

File With

[Empty box]

SECTION 131 FORM

Appeal No

ABP- 319198-24

Defer Re O/H

Having considered the contents of the submission dated/received 27/3/24 from Niamh Bambrick 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 material planning issues. Board to consider same

Section 131 not to be invoked at this stage.

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

Signed

Daniel O Connor

Date

9/4/24

EO

Signed

[Empty box]

Date

[Empty box]

SEO/SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

[Empty box]

Task No

[Empty box]

Allow 2/3/4 weeks

BP

Signed

[Empty box]

Date

[Empty box]

EO

Signed

[Empty box]

Date

[Empty box]

AA

I.K.
28/03/24



Planning Appeal Online Observation

Online Reference
NPA-OBS-003293

Online Observation Details

Contact Name Niamh Bambrick	Lodgement Date 27/03/2024 20:29:10	Case Number / Description 319198
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Payment Details

Payment Method Online Payment	Cardholder Name Niamh Bambrick	Payment Amount €50.00
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Processing Section

S.131 Consideration Required

Yes — See attached 131 Form N/A — Invalid

Signed

Daniel O'Connor

EO

Date

28/3/24

BP40 to observer

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG-070974-24

Reason for Refund

Documents Returned to Observer

Yes No

Request Emailed to Senior Executive Officer for Approval

Yes No

Signed

EO

Date

Finance Section

Payment Reference

ch_3Oz35uB1CW0EN5FC0ylaJ9mh

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

Banagagole,

Old Leighlin,

Co. Carlow,

R93 HW97.

RE: ABP-319198-24

We wish to make an observation on an appeal by Milford Quarries Limited to An Bord Pleanala regarding the decision made by Carlow County Council to refuse planning permission application number 23/60042 for the development of a quarry at Bannagagole, Old Leighlin Co. Carlow.

Of note the appeal was lodged with An Bord Pleanala by Milford Quarries Limited on 05/03/2024. Carlow County Council drafted and posted letters to interested parties on 15/03/2024, which weren't received by us until 18/03/2024. Given the complex nature of this application, the potential for significant impacts on the environment and ecology and because of this time lag, we have been denied a substantial amount of time to appropriately review the appeal documentation, engage our own independent experts and submit this observation before 02/04/2024. This was further limited due to two bank/public holidays on 29/03/2024 and 01/04/2024.

In the notification of decision document the Planning Authority states that the proposed development is in contravention to its Carlow County Development Plan 2022-2028. Therefore, would be contrary to proper planning and sustainable development in the area. We would respectfully submit that, having reviewed the planner's report towards refusal, it is apparent the Planning Authority is of the view the proposed development "materially" contravenes Development Plan. Perhaps the Board will seek clarification from the Planning Authority in this regard, as it may impact the way the Board considers the application.

Local residents submitted numerous detailed observations on the original planning application and Further Information documents to the Planning Authority outlining our many concerns regarding the proposed development of a second quarry in our community. Milford Quarries have not at any stage of this planning application consulted with the local community. The Further information documents failed to address any of the local resident's concerns; they were merely summarized and dismissed without active engagement with local residents.

Presently there is an existing stone quarry operating adjacent to the site of the proposed development. The planning application contends that as the adjacent development has been in operation for several years there is no requirement to consider the cumulative effect on the environment or local residents of having two quarries operating simultaneously in a rural area. Desktop studies carried out by consultants paid for privately by Milford Quarries unsurprisingly conclude that having two quarries operating adjacent to one another will have no impact on a small rural community. The people who know best how the proposed development if given planning permission will impact on them are the local residents. These residents who will have to endure two quarries operating on their doorstep for the duration of the project

and the consequences thereafter, which will not resolve on completion of the development, as there will be permanent, negative consequences for the local residents, wider community and the environment.

The existing development already causes noise, dust and additional heavy-duty traffic in the local area. Dust is evidenced on our homes, cars and roadside hedges throughout the year even with mitigating measures in place. There is constant, intermittent loud noise currently emitted from the existing development five and a half days per week- adding another project emitting similar noise and associated heavy traffic will increase the irritation of constant, intermittent and loud noises. It is suggested if this project goes ahead noise and dust emissions will be strictly monitored- by whom? And how will breaches be dealt with?

Our local roads are narrow and poorly maintained. Two cars cannot meet and pass safely, so when large HGVS are accessing and leaving the existing project there are huge health and safety issues for all road users but in particular locals. The traffic audit carried out in November 2022 showed 32 HGVs and a total of 400 vehicles use the L3036 (this further increases in busy agricultural periods). By the applicant's assessment there will be an additional 30 HGVS journeys per day to the proposed development. A 100% increase is simply not sustainable or safe. If the proposed development is given planning permission it will impact on local resident's ability to safely access their homes and use their local area for recreational purposes.

