

Registered Company No. 3295
Directors: Declan Brassil
Sharon Gorman
Senior Consultant: Una Gros

17 November 2003

Ballynery
Carbury
Co. Kildare

at
overall site of 13.9 ha
associated development on an
an area of 7.8 hectares and all
Extraction of sand and gravel over
Appeal against a Notification of a
decision to Refuse Permission

Goode Concrete Ltd
7th Lock
Killean Road
Ballyfermot
Dublin 10

AN BORD PLEANALA
Received: 13.11.03
Fee: €100 - cheque
Receipt No. B47865

Lodged on behalf of

Date of Decision: 21 October 2003

Kildare County Council
Reg. Ref. 02/1475

First Party Appeal

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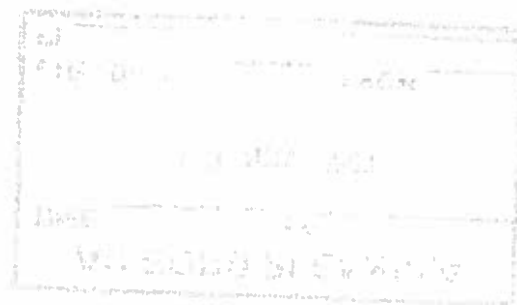
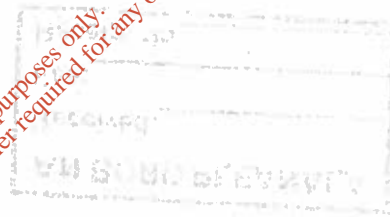
Declan Brassil
B Company Ltd
Chartered Planning Consultants

AN BORD PLEANALA
BY
TIME
13 NOV 2003
LTR-DATED
FROM
PL. CR. 205039

Appeal to
An Bord
Pleanála

non-maps files are not included in the archive
- files associated with the appeal are
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Appendix 1 Notification of a Decision to Refuse Permission for the proposed development, dated 21 October 2003

Appendix 2 Report of David Jarvis & Associates in respect of Landscape and Visual Impact Issues

Appendix 3 Kildare County Council Environment Section Report, dated 29/08/2002

Appendix 4 List of all the stud farms in County Kildare contained in the Irish Field Directory 2002.

ATTACHMENTS

6.1 Reason No. 1

6.1.1 Class 'A' Soils

6.1.2 Soils on Site

6.1.3 Inappropriate Policy Provision in the Development Plan

6.1.4 Precedents

6.1.5 Summary

6.1.6 Development of Strategic and National Importance

6.2 Reason No. 2

6.2.1 Response

6.3 Reason No. 3

6.4 Reason No. 4

6.5 Reason No. 5

7. Conclusion

6. Decision of Kildare County Council to Refuse Permission

5.2 Strategic Planning Guidelines for the Greater Dublin Area 1999

5.1 National Policy

5. Strategic National and Regional Importance of Aggregate Reserves

4. Rationale for the Proposed Development

3. Description of the Proposed Development

2. Site Location and Context

1. Introduction

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TABLE OF CONTENTS

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The proposed site measures some 13.9ha (34.3 acres) in extent. It is proposed to extract in the region of 200,000 tonnes of sand and gravel per annum, depending on market demand, over an extraction area of 7.8ha (19.3acres). Washing and screening plant on site will have an output capacity of approximately 250,000 tonnes per annum.

The reserve is calculated at approximately 1.6 million tonnes, taken to the maximum proven mineral depth at 70.5m AOD. The plant and stocking area will be initially excavated in mineral to a floor level at approximately 84m AOD before final removal during the final extraction phase.

The level of the permanent water table beneath the proposed site has been identified as lying between 84 and 75m AOD. The final quarry floor level will be at circa 70.5m AOD, requiring wet working of the mineral below water table by dragline. The mineral above water table will be worked by benching using a front end loader with transport to the processing plant by articulated dump truck.

4. Rationale for the Proposed Development

Goode Concrete Ltd. operates a sand and gravel extraction and processing plant at Kilglass, Carbury, County Kildare, approximately 1 km south west of the subject site. The kilglass operation comprises of an active sand and gravel pit, washing and screening plant, concrete batching plant and a concrete block plant. The site supplies the Company with approximately 600,000 tonnes per annum for supply of its Kildare and Dublin markets.

The estimated remaining reserve at the kilglass pit is in the order of approximately 2,500,000 tonnes, providing approximately 4 years reserves at current output levels. The subject lands at Ballinderry were acquired as a natural extension of the kilglass reserve, to supply the concrete and block plants on site and the Company's regional market. Goode Concrete attempted to acquire the lands between the Ballinderry site and the kilglass operation to facilitate direct transportation over its own lands to the processing area by conveyor or dump truck. However, these intervening lands were acquired by Roadstone Provinces Ltd. and it will not be possible to acquire the necessary interest to convey the material by land to the processing area.

Prior to the exhaustion of the reserves at Kilglass, it is proposed to work the Ballinderry resource as a supplementary supply to the kilglass operation. The output from the combined plants will be in the order of 600,000 tonnes per annum, which is equivalent to the existing output from the kilglass operation. It is envisaged that some 200,000 tonnes per annum will be extracted at Ballinderry and c400,000 at Kilglass. Accordingly, there will be no net increase in the quantity of material extracted or the number of traffic movements on the local road network.

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1. Introduction

This First Party Appeal is submitted on behalf of Goode Concrete Ltd, 7th Lock, Killien Road, Dublin 12 in respect of the Notification of Decision to Refuse Permission issued by Kildare County Council by Order dated 21 October 2003.

The appropriate fee of €600 and a copy of the Notification are attached herewith. The grounds of appeal are set out below.

2. Site Location and Context

The subject site is located in the townland of Ballinderry, approximately 5 km north of Carbury and 3.5km south of the N4 junction near Broadford. The total application site measures 13.9 ha (33.4 acres). The lands comprise of 2 no. fields in pasture separated by a mature hedgerow aligned north to south through the centre of the site.

The lands are bounded to the south by agricultural lands. The eastern and most of the northern boundaries of the site are formed by County Roads. The eastern boundary is also formed by a tributary of the River Clash flowing south to north, passing under the County Road on the northern boundary at Clonoff Bridge. The watercourse diverges westward from the County Road on the eastern boundary leaving a wedge of land to the north eastern corner of the site which has been managed as a grassed area.

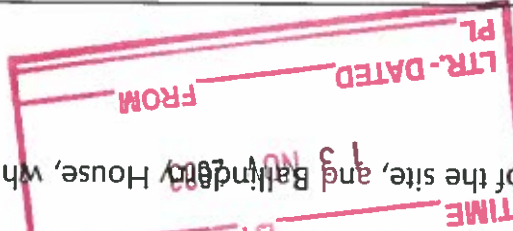
The site is bounded to the west by the landholding of an established extractive operation under the control of Rosstone Quarries (Kildare County Council Reg. Ref. 99/1200, ABP Ref. PL09.118274).

The topography of the site is glacial in origin and character, forming a dome rising from the southern and eastern boundaries (81m AOD and 80m AOD, respectively) to a high point close to the centre of the site at an elevation of 94.5m AOD. Elevations on the northern boundary rise from 90 m AOD on the western side to 92m AOD in the centre, falling to 81m AOD on the eastern side.

A 220kV transmission line traverses the site from west south west to east north east. There is one pylon situated on the site, at an elevation of 84m AOD. The requirements of the ESB with regard to these power line have been ascertained and incorporated into the design of the proposed development.

There are a number of residential properties in the vicinity of the site, comprising primarily of one-off dwellings fronting to the County roads to the east and north of the site. The preparation of the design of the extractive area and the placement of noise, dust and visual attenuation bunds have taken into consideration the location of the existing permitted and the proposed dwellings in the vicinity of the subject site.

Kilcandrick House is situated to the north of the site, and Ballinderry House, which is a protected structure, to the south.



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"According to industry sources, there are about 400 pits and quarries in Ireland, of which about one-third are major operating quarries; many of the smaller sites operate on an occasional or low-output basis. There are about 100 concrete

The Draft Guidelines continue:

"Construction aggregates and dimension stone are basic materials for the construction industry. Aggregates are an essential input to the construction industry, which is worth about €20 billion to the Irish economy each year. Over 100 million tonnes are used annually in the manufacture of concrete products, road materials, and other ancillary products. For example, it is estimated that an average of over 300 tonnes of aggregates are consumed in the construction of an ordinary single house. About 70% of aggregates are obtained from hard rock quarries by drilling and blasting, and about 30% is extracted by direct digging from sand and gravel pits".

Section 1.3 of the Guidelines clearly establishes the economic importance of quarries to the national economy:

The Department of the Environment, Heritage and Local Government recently published Consultation Draft Guidelines for Planning Authorities in respect of the Control of Quarries (Section 261 of the Planning and Development Act 2000. The Guidelines will be published under section 28 of the Planning and Development Act, 2000 which requires both planning authorities and An Bord Pleanála to have regard to them in the performance of their functions.

5. Strategic National and Regional Importance of Aggregate Reserves
5.1 National Policy

It is planned that the Ballinderry site, which is the subject of this application, will be operational by mid-2004, subject to the relevant grant of planning permission. On the basis that the Kilglass operation will produce 600,000 tonnes per annum to mid-2004, and 400,000 tonnes per annum thereafter, the reserve will be exhausted by mid-2006. There will be a maximum of two years in which extraction will occur at both sites, providing a suitable transitional period for establishment of the Ballinderry site.

Given the existing level of investment by the Company in the area, the local employment provision and skills required to be retained, the requirement for a source of aggregate close to the existing plant and established markets, and the occurrence of workable reserves in the area, an additional site for extension of operations in the Carbury area was sought. The Ballinderry site was identified and considered to be suitable by reference to the above criteria and with regard to the relatively low density of one-off dwellings in the area, accessibility to the Regional Road network and the established plant, and with regard to the policies and designations contained in the Kildare County Development Plan.

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block plants and 200 readymix concrete plants. Employment in the concrete industry exceeds 10,000.

Building output grew by over 33% between 1998 and 2002 or by an average of 6.5% per annum. The annual growth rate moderated to 3% in 2002 and is predicted to decline by around 1% in 2003. The ESRI Medium Term Review, July 2003, predicts modest growth in output of 0.2% and 3.4% in 2004 and 2005 respectively".

