

File With \_\_\_\_\_

**SECTION 131 FORM**

Appeal NO: PL 09. 205039

Defer Re O/H

TO:SEO

Having considered the contents of the submission dated/ received 10/12/03 from

Julie + Terry Walsh + others I recommend that section 131 of the Planning and Development Act, 2000

be/not be invoked at this stage for the following reason(s): issues raised @ application stage

E.O.: Day Helena

Date: 10/12/03

To EO: \_\_\_\_\_

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: \_\_\_\_\_

Allow 2/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

For inspection purposes only.  
Consent of copyright owner required for any other use.

File with M. Holdray

**OBSERVER FORM**

Appeal No: PL 09. 205039

S.37

Received: <u>10/12/03</u>	Date Appeal Lodged: <u>13/11/03</u>
	Date Last Appeal Lodged:
	Date of E.I.S. Publication:

Name: Julie and Jerry Welsh & Others

Address/Agent: Ballinderry, Carbury, Co. Kildare

Status: Invalid - (insert reason): \_\_\_\_\_

VALID	INVALID
Ms. <u>Corbett</u>	
1. Acknowledge with BP <u>HO</u>	1. RETURN TO SENDER with BP _____
2. Keep copy of Board's letter <input type="checkbox"/>	2. Keep envelope <input type="checkbox"/>
3. Prepare refund form <input type="checkbox"/>	3. Keep copy of Board's letter <input type="checkbox"/>
	4. Prepare refund form <input type="checkbox"/>

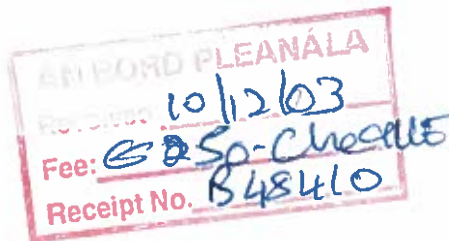
*For inspection purposes only. Consent of copyright owner required for any other use.*

Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) Mapping <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/> <u>M. Holdray</u>	RETURN TO EO <input type="checkbox"/>
--	---------------------------------------

EO: <u>M. Holdray</u>	AA: <u>A.M. Corbett</u>
Date: <u>10/12/03</u>	Date: <u>11/12/03</u>

Comments:

Ballinderry  
Carbury  
Co.Kildare



Monday 8<sup>th</sup> December 2003

Dear

I Jerry Walshe would like to submit Observations on behalf of the residents of Ballinderry, Carbury, co. Kildare, in relation to the appeal made by GOODE CONCRETE LTD: ref P109205039. *We have many concerns regarding the planning application for permission for development of land at Ballinderry, Carbury Co. Kildare. We feel that if the appeal of Goode Concrete is granted that the surrounding area and the residents will suffer greatly.*

We have been in conflict with Goode Concrete for almost 2 years. Throughout this Period we've had to endure many sleepless nights and tiring days due to the activities of the company in question. Many times during this period our quality of life has been made intolerable by lorries working for Goode Concrete either directly or indirectly 24 hours a day. Indeed the only respite we had from these activities was roughly between late Saturday afternoons and Sunday evenings. This was despite the fact that planning permissions set down for this site dictated working between 8a.m.- 6p.m. mon-fri, 8a.m.-12 noon Sat. These works even went on through bank holidays!!

Throughout all this the management/ownership of Goode Concrete were totally dismissive and arrogant in their attitude towards my neighbours and myself despite numerous complaints by us. Indeed at a face-to-face meeting between Goode Concrete and ourselves, Peter Goode, a son of the owner suggested to one of my neighbours that he would supply blocks to her so she could block up her windows to keep the noise of the lorries out!

This typifies the attitude of these people. Not long after this we were forced to initiate Court Proceedings under the EPA act 1992 re: NOISE POLLUTION. During these proceeding Goode Concrete continued working both during the day and night. At the first court hearing despite the written statements from seven residents living in the immediate vicinity of the works, Goode Concrete denied all knowledge of any after hour work. It was only at a second court hearing and with overwhelming evidence against them that Goode Concrete looked to negotiate a compromise.

Although a compromise was reached, we believe this only happened so that Kildare County Council would look favourably on Goode Concretes application for this new site, fortunately they have not. We the residents **IMPLORE** you 'An Bord Pleanala' to follow the example of Kildare County Council and **REJECT** the **APPEAL** of Goode Concrete.