The planning document states that the project will breach and operate below the water table. It also states that it will affect ground water levels. At no point in planning process have we been asked to have our private well assessed. We have grave concerns regarding the ongoing supply of drinkable water being compromised. Furthermore we fear that our water supply will become contaminated and be undrinkable. If planning permission is given who will monitor resident's water level and water quality? And who will be responsible for restoration of water supply if compromised

If the proposed development goes ahead it will have both a complex ecological and environmental impact on the local and wider environment. The plan to remove trees, plants and soil at the site will detrimentally affect wildlife in the area. In an area which has a history of landslides and is currently classed as at risk of landslides the removal of large amounts of soil and subsoil may destabilize the area further leading to safety issues for local residents. The Habitats Directive identifies the river Barrow and Nore as a special area for conservation (SAC). The proposed development plans to discharge water into the Baunleith stream (a tributary to the Barrow). Despite mitigation plans by the proposed development that there will be an ongoing risk to the SAC from water contamination and potential of damage from planned blasting. If granted planning permission who will be responsible for monitoring the adherence of the project to recommended guidelines?

Allowing the proposed development to go ahead will have a detrimental effect on local amenities, resident's lifestyles, safety and health, there will be no benefit to the local community or general area. We would therefore ask that An Bord Pleanála would uphold the decision by Carlow County Council and refuse planning permission for this application.

Yours Sincerely

Niamh, Stephen, Eoin and Ciaran Bambrick.

File With _____

SECTION 131 FORM

Appeal NO: ABP 39198-24

Defer Re O/H

Having considered the contents of the submission dated/ received 78/3/24
from

Margaret Foley 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 material planning issues

E.O.: David & Connor

Date: 9/4/24

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 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 319198-24

M _____

Please treat correspondence received on 28/3/24 as follows:

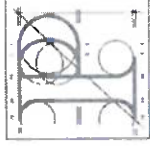
<p>1. Update database with new agent for Applicant/Appellant _____</p> <p>2. Acknowledge with BP <u>40</u></p> <p>3. Keep copy of Board's Letter <input type="checkbox"/></p>	<p>1. RETURN TO SENDER with BP _____</p> <p>2. Keep Envelope: <input type="checkbox"/></p> <p>3. Keep Copy of Board's letter <input type="checkbox"/></p>
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Amendments/Comments	<i>Observation from Margaret Foley</i>

<p>4. Attach to file</p> <p>(a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/></p> <p>(b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/></p> <p>(c) Processing <input type="checkbox"/></p>	<p>RETURN TO EO <input type="checkbox"/></p> <p><i>Screening drawer</i></p>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <i>Daniel & Connor</i>	AA: <i>Tan Kelly</i>
Date: <i>28/3/24</i>	Date: <i>02/04/2024</i>

Lodgement Cover Sheet - LDG-070968-24



An Bord Pleanála

Details

Lodgement Date	28/03/2024
Customer	Margaret Foley
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-070968-24
Map ID	
Created By	Andrea Caraus
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

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

Fee and Payments

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

Observation/Objection Allowed?	
Payment	PMT-055300-24
Related Payment Details Record	PD-055170-24

Observation

Run at: 28/03/2024 11:31

Run by: Andrea Caraus

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

An Bord Pleanála
64, Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANALA	
LDG-	070968-24
ABP-	
28 MAR 2024	
Fee: €	50
Type:	Chq
Time:	
By:	Post

Banagagole
Old Leighlin
Co. Carlow.

26th March 2024

Re : Appeal Ref No ABP-319198-24

Dear Sirs / Madam,

I, **Margaret Foley** of above address wish to make the following submission with regard to the above appeal. As my home is directly opposite the existing quarry (Kilkenny Limestone Quarry), I have very good knowledge of what living close to such a business involves. I farm the lands here around my home with my nephew Colin.

Since this planning application was lodged my concerns have only been amplified despite all the reports / further information etc., which was submitted to Carlow Co Council. I live with the reality on a day to day basis of what the operation of one quarry throws at us !!

I have detailed my concerns in my submission to Carlow County Council earlier last year and would ask you to please take note .

Water and water quality are vital for the operation of a farm , We depend on our own wells for supply and independent analysis suggests our wells will be at serious risk should this application get sanction.