The Draft Guidelines further state that:

"Record numbers of houses have been built each year since 1997. The *National Spatial Strategy (2002)* notes that Ireland's housing stock per thousand of population is still the lowest in the EU at 327 housing units per thousand of 450 per thousand. The NSS indicates that it has been estimated that it will be necessary to provide some 500,000 additional dwellings to meet likely demand in the period up to 2010. In addition, the *National Development Plan 2000-2006* contains construction projects with a total value of more than €28 billion (1999 prices). The medium term outlook therefore is for a sustained level of demand for aggregates to facilitate the provision of the infrastructure required to support continuing economic and social development and to maintain Ireland's international competitiveness as a location for attracting inward foreign investment in the manufacturing and services sectors". [Emphasis added]

In relation to the location of quarries, the Guidelines state that:

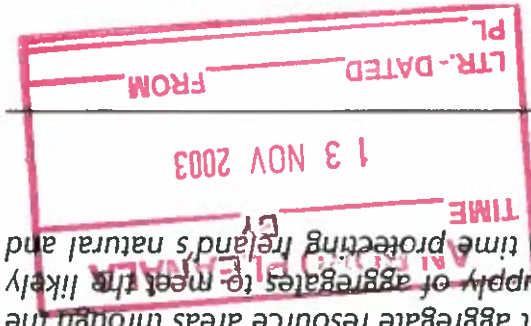
"By their nature, aggregates can only be worked where they occur. Sand and stone have a low value-to-weight ratio, and therefore it is generally not economical to transport them any great distance to their market. Many pits and quarries tend to be located within 25 km of urban areas, where most construction takes place".

Having regard to the Strategic Planning Guidelines for the Greater Dublin Area (1999), the Guidelines state that:

"According to the *Strategic Planning Guidelines for the Greater Dublin Area* (1999), which assumed a high in-migration scenario, there could be a need for between 65 and 80 million tonnes of aggregates in the period up to 2011 to meet housing demand alone, with additional demand arising from the construction of other buildings and infrastructure".

In relation to the economic importance of quarries, the Guidelines conclude that:

"There is thus a need to identify and protect aggregate resource areas through the planning system, to ensure an adequate supply of aggregates to meet the likely scale of future demand, while at the same time protecting Ireland's natural and cultural heritage".



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It is submitted to the Board that the subject proposal to carefully exploit identified aggregates on the subject site within the Greater Dublin Area accords with the provisions of National planning and economic guidelines and objectives. It is considered that the Planning Authority have not considered the strategic importance of such operations, as outlined in the foregoing, within its administrative area and while encouraging the expansion of residential, commercial and industrial developments as well as the large infrastructural projects particularly road construction currently ongoing and proposed within its administrative area have not considered the necessity and importance of providing the aggregate material for such developments. It is within this context as well as the careful consideration of the design of the subject site as outlined in the documentation and EIS submitted to the Planning Authority that we submit our grounds of appeal.

5.2 Strategic Planning Guidelines for the Greater Dublin Area 1999

The Dublin Metropolitan Area and the Naas-Newbridge-Kilcullen area are designated as a Major Growth Centres in the Strategic Planning Guidelines for the Greater Dublin Area 1999. A review of the Development Plans and Draft Plans for these urban areas indicate that very substantial growth in infrastructure, housing, employment centres and commercial enterprise is planned over the life of the respective Plans. This growth will give rise to a major demand for sand and gravel resources, the availability of which within economic haul distance of the growth centres will be critical to retaining competitive construction material prices.

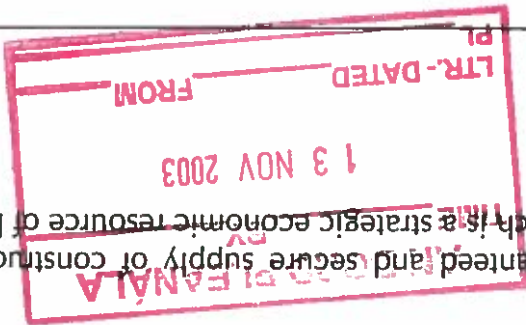
The SPCs have specifically addressed the requirement for aggregate production to sustain development over the period of the Guidelines and the National Development Plan 1999 to 2006. The SPCs emphasise that the availability of aggregates is essential to facilitate the construction of buildings and essential infrastructure. One of the recommendations contained in Appendix 6 of the Strategic Planning Guidelines is:

'Instigate a review of aggregate resources in and close to the Greater Dublin Area and of planning policies affecting their extraction with a view to ensuring that adequate supplies of aggregates are available to meet the needs of the strategy'.

'The supply of aggregates has been identified as a potential 'bottle-neck' to the provision of the required number of housing units and other developments in the Greater Dublin Area. It would be prudent to assess the situation and identify measures to ensure that adequate supplies of aggregates are available to meet the needs of the strategy'.

(Appendix 6, Recommendation 48)

The reserve at Ballinderry provides a guaranteed and secure supply of construction materials over a period of 8 years and as such is a strategic economic resource of local and regional significance.



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It is submitted to the Board that having regard to the draft Consultation Guidelines, the significant increases in construction industry output, and the unprecedented investment programme in major infrastructure projects, the recommendations of the SFGs are also of particular relevance to the consideration of planning applications for extractive uses. It is critical that the supply of aggregates is permitted from economically viable reserves on sites which can be designed and controlled to avoid unacceptable environmental impact on the local environmental and residential amenity. Planning applications for mineral extraction by reputable operators which are generally in accordance with the proper planning and sustainable development of the area are critical to the continued sustainable and balanced growth and development of the Region.

In conclusion, it is submitted that the Draft Guidelines and the SFGs clearly establish that economically recoverable reserves of aggregates are an important national and regional resource of strategic importance and the recovery of these resources should be facilitated at suitable locations where they occur, subject to appropriate environmental and planning standards and controls.

6. Decision of Kildare County Council to Refuse Permission

6.3 Reason No. 1

Reason No. 1 states:

"The proposed development, which relates to extraction of aggregates on a site that is within an area identified in The Soil Suitability Map of Co. Kildare as consisting of Class A Soils, would contravene materially the provisions of the County Development Plan 1999 as set out in Section 2.29.1 of the said Plan".

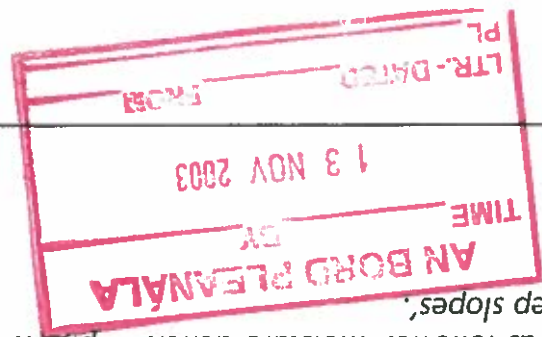
6.1 Class 'A' Soils

Paragraph 2.29.1 of the Kildare County Development Plan 1999 states:

'No sand and gravel extraction will be permitted under Class A soils, in areas of high amenity (as defined in this Plan) and their environs, or where conflict with the bloodstock industry might arise'

6.1.1 Soils on Site

Reference to the National Soil Survey indicates that the subject site is covered on the eastern side by A4 soils and on the western side by B1 soils. A4 soils are described as 'pastures somewhat liable to poaching; cultivation and harvesting difficult in unfavourable seasons'. B1 soils are defined as follows: 'moisture deficit in places in dry periods; crops mature unevenly; some steep slopes'.



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It is evident from an inspection of the National Soil Survey that the site is situated in an area characterised by a variation of soil types including D1 immediately north of the site, B1 on the western part of the site and to the south west, and U and D1 to the south. Accordingly, the general area is characterised by a variety of soil types, which include Class A soils.

6.1.2 Inappropriate Policy Provision in the Development Plan

It is further submitted to the Board that the designation of soils in County Kildare was undertaken and published by National Soil Survey, Soils Division, An Foras Taluntais (now Teagasc) in the 1970's. Consultations have been undertaken with officials in Teagasc for the purposes of preparing the planning application. Teagasc advised that it is a state authority and as such was not in a position to provide direct consultancy services in respect of the clarification of the soils issue on the subject site.

Officials from Teagasc's offices in Kinsale did advise that the survey was carried out in the 1970's in order to establish soil types for the purposes of categorising lands for grant aid and subsidies. The survey, which is considered by Teagasc to be obsolete, was never intended by Teagasc to be as a tool to determine lands uses appropriate in the rural areas of any County. In this regard, it is noted that this specific policy was carried over directly from the Kildare County Development Plan 1985 in the absence of any assessment neither of the impact that the policy may have nor of its relevance in the 1999-2004 period to which the current Development Plan relates.

The relevance and appropriateness of this policy provision is evident when one considers the potential impact on Class A soils associated with extractive activities. The area of Co. Kildare is 169,550 ha (1,695 km²). Of this area, 82,238 ha are covered with Class A soils, representing 48.50% of the soils in the county. Taking a conservative estimate that some 70% of the soils on site may be Class A, the extraction area under Class A soils may be c5.4 ha which represents 0.000065% of the Class A soils in Kildare.

Furthermore, that area of the site which is designated as Class A on the Soil Survey is categorised as Class A4. This is defined as a Class A soil that is 'somewhat liable to poaching'. This means that the land can not be used in very wet conditions, and grazing animals have to be taken off.

With regard to the long term impact of the proposed development on soils, it is submitted that the soil will be stored on site and replaced after the resource has been extracted, in accordance with the Draft Guidelines on the Control of Quarries. It has been reported that in some instances the temporary movement and subsequent restoration of Class A topsoil may have a beneficial effect on the soil. Accordingly, given that a substantial area of the site will be restored using the Class A soils, the long term impact is immaterial as a substantial area of the site will be returned to agricultural use.

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6.1.3 Precedents

It is further submitted that there are a number of precedents in the immediate area for the granting of permission for extractive operations on sites characterised by various soil types, including Class A soils. In this regard, Roadstone Provinces was granted planning permission for extraction on the lands immediately to the west of the subject site (Reg. Ref. 99/1200, ABP Ref. 09.118274). This site, in common with the application site, is covered by both Class A4 soils and Class B1 soils.

Kilsaran was granted planning permission by Kildare County Council and An Bord Pleanála for extraction of sand and gravel and quarrying of stone on lands at Killrainey further west of the site (Reg. Ref. 99/2042). This area is also characterised by Class A4 and Class B1 soils.

Permission was also granted by Kildare County Council and An Bord Pleanála on appeal at Boherkill, Rathangan, County Kildare for the retention and extension of an existing gravel pit (Reg. Ref. 1270/01, ABP Ref. PL 09.130086). This site is located in Class 'A' Soils and a condition was attached to the Schedule of Conditions from Kildare County Council (No. 2) which relates to the soil classification. The Condition stated the following:

'This permission is limited to the physical size of 2.83 hectares as identified in the application, and shall not exceed a period of 5 years. No further quarrying shall take place on the site.'

Reason: To restrict the further encroachment onto Class 'A' soils, as identified in section 2.29.1 (Sand and Gravel and Rock Quarrying) of the Kildare County Development Plan 1999 and in the interest of orderly development.'

