wider area and that is the fact that with regards the *Picnic Area* in Spink. This is not addressed either. This is an invaluable resting spot for many to break their journey and rest in peaceful, unspoilt surroundings without the disturbance of noise, dust, blasting and extra traffic. Spink Picnic Area received *The Best Overall Amenity Area Award 2001* from Laois Tidy Towns Federation and Laois Co. Council.

Yours Sincerely,

.....  
Eamonn Brophy



Further points that must be taken into consideration.

1. Planning proposals that impact upon our enjoyment of our home, health or privacy may engage ECHR rights. The impact on us and our home has reached a minimum level of severity. The intensity and duration of the proposed development, in such proximity to our home, may result in physical and mental health issues, and are very important factors for your consideration of the final planning decision. The Planning Authority must balance our rights with the rights of the developer. Articles 8 and article 1 of Protocol 1 of the ECHR require this.
2. Working hours; the applicant is seeking working hours from 7am to 18.00 (Monday – Friday) and 7am – 14.00 (Saturday) with an earlier start for certain projects and trucks to leave the site at 7am. If the trucks were to leave the site at 7am, loaded with concrete or stone, what time would batching and loading commence? No transparency on working hours, it appears to be that the quarry will be open as industry requires for 29 years to include maintenance on Sundays. All these loading and batching operations throughout the night to include safety, PPE (i.e., lighting, reversing sirens), do not lend themselves to rural living.
3. There is a major concern that the applicant will obtain planning permission and in turn will offer the site for sale or lease as previously advertised in 2015. A scenario may arise where the new owner or tenant will not have an understanding of the EIAR or conditions of planning and proceed to blame the previous operator and LCC for not recording or enforcing conditions. There will be no accountability or taking responsibility of the issues arising. A new landlord/tenant may be able to contractually walk away from the site after discovering its unfeasibility due to water ingress, leaving the environment with two lake type bodies of stagnant quarry waters.
4. Visual Amenity; the applicant refers to the prominent, overburden mound, as screening the quarry views from the North West. This mound of overburden was not authorised at previous planning grants. It is unauthorised and unenforced, and we have previously complained to LCC on numerous occasions through the years during stripping operations. This material is loose and piled upon a rock hill. In an adverse weather event, it is possible that it could slide out on to the R430. Refer to Unauthorised Development files UD1657/UD1857/UD2157 and appendix 1 picture from our home. During the applicants "Do Nothing approach", we regularly cleaned the fly tipping rubbish from the entrance and the surrounding ditches. Only on pending expiration of planning 10/383, did the applicant clean up his property.
5. The applicant states in Alternatives  
That marine aggregates are currently being mined in the UK, but they are still seeking a 29-year planning permission for blasting and deepening onsite in Spink. Surely an international company the size of Lagan and Breedon will be involved in alternatives in the near future.
6. The applicant states that there is only one Peregrine Falcon onsite, however we believe that there are two breeding pairs have set up home onsite during the applicants "Do Nothing Approach". There has been no proper bird survey carried out to protect these creatures.

7. The applicant states that extraction methods will not change.

During the last quarrying operations, after blasting, two diggers with rock breaking hammer heads, would continuously hammer the boulders to reduce the size to fit into the crusher. There is no mention of this operation in this application. The repetitive noise from this caused unacceptable noise nuisance with relation to the close proximity to our home, and ~~also to our second property which is currently rented and may render this property~~ unrentable as it is only 211 meters from the boundary of the afore mentioned quarry.

8. Blasting.

We are very concerned about blasting operations as both our properties sit on the same rock and both properties are less than 500 meters from the blast site. Eircode R32D2C5, this property is rented 211 meters from quarry. The issues arising are water discolouring after blasting lasting for 4-5 days, contaminating drinking water and heating system. Cracks from the last blasting operation in a tiled floor. Also due to the nature of both houses being home to front line workers to include shift work (night duty and weekends), sleep deprivation could arise from the very nature of the works being carried out by day, i.e. blasting rocks. Potential loss of tenants, thus loss of property value and income. Our home residence, R32R2C9, has its water supplied by a private bore holed well and is only 438 meters from the quarry. See pictures in appendix 2,3 and 4.

9. The applicant states that there is a 50-meter buffer from the R430, the current wheel wash and weighbridge system onsite were not built-in accordance with the initial planning granted. They sit unauthorised less than 20 meters from the R430, therefore not in line with the application. See appendix 5.

10. Water.

The applicant states in the planning pack that the site has never flooded. The open pit is flooded since previous attempts to quarry failed due to the volume of water entering the pit daily. During the hot, summer months, it is a mecca for parties and diving/swimming. We have raised these concerns since 2012 with LCC and local elected representatives (refer to UD 1657, UD1857 and UD2157). There is no calculation of the volume of water in the flooded quarry. There is no depth for sump 2 as is onsite. As the applicant states in the application, LCC have no records (i.e., didn't record) of water habits onsite at last quarrying attempt. At the preplanning meeting, LCC should have been able to state that the previous operator had difficulty in managing the water onsite. Due to failures in recording water flow and water sampling, LCC have agreed that none of this information has been retained as instructed by An Board Pleanala, Reference 11.130640 Bord direction and inspectors report. By failing to record this, the hydrologist did not have the facts necessary to carry out a correct assessment for the site. The applicant also states that the Owenbeg river is 1.04 Km from the site, however we would like to dispute this, in fact its less than 500 metres, see Appendix 6. The applicant states that they don't know the size of the road culvert on the R430, but they plan to pump sump 2 into it at a maximum of 1450m<sup>3</sup> daily at a rough estimate, see appendix 7??? The plan is to create another sump which will only double the problem, going forward and leave at least double the amount of water to be managed in the years to come. Under condition 20 of planning, 10/383, water plants were unauthorised to grow to protect local species and biodiversity in streams and rivers, see appendix 8,9 and 10. The Nore Pearl

Mussel does not tolerate acidic conditions that can be found in stagnant pools in sandstone quarries. This requires the local the local authority to give the critically endangered species as much protection as humanly possible within its catchment area, see appendix 11.

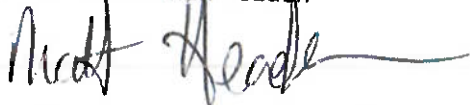
---

Summary.

To summarize our submission, we have regretfully lost trust in LCC with their mismanagement and failure to record and retain information on this site to protect our homes and basic human needs i.e. water, see appendix 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30.