In addition our farm drains carries the bulk of the water coming from the local road and the existing quarry . I am enclosing some photos of what one of our farm drains was like after recent flooding along with the sediment left on our yards.

All the water in our drains makes its way to the River Barrow (protected under SAC)

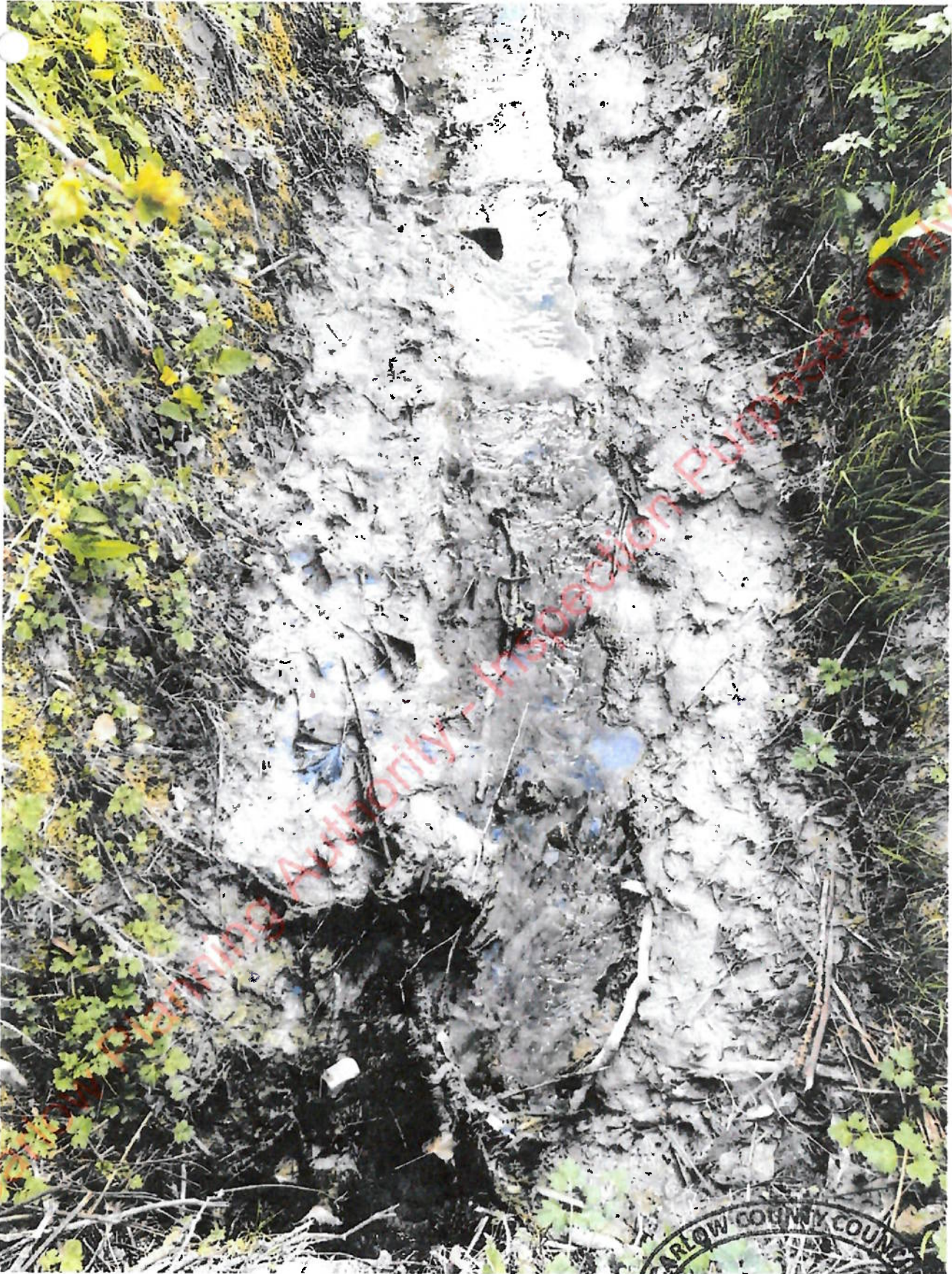
I am asking that An Bord Pleanala put people first in this instance and allow us local residents to have an acceptable Quality of Life and for us to be able to run our farm without any interference from unnecessary industrial development .

Thanking you for taking the time to read my submission.

Yours Sincerely,

Margaret Foley

Margaret Foley.



CARLOW COUNTY COUNCIL
26 APR 2023
PLANNING DEPARTMENT

