

Comhairle
Chondae
Chill Dara
Planning Section
St. Mary's, Naas.
Phone (045) 873829
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Date: 21/10/2003
Pl 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.

Date: 21/10/2003

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 Pleanala, 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 Pleanala 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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**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**

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.
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.
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
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.
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.

21 October 2003


Senior Executive Officer