

File With _____

SECTION 131 FORM

Substitute Consent Application NO: _____

Defer Re O/H

Having considered the contents of the submission received 14/3/24 from

Michael Higgins

I recommend that section 131 of the Planning and Development Act, 2000

be/not be invoked at this stage for the following reason(s): _____

E.O.: _____

Date: _____

For further consideration by SEO/SAO

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 SC _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Substitute Consent Application No: ABP- 319397-24

M _____

Please treat correspondence received on 14/5/24 as follows:

| | |
|---|---|
| 1. Update database with new agent for Applicant/Appellant _____ | |
| 2. Acknowledge with SC <u>40</u> | 1. RETURN TO SENDER with SC _____ |
| 3. Keep copy of Board's Letter <input type="checkbox"/> | 2. Keep Envelope: <input type="checkbox"/> |
| | 3. Keep Copy of Board's letter <input type="checkbox"/> |

| |
|---|
| Amendments/Comments |
| <u>observation recd by email from</u> |
| <u>EO Advocate michael Higgins</u> |
| <u>Case Narrative</u> |
| <u>SC 40</u> |
| <u>#ID 14/5/24 write name inside</u> |
| <u>cover</u> |

| | |
|--|--|
| 4. Attach to file (a) R/S <input checked="" type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/> | RETURN TO EO <input type="checkbox"/> |
|--|--|

| | |
|-------------------------|---|
| | Plans Date Stamped <input type="checkbox"/> |
| | Date Stamped Filled in <input type="checkbox"/> |
| EO: <u>Karen Hickey</u> | AA: <u>Daniel Moore</u> |
| Date: <u>15/5/24</u> | Date: <u>16/5/24</u> |

Karen H.

Faolán Bashford

From: Kieran Cummins <kieran@kierancummins.com>
Sent: Tuesday 14 May 2024 14:14
To: Appeals2
Subject: SUBMISSION re Application ref. SU17.319397
Attachments: 2024-05-12-MH to ABP.pdf; 2024-05-12-NH to ABP.pdf

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Mr. Michael Higgins and Mr. Nicholas Higgins have asked me to email you on their submissions. Accordingly, please find attached 2 separate submissions for and on behalf of Mr. Michael Higgins and Mr. Nicholas Higgins Best regards

**Michael Higgins,
Brannockstown,
Trim,
Co. Meath**

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

12th May 2024

SUBMISSION re Application ref. SU17.319397

Dev. Address: Tromman Quarry, Tromman, Rathmoly, Co. Meath
Applicant: Keegan Quarries Limited
Description: **Substitute Consent** for quarry and ancillary precast concrete manufacturing yard
Submission Fee: N/A

Dear Sir/ Madam

There is a long history of unauthorised developments at this quarry. I am sure this is gone into in more detail in other submissions and its hardly necessary for me to repeat all of that. In the circumstances, its virtually impossible for it to satisfy the 'exceptionality test'. The evidence now available demonstrates that the operators have conducted numerous unauthorised developments in a flagrant abuse of planning and environmental requirements both of Irish and European law.

I am also aware of the cases of **C-215/06 and 261/18** (European Court of Justice) together with AN TAISCE, PETER SWEETMAN & Others v. AN BORD PLEANÁLA and Others [9/19, 42/19 and 43/19], Irish Supreme Court.

Furthermore, this developer has a long history of unauthorised/ illegal development by this operator across counties **Meath, Westmeath** and **Kildare** together with numerous enforcement letters, it is futile to allege that one 'genuinely believed' that the operations were exempted. It can't reasonably be argued that there are exceptional circumstances pertaining to this quarry.

I also believe that there in Enfield, An Bord Pleanála granted substitute consent in October 2014. Notwithstanding, they continued to quarry sand and gravel after. I am aware that enforcement proceedings subsequently issued from Meath County Council and that this matter ended up in the courts. This serves to demonstrate that substitute consent was previous disregarded and unauthorised quarrying continued.