Regards,

Niall and Siobhan Headen





Nature's Roll of the Hill

No Enforcement  
OR Bench Marks Recorded.

X

RESERVED

Appendix 1







Property @ Eircode R32 D265  
 Rented out 211 mts From Quarry  
 Potential loss of Tenants & water  
 Discolours after Blasting  
 Cracks from last Blasting operation



Quarry

③

Eir Code  
R32 DZCS

211 mts

211 mts

Historically  
discoloured  
after  
LASTING  
OPERATIONS





HTPWA 1a 4

Google Earth



(K32K2C4)  
HOME HOUSE 438 mts FROM Quarry  
Affected by Unauthorized Mound  
& over burden / Noise Nuisance  
Dust / Structural Damage.  
FROM BLASTING + Risk To Private  
Well





Wheel Wash & Weigh Bridge  
16mts FROM R430  
No 50mts Buffer AS  
stated in Application

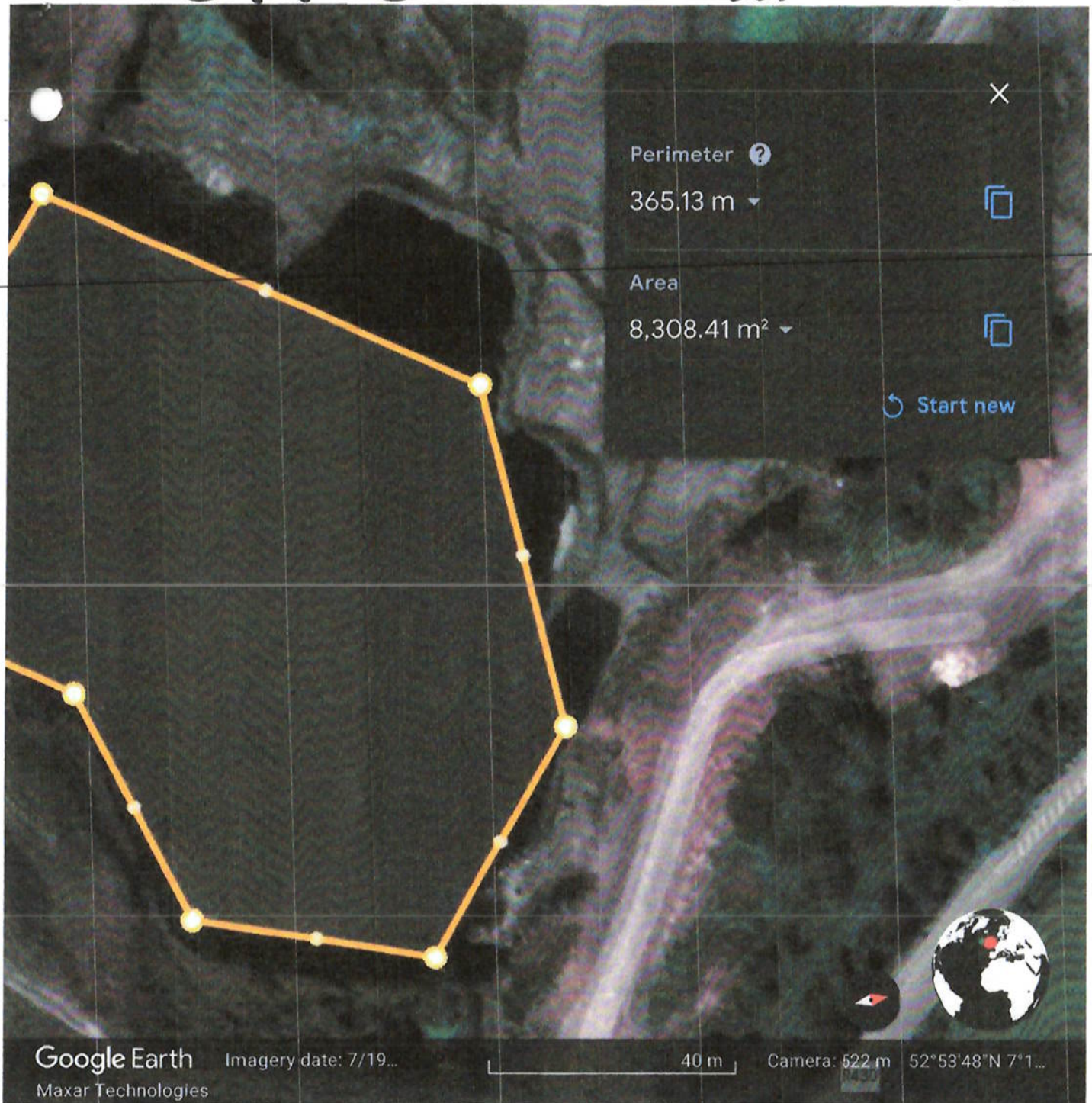
⑤





From Culvert on R430 beside  
 Quarry Boundary to Owenbeg  
 River is LESS than 500m  
 Not 1.04 km as Stated in  
 Application? (SAC)





8308 m<sup>2</sup> AREA (AREA DECREASED FOR SLOPING)

37 mts DEEP

260 m<sup>3</sup>/D Daily Discharge?

= 1,182 DAYS? WITH NO NEW WATER.

