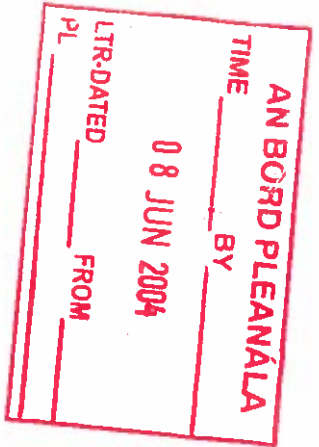


2nd June 2004

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1



Ballinderry,
Carbury,
Co. Kildare.

ABP REF: PL09.205039

RE: Extraction of Sand and Gravel over an Area of 7.8 ha and all associated Development and Works on an over all Site of 13.9 ha at Ballinderry, Carbury, Co. Kildare.

Dear Sir/ Madam,

We refer to the additional information letter received by you from Declan Brassil and Company Ltd on behalf of Goode Concrete Ltd, in relation to their appeal to you REF:PL09.205039.

We would like to bring to your attention, breaches of planning conditions at the existing Kilglass Site operated by Goode Concrete Ltd, which may give you a better insight into the integrity and honesty of the said company and also the safety concerns held by ourselves the residents, who are directly affected.

As you know we the residents have had to undertake Legal proceedings (ie: Noise Pollution) against this company in March 2003. Having reached agreement on this issue, we thought our troubles were behind us. However we once again found ourselves forced into the courts by the company's further breaches and indeed contempt of this agreement.

At a meeting with Mr Tom Goode nearly two years ago, we were told that the Ballinderry site would not be supplying material for the concrete and block plant at the Kilglass site.

Item no:3 of Declan Brassil's Report states that the Ballinderry Site would supply the concrete and block plant at Kilglass, Carbury, Co. Kildare.

If we could refer to planning condition No.14 Ref: 95/1236 for the Kilglass Site "Material from outside the application site and outside the area delineated by the limit of excavation up to August 1995 as indicated in green on drawing number JBA2A site shall not be used in the batching plant."

REASON: To prevent the uncontrolled intensification of use of the site, in the interest of the proper planning and development of the area and to prevent the creation of an industrial site "

What will it become but an industrial site if permission is granted?

Declan Brassil also states in *item no:4 paragraph 2* that there are 210 no. movements per day, the majority turning left to the N4. The fact is 100% of these lorries turn left to the N4 travelling directly past our houses. Are we now to believe that in addition to these movements, there will be at least an additional 10% in movements between Ballinderry and Kilglass.

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In the five houses immediately opposite the entrance to the Kilglass site, there are eleven children ranging in ages from 15 months to 11 years of age. The companies argument is that the residents came to the problem, where in fact every resident except one can be traced back to a minimum of 60 years. All but two of these children are 4th generation children to be brought up in Ballinderry. As it stands these children cannot play in their own front gardens because the road is already like a **DUAL CARRIAGE WAY**. What will it be like with at least an additional 10% volume of traffic if permission is granted?

Goode Concrete Ltd are already excavating lands (bought since previous permission was given) for which no Planning Permission has been sought or given. Please find enclosed map marked out in red where excavation is occurring. Hedgerows which were supposed to be protected and left in place have now disappeared Ref: planning condition No.12 95/1236 states that existing boundary hedgerows shall be retained in full. Reason : in the interests of visual amenity.

We believe that extraction is occurring way below the water table level. What impact will this have on local wells and rivers, given that the mains water supply is not yet available to us?

Waste material is also being bought back into the Kilglass site from Dublin plants at the moment, they have no permission to do this.

We have informed Kildare County Council of the situation by letter and through several telephone calls to the office, but to our annoyance we have had no help whatsoever on the matter.

At present there are eight operational quarries within a 3 mile radius of Ballinderry. If permission is granted there will be nine. We the residents believe that this goes against the values and attractions of what is supposed to be a peaceful rural setting.

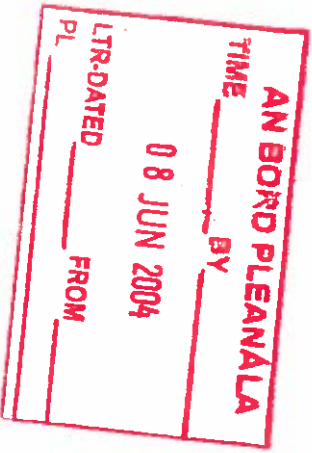
Once again we the residents of Ballinderry, Carbury, Co. Kildare urge you to take our concerns on board when coming to your decision. These are not concerns that we consider flippanant or easily remarked upon, these are the facts that we have learned the hard way.