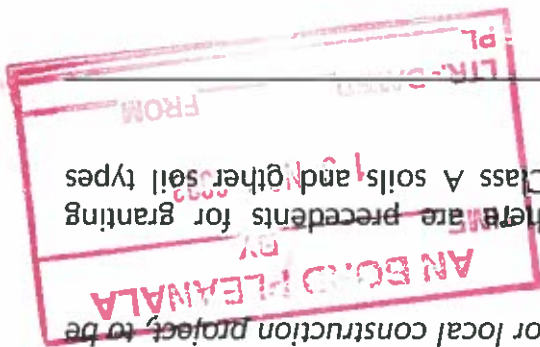
The decision was appealed to An Bord Pleanála by An Taisce, one of the grounds of appeal being that the site was situated on Class 'A' soils. The Inspector in his report stated that:

"On the face of it the Planning Authority is appearing in this case to tolerate a contravention of its own plan without having followed any material contravention procedure. I have noted the Teagasc report on file. It does not appear to rate the soil as having special agricultural value for the particular site in question".

The Inspector concludes his assessment of the Class 'A' soils issue by stating that:

"In the context of the current appeal, An Bord Pleanála is not bound by the provisions of the Development Plan. I do not consider the incursion into 'Class A' soils to provide valuable materials for a major local construction project to be unacceptable in planning terms".

Accordingly, it is submitted to the Board that there are precedents for granting permission on transitional areas characterised by Class A soils and other soil types



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occurring on the same site, and precedents for granting permission under exclusively Class A soils. Given the transitional nature of the site and the precedents for granting planning permission on similar sites without recourse to a material contravention, it is submitted that Kildare County Council has interpreted its own Development Plan to allow sufficient flexibility to permit developments on such transitional areas without recourse to the material contravention. Having regard to these precedents, it is considered to be unreasonable and inconsistent for Kildare County Council to determine that this application represents a material contravention of the Development Plan.

In addition, the Consultation Draft Guidelines for Planning Authorities on the Control of Quarries, as detailed above, do not recommend that extraction of aggregates on any particular soil types should be precluded. The Guidelines acknowledge that aggregates occur sporadically throughout the country and state that:

"By their nature, aggregates can only be worked where they occur. Sand and stone have a low value-to-weight ratio, and therefore it is generally not economical to transport them any great distance to their market. Many pits and quarries tend to be located within 25 km of urban areas, where most construction takes place".

It is submitted therefore, that due regard must be given to the need for such aggregates at suitable locations within the hinterland of the Greater Dublin Area accessible to the Metropolitan Area and designated Development Centres, as well as the antiquated policy context which underlies the definition and requirement for the definition of Class 'A' soils.

6.1.4 Summary

In summary, it is submitted to the Board that the proposed development comprises a development which is required in the strategic national interest and the policy context relating to soil types does not represent an appropriate or contemporary context within which to assess an application for the extraction of aggregates for the following reasons:

1. There are numerous precedents in the area for granting planning permission without invoking the material contravention process on sites characterised by the same soil types. As such, Kildare County Council clearly interprets its own Development Plan to permit extractive uses in such transitional areas which include Class A soils without recourse to material contravention.

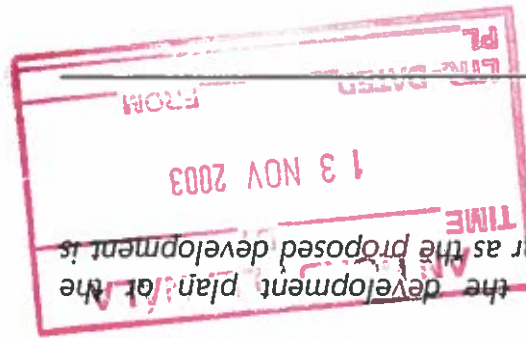
2. The National Soil Survey does not provide definitive boundaries between soil types. The site is clearly in a transitional area characterised by four soil types occurring in the immediate area on or bounding the site.
3. The National Soil Survey is acknowledged by Teagasc as an inappropriate tool to determine land uses as it was undertaken in the 1970's for the purposes of grant aiding and subsidising agriculture.

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(i) The proposed development is of strategic or national importance

(ii) There are conflicting objectives in the development plan for the objectives are not clearly stated, insofar as the proposed development is concerned, or

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that –

(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

below:

Permission was refused by the Planning Authority on the grounds that the development materially contravened the zoning objective, in respect of the policy provision in relation to Class 'A' soils, notwithstanding that other similar development were granted permission by Kildare County Council on lands which included Class 'A' soils as noted above. An Bord Pleanála has the discretion under Section 37(2) of the Planning and Development Act 2000 to grant permission for a development which materially contravenes the Development Plan in specified circumstances. This provision is set out

6.1.5 Development of Strategic and National Importance

4. Class A soils cover 48.5% of County Kildare. It is unsustainable and inappropriate to sterilise an important national resource over nearly 50% of the County area, particularly in areas characterised by a variety of soil types where concentrations of sand and gravel occur.
5. The policy provision is considered to be inappropriate. The extraction area under Class A soils is in the order of c5.4 ha which represents 0.000065% of the Class A soils in Kildare.
6. Given that a substantial area of the site will be restored using the Class A soils, the long term impact is immaterial as a substantial area of the site will be returned to agricultural use.
7. The Consultation Draft Guidelines for Planning Authorities on the Control of Quarries, as detailed above, do not preclude extraction of aggregates on any particular soil types and make no reference to soils as a relevant or material consideration in the assessment of applications for extractive use or the designation of suitable areas in Development Plans.

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"The proposed development, which relates to extraction of aggregates in close proximity to existing bloodstock industry is considered to constitute a conflicting land-use and would accordingly contravene materially the provisions of the County Development Plan, 1999 as set out in Section 2.29.1 of the said Plan".

Reason No. 2 states:

6.4 Refusal Reason No.2

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In conclusion, it is submitted that the National Spatial Strategy, the National Development Plan, the Draft Guidelines (DOE October 2003) and the SPCs clearly establish a need for continuity of supply to meet the needs of the relevant strategies and plans which envisage unprecedented development of the economic, social, community and services infrastructure of the state and region. Accordingly, it is respectfully submitted to the Board that there are justifiable grounds to materially contravene the Development Plan under the provisions of Section 37(2)(ii), (iii) and (iv).

It is also considered that the Board has the discretion to grant permission having regard to the pattern of development in the area and specifically the decision of the Planning Authority and An Bord Pleanála to grant permission for similar applications for the extraction of aggregates on lands which are designated as having Class 'A' soils in the surrounding area is outlined in Section 6.1.3 above.

"Construction aggregates and dimension stone are basic materials for the construction industry. Aggregates are an essential input to the construction industry, which is worth about €20 billion to the Irish economy each year. Over 100 million tonnes are used annually in the manufacture of concrete products, road materials, and other ancillary products. For example, it is estimated that an average of over 300 tonnes of aggregates are consumed in the construction of an ordinary single house. About 70% of aggregates are obtained from hard rock quarries by drilling and blasting, and about 30% is extracted by direct digging from sand and gravel pits."

As noted in Section 5 above, Section 1.3 of the recently published Consultation Draft of Guidelines for Planning Authorities clearly establishes the strategic importance of quarries to the national economy. As noted in Section 5 above, where it is stated that:

- (iii) Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. [Emphasis added]

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6.2.1 Response

Paragraph 2.29.1 of the Kildare County Development Plan 1999 states:

'No sand and gravel extraction will be permitted under Class A soils, in areas of high amenity (as defined in this Plan) and their environs, or where conflict with the bloodstock industry might arise'

Section 2.29, above, of the Kildare County Development Plan 1999 refers to Extractive Industries. It is stated that: 'gravel resources are important to the general economy and the sand and gravel extraction industry is a valuable source of employment in some areas of the county' (Paragraph 2.29.1). It continues by stating that 'the industry can have seriously detrimental effects on the landscape, on the operation of bloodstock, and on residential amenities' (Paragraph 2.29.1).

It is submitted to the Board that a detailed Scoping exercise was undertaken as part of the EIA process. This exercise included a careful review of sensitive receptors in the vicinity of the site. As part of the Scoping exercise undertaken, The Irish Field Directory 2002 was consulted to identify bloodstock interests in the area. A visual inspection was also undertaken by driving all roads in the vicinity of the site to identify such locations by reference to signs, stud rail fencing, stables and bloodstock being grazed or trained. The relevance of such a visual assessment is supported by the reference in the Development Plan to "the high amenity value which investment in this industry requires". No such investment in the industry was evident in the vicinity of the subject site. In addition, Coode Concrete personnel who have worked and lived in the area were also consulted for the purposes of identifying bloodstock locations.

Appendix 4 provides a comprehensive list of all the stud farms in County Kildare as contained in the Irish Field Directory 2002. This publication provides a list of all bloodstock establishments in Ireland. The list does not include any operation in the vicinity of the subject lands which may be affected by the proposed development.

The third party objections examined on the public file in Kildare County Council have identified two residences in the area in the vicinity of the subject site where horses are kept. Kilandrick House is located approximately 25 metres north of the planning application boundary and over 50 metres north of the proposed extraction boundary. The owners, David and Margaret Millar, state that the:

'Lands are laid out in a number of stud railed paddocks. Property also includes outhouses and stores. The property is used as a small farm for the breeding and rearing of show ponies and working hunter ponies and horses.'

The objection further states that Margaret Millar is a senior judge with the Irish Pony Society.

Approximately 350 metres south of the application boundary and 400m south of the proposed area of extraction is Ballinderry House. The property is owned by Alan &

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Eleanor Cox who submitted a third party objection. One of their grounds of objection is that the statement in the EIS claiming that there are no bloodstock interests in the vicinity of the site is incorrect. They state that a mare and a foal reside in their holding. As noted above, neither of these holdings is included in the list of bloodstock operations included in the Irish Field Directory 2002 which provides the most comprehensive guide to bloodstock interests and activities in Ireland. A total of 127 operations in Co. Kildare are listed in the Directory, all of which are provided in Appendix 4. It is also noted that no bloodstock activity was observed during visits to the area.

It is submitted to the Board that the burden of evidence provided by the third party objectors which underlies this reason for refusal does not include any supporting documentation to prove that these activities may be defined as coming within the meaning of the bloodstock industry. It is submitted that the reference to the bloodstock industry would refer to activities for the breeding, rearing or training of thoroughbred horses. County Kildare is noted for its bloodstock activities, which is evidenced by the number of operations listed in the Irish Field Directory.

It is submitted to the Board that to establish the precedent proposed in the reason No. 2 of the subject decision could have a seriously detrimental impact on the extraction of sand and gravel deposits in the county as any potential extraction site located in the vicinity of any farm/property where even one horse/pony is kept, even for the use and enjoyment of the occupants, may be considered to have a serious impact on the "bloodstock activities" in the area. It is submitted in this instance that the Planning Authority have adopted an inappropriate standard in respect of what constitutes the "bloodstock industry".