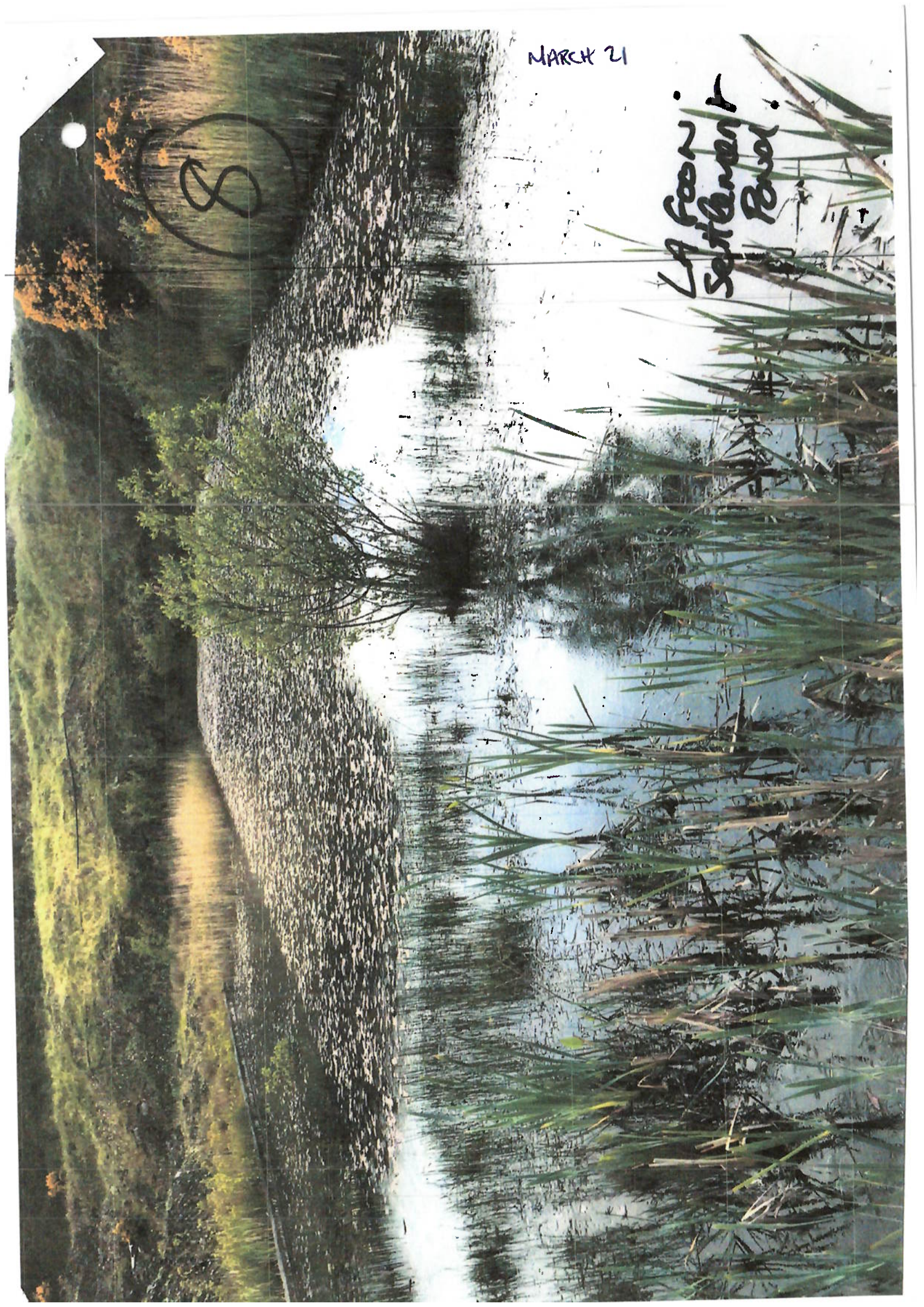
211 DAYS @ 1450 m<sup>3</sup>/D?



MARCH 21

LA Foon  
Settlement  
River

8





9





21:11

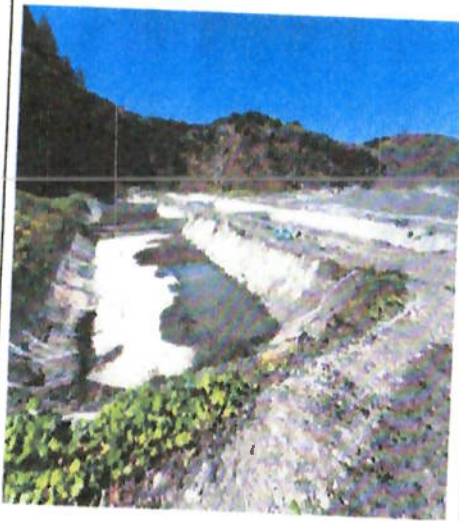
dropbox.com

Done

10

Lagan  
Spink Quarry

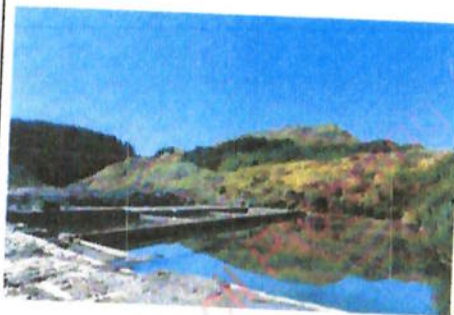
30



(a) South-western Pond Tank System Long Linear concrete lined Ponds with baffle walls.



(b) Secondary Pond Tank System in South-western corner of the site. Long Linear concrete lined Ponds with baffle walls.



(c) North-western Corner's Pond Tanks No 1 and 2.  
[Looking to the SW corner of the site]



(d) North-western Corner's Pond Tanks No 1 and 2  
[Looking to the NW corner of the site & road boundary]

**Plate 7.3 Settlement Ponds and Tanks at the site (July 2021).**





WIKIPEDIA

# Nore pearl mussel



The **Nore pearl mussel** (*Margaritifera durrovensis*) is a critically endangered species of freshwater pearl mussel, an aquatic bivalve mollusc in the family Margaritiferidae.

The species is endemic to Ireland and was first identified by R.A. Phillips in 1926, who later declared it a new species in Volume 18 of the Proceedings of the Malacological Society. This designation was controversial, and the taxonomic status of the Nore pearl mussel remains inconclusive. It is often described as a rare ecophenotype of *M. margaritifera*. The European Union's Habitats Directive on the conservation of natural habitats and wild fauna placed *Margaritifera durrovensis* on Annex II and Annex V as a separate taxon.<sup>[2]</sup>

## Distribution

The species is native to the Three Sisters - the rivers Barrow, Suir and Nore, the latter of which being the mussel's namesake. However, specimens have not been found outside of the River Nore since 1993. Unlike *M. margaritifera*, which can tolerate acidic conditions, the Nore pearl mussel requires highly calcareous waters, and generally inhabits sections of the River Nore which have CaCO<sub>3</sub> concentrations of over 330 mg/l. The Nore pearl mussel also has a significantly shorter lifespan than *M. margaritifera*, typically living for 60 to 80 years.

## Threats and conservation

Studies conducted on Nore pearl mussel distribution revealed that the population of the species had declined by approximately 75% between 1991 and 2009. The primary pressure identified was agricultural intensification leading to elevated levels of phosphorus, nitrate and suspended solids across the mussel's native range. A captive breeding program was set up in 2005 by the National Parks and Wildlife Service, whereby juvenile mussels complete their first growing season in captivity before being re-introduced to the River Nore.<sup>[3]</sup>

## References

- "Ireland Red List No.2 - Non-Marine Molluscs" (<https://www.npws.ie/sites/default/files/publications/pdf/RL2.pdf>) (PDF). Byrne et al. 2009. National Biodiversity Data Centre. Retrieved 2020-03-10.
- "Genetic structure of Irish freshwater pearl mussels (*Margaritifera margaritifera* and *Margaritifera durrovensis*): Validity of subspecies, roles of host fish, and conservation implications" (<https://onlinelibrary.wiley.com/doi/abs/10.1002/aqc.2913>). Geist et al. 2018. Aquatic Conservation, Volume 28, Issue 4. pp. 769–1022. Retrieved 2020-03-10.