*We believe that Goode Concrete at kilglass are extracting sand and gravel from lands outside the boundary that they were originally given planning permission for. We also believe that they are dredging below the water level. What effects will that have on our water sources? We all depend on our own wells, as the water mains are not yet in the area. Goode Concrete has stated that if permission is granted for this new site that there would be no increased activity (i.e. the same amount of lorries would travel from both sites and that no aggregate would be drawn from the new site to the existing site) we do not believe this. They are already drawing unknown materials into the existing site. Firstly the new site is almost 3 and ½ times the size of the existing site. Are we expected to believe that Goode Concrete will not bring aggregate less than 1 mile up the road at any stage to save some expense? Not Likely.*

*Goode Concrete have broken their agreement reached with the residents on march 2003 right up to less than 1 week ago, despite a further solicitors letter warning them that they were breaking our agreement and if they continued doing so then we would be forced to bring them back to court. Why should they abide by any conditions laid down for the new site if their appeal is successful? We believe they will not and then we will be back to square one.*

*If we could just make a comparison "ROADSTONE" a well known supplier of aggregate blocks and concrete have a quarry directly behind Goode Concrete we have never heard of 1 complaint from any resident in the area about the activities of ROADSTONE. They start at 8a.m. not a minute before and they close at 6p.m. not a minute later, this is in stark contrast to what we've had to endure.*

*The word of Goode Concrete means nothing to us. (We have the experience) the fact that Planning conditions will be agreed upon if the appeal is upheld will not to us the residents be worth the paper that they are written on.*

*In the planning report made out on behalf of Goode Concrete by Declan Brazil & Co in no.6 item 6 fig2.3 Declan Brassil states that "the existing industrial operations are not dominant sources of noise and do not generate significant noise levels in the area"*

*No.3, Item 3 he states that the calculated "cumulative HGV movement per hour consists of 12 movements per hour. Where do these figures come from maybe Mr Brassil should come and stay in one of our houses locally between 06.30-08.00 each morning, maybe then he could revise his figures up to the truth.*

*If the existing industrial ops were not "dominant sources of noise levels in the area" why did seven local families find themselves compelled to initiate court proceeding under the environmental protection agency act, 1992. Re: NOISE POLLUTION.*

*This report only further strengthens our belief that the appeal of Goode Concrete should be REJECTED.*

*We trust that you will take our observations sincerely and thoroughly.*

Environmental Protection Agency Act 1992  
Section 108(3)  
Folenderry District Court

Agreement dated 4<sup>th</sup> March 2003 between  
Goode Sand & Gravel Ltd having its registered  
office at Naas Industrial Estate, Naas Co  
Kildare and Bernard (Bernie) Leonard, John  
Killean, Gerry Walsh, Madeline Regan, John  
McCabe, Neill McHoughle & Gerard Nolan  
all of Ballinderry, Casbury, Co. Kildare.  
The following terms have been agreed by  
all parties in relation to the summonses  
issued by each against the company -

1.) All summonses to be adjourned by consent  
to Folenderry District Court to the first  
Friday of June 2003.

2.) Provided the following terms have been  
adhered to the said proceedings shall be  
adjourned generally with liberty to re-enter  
on giving seven days notice by either party

a.) Operation times of the Quarry shall  
be -

(i) November, December, January & February each  
year, Monday - Friday 7 a.m. to 7 p.m.,  
Saturdays 7 a.m. - 1.30 p.m.,  
Sundays closed

(ii) Other eight months of the year,  
Monday - Friday 6.30 a.m. - 7 p.m.,  
Saturdays - 6.30 a.m. - 1.30 p.m.,  
Sundays closed

Outside  
During opening hours no queuing of trucks  
do take place on the public roadway.

- c) A Noise barrier to be erected within three months of this date.
- d) A Bowser shall be used by the Company in the pit on a daily basis from the 7th day of May and in the interim a sprinkler shall be used, again on a daily basis.
- e) A Sprinkle shall be used and operated on the Avenue on a daily basis.
- f) A vacuum cleaner type sweeper shall be used each day on the Avenue and public road as far as Ballinderey House entrance. Such cleaner shall lift the dirt from said roadway + avenue, from 7th April 2003. In the interim the Company shall sweep said Avenue + Public Road on a daily basis, with their existing machine. Provided there is no prohibition from Kildare C.Co. to said sweeping.
- g) The Company shall pay the sum of €4,500 towards the Applicant's Costs, within four weeks of today.

