

Wolfstown
Rathmore
Naas
Co Kildare
W91 PD81

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
23 APR 2024	
Fee: €	_____ Type: _____
Time: 9:00	By: Leg Post

22 April 2024

Objection to Planning Application 319218

An Bord Pleanála, 64 Marlborough St, Dublin 1

File Number: 319218

Description: Application under Section 37L of the Planning and Development Act 2000, as amended

Case type: Quarry Application

Date Received: 29/2/2024

Submissions by: 24/4/2024

Due Date: 03/7/2024

Applicant Name: Hudson Brothers Limited.

Development Description

We, Hudson Brothers Limited, intend to apply for permission under section 37L of the Planning and Development Act 2000, as amended, for development at this site at New Paddocks, Blessington, Co Wicklow W91 CH68 within the townlands of Athgarrett, Philipstown and Redbog, Co Kildare.

The development consists of further development of a quarry over an area of 64.0ha that largely coincides within a fully operational quarry void currently at a maximum depth and floor level of 188 mAOD. It is proposed continue extraction activities in the existing quarry void above the watertable, and to laterally extend the existing quarry void to the north by approximately 17.7ha over a total area of 21.2ha to accommodate screening berms, and also to the west by approximately 9.4 ha over a total area of 10.2ha to accommodate screening berms. The proposed duration of excavation is 15 years to reflect anticipated extraction of remaining reserves and depending on market conditions and a further 3 years for restoration.

The existing quarrying is accessed from a single location on the N81. The reserve consists of sandstone (greywackle) and is currently extracted by mechanical means. The excavated material will comprise sand and gravel which will be extracted by mechanical means and sand, gravel and rock which will be extracted by both mechanical means and blasting. Extracted rock material will be crushed at the working face by mobile plant, and extracted sand and gravel material will be transported to a central plant area for washing, grading and processing. The further development of the quarry relates to further extraction only and utilises the existing plant area and quarry access that are included in a concurrent application for substitute consent.

The application site is contained within a quarry area registered in 2005 under S.261 (Ref No. QR/42 by Kildare County Council and QY/43 by Wicklow County Council). The S.261A notice was reviewed under An Board Pleanála ref. 311622 resulting in a Board Order requiring an application for substitute consent accompanied by remedial Environmental Impact Assessment Report (r EIAR). This S37L application is made concurrent with an application for substitute consent for quarrying at this location, also part of that Order.

The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). The EIAR is for an EIA project unit over 64.0 ha. that encompasses the area of the further development of the quarry application under S.37L, the concurrent substitute consent application and the quarry as registered under S.261.

Submissions or observations may be made on the application, to An Bord Pleanála, Marlborough Street, Dublin 1, free of charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Bord Pleanála and such submissions and observations will be considered by An Bord Pleanála in making a decision on the application. An Bord Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

Dear Sir or Madam

I, John Slattery, write to lodge an objection with An Bord Pleanála to the above proposed development described in file number 319218 and wish to make an observation on the above planning application.

- I have several concerns regarding the proposed development comprising 64.0 ha of quarry and the manner in which, if approved, would negatively impact on the environment and destroy our natural heritage, biodiversity and the habitats of local species of small wild animals, birds, butterflies, bees, insects, flora and fauna including hares and peregrine falcons all of which are visible from my land and homestead.
- As a local farmer and landowner, my life, my livelihood and my future will be irreparably damaged by the scale of this proposed development. The farm has been in our family for generations and I continue to engage in agriculture, rearing cattle and sheep, on the lands adjoining the northern extension of the proposed Site.
My dwelling house, farmyard and outbuildings are within 200m of the proposed Site - described as *"Receptor within 200m of EIA Boundary"* (ref *Environmental Impact Assessment Report Figure 7-5 and Non Technical Summary EIAR - Section 37L Application Figure 7-1*); and identified as R1 (*Figure 9-1: Location of the Site (EIA site boundary) with NSRs identified*).
- This part of Kildare described as the Kildare Eastern Uplands is regarded as an area of exceptional beauty and is a valued tourist trail leading up into Blessington and on to the lakes, the granite village of Ballyknockan and on to Glendalough.
The proposed development will destroy forever and deprive future generations of their heritage of the Kildare Eastern Uplands - an area of High Amenity and High Sensitivity as described in the 2004 Kildare County Landscape Character Assessment, and Kildare County Development Plans 2017 – 2023 and 2023 – 2029.
Instead of retaining our beautiful and undulating green fields and our *"natural heritage and biodiversity"* as heralded by the County Kildare Biodiversity Vision Statement which professed that *"Kildare becomes a national leader in the management, protection and enhancement of its natural heritage and biodiversity"*, the proposed development would permanently alter the topography and leave an irreversible scar on the landscape comprising a gaping crater (or *void* as described in the planning application) of circa 95.8ha (inclusive of the proposed 64 hectares) posing an unacceptable and entirely avoidable risk to the lives and health of our community, our children, our animals, our natural heritage and biodiversity.