### Nore pearl mussel

#### Conservation status

Extinct  
EX

Threatened  
EW CR EN VU

Least Concern  
NT LC

**Critically Endangered (IUCN 3.1)**<sup>[1]</sup>

#### Scientific classification

Kingdom: Animalia

Phylum: Mollusca

Class: Bivalvia

Order: Unionida

Family: Margaritiferidae

Genus: *Margaritifera*

Species: *M. durrovensis*

#### Binomial name

*Margaritifera durrovensis*  
(Phillips, 1928)

(12)

-6-

Refer to 110 1657  
110 1857  
110 2157

### 18. Site History

#### Details regarding site history (if known)

Has the site in question ever, to your knowledge, been flooded?

Yes [ ]

No ☒

Refer to EIAR Section 7.4.3.7 Flood Risk Assessment

If yes, please give details e.g. year, extent.

Are you aware of previous uses of the site e.g. dumping or quarrying?

Yes ☒

No [ ]

Refer to Item 9 of planning Application Form

If yes please give details

Refer to EIAR Table 3.1 Planning History associated with Quarry Lands at Knockbaun, Spink, Co. Laois

Are you aware of any valid planning applications previously made in respect of this land or structure?

Yes ☒

No [ ]

Refer to EIAR Table 3.1 Planning History associated with Quarry Lands at Knockbaun, Spink, Co. Laois

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

Reference No: 10/383 Date: 23/07/10

If a valid application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001 as amended.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development<sup>13</sup>?

Yes [ ]

No ☒

An Bord Pleanála Reference No. \_\_\_\_\_

13

With good weather forecast next week, Cllr Dwane Stanley said the issue of water safety was particularly important. "I don't want to burst anybody's bubble but you have to be very careful when you are swimming," she said.

With exams now finished, Cllr Mary Sweeney said children will be "out and about". She hoped young people won't be using the pond.

"I would appeal to young people to stay away from these areas," Cllr John Joe Fennelly said. "We don't want an accident like what happened in the old quarry in Spink," he said.

"We can put up all whatever signs we like but I would appeal to people to go to swimming pools and leisure centres because we don't know what are in these other places," he said.

**VIDEO: Laois sixth years feature on RTÉ news**

14

**Laois County Council  
Enforcement Report**

13

To: David O'Hara, EP.  
From: Yvonne O'Reilly, Exe. Tech  
UD 16-57 Non compliance with conditions  
Location Knockbaun, Spink, Co. Laois  
Owner Lagan Bitumen Ltd

10-08-2016 A site inspection was carried out by D. O'Hara and Y. O'Reilly.  
Photographs taken on site attached.



A barrier is placed in front of entrance gate to the site which is pad locked and secured, with various warning signs attached to the gate, "Danger, Quarry, Keep Out". I noted multiple signage within the pit, along the quarry edge, "Danger, Cliff Edge, Stay Out". Along the water edge, within the quarry, I counted 6 life buoys.

**Assessment:**

With regard to unauthorised access to this site, this is a civil matter. The owner has made a more than reasonable effort to prevent unauthorised access to the quarry and to Warn individuals of the risks and finally the owner has provided a number of aid should individual proceed to get into difficulty in the water.

**Recommendation:**

Review file, referring to previous recommendation indicated on report dated 20-07-2016.

*Acknowledge receipt of letter.*

*Advise the proposal outlined are acceptable.*

*The works proposed to the stock proof fence are required as a matter of urgency. Please advise when the works are completed. A visual inspection will be carried out by enforcement officers to confirm the works are completed and suitable.*

*Request a digital copy of the contour survey submitted.*

*Arrange for a copy of Restoration Bond for Mr. Downes. - and advise that it is a generic bond wording and should be amended accordingly for this particular quarry*

Signed:

*Yvonne O'Reilly*  
Y. O'Reilly, Exe Tech.