We hope that this information may help you reach a speedy and favourable decision.

Yours sincerely

The Residents

Enc:



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SIGNED:

Madeline Regan

Madeline Regan

Jerry Walshe

Jerry Walshe

John McCabe

John McCabe

Neil McMonagle

Neil McMonagle

Ger Nolan

Ger Nolan

John Killeen

John Killeen

Bernie Leonard

Bernie Leonard

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08 JUN 2004	
LTR-DATED	FROM
PL	



Comhairle
Chondae
Chill Dara

Planning Section
St. Mary's, Naas.
Phone (045) 897071
Fax (045) 879772

RECEIPT NO: 16517 * 17027

AMOUNT: €765.30 + €41.40

MANAGERS ORDER NO: 7-274

REGISTER REFERENCE NO: 95/1236

APPLICANTS NAME: Goode Concrete Ltd. c/o

ADDRESS: John Barnett & Assocs Ltd
Parkview House Beech Hill
Clonskeagh Dublin 4

NATURE OF APPLICATION: Permission for Concrete block batching plant & readymix plant, truck wash, block yard, truck & car parking facilities & retention of office, wheel wash & weigh bridge

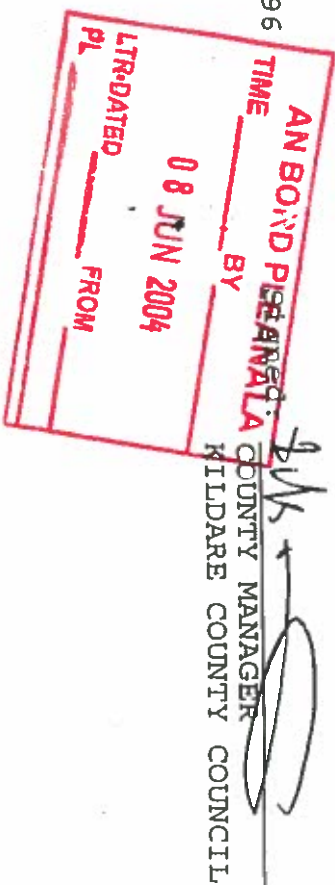
LOCATION OF DEVELOPMENT: 2.1 hectares of land at Kilglass Carbury

RECOMMENDATION: That Permission be granted

ORDER: Pursuant to the provisions of the Local Government (Planning & Development) Acts 1963 to 1993 and the Regulations made thereunder and having considered only the proper planning and development of the area, regard being had to the provisions of the County Development Plan and other relevant matters referred to in Section 26 of the said Act 1963 and reports from Councils Technical Officers thereon, the Council hereby decides to grant Permission for the said development subject to the 25 conditions set out on the attached schedule, and the applicant be notified accordingly.

It is further decided that at the expiration of ONE month from the date of receipt by the applicant of the notification of decision, provided there is no appeal before An Bord Pleanála affecting this decision herein before contained, then the aforementioned application be and is granted.

Made this 22nd March 1996



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Comhairle
Chondae
Chill Dara

Planning Section
St. Mary's, Naas.
Phone (045) 897071
Fax (045) 879772



RE: Concrete block batching plant and readymix plant, truck wash block yard, truck and car parking facilities and retention office, wheel wash and weigh bridge on 2.1 hectares of land a Kilglass, Carbury, Co Kildare - GOODE CONCRETE LIMITED - 1236/95

DRAWINGS, LAYOUT AND SPECIFICATION

1. The development shall be carried out in accordance with drawings submitted to the Planning Authority on 19/9/96 and 25/1/96 except where altered or amended by conditions in this permission.

REASON: To enable the Planning Authority to check the proposed development when completed, by reference to approved particulars.

SEPTIC TANK

2. The existing septic tank is inadequate and is to be replaced by new two chamber septic tank constructed in accordance with NSAI:SR6:1991. The effluent from the septic tank shall be discharged to a percolation area constructed in accordance with NSAI:SR6:1991.

REASON: To meet public health requirements.

SIGHT VISIBILITY

3. Sight visibility shall be provided along the lines marked in red on the attached drawing number 95/1236.

REASON: In the interests of traffic safety.

CAR PARKING

4. Car parking and truck parking shall be provided in accordance with the submitted drawing, JBA 3, dated 19/9/95.

REASON: In the interests of proper planning and development.

ACCESS ROAD

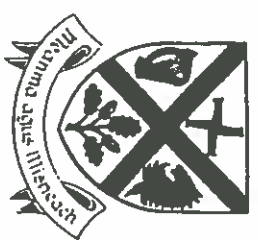
5. The section of access road between the wheel wash and the public road shall be paved in a durable permanent material, (concrete or DBM) so as to minimise the amount of site material being deposited onto the public road, by vehicles leaving the site.