- The proposed development outlines a total of 418 movements daily of which 296 relate to HGVs requiring access to the N81. Commuters and workers will testify that the local roads are already heavily burdened with traffic. The N81 is the nearest major road and although plans have been mooted for its realignment, nothing is likely to be undertaken in the near future and the level of traffic on that road is already at breaking point.

For me personally I have concerns for my health and wellbeing, and that of my animals from a sixfold perspective.

1. Air Quality

The proposed development shall have a negative impact on Air Quality. Due to an underlying health condition, I work outdoors on the land for the majority of the year breathing clean fresh air in a natural and pollution free environment. The proposed development will cause a deterioration of the air quality due to dust generation and deposition which will impact on the quality of my life and that of my neighbours and their children. It will also affect the grass quality for feeding my animals and ultimately, my livelihood.

2. Quality of Drinking Water

The proposed development shall negatively impact on the Quality of Drinking Water used by me (serviced from a groundwater well) and by my livestock whose winter supply of drinking water emanates from the same well. Discharges (albeit accidental) but nevertheless likely by the proposed development into the underlying groundwater will interfere with and pollute my groundwater well which is an unacceptable risk to my health and that of my neighbours, the health of my livestock, and biodiversity.

A viable farm enterprise of the type carried out by my family for generations will be impossible to continue if this development is given approval. Studies of air and water standards undertaken by experts in the course of developments of a similar scale quite clearly indicate extremely negative detrimental effects on livestock. It is no exaggeration to say that I feel this would be the death knell to beef farming in the area.

3. Noise

Noise from the proposed operation of the development shall be a cause of stress to my cattle and sheep and will affect their weight gain and future fertility.

At present there is incessant noise from reversing alarms and general plant and machinery – this noise would worsen significantly for all residents, animals and biodiversity in the locality by the proposed development of excavation and blasting of rock of an additional 31.4 hectares as it insidiously expands – 21.2 ha northerly towards my property and my neighbours and 10.2 ha westerly creating a negative impact on all of our health and mental health and mindful of the fact that blasting of rock, which is now proposed, has not occurred since the planning application Reg. Ref.:07/267 expired on 18 September 2020.

EIAR Chapter 9 - **Figure 9-1: Location of the Site (EIA site boundary) with NSRs identified** outlines the following in relation to receptor N3K which is the receptor closest to my property:

N3K – The dominant noise sources at this receptor were quarrying activities within the Site, consisting of engines and aggregate screening activities in the pit (noted to be at a low level and below the threshold but were the dominant noise source on occasions). Other audible noise sources included: construction activities on an adjacent house, sheep in the adjacent field, rustling in the treeline and birdsong. Other intermittent noise sources included aircraft overhead and reversing alarms on site. No distinctive tonal noises were identified in the resultant data

4. Safety of my homestead

I am concerned for the safety of my homestead, including outbuildings, and farmyard which are situated within 200m of the proposed application boundary, and those of my neighbours in similar proximity. We have invested our lives' work in our homes and in my case in my farm, outbuildings and livestock and I resent the ramifications for all residents, for me and for my livestock and the resultant stress and ill-health which would be foisted upon us by this proposed development.

As a result of studying similar excavations, I am worried that the proposed development will seriously encroach on my farm boundary fencing. There is a real fear that my boundary will be under threat due to destabilisation and/or subsidence, and from past experience I am perturbed about the difficulties in enforcing boundaries and have a genuine worry that my headlands will collapse due to the proposed extraction.

5. The Gas Transmission Pipeline

The Gas Transmission Pipeline from Cork to Dublin passes through my land and the adjoining lands, the subject of the proposed development. Since the Pipeline's construction, over forty years ago, the landowners from whom Wayleaves are held are restricted from reclamation/digging in close proximity to the pipeline.

The concept of a quarry being operated to include blasting of rock close along the Gas Transmission Pipeline and the implications of excavation and blasting cause me great concern for its continued safety and that of the community.