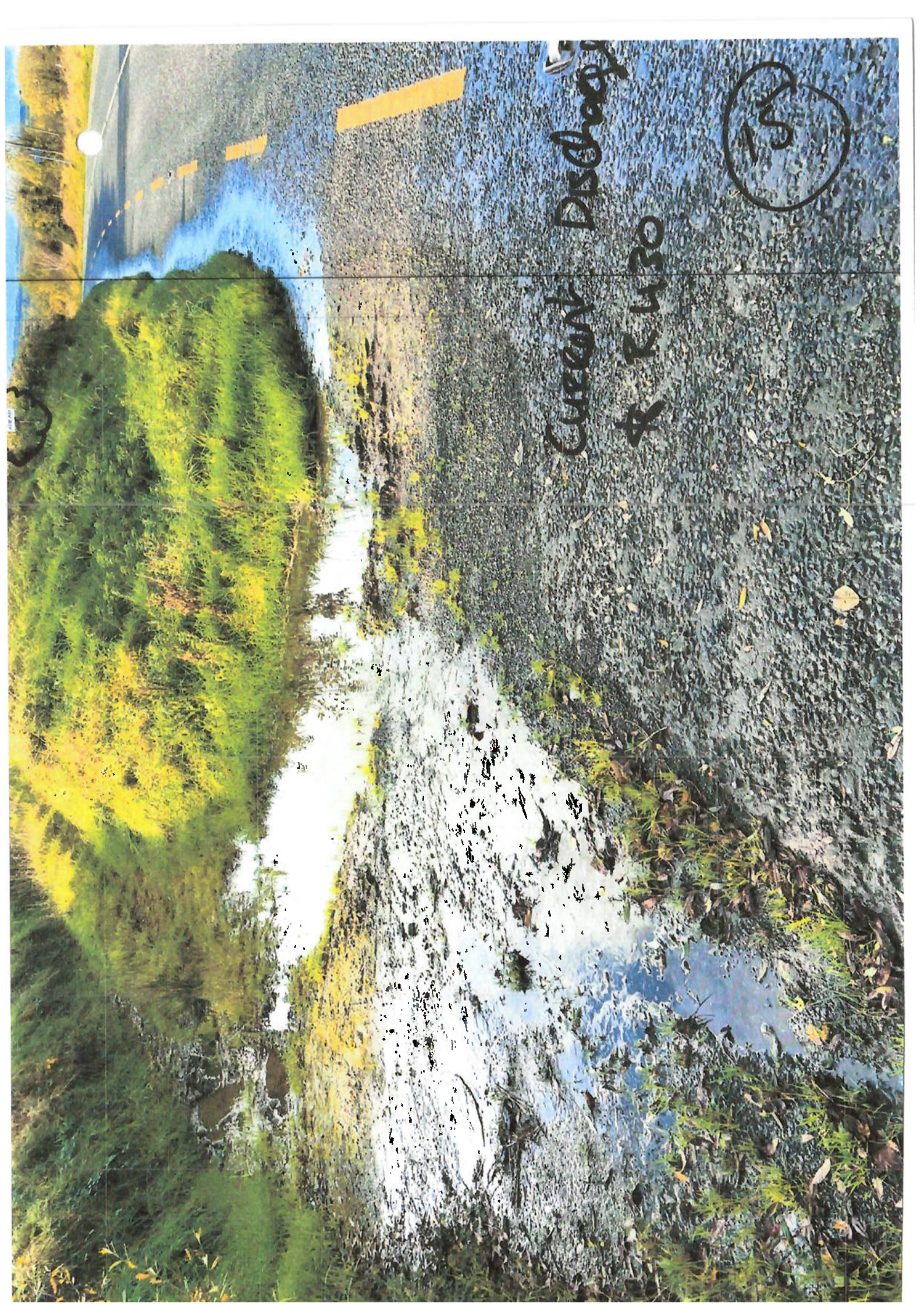
Date: 11-08-2016

11-08-2016

*Agreed*  
*Did Mars*  
*12/8/16*

*Agreed*  
*12/8/16*





Current Discharge

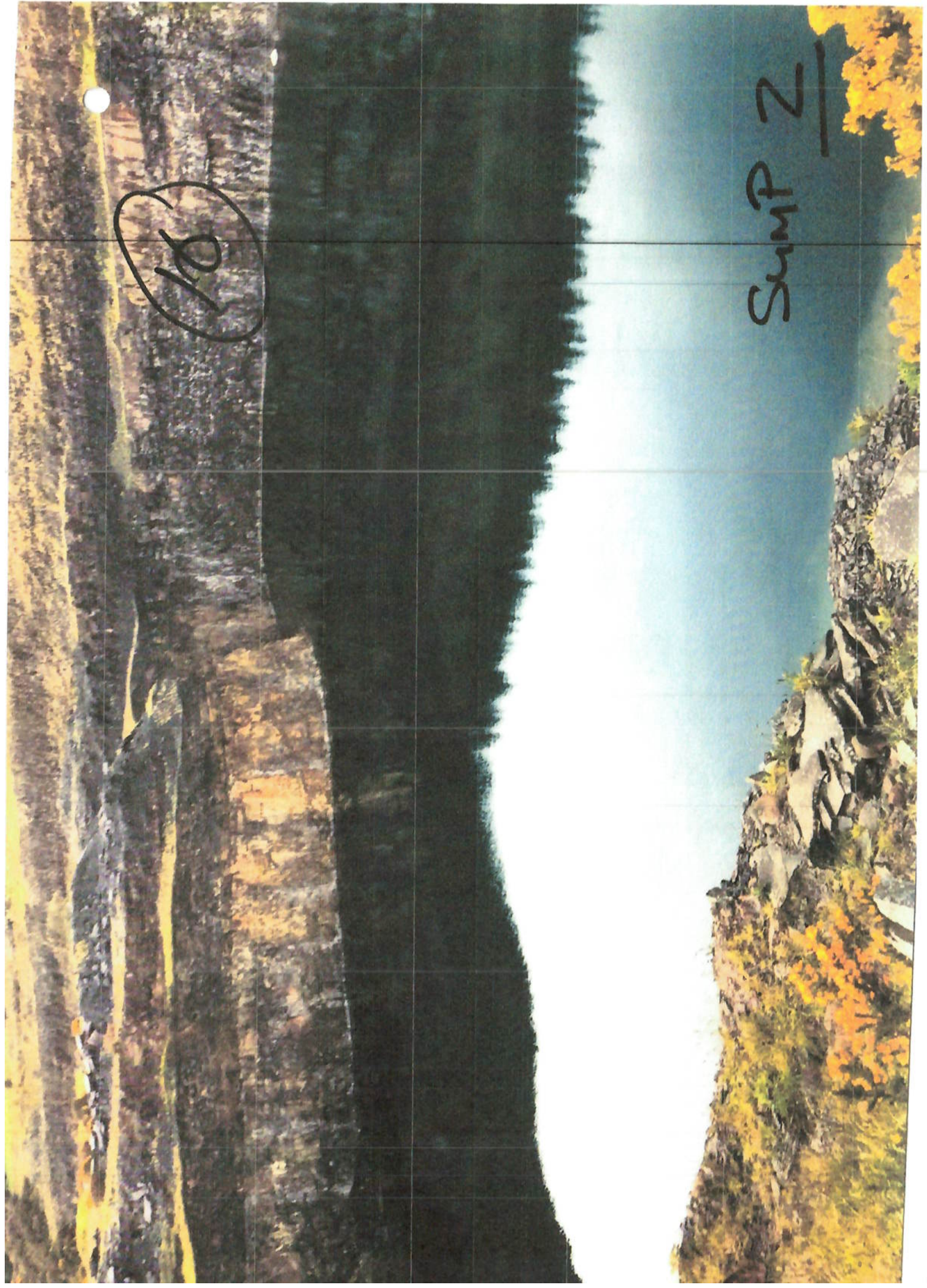
K R 430

151



SunP 2

18





Culvert on R430 rd  
Proposed to take Discharge

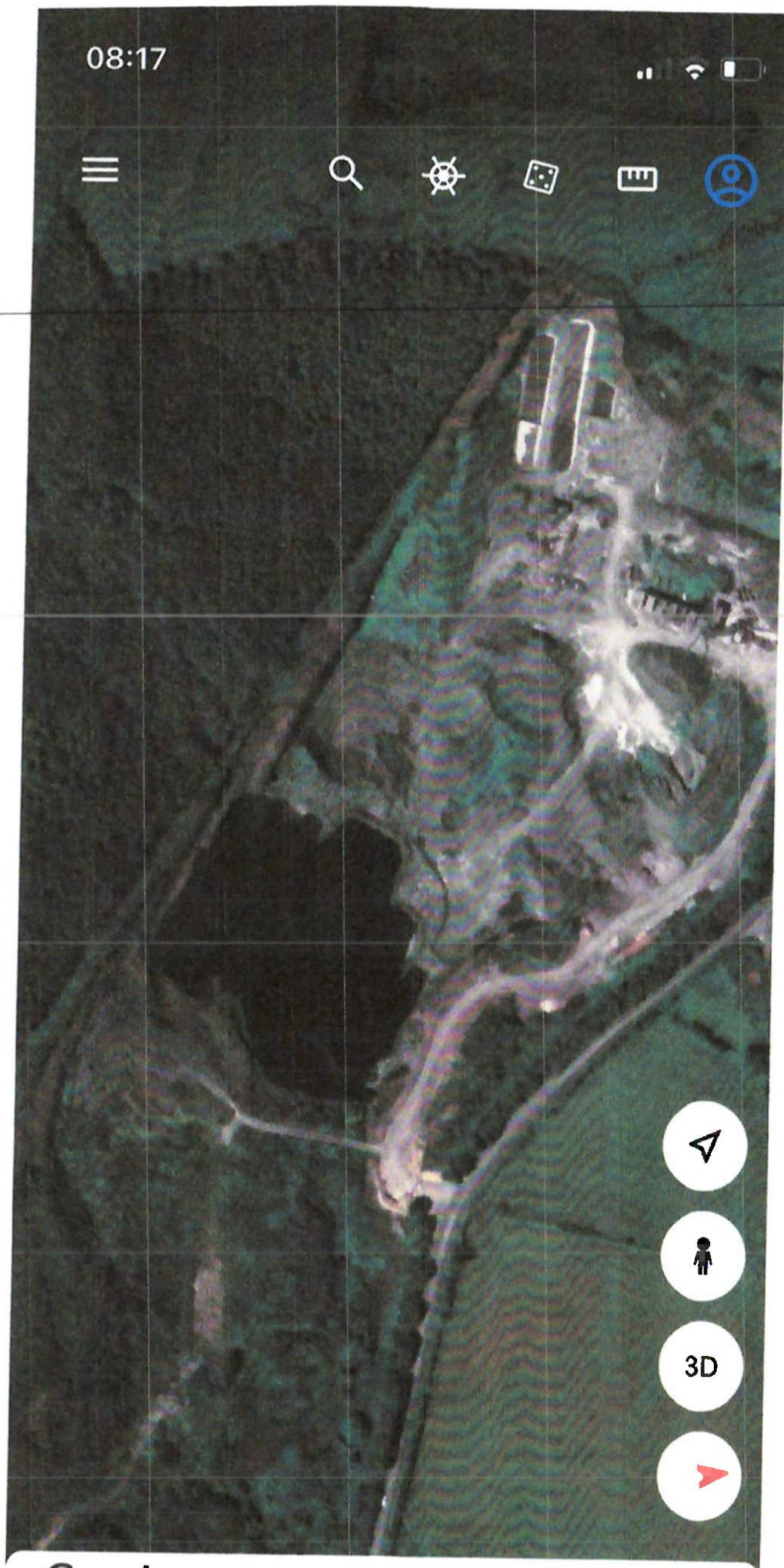




08:17



19



3D



Google

(52°53'48"N 7°12'30"W) 1 km





U.D. 16/57

15

Brian Downes,  
Group Property Manager,  
Lagan Bitumen Limited,  
Rosemount Business Park,  
Ballycoolin Road,  
Dublin 11.

~~20~~  
20

29<sup>th</sup> July 2016

**Re: U.D. 16/57 at Knockbawn, Spink Co. Laois**

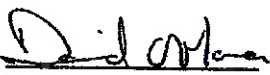
A Chara,

I refer to the above and wish to acknowledge receipt of your letter dated 19<sup>th</sup> July 2016.

Please advise when the proposed works to secure the site will be completed. A further site inspection will be carried out shortly to verify that the site has been secured satisfactorily.

I wish to advise that you should refer to your Insurance Company with regards to a restoration bond.

Is mise le meas,

  
MICHAEL CALLAN,  
ASSISTANT STAFF OFFICER,  
PLANNING ENFORCEMENT,  
(057 ~ 86 64017).



Lacise County Council

~~Area on Chortae~~

Port Lacise

Co Lacis

Fri/Feb 16<sup>th</sup>/2018

A Chora.



(21)

I wish to appeal your decision to  
close your file U.D. 16/57

U.D. 16/57 consisting of non compliance  
with condition no's 2(b) 10(d) 11(h)  
14, 15, 16, 19, of Planning  
Reference. 10/383

Paul Hedd

16-2-2018

19:03



< Inbox

2 Messages



Condron James

30/06/2016

Summer

2016.

22

**RE: Quarry at Spink**

Niall,