Paragraph 2.11 of the Kildare County Development Plan states the following policy objective for the Bloodstock Industry: "It is the Council's policy to protect the environmental qualities necessary for its successful operation. The high amenity value which investment in this industry requires will be protected from encroachment or spoliation by urban sprawl, ribbon development or other anti-amenity features or incompatible developments".

It is submitted that the EIS clearly establishes that the proposed development will not affect the environmental qualities necessary for the successful operation of these modest horse rearing operations having regard to the distance of the subject site from the holding on which the operations are undertaken, the nature and scale of those activities and the relatively small scale and managed impacts associated with the proposed development.

With regard to potential impacts on the activities undertaken at Kilcandrick House, it is submitted to the Board that the proposed alterations to the layout of the proposed development submitted as Additional Information on 24 April 2002, as detailed on Drawing No. 1424/001/A, will further reduce the impact of the proposed development on the activities carried out on the adjoining lands. In this regard, the extraction area will be further set back from the property and extraction will occur for a much shorter

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period in the vicinity of the dwelling. Furthermore the proposed road re-alignment will remove the existing Roadstone traffic from the County Road to the front of the property resulting in a reduction in traffic noise in the vicinity of the house and a general improvement in the amenity of the property.

Potential impacts to the bloodstock industry, agriculture and residential amenities have been assessed in detail in the EIS, with particular regard to dust, noise and visual impacts. Dust emissions from the extraction operations will be minimised by implementing effective environmental management practices for the operation of the sand and gravel works. The potential impact of emissions to atmosphere associated with the operation of the sand and gravel works has been quantified and evaluated. The mitigation measures proposed will ensure that no adverse air quality impacts will result from the operation of this facility and all potential impacts be managed well within accepted national standards for rural and agricultural areas as detailed in Section 7 of the Environmental Impact Statement.

A comprehensive assessment of the potential noise impacts associated with this development has been completed and is contained in Section 8 of the EIS. There are no adverse noise impacts predicted at noise sensitive receptors in the vicinity of the site as a result of this development. There is no blasting associated with the proposed development.

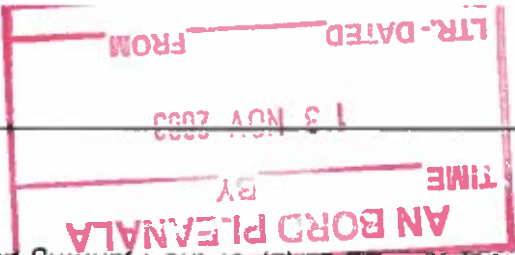
Potential landscape and visual impacts at the local level and in the wider area are not significant, with only the local area experiencing localised impacts. Potential landscape impacts are minor or of no significance to the character of the local area.

Opportunities for views of the proposed extraction are limited to the immediate proximity of the site. The mitigation bunding proposed will screen out any vision through gaps in the existing vegetation. Mitigating measures have been designed to enhance the existing planting. The proposed planting will continue to reduce the significance of visual impacts as it matures.

The overall impact of the proposed extraction is assessed as being of short-medium term negative impact, and as planting matures and progressive restoration is undertaken the visual significance of the extraction becoming even less. (Environmental Impact Statement, Section 9).

Therefore, having regard to the foregoing, the proposed development is unlikely to have any negative impact on the environmental quality of the area or on the environmental quality required for the successful operation of the established rural and agricultural activities in the vicinity of the site.

Notwithstanding our considered view that the proposed development would not constitute a material contravention of the Development Plan having regard to the nature of the horse related activities in the vicinity of the subject site and the mitigation measures proposed in the subject development, as outlined in Sections 5 and 6.1.5 above, An Bord Pleanála has the discretion under Section 37(2) of the Planning and



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Development Act 2000 to grant permission for a development which materially contravenes the Development Plan in specified circumstances.

6.3 Reason No. 3

Reason No. 3 states:

"The proposed development would constitute an incongruous and artificial interference with the landscape, views, setting and character of the area, and particularly to the unique setting and visual amenities of Clonuff Bridge, which is of significant merit the development would, therefore be contrary to the proper planning and development of the area".

This reason for refusal relates, firstly, to the

"incongruous and artificial interference with the landscape, views, setting and character of the area"

and secondly;

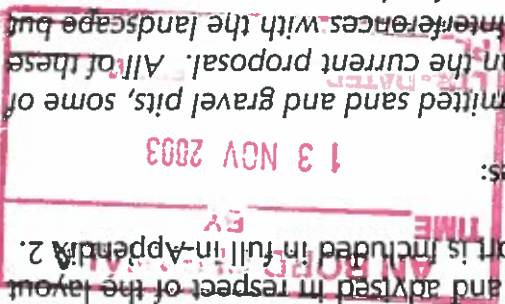
"particularly to the unique setting and character and visual amenities of Clonuff Bridge"

In relation to the contention of the planning authority that the proposed development would be incongruous and would constitute an artificial interference with the landscape, views, setting and character of the area, it is submitted to the Board that sand and gravel extraction is an activity which can only be carried out in rural areas and as such extraction is an acceptable and accepted rural land use. Due regard has been afforded in the preparation of the EIS to the potential impact that the proposed development may have on the landscape and character of the area. Section 9 of the EIS considers this particular matter in detail. It is noted that there are no amenity designations in the vicinity of the subject site, nor are there any listed views or settings designated in the County Development Plan.

The area is rural in character with a variety of rural based activities including agriculture and agriculture related activities including the keeping of horses, one off residential developments and extraction. In response to this reason for refusal we have enclosed a Report by David Jarvis Associates, Landscape Architects, who prepared the landscape and visual impact assessment in the EIS and advised in respect of the layout and design of the proposed development. The report is included in full in Appendix 2.

In relation to this reason for refusal, the Report states:

1. "The local area already contains several permitted sand and gravel pits, some of which are considerably greater in extent than the current proposal. All of these must similarly be incongruous and artificial interferences with the landscape but this has not hitherto been sufficient reason for refusal.



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2. In addition, the local area contains three overhead power lines, and industrial buildings in a visually prominent location a quarter of a mile east of the site boundary. The setting and character of the area is therefore already strongly influenced by artificial elements. The proposed extraction would not add significantly to the accumulation of artificial structures since it would be screened by grassed bunds from sensitive viewpoints and the main processing plant would be sited at low level within the extraction.
3. The planned timescale for the operation and final restoration of the site is only six years, so any adverse visual impacts would be of far shorter duration than those imposed by existing buildings, power lines etc.
4. Due to the configuration of local topography and tree and hedge cover, views towards the site are highly localised. Where nearby dwellings might otherwise experience adverse visual impacts, grassed screening bunds would be constructed, and removed on completion to leave views towards the new lake on the restored site. Once these bunds are completed there would be very little interference with local views".

With particular regard to Clonuff Bridge, Davis Jarvis Associates state at Section 5 of their report that:

5. "Impacts on Clonuff Bridge have been minimised by:
 - a. Re-design of the north-eastern corner of the site to leave a minimum 140m stand-off between the bridge and the nearest mineral workings.
 - b. As a result of the new road alignment, 1.6 ha of existing landform closest to the bridge and which would screen the road and the works area would be left in its present form. There would be no significant interference with existing views in the vicinity of the bridge.
 - c. Also as a result of the new road alignment and the stopping up of the county road west of Kilcandrick House, the volume of traffic passing over the bridge would be substantially reduced, which is likely to preserve its structure and prolong its life. This beneficial effect would not be likely to occur if the development is refused. On sustainability grounds it is argued that allowing the development, with the proposed road re-alignment, is a more sustainable option in relation to the preservation of the structure of Clonuff Bridge than is the continuation of traffic impacts at their present level".

It is further noted, and acknowledged in the Planner's Report, that Clonuff Bridge is not a protected structure nor are there any designated listed views in the Development Plan from or to the Bridge. As noted in the Landscape Report, the integrity and longevity of the bridge may be significantly prolonged as a result of the proposal as part of this development to create a new road alignment which eliminates the bridge from the

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of more significance than the location of the site. present circumstances as the characteristics of the aggregates obtainable from the site are

Therefore, it is clear that the significance of establishing a precedent is negligible in the

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"By their nature, aggregates can only be worked where they occur".

Control of Quarries where it is acknowledged that:

We refer again to the Consultation Draft Guidelines for Planning Authorities on the additional pit is operating in the area. Furthermore, Killglass will close within two years of the commencement of development at Ballinderry and as such there will only be a short period where an

area.

There will be a maximum of two years in which extraction will occur at both sites, providing a suitable transitional period for establishment of the Ballinderry site. Accordingly, there will be no net increase in the quantity of material extracted or the number of traffic movements on the local road network. Therefore, it is clear that there will not in fact be an intensification of sand and gravel extraction in the vicinity of the site which in turn would not establish a relevant precedent for further operations in the

While the subject development, should permission be granted, would constitute the opening of a new pit, the rationale for the proposed development, as outlined above in Section 4, is to provide a supplementary and ultimately replacement source prior to the exhaustion of the reserves at Killglass. The output from the existing Killglass operation is 600,000 tonnes. The output from the combined plants (Killglass and Ballinderry) will be in the order of 600,000 tonnes per annum, which is equivalent to the existing output from the Killglass operation. It is envisaged that some 200,000 tonnes per annum will be extracted at Ballinderry and 400,000 at Killglass. On the basis that the Killglass operation will produce 600,000 tonnes per annum to mid-2004, and 400,000 tonnes per annum thereafter, the reserve will be exhausted by mid-2006.

"It is considered that the proposed development located on a County Road servicing existing and permitted sand and gravel facilities would lead to an unacceptable intensification of sand and gravel extraction in this immediate area, would set an undesirable precedent for further such developments and could lead to the proliferation of similar type developments generating additional traffic movements resulting in a reduction in the capacity of the road and thereby interfere with the safety and free flowing nature of traffic on the road"

Reason No. 4 states:

6.4 Reason No. 4

haulage route of the vehicles associated with the proposed and other similar permitted developments in the vicinity.

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The reason for refusal states that the proposed development "could lead to the proliferation of similar type developments generating additional traffic movements resulting in a reduction in the capacity of the road".

It is submitted to the Board that the subject development, as is clearly stated in the EIS, will not lead to an increase in traffic in the area as the subject proposal is proposed so as to provide a replacement source of aggregate when the adjoining Kilglass pit is exhausted. Thereby there will be no net increase in traffic movements associated with the Goode Concrete operations as the traffic generation from both operations when operating simultaneously will not exceed the existing traffic generation from the Kilglass pit.

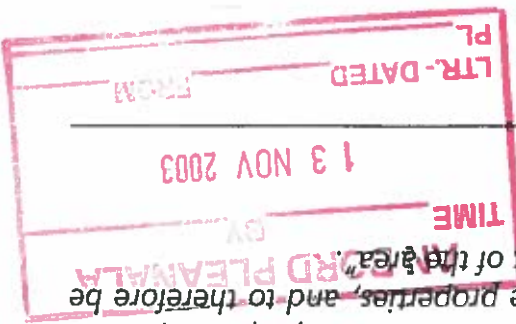
It is submitted to the Board that the Roads Department report does not make any adverse recommendations in respect of the capacity of the road network to cater for the proposed traffic generation. The reports refer solely to the matter of the access and the Roads Departments requirement for a revised road alignment.