Gas Networks Ireland - Code of Practice for Working in the Vicinity of the Transmission Network (Procedure No: AO/PR/127 Rev 3 Date: May 2021) states as follows:

14.6 Blasting

Blasting shall not be permitted within 400 meters of a transmission network without consulting GNI and making an assessment of the vibration levels at the pipeline. Contact GNI on 1800 42 77 47 with regard to peak particle velocity criteria and other precautionary measures. Where ground conditions are of submerged granular deposits of silt or sand, an assessment of the effect of vibration on settlement and liquefaction at the transmission pipeline shall be made.

Please refer to EIAR 9 NOISE AND VIBRATION Section 9.5.2.3 which states:

A GNI transmission line lies to the northwest of the existing quarry, running in an approximate northeast to southwest direction, as identified in Figure 9-8. There is the potential for an improperly managed blast to damage the gas transmission line. Fractures in the line could result in gas leaks and an explosion. The loss of gas transmission would result in further indirect effects elsewhere on the line. The blasted rock face of the quarry is ca. 370 m from the gas transmission line. As the proposed quarry extension progresses westwards, the blasting activities will occur nearer to the transmission line. However, the closest blasted face will be located ca. 315 m away from the line at its closest point.

HBL deploy a vibration monitor at the gas transmission line during all blasting events. From these monitoring records the blasting contractor can determine whether the MIC or methods need to be altered for future blasting events.

I am greatly concerned that the applicant would even consider blasting less than the permitted 400 meters of the transmission network and the reality is a fracture could be caused by blasting which would result in an explosion with devastating consequences and it would be too late for any blasting contractor to determine alterations for future blasting events. I am therefore concerned that the proposed works would not comply fully with Gas

Networks Ireland's "Code of Practice for Working in the Vicinity of the Transmission Network" and, in particular, to the paragraphs numbered as follows:

- 8 Design Considerations for Proposed Works
- 9 General Considerations for Proposed Works
- 10 Preliminary Works – Demarcation and Surface stripping
- 11 Excavations
- 12 Backfilling
- 14 Specific Activities.

6. Red Bog – A Special Area of Conservation (SAC 000397)

I am concerned for the survival of **Red Bog** – A Special Area of Conservation (SAC 000397) and located 240m from the Site and close to my farm.

Red Bog is one of twenty-three designated Natural Heritage Areas (NHAs), within the County and one of only Eight Natura 2000 sites in County Kildare as described in the Kildare County Development Plan. Breeding birds recorded from the site include Mute Swan, Mallard, Tufted Duck, Coot, Moorhen, Snipe and Black-headed Gull.

The proposed development would have a detrimental impact on **Red Bog** and in particular on the biodiversity by way of insidious encroachment and destruction of habitats resulting in species mortality, decimation of flora and fauna as a result of the impacts of dust, noise, and water pollution caused by the potential development ultimately resulting in Kildare County contravening the Convention on Biological Diversity, the Convention on the Conservation of European Wildlife and Natural Habitats (Bern), the Convention on Wetlands of International Importance (Ramsar), EU Birds Directive (Directive 2009/147 EC on the Conservation of Wild Birds), The EU Birds Directive (Council Directive 79/409/EEC) and the EU Habitats Directive (European Directive 92/43/EEC).

EIAR 11 LANDSCAPE AND VISUAL

11.3.4 METHODOLOGY FOR VISUAL ASSESSMENT states:

There are seven classifications of significance, namely: (1) imperceptible, (2) not significant, (3) slight, (4) moderate, (5) significant, (6) very significant, (7) profound.

Of those seven classifications of significance and bearing in mind the proposed volumes of extraction and blasting of rock requested for the next 13 – 15 years to accommodate extraction of in excess of 1,000,000 tonnes of sand/gravel and rock annually or in excess of 20,000 tonnes per week by way of a total of 418 movements daily of which 296 relate to HGVs requiring access to the N81, and the permanent alteration of topography to a void of almost 100 hectares it is beyond my belief, that, aside from proposals for implementation of mitigation measures at the quarry, in the majority of EIAR Chapters the experts' conclusions are that the impacts and effects of the proposed development are considered to be not significant or no greater than slight – examples as follows:

NON TECHNICAL SUMMARY EIAR - Section 37L Application - Section 7 AIR QUALITY

The assessment has considered the potential emissions to air and impacts from particulates, and demonstrates that the potential impact on Air Quality from the continued operation and extension of the Site will be no greater than slight, and therefore are considered to be not significant.

- NON TECHNICAL SUMMARY EIAR - Section 37L Application - Section 6 WATER**
The assessment concludes that the proposed development will not give rise to significant adverse effects on the water environment. In all cases the residual adverse effect is Not Significant and not greater than Slight.
- NON TECHNICAL SUMMARY EIAR - Section 37L Application - Section 9 NOISE AND VIBRATION**
The noise levels resulting from quarry operations for each modelled scenario are predicted to not exceed the permitted threshold level, resulting in a negligible adverse impact at all NSRs which is not significant.