I am referring the quarry to our enforcement section for investigation in relation to possible non compliance of conditions relating to fencing, security and environmental management and monitoring. I shall also be referring on the quarry to our Environment Section for investigation and determining whether the site can be classified as a 'dangerous place' under their legislation. It should be noted that this permission is still 'live' and hasn't expired, notwithstanding that Behans may not be quarrying on site anymore themselves, under the terms of planning permission, 10/383, the operator has permission to extract material for 10 years with another 2 years at the end of that period to restore the site.

As mentioned previously, if unauthorized personnel are trespassing on private property, please inform the gardai.

Regards,



New Message

22

LAOIS COUNTY COUNCIL  
ARAS AN CHONTAE  
PORTLAOISE.

REGISTERED POST

REF NO.: U.D. 16/57

**PLANNING AND DEVELOPMENT ACTS 2000-2015**

**WARNING LETTER**

Lagan Bitumen Limited,  
Rosemount,  
Ballycoolin Road,  
Dublin 11.

23

30/06/2016

**Re:** Non-compliance with condition no's: 2(b), 10(d), 11(h), 14, 15, 16 & 19 of Planning Permission Reference: 10/383 at Knockbaun, Spink, Co. Laois

Dear Sir/Madam,

It has come to the attention of the Planning Authority that a development, consisting of non-compliance with condition no's; 2(b), 10(d), 11(h), 14, 15, 16 & 19 of Planning Permission Reference: 10/383 may have been, is being, or may be carried out at Knockbaun, Spink, Co. Laois without the requisite planning permission or not in accordance with conditions of a permission.