It is further submitted to the Board, that the subject development would involve significant road improvements in the vicinity of the site with the realignment of the County Road which in addition to benefiting the traffic associated with the subject development will benefit all road users. Faber Maunsell Consulting Engineers have discussed this matter with the Roads Department of Kildare County Council during the course of the planning application and revised proposals were submitted with the response to further information which include for the realignment of the County Road. The Roads Department advised that these works are desirable as they will facilitate existing extractive operations in the area and will result in safety improvements on the local road network. The Reports from the Roads Department verify this fact. As such, the proposed re-alignment represents a significant planning gain for the area.

6.5 Reason No. 5

Reason No. 5 states:

"A number of permitted individual residential development are located in the vicinity of the site of the proposed development. It is considered that these permitted and sensitive residential uses require careful protection from the encroachment of inappropriate development in the area. It is considered that the proposed development, would by reason of the nature of the proposed land use, and the duration over which it is proposed to be in operation, be likely to materially and adversely impact on the residential amenity of the properties in question (and of other existing residences within the influence of the proposed development) and their residents by reason of the possible emission of dust, and the generation of noise. It is considered that the proposed development would be incompatible with the established and permitted use of these properties, to be likely to materially depreciate the value of these properties, and to therefore be contrary to the proper planning and development of the area".



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It is submitted to the Board that the Planning Authority have included this unsubstantiated reason notwithstanding that the Environment Section of the Local Authority, to which the application was referred, had no objection to the proposed development and recommended 14 no. conditions (report dated 29/08/02). There is no assessment or mention in the Planner's Report of the possible emission of dust or generation of noise or consideration of the possible impacts and mitigation measures proposed in the EIS. It is further noted that the Planner's Report dated 24 October 2002 states at the commencement that:

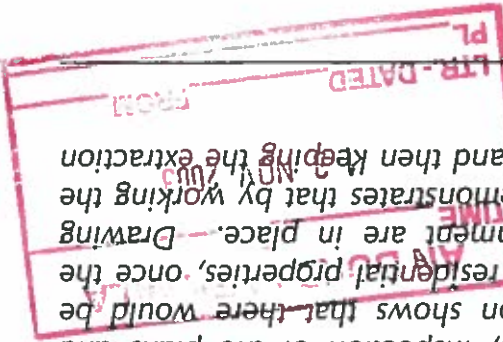
"As noted above, the subject application has been referred to a number of prescribed bodies and to a number of relevant sections within Kildare County Council, such as the Environment Department. I thus will concentrate on the planning aspects of the proposed development".

This statement seems to conflict with the Planner's recommendation and the subsequent reason for refusal, as the Environment Department have no objection to the proposed development and the Planner recommends refusal on the basis that the development may result in the possible emission of dust and the generation of noise. The Environment Section Report, dated 29/08/2002, enclosed as Appendix 3 includes specific conditions relation to noise levels and dust emissions and requires that the applicant implement the recommendations of the Noise Study prepared by TMS Environment Ltd. Therefore, it is unclear why the Planning Officer decided to include environmental matters in his assessment after specifically stating that this would not be done as the application has been referred to other sections in the Local Authority including the Environment Department.

It appears that this reason for refusal is unsupported by any evidence to suggest that the residential amenity of the adjoining residential developments would be materially impacted upon by possible the possible emissions of dust and the generation of noise, and is contrary to the detailed assessments included in the EIS, prepared by competent Environmental Consultants and endorsed by the Environment Department of the Council. It is further considered that the planning authority's contention that the proposed development would be likely to materially depreciate the value of these properties is unfounded and unsubstantiated having regard to the mitigation measures proposed in the subject development detailed in the EIS and which have been accepted as satisfactory by the Environment Department of the Local Authority as discussed above.

In relation to the landscape and visual impacts, as noted above, we have engaged David Jarvis Associates, Landscape Architects, to respond to this reason for refusal and their comments are included in a report appended to this document (Appendix 2)

1. "In relation to landscape and visual impacts, inspection of the plans and photomontages submitted with the application shows that there would be impacts of only minor significance on nearby residential properties, once the mitigation measures and the new road alignment are in place. Drawing 1424/001A, showing the proposed phasing, demonstrates that by working the site northwards from the south-western corner and then keeping the extraction



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face moving from west to east, the working face will be kept in the lee of the existing landform, screened from properties close to the northern and eastern site boundaries. The eastern end of the existing landform remains as a permanent screen.

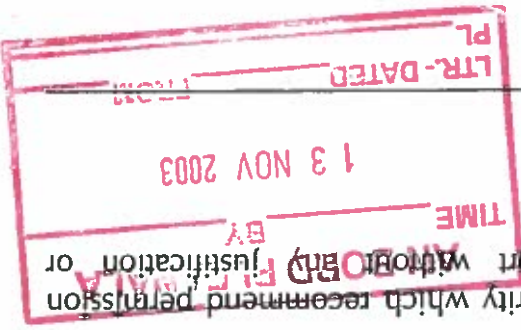
2. Working the site in this way, with the processing plant kept at low level within the excavation, would also contribute to the reduction of noise impact.

3. The duration of the proposed works would be about six years. Once the site has been completed and restored (as shown on submitted drawing 1424/002/A), it is unlikely that the restored site would materially depreciate the value of local properties. On the contrary, the creation of a new lake with fringing vegetation, and the consequent benefits to wildlife and biodiversity, are likely to increase the attractiveness of the area in comparison to the existing situation".

7. Conclusion

Having regard to the following:

- National and regional policy contained in the National Spatial Strategy, the National Development Plan, the Draft Guidelines (DOE October 2003) and the SPCs which clearly establish a need for continuity of supply to meet the needs of the relevant strategies and plans which envisage unprecedented development of the economic, social, community and services infrastructure of the state and region,
- the rationale for the proposed development, providing for a continuity of supply for the established operation and associated employment in the area since the 1950s,
- the inappropriate Development Plan policies in respect of Class A soils,
- the existing pattern of development in the vicinity of the site and precedents for similar developments,
- the resource based nature of the proposed development,
- the design of the proposed development which has been predicated on the protection of the residential, rural and visual an landscape amenities of the area,
- the proximity of the site to the national road network
- the significant planning gain associated with the re-alignment of the County Road to be undertaken at the applicant's expense,
- the departmental reports of the Planning Authority which recommend permission and are over-ruled by the Planner's Report without any justification or substantiation,



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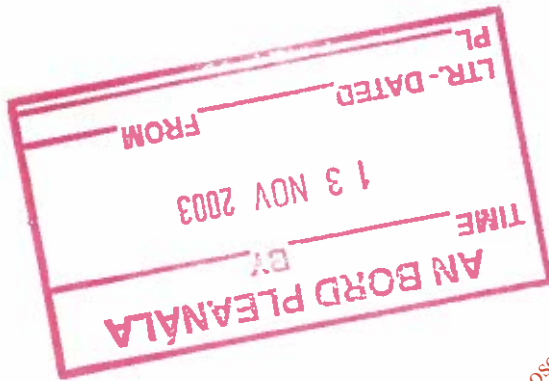
Una Crosse
 Una Crosse
 Declan Brassil & Co. Ltd.

Yours sincerely,

it is submitted to the Board that subject to compliance with appropriate conditions the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have an adverse impact on bloodstock or soils, would be acceptable in terms of traffic safety and convenience, and would not be contrary to the proper planning and development of the area.

Accordingly, we respectfully request that An Bord Pleanála overturn the decision of Kildare County Council and grant permission for the proposed development.

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**Notification of a Decision to Refuse Permission for the
proposed development, dated 21 October 2003**

Appendix 1

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Comhairle Chill Dara
Planning Section
St. Mary's, Naas.
Phone (045) 873829
Fax (045) 873846

Date: 21/10/2003
 PI Ref.: 02/1475

REGISTERED POST
 Goode Concrete Ltd
 Declan Brassil & Co.
 The Malthouse
 Smithfield Village
 Bow Street
 Dublin 7

NOTIFICATION OF A DECISION UNDER SECTION 34 OF THE PLANNING & DEVELOPMENT ACT 2000

PLANNING REGISTER NUMBER: 02/1475
 APPLICATION RECEIPT DATE: 06/08/2002
 FURTHER INFORMATION DATE: 27/08/2003

In pursuance of the powers conferred upon them by the above-mentioned Act, Kildare County Council have by order dated 21/10/2003 decided to refuse PERMISSION for the development of land namely: For the extraction of sand and gravel over an area of 7.8 hectares, associated washing and screening plant, and all associated development and works on an overall site of approx 13.9 hectares. The FI submitted provides for the re-alignment of the etc at Ballinderry Carbury Co. Kildare for the 5 reasons set out in the Schedule attached.

Signed: K. Kelly
 Senior Executive Officer Planning & Public Safety
 Kildare County Council

Any appeal against the decision of a Planning Authority under Section 37 of the Planning & Development Act 2000 may be made to An Bord Pleanála, 64 Marlborough Street, Dublin 1. First and third party objections must be received by the Bord within 4 weeks beginning on the day of making the decision by the Planning Authority. The appeal must be fully complete from the start - you are not permitted to submit any part of it later, even within the time limit.

Any appeal made to An Bord Pleanála will be invalid unless accompanied by the correct fee within the statutory appeal period. I.e.
 a) Appeal by 1st party relating to commercial development where the application relates to unauthorised development - €1,800
 b) Appeal by 1st party relating to commercial development other than (a) above - €600
 c) Appeal by 1st party where the application relates to unauthorised development, other than (a) and (b) above - €600
 d) Appeal other than an appeal mentioned at (a), (b) and (c) above - €200

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K. Kelly

5. A number of permitted individual residential developments are located in the vicinity of the site of the proposed development. It is considered that these permitted and sensitive residential uses require careful protection from the encroachment of inappropriate development in the area. It is considered that the proposed development would, by reason of the nature of the proposed land use, and the duration over which it is proposed to be in operation, be likely to materially and adversely impact on the residential amenity of the properties in question (and of other existing residences within the influence of the proposed development) and their residents by reason of the possible emission of dust, and the generation of noise. It is considered that the proposed development would be incompatible with the established and permitted use of these properties, to be likely to materially depreciate the value of these properties, and to therefore be contrary to the proper planning and sustainable development of the area.

4. It is considered that the proposed development located on a County Road servicing existing and permitted sand and gravel facilities would lead to an unacceptable intensification of sand and gravel extraction in this immediate area, would set an undesirable precedent for further such developments and could lead to the proliferation of similar type developments generating additional traffic movements resulting in a reduction in the capacity of the road and thereby interfere with the safety and free flowing nature of traffic on the road.