Signed on behalf of  
as authorized  
by the Company in  
presence of: -

P. Gode. duly authorized.  
on behalf of the company.

John  
Newson  
Co. Kildare

Signed on behalf  
of the Applicants  
in the presence of:  
John Miller  
Bernard Leonard  
John O'Brien  
John H. Hough  
John V. V. V.

John Miller:  
Madeleine Regan  
Bernard Leonard  
John O'Brien  
John H. Hough  
John V. V. V.

For inspection purposes only  
Consent of copyright owner required for other use.







I-Plan Generated Letter: Objector Acknowledgement  
Local Government (Planning & Development) Acts  
County Council of the County of Kildare

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



Date: 11/09/2002  
Pl. Ref: 02/1475

Madeline Regan  
Ballinderry,  
Carbury,  
Co Kildare

Re: Planning Reference 02/1475

Goode Concrete Ltd - For the extraction of sand and gravel over an area of 7.8 hectares, associated washing and screening plant, new access and access road, shipping office, site office, weighbridge, wheelwash, surface water settlement lagoon, staff facilities etc at Ballinderry Carbury Co. Kildare

Dear Sir/Madam

I wish to acknowledge receipt of your objection in relation to the above planning application and to inform you that same has been noted on file.

This application is at present under consideration and you will be notified of the Council's decision in due course.

Please quote the above reference number in any further correspondence on this application.

Receipt number PLG1/0/5330 is attached in respect of fee paid. Please retain this acknowledgement as it will be required by An Bord Pleanála in the event that you might appeal the decision of this Planning Authority, or wish to make a further submission to this Planning Authority.

Yours faithfully

A. C. Talbot.  
County Secretary  
Kildare County Council





Date: 09/09/2002  
Pl. Ref: 02/1475

Neil Mc Monagle  
Ballinderry  
Carbury  
Co Kildare

Re: Planning Reference 02/1475

Goode Concrete Ltd - For the extraction of sand and gravel over an area of 7.8 hectares, associated washing and screening plant, new access and access road, shipping office, site office, weighbridge, wheelwash, surface water settlement lagoon, staff facilities etc at Ballinderry Carbury Co. Kildare

Dear Sir/Madam

I wish to acknowledge receipt of your objection in relation to the above planning application and to inform you that same has been noted on file.

This application is at present under consideration and you will be notified of the Council's decision in due course.

Please quote the above reference number in any further correspondence on this application.

Receipt number PLG1/0/5313 is attached in respect of fee paid.  
Please retain this acknowledgement as it will be required by An Bord Pleanála in the event that you might appeal the decision of this Planning Authority, or wish to make a further submission to this Planning Authority.

Yours faithfully

A.C. Talbot

County Secretary  
Kildare County Council





Date: 14/05/2003  
Pl. Ref: 02/1475

John McCabe  
Ballinderry Carbury  
Co Kildare

Re: Planning Reference 02/1475

Goode Concrete Ltd - For the extraction of sand and gravel over an area of 7.8 hectares, associated washing and screening plant, new access and access road, shipping office, site office, weighbridge, wheelwash, surface water settlement lagoon, staff facilities etc at Ballinderry Carbury Co. Kildare

Dear Sir/Madam

I wish to acknowledge receipt of your objection in relation to the above planning application and to inform you that same has been noted on file.

This application is at present under consideration and you will be notified of the Council's decision in due course.

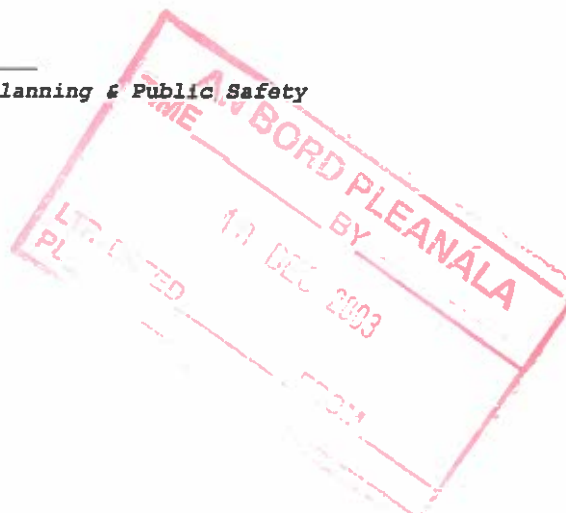
The submission is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 and will be taken into account by the planning authority in its determination of the planning application.

Please quote the above reference number in any further correspondence on this application.

