

Our Ref: PL 09.205039
P.A.Reg.Ref: 02/1475
Your Ref:

David and Margaret Millar
Kilcandrick House,
Moyvalley,
Co. Kildare.

An Bord Pleanála	
Rec'd in ARB	
Rec'd in Accounts	
For'd for Approval	
Approval received	
Date Paid	3 3 - 04
Voucher No.	05801A
Cheque No.	00 9369

An Bord Pleanála



DATE: 03 MAR 2004

Appeal Re: Extraction of sand and gravel over an area of 7.8 ha. and all associated development on an overall site of 13.9 ha. Ballinderry, Carbury, Co. Kildare.

Dear Sir/Madam,

An Bord Pleanála has received your letter in which you intended to make a submission or observation under the Planning and Development Acts, 2000 to 2002.

Section 130(3)(c) of the 2000 Act provides that the appropriate period for the making of a submission or observation means the period of 4 weeks beginning on the day of receipt of the appeal by the Board or, where there is more than one appeal against the decision of the planning authority, on the day on which the last appeal was received by the Board.

In this case the appeal was received was on 13th November, 2003, and the last day for receipt of a submission or observation was 10th December, 2003. However, your submission or observation was received by the Board on 11th December, 2003 and it is regretted that it must, therefore, be regarded as invalid in accordance with section 130(2) of the Act.

You are reminded that section 130(3) of the Planning and Development Act, 2000 prescribes that the appropriate period for the making of observations shall be as follows:-

- (a) "where notice of receipt of an environmental impact statement is published in accordance with regulations under section 172(5), the period of 4 weeks beginning on the day of publication of the notice,
- (b) where notice is required by the Board to be given under section 142(4), the period of 4 weeks beginning on the day of publication of the required notice,
- (c) in any other appeal, the period of 4 weeks beginning on the day of receipt of the appeal by the Board or, where there is more than one appeal against the decision of the planning authority, on the day on which the Board last receives an appeal.
- (d) in the case of a referral, the period of 4 weeks beginning on the day of receipt by the Board of the referral."

In this case the provisions of section 130(3)(a) apply and the appropriate period will be 4 weeks (beginning on the date of publication of the notice. The Board published the said notice on 18th February, 2004.

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64 Marlborough Street,
Dublin 1

Furthermore, the Board apologises for the delay in dealing with this matter and for the error which occurred.

Your submission is herewith returned to you, along with a refund cheque for the fee lodged with your observation.

Yours faithfully,



Máry Holohan
Executive Officer

Encl:
BP 46/BP 45e

An Bord Pleanála



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