To undertake unauthorised development is an offence under Section 151 of the Planning and Development Act 2000, as amended.

Any person served with a Warning Letter may make submissions or observations in writing to the Planning Authority regarding the purported offence not later than four weeks from the date of service of the letter.

Having examined the unauthorised development and considered any submission or observation received from you within the prescribed period, the Planning Authority may issue an Enforcement Notice pursuant to Section 154 of the Planning and Development Act 2000, as amended.

Officials of the Planning Authority may at all reasonable times, enter on the land for the purpose of inspection.

**Penalties for Offences:**

Section 156 of the Planning and Development Act 2000 as amended, provides that a person guilty of an offence under Section 151 or Section 154 shall be liable:-

(24)

**Laois County Council  
Enforcement Report**

To: David O'Hara, EP.  
From: Yvonne O'Reilly, Exe. Tech  
UD 16-57 Non compliance with conditions  
Location Knockbaun, Spink, Co. Laois  
Owner Lagan Bitumen Ltd

30-06-2016 A complaint received regarding an unsafe quarry with water pools and the site not secured.

The issue was referred immediately to Water Services and to Planning Enforcement.

30-06-2016 A Warning Letter for Non-compliance with condition no's; 2(b), 10(d), 11(h), 14, 15, 16 & 19 of Planning Permission Reference: 10/383 at Knockbaun, Spink, Co. Laois was issued to:

Lagan Bitumen Limited.

Terence Lagan, Gerry Moore, Gerry Morrissey, Reza Shahmohammadi, Frank Glennon, as Director's of Lagan Bitumen Limited.

No report received to date from Waters Services, however I understand that the site, is secured and that the owners of the quarry has placed life buys around the quarry.

**Recommendation:**

Request a report from Water Services and review file as per Warning Letter deadline, planning should establish whether or not a stock proof fence is in place around the quarry.

Signed: Yvonne O'Reilly  
Y. O'Reilly, Exe Tech.

Date: 08-07-2016  
08-07-2016

Agreed  
David O'Hara  
13/7/16

Noted & agreed - Email Ann Carroll attaching copy of previous email sent by James Conboy.  
Aife Cleary  
14/07/2016





# COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Comhairle Chontae  
Laoise  
Áras an Chontae  
Port Laoise  
Contae Laoise  
R32 EHP9

Laois County Council  
Áras an Chontae  
Portlaoise  
County Laois  
R32 EHP9

T: (057) 8664000  
F: (057) 8622313  
corpaffairs@laoiscoco.ie  
www.laois.ie

*Mr. Niall Headen,  
Spink,  
Abbeyleix,  
Co. Laois.*

*June 27<sup>th</sup> 2017*

**Re: Planning Enforcement Complaint**

*Dear Mr. Headen,*

*I wish to acknowledge receipt of your formal complaint dated June 20<sup>th</sup> 2017 regarding a development at Knockbaun, Spink, Co. Laois.*

*I have requested our Head of Planning to follow up on this matter as a matter of urgency and to respond to you promptly regarding the substance of your complaint.*

*Yours sincerely,*

  
**John Mulholland**  
**Chief Executive**

25

Tá Fáilte Romhat  
Gnó a Dhéanamh  
as Gaeilge



MidlandsIreland.ie

*'I bpáirt leis an bpobal'*

Arna phrintáil ar pháipéar atá 100% athchúrsáilte – Do Chomhshaoil a chothú





# COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Comhairle Chontae  
Laoise  
Áras an Chontae  
Port Laoise  
Contae Laoise  
R32 EHP9

Laois County Council  
Áras an Chontae  
Portlaoise  
County Laois  
R32 EHP9

T: (057) 8664000  
F: (057) 8622313  
corpaffairs@laoiscoco.ie  
www.laois.ie

FOI (18) 17

20<sup>th</sup> March 2017.

Mr. Niall Headen,  
Crennagh,  
Spink,  
Abbeyleix,  
Co. Laois.

(26)

A Chara,

I refer to your request dated 20<sup>th</sup> February 2017, which was received by this office on 21<sup>st</sup> February 2017, which you have made under the Freedom of Information Act 2014 Act, for records held by this FOI body.

Your request sought:

1. All submissions or observations with regard to U.D. 16/57
2. With regard to planning permission Ref: 10/383 condition No. 26 all programmes of works submitted to the planning authority.
3. Condition No 11h of 10/383 results of all current water sampling.
4. Condition No 15 of 10/383 the benchmark level and 0.5m interval submitted to the planning authority.
5. Condition No 16 of 10/383 all evidence of stock and trespass fencing as deemed dealt with by Laois County Council enforcement section.

A final decision was made on your request by Irene Delaney on the 20<sup>th</sup> March 2017 to part grant your request. The purpose of this letter is to explain that decision. This explanation has the following parts:

1. A schedule of all records covered by your request.
2. An explanation of the relevant findings concerning the records to which access is part granted, and
3. A statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

## Schedule of Records

A Schedule is enclosed with this letter. It shows the documents that Laois County Council considers relevant to your request. It also gives you a summary and overview of the decision as a whole. The schedule describes each document and indicates whether the document is released in full, released with deletions or not released. The schedule refers to the section of the FOI Act which applies to prevent release. As to these documents, the schedule also provides brief reasons for the decision which are meant to supplement the fuller and more detailed explanation given below.

condito 8

Tá Fáilte Romhat  
Gnó a Dhéanamh  
as Gaeilge



19

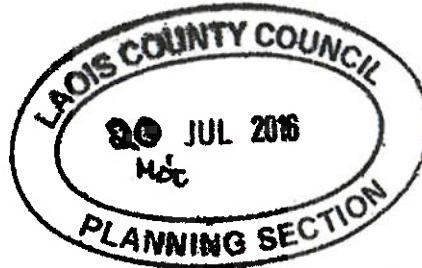


# Lagan Bitumen

A Lagan Company

Lagan Bitumen Limited, Rosemount Business Park, Ballycoolin Road, Dublin 11. Tel: 01 885 9999 Fax: 01 820 1901  
E Mail: [info@laganasphaltgroup.com](mailto:info@laganasphaltgroup.com) Website: [www.laganasphaltgroup.com](http://www.laganasphaltgroup.com)

Planning Enforcement,  
Laois County Council,  
Aras an Chontae,  
Portlaoise,  
Co. Laois  
R32 EHP9



27

19<sup>th</sup> July 2016

Re: **Non-Compliance with Planning Conditions relating to Planning Reference: 10/383**  
**Lagan Bitumen Limited Quarry at Knockbaun, Spink, Co. Laois**

Ref No.: U.D. 16/57

Dear Sir / Madam,

I refer to the enclosed Warning Letter, dated 30/06/2016, in relation to non-compliance with condition no's 2(b), 10(d), 11(h), 14, 15, 16 & 19 of Planning Permission Reference: 10/383. We wish to respond to your letter, as follows.