Receipt number n/a is attached in respect of fee paid.  
Please retain this acknowledgement as it will be required by An Bord Pleanála in the event that you might appeal the decision of this Planning Authority, or wish to make a further submission to this Planning Authority.

Yours faithfully

Senior Executive Officer Planning & Public Safety  
Kildare County Council



I-Plan Generated Letter: Objector Acknowledgement  
Local Government (Planning & Development) Acts  
County Council of the County of Kildare

Comhairle  
Cathair  
Cathair  
Chathair  
Párlaimint  
Sinn Féin  
Page 1  
Fax (045



Page 1 of 1

11.02 FAX

Subject: [illegible]  
[illegible] area of 1.8 hectares,  
[illegible] shipping office, also  
[illegible] 1st floor area of

Consent of copyright owner required for any other use.

**AN BORD PLEANÁLA**  
TIME \_\_\_\_\_ BY \_\_\_\_\_  
10 DEC 2003  
LTR.- DATED \_\_\_\_\_ FROM \_\_\_\_\_  
PL \_\_\_\_\_



**Comhairle  
Chondae  
Chill Dara**

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



Date: 09/09/2002  
Pl. Ref: 02/1475

Julie & Jerry Walshe  
Ballinderry  
Carbury  
Co Kildare

Re: **Planning Reference 02/1475**

**Goode Concrete Ltd - For the extraction of sand and gravel over an area of 7.8 hectares, associated washing and screening plant, new access and access road, shipping office, site office, weighbridge, wheelwash, surface water settlement lagoon, staff facilities etc at Ballinderry Carbury Co. Kildare**

Dear Sir/Madam

I wish to acknowledge receipt of your objection in relation to the above planning application and to inform you that same has been noted on file.

This application is at present under consideration and you will be notified of the Council's decision in due course.

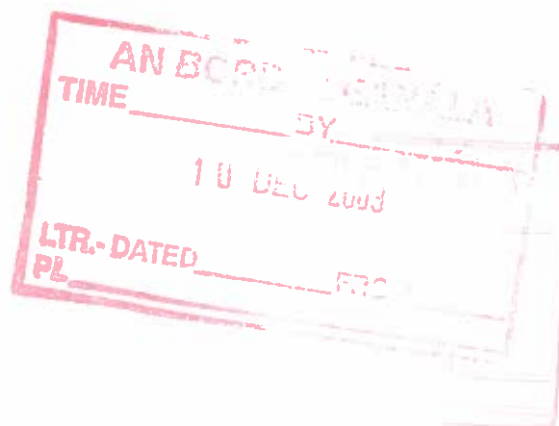
Please quote the above reference number in any further correspondence on this application.

Receipt number PLG1/0/5311 is attached in respect of fee paid. Please retain this acknowledgement as it will be required by An Bord Pleanála in the event that you might appeal the decision of this Planning Authority, or wish to make a further submission to this Planning Authority.

Yours faithfully

A.C. Talbot.

County Secretary  
Kildare County Council



I-Plan Generated Letter: Objector Acknowledgement  
Local Government (Planning & Development) Acts  
County Council of the County of Kildare

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



Date: 09/09/2003  
Pl. Ref: 02/1475

Linda Mc Cabe  
Ballinderry  
Carbury  
Co Kildare

Re: Planning Reference 02/1475

Goode Concrete Ltd - For the extraction of sand and gravel over an area of 7.8 hectares, associated washing and screening plant, new access and access road, shipping office, site office, weighbridge, wheelwash, surface water settlement lagoons, staff facilities etc at Ballinderry Carbury Co. Kildare

Dear Sir/Madam

I wish to acknowledge receipt of your objection in relation to the above planning application and to inform you that same has been noted on file.

This application is at present under consideration and you will be notified of the Council's decision in due course.

Please quote the above reference number in any further correspondence on this application.

Receipt number PLG1/D/S112 is attached in respect of fee paid.  
Please retain this acknowledgement as it will be required by An Bord Pleanála in the event that you might appeal the decision of this Planning Authority, or wish to make a further submission to this Planning Authority.

Yours faithfully

A.C. Talbot  
County Secretary  
Kildare County Council

For inspection purposes only.  
Consent of copyright owner required for any other use.

Kildare County Council  
Planning Department  
- 9 MAY 2003

AN BORD PLEANÁLA  
TIME \_\_\_\_\_ BY \_\_\_\_\_  
10 DEC 2003  
LTR.- DATED \_\_\_\_\_ FROM \_\_\_\_\_  
PL \_\_\_\_\_