I urge the board to invoke section 177J of the Planning and Development Act which provides it with the power to order the person/ entity seeking an application for substitute consent to order it to cease operations for a defined period of time while the matter is being considered. This quarry has operated since 2018 without planning consent; it is therefore crucial that it be ordered to cease while this application is being determined. As I understand it, in order to properly assess the application, An Bord Pleanála must issue a cessation notice. An Bord Pleanála must decide this application and the status quo without the quarry expanding.

OTHER ISSUES

In addition to the foregoing, I am also obliged to add: -

Archaeology: I am aware that there were significant archaeological sites on this land. I am also aware that despite their existence, they have not been adequately protected. In fact the owner continues to till the land over which the burial grounds are situated.

Bleeping: From sun-rise to sun-set, we are subjected to the constant "bleeping" of reversing lorries in both of the quarries in Trammon, and particularly Mr. Keegan's as it is closest to us. This constant beeping is extremely irritating and debilitating. It's something, which we have absolutely no control over and it has become unbearable. We must therefore object to any further escalation of quarrying activities in the area.

Vibration of machinery making concrete: The existing quarries employ all manner of machinery. Crushers which run constantly all day, loading shovels which are constantly "bleeping", rocks falling into the crushers, vibrating machines making concrete products, etc. The noise level from the quarries is intolerable. A new block-making facility would give rise to yet more noisy machinery. The construction of a new block-making facility is out of the question as far as my family is concerned.

Out of hour's activity: Both of the quarries in Trammon don't seem to pay any heed to some of the conditions imposed on them in the past grants of planning. Lorries trundle down the road in the early hours of the morning (hours before the quarry is permitted to operate). Likewise in the evening (especially in the summer), loading shovels and all manner of machinery can be heard operating well beyond the 6pm deadline imposed by the original grant of planning permission. We feel very let down by the county council, which has failed us completely when it comes to enforcing its own grants of permission.

Condition of road: The condition of the road, having regard to quarry dust is absolutely appalling since the quarries commenced operations. Each side of the Trammon road is a dirty grey with lime dust covering the hedges all the year around. Reading the original conditions, one would think everything would be fine, given that all manner of sprinklers and washing facilities, etc. are recommended. This has not however worked in practice, either because such facilities are not doing what they were intended to do, or perhaps because they are not being used at all: that is a matter for the County Council to investigate. In Autumn one cannot even pick a blackberry from the hedges in the local fields (well away from road) as they too are covered in dust.

Traffic: The Trammon/ Rathmolyon road has become a dangerous place to walk or cycle in recent years given the volume of lorries emanating from the quarries and concrete product facilities in operation there. Any further escalation of the quarrying activity at Trammon is unacceptable.

Light Pollution: My family also has to endure glaring lights, which illuminate the sky every night around the quarry. This too is unacceptable. The intensity seems to have increase in recent times.

The Landscape: A development of any kind proposed for the south of the R156 follows a similar application and refusal in 2009 (by An Bord Pleanála). The proposal would have a detrimental effect on the visual impact of the landscape. The fields where the development is proposed are low-lying and water from these drain into a stream which runs along the field boundary. As one drives along the road the eye is drawn to the attractive layout of the agricultural landscape which these fields are part of. (unlike the existing quarry which is on higher ground and not as visible from the road). I have inspected the landscaping plans and it didn't take me long to form the opinion that they were a weak attempt to present an unattractive development in a favourable light. Furthermore, if the area is to return to any kind of normality after the current quarries are exhausted, it is vital that all the land to the southern side of the existing quarry be retained as a green belt to provide a somewhat satisfactory buffer.

In conclusion, I didn't realise the impact that all this quarrying was going to have on the area and didn't in consequence lodge any submissions back in 1997/8 when the quarries were originally granted permission. On seeing the level of disturbance and adverse affect that they have had on our quality of life, I cannot tolerate any further escalation or an extension of the duration of the quarrying activity in our area. The original quarry was granted permission for 15 years and it gave us some solace that it would all be finished then (2013). The term was extended for 5 years without any public participation in 2013. I therefore object in the strongest possible manner to the proposed developments in the strongest terms possible and given the inappropriateness of the proposed development to the south of the R156, coupled with the amount of unauthorised developments, I expect that this will be refused anyway.

Yours faithfully;


Michael Higgins