3. The proposed development would constitute an incongruous and artificial interference with the landscape, views, setting and character of the area, and particularly to the unique setting and character and visual amenities of Clonuff Bridge, which is of significant merit the development would, therefore, be contrary to the proper planning and sustainable development of the area

2. The proposed development, which relates to extraction of aggregates in close proximity to existing bloodstock industry is considered to constitute a conflicting land-use and would accordingly contravene materially the provisions of the County Development Plan, 1999 as set out in Section 2.29.1 of the said Plan.

1. The proposed development, which relates to extraction of aggregates on a site that is within an area identified in The Soil Suitability Map of Co. Kildare as consisting of Class A Soils, would contravene materially the provisions of the County Development Plan, 1999 as set out in Section 2.29.1 of the said Plan.

Consent of original owner required for any further use of this plan.

RE:/ Planning Permission is sought for the extraction of sand and gravel over an area of 7.8 hectares, associated washing and screening plant and all associated development and works on an overall site of approximately 13.9 hectares at Ballinderry, Carbury, Co. Kildare. The Further Information submitted provides for the re-alignment of the County Road bounding the north of the site (L5004) to form a new junction with the County Road bounding the east of the site (L1002) and a new site access to the re-aligned County Road – Goode Concrete Ltd –
Planning Ref: 1475/02

AN BORD PLEANALA

BY _____

13 NOV 2003

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FROM _____

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Comhairle
Chondae
Chill Dara
Planning Section
St. Mary's, Naas.
Phone (045) 873829
Fax (045) 873846



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Report of David Jarvis & Associates in respect of Landscape and Visual Impact Issues

Appendix 2

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David Jarvis Associates Ltd
1 Tennyson Street
Swindon
Wiltshire
SN1 5DT
Tel: 01793 612173
Fax: 01793 613625
Email: mail@davidjarvis.biz
November 2003



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GOODE CONCRETE LTD
APPLICATION FOR SAND AND GRAVEL
EXTRACTION AT BALLINDERRY
CARBURY, CO KILDARE
PLANNING REF: 1475/02
RESPONSE TO REFUSAL :
LANDSCAPE AND VISUAL IMPACT ISSUES

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Introduction

Having carried out a Landscape and Visual Impact Assessment for the proposed development, both prior to submission and following receipt of the Planning Authority's Request for Additional Information, we comment below on the reasons for refusal only insofar as they relate to landscape and visual issues.

Reason No. 3:

"3. The proposed development would constitute an incongruous and artificial interference with the landscape, views, setting and character of the area, and particularly to the unique setting and character and visual amenities of Clonuff Bridge, which is of significant merit the development would, therefore, be contrary to the proper planning and sustainable development of the area."

Response:

1. The local area already contains several permitted sand and gravel pits, some of which are considerably greater in extent than the current proposal. All of these must similarly be incongruous and artificial interferences with the landscape but this has not hitherto been sufficient reason for refusal.

2. In addition, the local area contains three overhead power lines, and industrial buildings in a visually prominent location a quarter of a mile east of the site boundary. The setting and character of the area is therefore already strongly influenced by artificial elements. The proposed extraction would not add significantly to the accumulation of artificial structures since it would be screened by grassed bunds from sensitive viewpoints and the main processing plant would be sited at low level within the extraction.

3. The planned timescale for the operation and final restoration of the site is only six years, so any adverse visual impacts would be of far shorter duration than those imposed by existing buildings, power lines etc.

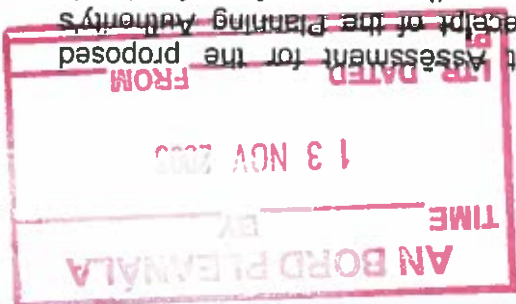
4. Due to the configuration of local topography and tree and hedge cover, views towards the site are highly localised. Where nearby dwellings might otherwise experience adverse visual impacts, grassed screening bunds would be constructed, and removed on completion to leave views towards the new lake on the restored site. Once these bunds are completed there would be very little interference with local views.

5. Impacts on Clonuff Bridge have been minimised by:

a. Re-design of the northeastern corner of the site to leave a minimum 140m stand-off between the bridge and the nearest mineral workings.

b. As a result of the new road alignment, 1.6ha of existing landform closest to the bridge and which would screen the road and the works area would be left in its present form. There would be no significant interference with existing views in the vicinity of the bridge.

c. Also as a result of the new road alignment and the stopping up of the county road west of Killacandrick House, the volume of traffic passing over the bridge would be substantially reduced, which is likely to preserve its structure and



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prolong its life. This beneficial effect would not be likely to occur if the development is refused. On sustainability grounds it is argued that allowing the development, with the proposed road re-alignment, is a more sustainable option in relation to the preservation of the structure of Clonuff Bridge than is the continuation of traffic impacts at their present level.

Reason No. 5:

5. "A number of permitted individual residential developments are located in the vicinity of the site of the proposed development. It is considered that these permitted and sensitive residential uses require careful protection from the encroachment of inappropriate development in the area. It is considered that the proposed development, would, by reason of the nature of the proposed land use, and the duration over which it is proposed to be in operation, be likely to materially and adversely impact on the residential amenity of the properties in question (and of other existing residences within the influence of the proposed development) and their residents by reason of the possible emission of dust, and the generation of noise. It is considered that the proposed development would be incompatible with the established and permitted use of these properties, to be likely to materially depreciate the value of these properties, and to therefore be contrary to the proper planning and sustainable development of the area."

Response:

1. In relation to landscape and visual impacts, inspection of the plans and photomontages submitted with the application shows that there would be impacts of only minor significance on nearby residential properties, once the mitigation measures and the new road alignment are in place. Drawing 1424/001A, showing the proposed phasing, demonstrates that by working the site northwards from the southwestern corner and then keeping the extraction face moving from west to east, the working face will be kept in the lee of the existing landform, screened from properties close to the northern and eastern site boundaries. The eastern end of the existing landform remains as a permanent screen.
2. Working the site in this way, with the processing plant kept at low level within the excavation, would also contribute to the reduction of noise impact.
3. The duration of the proposed works would be about six years. Once the site has been completed and restored (as shown on submitted drawing 1424/002/A), it is unlikely that the restored site would materially depreciate the value of local properties. On the contrary, the creation of a new lake with fringing vegetation, and the consequent benefits to wildlife and biodiversity, are likely to increase the attractiveness of the area in comparison to the existing situation.



Consent of the Department of the Environment, Heritage and Planning is required for the proposed development.

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**Kildare County Council Environment Section Report,
dated 29/08/2002**

Appendix 3

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Ref: 02/1475

Applicant Goode Concrete Ltd

Location Ballinderry, Carbury.

The proposal is acceptable subject to the following conditions:

Groundwater: There is no objection to quarrying activities that take place one meter above the winter ground water table level.
In order to prevent pollution of groundwater, it is recommended that quarrying does not take place below one meter above the winter water table level.
Local residents are entirely dependent on groundwater for their water supplies.

Local Wells: An alternative water supply, fit for human consumption shall be provided to residences and businesses in the area in the event that the proposed development will disrupt existing means of water supply. The provision of a group scheme in this area is not imminent. The developer shall provide details to Kildare Co. Co. with regard to the source location, the quality and the quantity of the proposed alternative water supply.

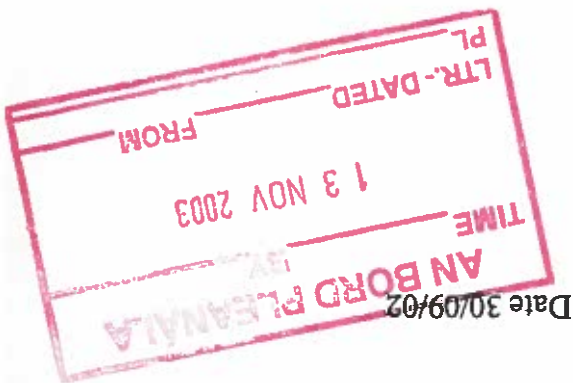
Dust: The dust deposition shall not exceed 130/m² per day at the boundary of this development. Dust shall be monitored twice per annum and the results submitted to Kildare Co. Co.
Soil stripping shall not take place in periods of extended windy or dry weather. Water shall be sprayed on internal roads and exposed soil heaps in periods of windy and dry weather.

Noise: Noise from the development shall not exceed 55dB(A) L_{Aeq60mins} Monday to Friday, 8.00 hours – 18.00 hours and 8.00 hours – 14.00 hours Saturdays. The noise from the development shall not exceed 45dB(A) L_{Aeq15mins} at all other times, including Sundays and Bank Holidays. Noise measurements shall take place at the boundary of the development.

Staff Facilities: Toilet and hand washing facilities with associated wastewater treatment facilities shall be provided for staff.
A drinking water supply fit for human consumption shall be provided for staff.

Senior Environmental Health Officer

Eileen Loughman



29/10 MS

(5)

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5

Reference Number: 02/1475

No Objections

1. The proposed development shall not give rise to noise levels off site, at noise sensitive locations, which exceed the following sound pressure limits (Leq, 15 minute):
Daytime: 55 dB(A)
Night-time: 45 dB(A)

2. There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.
Results shall be submitted to Kildare County Council at least every six months.

3. Applicant shall implement recommendations of Noise Study prepared by TMS Environmental Ltd.

4. The total dust emission arising from all on-site operations associated with the development shall not exceed 130 milligrams per meter squared per day, averaged over a continuous period of 30 days, when measured as deposition of insoluble particulate matter at any position along the boundary of the site.
Results shall be submitted to Kildare County Council at least every six months.

5. Excavation shall not take place below a level of at least 1 meter above the highest water table level on site.

6. The extraction of sand and gravel by blasting is specifically excluded from this grant of permission.

7. Contaminated surface water arising on site shall discharge to a closed system for mineral washing and a silt press for removal of fines. Also a small water lagoon shall be built to prevent discharge to any open drain and watercourse, as specified in the Environmental Impact Statement.

7. Applicant shall use the Best Available Technology to prevent Water Pollution from the development through the implementation of the measures proposed in the Environmental Impact Statement all to the satisfaction of the Planning Authority.