 - At two NSRs (R3 and R6) close to the site's northeastern boundary, noise levels are predicted to increase the overall noise level above the measured noise level (relative to the nearest measurement location) by <3dB for two of the three predicted Scenarios, which may result in a negligible or low adverse impact at these NSRs which is not significant.*
 - At a third NSR close to the site's northeastern boundary (R4), the noise level is predicted to increase the overall noise level above the measured noise level (relative to the nearest measurement location) by >3dB but <5dB for all future operational scenarios, which may result in a low to medium adverse impact at this NSR which is not significant. At all other NSRs and at Glen Ding Wood, there is predicted to be no or negligible change in ambient noise level (relative to the nearest measurement location) due to proposed future quarrying activities which is not significant.*
 - The predicted vibration impact due to blasting is predicted to be negligible to low adverse, depending on the proximity to the blast site, which is not significant. When taking into account the predicted absolute noise level, the change in ambient noise level and the likely vibration level due to blasting, the overall magnitude of impact at each receptor is not significant.*
- NON TECHNICAL SUMMARY EIAR - Section 5 LAND, SOILS AND GEOLOGY**
Conclusion: The assessment concludes that the proposed development will not give rise to significant adverse effects on the land, soil or geology at or surrounding the Site. In all cases the residual adverse effect is Not Significant and not greater than Slight.

For all of the aforementioned reasons and concerns I object to the proposed development.

Signed John Slattery

Enclosures (1) – Final Site Notice dated 29/02/2024.

SITE NOTICE

APPLICATION TO AN BORD PLEANÁLA FOR PERMISSION FOR A QUARRY UNDER SECTION 37L OF THE ACT

We, Hudson Brothers Limited, intend to apply for permission under section 37L of the Planning and Development Act 2000, as amended, for development at this site at New Paddocks, Blessington, Co Wicklow W91 CH68 within the townlands of Athgarrett, Philipstown and Redbog, Co Kildare.

The development consists of further development of a quarry over an area of 64.0ha that largely coincides within a fully operational quarry void currently at a maximum depth and floor level of 188 mAOD. It is proposed continue extraction activities in the existing quarry void above the watertable, and to laterally extend the existing quarry void to the north by approximately 17.7ha over a total area of 21.2ha to accommodate screening berms, and also to the west by approximately 9.4 ha over a total area of 10.2ha to accommodate screening berms. The proposed duration of excavation is 15 years to reflect anticipated extraction of remaining reserves and depending on market conditions and a further 3 years for restoration.

The existing quarrying is accessed from a single location on the N81. The reserve consists of sandstone (greywacke) and is currently extracted by mechanical means. The excavated material will comprise sand and gravel which will be extracted by mechanical means and sand, gravel and rock which will be extracted by both mechanical means and blasting. Extracted rock material will be crushed at the working face by mobile plant, and extracted sand and gravel material will be transported to a central plant area for washing, grading and processing. The further development of the quarry relates to further extraction only and utilises the existing plant area and quarry access that are included in a concurrent application for substitute consent.

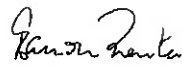
The application site is contained within a quarry area registered in 2005 under S.261 (Ref No. QR/42 by Kildare County Council and QY/43 by Wicklow County Council). The S.261A notice was reviewed under An Board Pleanála ref. 311622 resulting in a Board Order requiring an application for substitute consent accompanied by remedial Environmental Impact Assessment Report (r EIAR). This S37L application is made concurrent with an application for substitute consent for quarrying at this location, also part of that Order.

The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). The EIAR is for an EIA project unit over 64.0 ha. that encompasses the area of the further development of the quarry application under S.37L, the concurrent substitute consent application and the quarry as registered under S.261.

Submissions or observations may be made on the application, to An Bord Pleanála, Marlborough Street, Dublin 1, free of charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Bord Pleanála and such submissions and observations will be considered by An Bord Pleanála in making a decision on the application. An Bord Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

The application for permission may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, or Kildare County Council, Devoy Park, Naas, Co Kildare, W91 X77F during their public opening hours.

Any enquiries relating to the application process should be directed to An Bord Pleanála (Tel. 01-8588100).

Signed: 

Agent: Eamonn Prenter, Cunnane Stratton Reynolds, Gainsboro House, 24 Suffolk Street, Dublin 2, D02 KF65

Date of erection of site notice: 29/02/2024