#### Condition 2(b)

We note that a programme of works for the quarry is required to be submitted to the planning authority at yearly intervals. However, Lagan Bitumen Ltd. has not operated the quarry or undertaken any works at the site since it was acquired in early 2015. Furthermore, it is not our current intention to operate the quarry during the remainder of 2016. We propose to submit a programme of works in respect of the quarry prior to the recommencement of operations.

#### Condition 10(d)

Stock proof fencing is currently provided around the perimeter of the property and a good quality security gate is provided at the site entrance, which is locked at all times. However, we note that security fencing in the immediate vicinity of the site entrance requires improvement. To remedy this, we propose to erect new fencing on either side of the site entrance in the coming weeks. We will notify Laois County Council when such works are completed.

#### Condition 11(h)

Lagan Bitumen Limited is a subsidiary of the Lagan Asphalt Group. The Group operates all sites in accordance with environmental and safety management systems, which are accredited to ISO14001 & ISO18001 standards respectively. The environmental management system (EMS) contains various

*20/7/16*



(28)

best practice guidelines and standard operating procedures relating to environmental matters. The EMS has not been implemented at Spink, as the quarry has remained in non-operational since it was acquired. The EMS will be implemented prior to recommencement of operations.

#### Condition 14

All overburden material that has been removed at the quarry, was done so by the former owner. This material is stored in the south-eastern part of the site. The material is sufficiently graded and has been substantially revegetated, both of which ensure that the side slopes remain stable.

As the quarry has not been operated since it was acquired by Lagan Bitumen Ltd., there have been no dust generating activities at the site. However, upon recommencement of operations, we will ensure that adequate dust suppression measures are implemented.

#### Condition 15

We note that the former quarry owner failed to submit the required contour survey to the planning authority within 6 months of the grant of planning reg. ref. 10/383 and that this period has now long since passed. However, please find enclosed a contour survey of the quarry which was undertaken in 2009.

#### Condition 16

Please see reply to Condition 10(d) above.

#### Condition 19

We note that the former quarry owner failed to lodge a restoration bond with the planning authority. In order for Lagan Bitumen Ltd. to put a restoration bond in place, we will require the planning authority's standard bond wording. In this regard, we would be grateful if you could forward your standard bond wording to the undersigned.

I trust the above response adequately deals with this matter. However, should you have any queries or wish to discuss the matter further, please don't hesitate to contact the undersigned.

Yours sincerely,

*Brian Downes*

Brian Downes  
Group Property Manager  
Lagan Bitumen Ltd.

Tel: 01-8859999 / [REDACTED]

Email: [REDACTED]

① Genuine Bu Plan  
② Proximity 211 mt  
③ Too close  
④ Opening HES  
⑤ Rock Breaker  
⑥ Dust  
⑦ Bitumen



# COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Comhairle Chontae  
Laoise  
Áras an Chontae  
Port Laoise  
Contae Laoise  
R32 EHP9

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www.laois.ie

U.D. 16/57

29

Niall Headen  
Clenagh  
Spink  
Abbeyleix  
Co Laois

28 July 2017

**Re: U.D. 16/57 at Knockbaun, Spink, Co Laois**

A Chara,

I note your letter of complaint to the Chief Executive dated 20.06.17. Following review of the file I wish to advise as follows:

There is currently no operations ongoing on the said site. The quarry was purchased in 2015 and the owner has not operated the quarry since the purchase.

In July 2016 LCC sent the new owner a warning letter in relation to the conditions to be complied with.

1. Documentation with respect to condition 2B,11(H) and 14 will be issued prior to re-operation of the quarry.
2. Remedial works have been carried out to the entrance.
3. A contour drawing has been submitted.
4. A bond has been provided in relation to condition no. 19.
5. In relation to the boundary treatment detailed in condition no. 16, proposals are ongoing, however the operator has provided a barrier and various warning signs as per the Safe Quarry Guidelines to the Safety, Health & Welfare at Work (quarries) Regulations 2008, prevention of unauthorised entry regulation no. 34. The operator is substantially compliant in this regard.

Is mise le meas,



ANGELA McEVOY  
SENIOR PLANNING,  
PLANNING ENFORCEMENT,

Tá Fáilte Romhat  
Gnó a Dhéanamh  
as Gaeilge



# COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

30

9<sup>th</sup> November 2021

FOI (62) 2021

By Email

Niall Headen

A Chara,

I refer to your request dated 2<sup>nd</sup> November 2021 made under the Freedom of Information Act, 2014, which was received by the Freedom of Information Officer on 2<sup>nd</sup> November 2021, for records held by Laois County Council.

Your request sought the following records:

- All information held on Water protection license ENV2WP27.

The Freedom of Information (FOI) Act requires that you, the requester, give us 'sufficient particulars' to enable us to identify the records you require. We are then required to take 'reasonable steps', to identify and locate those records. Section 12(1) (b) of the Act is the relevant section here.

I must now explain formally that your request does not contain sufficient particulars to enable the records sought to be identified and on this basis your request may have to be refused.

In accordance with Section 15 (4) of the FOI Act, I wish to offer further assistance to you with your request.

In this regard, can you please provide the following:

- Please narrow the scope of your request and clarify the specific records sought.
- Please provide a timeframe for the records sought.

On the basis of the assistance provided above, if you wish to change the wording of your request, I may be able to proceed with consideration of your request. I am available to assist you should you so wish.

## Section 27

It should also be noted that the Freedom of Information Act 2014 allows for the charging of fees in certain circumstances and these are set out in Section 27, a copy of which is enclosed for your information. The Act allows for charging of search, retrieval and copying of records which are within the scope of the as set out in Section 27 (2) and (3).

There are also some situations under the FOI Act which could mean the period for a final decision may be longer than the normal 4 weeks.

*"Thpáirt leis an bpobal"*

Working together to improve the lives of all in Laois



Please note that the relevant date for receipt of the request is the date on which agreement is reached on the terms of your request.

If you are able to provide more specifically  
we may be able to proceed with consideration of your



Quarry to R 430

18

Discharge to  
R 430