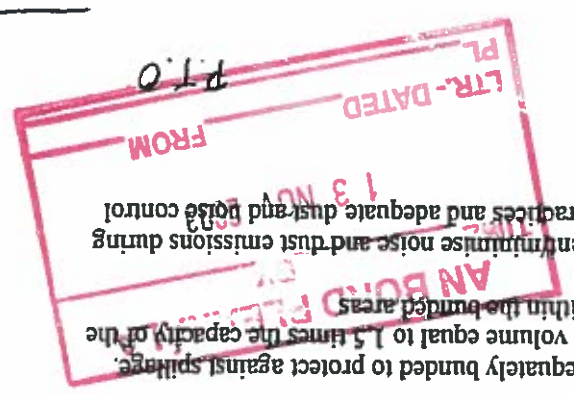
8. A fixed sprinkler system shall be installed at the exit gate to damp down any dry load before it leaves the site.

9. A hose shall be provided at the exit gate to wash the wheels of departing trucks to prevent drag out of material onto the public road.

10. An adequate hose capacity shall be maintained in the pit area to damp down stockpiles, waste piles and equipment during periods of dry windy weather to prevent the emission of fugitive dust.

11. The wheels of all vehicles transporting sand and gravel from the site onto the public road shall, prior to exit of such vehicles onto the public road, be washed in a wheelwashing facility which shall be constructed installed and operated in accordance with the proposals contained within the Environmental Impact Statement.

11. All over-ground oil, chemical storage tank(s) shall be adequately banded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume equal to 1.5 times the capacity of the largest tank. Filling and offtake points shall be located within the banded areas.
12. Applicant shall use best Best Practicable Means to prevent/minimise noise and dust emissions during extraction, by implementing effective site management practices and adequate dust and noise control measures.



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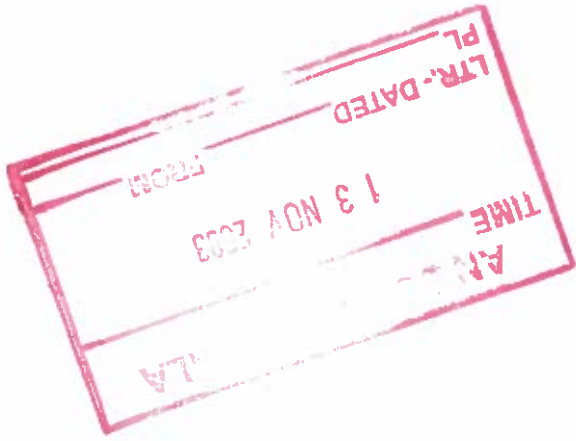
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Signed: [Signature]
 Date: 29/8/2002

- 13. Programs shall be implemented for the minimisation, reuse, recovery and recycling of waste, in accordance with the Waste Management Act 1996 and any regulations made thereunder. No burning shall occur on site.
- 14. Prior to the commencement of Restoration of the Site is shall be necessary to apply for and obtain a Waste Permit from the Environment Section in Kildare County Council.

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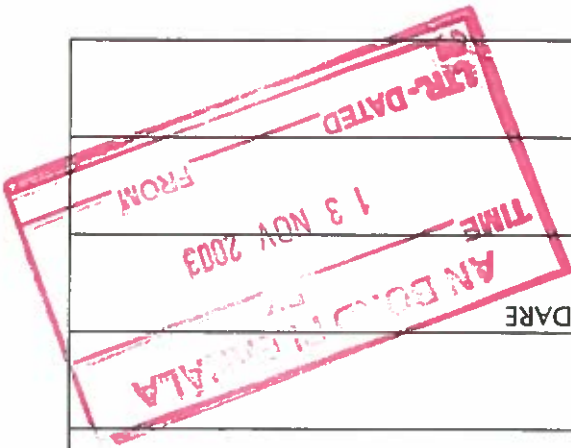
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List of all the stud farms in County Kildare contained in
the Irish Field Directory 2002.

Appendix 4

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1.	AIRLIE STUD: GRANGEWILLIAM, MAYNOOTH, CO KILDARE. OWNERS: SONIA ROGERS AND ANTHONY ROGERS
2.	ARDOON STUD: NEWBRIDGE, CO KILDARE OWNER: ARDOON STUD MANAGEMENT, NEWBRIDGE, CO KILDARE
3.	ASHFIELD STUD: NEWTOWN, DONORE, NEAS, CO KILDARE OWNER: PETER MAHER
4.	ASHGROVE STUD: KILDANGAN, CO KILDARE OWNER: IAN AND VALERIE DALGETTY, KILDANGAN, CO KILDARE
5.	AUSTINS WELL STUD: GREAT CONNELL, NEWBRIDGE, CO KILDARE OWNER: SUSAN MCKEON
6.	BALINTAGGART HOUSE STUD: BALINTAGGART HOUSE, COLBINSTOWN, CO KILDARE OWNER: R. O'TOOLE
7.	BALLYBURN STUD: CASTLEDERMOT, CO KILDARE. OWNER: MARY T. QUINN
8.	BALLYMANY STUD: THE CURRAGH, CO. KILDARE OWNER: KILDANGAN STUD
9.	BALLYPRIOR STUD: RATHASKER ROAD, NAAS, CO KILDARE OWNER: VILLA DOSIA SRI
10.	BALLYSAH MANOR STUD: THE CURRAGH, CO KILDARE
11.	BARODA STUD: NEWBRIDGE, CO KILDARE OWNER: PHILIP AND LINE MYERSCOUGH
12.	BARONRATH STUD: STRAFFAN, CO. KILDARE OWNER: CHARLES O'BRIEN
13.	BARRERA STUD: MILGROVE, BRACKNAGH, RATHANGAN, CO KILDARE OWNER: BRENDAN LAFFAN
14.	BERT HOUSE STUD: ATHY, CO KILDARE OWNER: MAURICE PHELAN
15.	BLACKHALL STUD: CLANE, CO KILDARE. OWNER: KILDANGAN STUD CO UNLTD.
16.	BLACKRATH STUD: BALLYTORE, ATHY, CO KILDARE OWNER: IRIS LATHAM
17.	BROADFIELD STUD: NAAS, CO KILDARE OWNER: MRS A. WHITEHEAD
18.	BROGESTOWN STUD: KILL, CO KILDARE OWNER: MICHAEL DALTON



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19.	BROOKLYN STUD: PROSPEROUS, NAAS, CO. KILDARE OWNER: BRENDAN COSTELLO
20.	BROWNSTOWN STUD: THE CURRAGH, CO. KILDARE OWNER: BROWNSTOWN STUD PARTNERSHIP
21.	BRYANSTOWN HOUSE STUD: KILCOCK, CO. KILDARE OWNER: BERNARD COOKE
22.	CADAMSTOWN STUD: BROADFORD, MOYALLEY, CO. KILDARE OWNER: MADELEINE AND CARMEL BOURKE
23.	CALVERSTOWN HOUSE STUD: KILCULLEN, CO. KILDARE OWNERS: M.K. MC CALL AND MRS P.J. MC CALL
24.	CASTLEDILLON STUD: STRAFFAN, CO. KILDARE OWNER: MR AND MRS MICHAEL HILLMAN
25.	CASTLEMARTIN ABBEY HOUSE STUD: CASTLEMARTIN, KILCULLEN, CO. KILDARE. OWNER: JOHN C. HAYDEN
26.	CASTLEMARTIN STUD FARM: KILCULLEN, CO. KILDARE OWNER: DR TONY O'REILLY
27.	CASTLESIZE HOUSE STUD: SALLINS, CO. KILDARE OWNER:
28.	CASTLEVIEW STUD: CALVERSTOWN, KILCULLEN, CO. KILDARE OWNER: THOMAS HICKEY
29.	CHEERINE STUD: FRIARSTOWN, THE CURRAGE, CO. KILDARE OWNER: WAI KAI WONG & PARTNERS
30.	CHURCHLAND STUD: CONYNGHAM LODGE, THE CURRAGH, CO. KILDARE OWNER: MRS CON COLLINS
31.	CLARA VIEW STUD: MOUNT PROSPECT, RATHANGAN, CO. KILDARE OWNERS: IAN HANAMY AND K. AALEN
32.	COLBINSTOWN LODGE STUD: COLBINSTOWN, CO. KILDARE OWNER: MR AND MRS BEN JELLETT
33.	COMMONSTOWN STUD: MOONE, CO. KILDARE OWNER: JOHN HARRINGTON
34.	COOLAGHKNOCK STUD: COOLAGHKNOCK, KILDARE OWNER:
35.	COOLGMARTIN STUD: DONADEA, NAAS, CO. KILDARE OWNER: KEVIN AND PETER O'BRIEN
36.	CORBALLY HOUSE STUD: ATHY, CO. KILDARE OWNER: C.J. AN DF. A. MASTERSON
37.	CORDEFF STUD: WEWSTON PARK, LEIXLIP, CO. KILDARE OWNER: JAMES AN DBRIDGETTE EGAN

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38.	COURTOWN STUD: KILCOCK, CO KILDARE OWNER: BRENDAN O'MAHONY
39.	CROTANSTOWN HOUSE: THE CURRAGH, CO KILDARE
40.	CURRAGH STUD: MELITTA ROAD, KILDARE OWNER: MRS B.M.MURLESS
41.	DAMASTOWN STUD: BALLYBRACK, KILCOCK, CO KILDARE OWNER: DAMASTOWN STUD.
42.	DEER PARK HOUSE STUD: CALVERSTOW, KILCULLEN, CO KILDARE OWNERS: G. WILLIAM AND SUSAN ROBINSON
43.	DERRINSTOWN STUD: MAYNOOTH, CO KILDARE OWNER: DERRINSTOWN STUD LTD
44.	DERRYVARROGE STUD: DERRYVARROGE, DONADEA, NAAS, CO KILDARE OWNERS: JUSTIN JORDAN AND SEAN JORDAN
45.	EAGLE LODGE STUD: SUNCROFT, THE CURRAGH, CO KILDARE OWNER: FRANK STEWART
46.	EDENMIST STUD: KILCULLEN, CO KILDARE OWNER: MR AND MRS ALLAN NORTON
47.	ERINDALE STUD: NEWTOWN, KILDARE OWNER: MR AND MRS KEVIN PRENDERGAST
48.	EYREFIELD HOUSE STUD: THE CURRAGE, CO KILDARE OWNER: EYREFIELD HOUSE STUD PARTNERSHIP
49.	EYREFIELD LODGE STUD: THE CURRAGE, CO KILDARE OWNER: SIR EDMUND LODER BT.
50.	FORENAGHTS STUD: NAAS, CO KILDARE OWNER: FORENAGHTS STUD FARM LTD.
51.	GILLTOWN STUD: KILCULLEN, CO KILDARE OWNER:
52.	GLENDALOUGH STUD: DUNMURRY, CO KILDARE OWNER: JOHN J. BRESLIN
53.	GRANGEMORE STUD: POLLARDSTOWN, NEWBRIDGE, CO WICKLOW
54.	HARCOURT STUD: MOORTOWN, CARAGH, NAAS, CO KILDARE OWNERS: SARAH COLLEN AND RAY JENNINGS
55.	HART LIVERY FARM: NEWLAND NORTH, NAAS, CO KILDARE OWNER: CHRISTOPHER AND PAULA HART
56.	HOLLYHILL STUD: BRANNOCKSTOWN, NAAS, CO KILDARE OWNER:

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75.	LIPSTOWN STUD: NARRAGHMORE, ATHY CO KILDARE OWNER:
74.	LARCH HILL STUD: KILCOCK, CO KILDARE OWNER: PETER J. BARRY
73.	KNOCKLONG HOUSE STUD: CELBRIDGE, CO KILDARE OWNER: PATRICK O'NEILL
72.	KLINTA ARABIANS: LIFFEY LODGE, CARAGH, NAAS, CO KILDARE OWNER: MRS GUNILLA HAMER
71.	KILNANTOGUE STUD: KILNANTOGUE, RATHANGAN, CO KILDARE OWNER: LARRY C. FLOOD
70.	KILNAMORAGH STUD: DONADEA, NAAS, CO KILDARE OWNER: JAMES BROWNE
69.	KILMACREDOCK STUD: MAYNOOTH, CO KILDARE OWNER: SONIA ROGERS
68.	KILLEENEA STUD: CELBRIDGE, CO KILDARE OWNER: GERALD COLCLOUGH
67.	KILL INTERNATIONAL STUD: KILL, CO KILDARE OWNER: FINIAN FLANNELL
66.	KILDARRAGH STUD: KILDANGAN, MONASTEREVAN, CO KILDARE OWNERS: PETER W. KAVANAGH AND LADYWOOD ESTATES CO
65.	KILDANGAN STUD: MONASTERVIN, CO KILDARE OWNER: KILDANGAN STUD
64.	KILCOO STUD: ATHY, CO KILDARE OWNER: RICHARD AND MARY ROSE KEHOE
63.	KENNYCOURT STUD FARM: KENNYCOURT, BRANNOCKSTOWN, CO KILDARE OWNER: EUGENE MC DERMOT
62.	JUGGINSTOWN HOUSE STUD: JIGGINSTOWN, NAAS, CO KILDARE OWNER: TERENCE MC DONALD
61.	JUDDMONTE FARMS IRELAND LTD: NEW ABBEY STUD, KILCULLEN, CO KILDARE OWNER: JUDDMONTE FARMS IRELAND LTD
60.	JUDDMONTE FARMS IRELAND LTD: FERRANS STUD, TRIM ROAD, KILCOCK, CO MEATH OWNER: JUDDMONTE FARMS IRELAND LTD
59.	JOCKEY HALL STUD: THE CURRAGH, CO KILDARE OWNER: ROBERT AND JACQUELINE NORRIS
58.	IRISH THOROUGHbred STUD: GRAY, ABBEY ROAD, KILDARE OWNER: JOHN MICHAEL
57.	IRISH NATIONAL STUD: TULLY, CO KILDARE OWNER: IRISH NATIONAL STUD CO LTD

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76.	LISHEEN STUD: KILKEA, CASTLEDERMOT, CO KILDARE OWNER: HOMER SCOTT
77.	LISEUX STUD: MADDENSTOWN, THE CURRAGH, CO KILDARE OWNER: MICHAEL COLLINS
78.	LOUGHBROWN STUD: THE CURRAGH, CO KILDARE OWNER: MAC CANN, MRS J.A.
79.	LOUGHTOWN STUD LTD: DONADEA, NAAS, CO KILDARE OWNER:
80.	LOVESTONE STUD: RATHANGAN, CO KILDARE OWNER: JOHN A. STRAFFORD MVB MRCVS
81.	MARGUERITE LODGE STUD: KILTEEL, NAAS, CO KILDARE OWNER: C. AND M. BYRNE
82.	MEADOW COURT STUD: ABBEVILLE AND MEADOW COURT STUDS, MADDENSTOWN THE CURRAGH, CO KILDARE OWNER: JOHN AND EIMEAR MULHERN
83.	MILLTOWN STUD: MILLTOWN, NEWBRIDGE, CO KILDARE OWNER: JIM AND GERALDINE RYAN
84.	MOORHILL HOUSE STUD: BRANNOCKSTOWN, NAAS, CO KILDARE OWNER: BRIAN AND SARAH MULLINS
85.	MORERATH STUD: BEECHTREE, RATHMORE, NAAS, CO KILDARE OWNER: DAVID CORNWALL
86.	MORGANSTOWN STUD: BALLINMORE EUSTACE, NAAS, CO KILDARE OWNER: J.P.N. PARKER
87.	MORRISTOWN LATTIN STUD: NAAS, CO KILDARE OWNER: MR AND MRS GAY O'CALLAGHAN
88.	MOUNT PROSPECT STUD: RATHANGAN, CO KILDARE OWNER: RAYMOND CONLON
89.	MOYGADY STUD: MAYNOOTH, CO KILDARE OWNER: OLIVER MURPHY
90.	MOYGADY STUD FARM LTD: MOYGLARE, MAYNOOTH, CO KILDARE OWNER: MR AND MRS WALTER HAFFNER
91.	NEW HOLINS STUD: BOSTON, STRAFFAN, CO KILDARE OWNER: A.G. AND DR. O. BAILEY
92.	NEWBERRY STUD FARM LTD: KILCULLEN, CO KILDARE OWNER: NEWBERRY STUD FARM LTD
93.	NEWLANDS LODGE STUD: NEWLANDS, NAAS, CO KILDARE OWNER:
94.	NEWTOWN LODGE STUD: KILDARE, CO KILDARE OWNER: D. MC GREGOR

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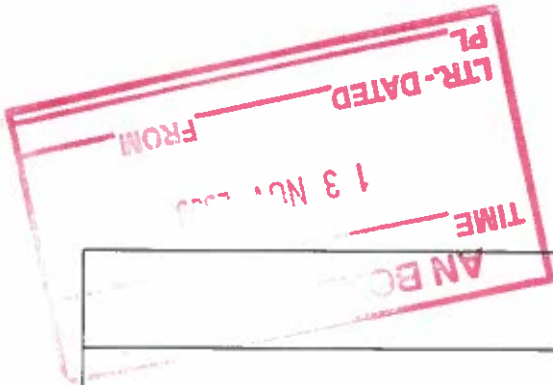
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95.	NEWTOWN STUD: NAAS, CO KILDARE OWNER: BRIAN AND SHEILA GRASSICK
96.	OAK LODGE STUD: NAAS, CO KILDARE OWNER: PAT FITZSIMONS
97.	OAKLAWN STUD: FRIARSTOWN, KILDARE, CO KILDARE OWNER: JOHN AND CLODAGH MC STAY
98.	OGHILL HOUSE STUD: OGHILL HOUSE, MONASTEREVAN, CO KILDARE OWNER: HYLAND BROTHERS
99.	OLD CONNELL STUD: NEWBRIDGE, CO KILDARE OWNER: KILDANGAN STUD
100.	OLD MEADOW STUD: DONADEA, NAAS, CO KILDARE OWNER: WELD FAMILY
101.	OLDTOWN STUD: NAAS, CO KILDARE OWNERS: MAJ J.H. DE-BURGH AND H. DE BURGH
102.	OSBORNE LODGE STUD: KILDARE OWNER: MICHAEL HURLEY
103.	OWENSTOWN STUD: MAYNOOTH, CO KILDARE OWNER: J. TUTHILL
104.	PIER HOUSE STUD: MARTINSTOWN, THE CURRAGH, CO KILDARE OWNER: MICHAEL MORRIN
105.	PIPERS HILL STUD: NAAS, CO KILDARE OWNER: MRS C.L AND D. K WELD
106.	POLLARDSTOWN LODGE STUD: POLLARDSTOWN, THE CURRAGH, CO KILDARE OWNER: P.V. GILSON
107.	PROSPEROUS STUD: PROSPEROUS, NAAS, CO KILDARE OWNER: PATRICK CUMMINS
108.	QUINNSBORO STUD: QUINNSBORO, MONASTERVIN, CO KILDARE OWNER: LARRY AND MARY MC CORMACK
109.	RAGUSA STUD: BALLYMORE-EUSTACE, CO KILDARE OWNER: KILDANGAN STUD
110.	RATHASKER STUD: KILCULLEN ROAD, NAAS, CO KILDARE OWNER: MAURICE BURNS
111.	RATHMUCK STUD: RATHMUCK, KILDARE, CO KILDARE OWNER: EDWARD AND SINEAD SEXTON
112.	REDTHORN STUD: CLANE, CO KILDARE OWNER: MARTIN T. COONAN
113.	ROSE REEF STUD: WALTERSTOWN, SALLINS, NAAS, CO KILDARE OWNER: JOHN WALSH

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114.	SAGAMORE STUD: BALLINTAGGART, COLINSTOWN, CO KILDARE OWNER: TED NAUGHTON
115.	SALLYMOUNT STUD: KILCULLEN, CO KILDARE OWNER:
116.	SHESHOON STUD: THE CURRAGH, CO KILDARE OWNER:
117.	SIMMONSTOWN STUD: CELBRIDGE, CO KILDARE OWNER: SONIA ROGERS
118.	SOMERTON STUD: PROSPEROUS, NAAS, CO KILDARE OWNER: ALBERT WELD
119.	ST ANNS STUD: ST ANNS, MADDENSTOWN, THE CURRAGH, CO KILDARE OWNER: BREDA DOYLE
120.	STONEBROOK STUD: BALLYMORE-EUSTACE, CO KILDARE OWNER: MR AND MRS J. MARTIN-SMITH
121.	SUNNYHILL STUD: KILCULLEN, CO KILDARE OWNER: MICHAEL AND SHELAGH HICKEY
122.	SWEEP LANE STUD: NURNY, CO KILDARE OWNER: AIDAN SEXTON
123.	SWORDESTOWN STUD: NAAS CO KILDARE OWNER: CATHAL M. RYAN
124.	TETRARCH STUD: BARONRATH, STRAFFAN, CO KILDARE OWNER: SEAMUS PHELAN
125.	THE COTTAGE STUD: HODGESTOWN, KILCOCK, CO KILDARE OWNER: TOM AND PAUL MONAGHAN
126.	THE MILLHOUSE STUD: BALLYSHANNON, KILCULLEN, CO KILDARE OWNERS: R.H. THOMAS AND VIVIAN COX
127.	WATERSTOWN STUD: WATERSTOWN, SALLINS, CO KILDARE OWNER: KAY BRADY
128.	WOODVIEW STUD: MAYNOOTH, CO KILDARE OWNER: MR AND MRS W.J. BYRNE
129.	YEOMANSTOWN LODGE STUD: YEOMANSTOWN, NAAS, CO KILDARE OWNER: MRS H.D. MC CALMONT
130.	YEOMANSTOWN STUD: NAAS, CO KILDARE OWNER: MR AND MRS GAY O'CALLAGHAN.



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