REASON: In the interests of traffic safety and proper development.

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1336/95



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SURFACE WATER
6. No surface water run off from the site shall discharge onto the public road.

REASON: In the interest of traffic safety.

7. Existing land and roadside drainage shall not be impaired and the new entrance shall be designed and shaped to ensure the uninterrupted flow of existing land and roadside drainage and to prevent water ponding at the entrance.

REASON: In the interest of traffic safety and to prevent interference with existing land and roadside drainage in the interest of proper development.

BUNDING
8. All overground oil, chemical storage tank(s) shall be adequately bunded 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 bund.

REASON: To ensure proper development.

WASTE AND CONTAMINATED WATER
9. Contaminated water arising on site from this development shall be contained on site and shall not be allowed to discharge to any open drain or water course.

REASON: To meet public health requirements.

10. All wastes shall be collected and disposed of in accordance with the E.C. (Waste) Regulations 1979; E.C. (Toxic & Dangerous Waste) Regulation 1982 and E.C. (Waste Oils) Regulations 1992.

REASON: To meet public health requirements.

LANDSCAPING
11. The mounding and landscaping details indicated on Drawing Number JB/3A received on the 25/1/96 shall be implemented within 6 months of the date of this permission.

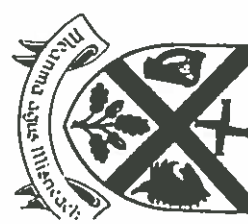
REASON: In the interest of visual amenity.

12. Existing boundary hedgerows shall be retained in full.
REASON: In the interests of visual amenity.

Date: 22nd March 1996

Continued/...
[Signature]

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16. continued. The site is within the area of archaeological potential defined by the Office of Public Works, Urban Archaeological Survey and it is reasonable and accordance with the provisions of the County Development Plan that any archaeological strata or artefacts recorded and retained and not damaged as a result of development works on this site.

REASON:

The site is within the area of archaeological potential defined by the Office of Public Works, Urban Archaeological Survey and it is reasonable and accordance with the provisions of the County Development Plan that any archaeological strata or artefacts recorded and retained and not damaged as a result of development works on this site.

SAFETY FENCING

17. Prior to the commencement of development details of safety fencing around the water sump shown on drawing number JBA 3A submitted 25/1/96 shall be submitted to the Planning Authority for agreement writing.

REASON: In the interest of safety..

EXTENT OF SAND/GRAVEL WORKINGS

18. No working whatsoever shall be allowed outside the area indicated green on drawing number JBA 2 submitted on the 19/9/95.

REASON: To prevent the uncontrolled expansion of the existing works and in the interest of the proper planning and development of the area.

DUST CONTROL MEASURES

19. The block batching and readymix plants shall be enclosed units.

REASON: To prevent the spread of dust.

20. A wheel wash facility along the site access road shall be regularly maintained and cleaned out to ensure its correct functioning. A 60 gallon water bowser shall be maintained on site and all internal haul roads shall be sprayed with water twice daily during dry wind weather.

REASON: To prevent the spread of dust.

21. A recycling water system shall be used in the truck wash.

REASON: To ensure minimum use of water and reduce the impact on the water table.

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1236/95

22. All the measures outlined in Section 2.1 of the report from the Consultant J Barnett & Associates Limited in relation to the control of dust shall be implemented.

REASON: To prevent the spread of dust.

23. The total dust emission arising from the on-site operation associated with the proposed development shall, when measured as deposition of insoluble particulate matter at any boundary of the site, not exceed 130 milligrams per square metre over any period of 24 hours.

REASON: To prevent the spread of dust.

NOISE
24. The equivalent continuous sound level (leg) attributable to the operations associated with the proposed development shall, when measured outside any habitable dwelling in the vicinity of the site, not exceed 50db(A) over the period 08.00 hours to 18.00 hours Mondays to Fridays, inclusive or over the period 08.00 hours to 12.00 hours on Saturdays.

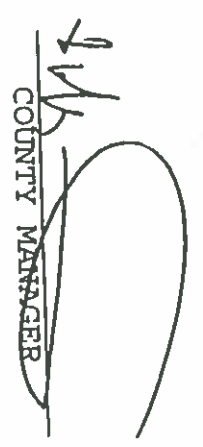
REASON: In the interests of proper development and to prevent noise nuisance.

25. The noise abatement measures proposed in Section 2.2 of the Consultants report (John Barrett & Associates Limited) shall be implemented.

REASON: In the interests of proper development and to prevent noise nuisance.

Date: 22nd March 1996

Signed:


COUNTY MANAGER

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