



Comhairle Cathrach & Contae Phort Láirge  
Waterford City & County Council

PL. AUTH. REF. 21772

AN BORD REF. ABP-313939-22

An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Date 25<sup>th</sup> July 2022

RE: EXTENSION OF SATELLITE QUARRY TO 13.6 HECTARES, CONSTRUCTION OF 40M CONCRETE TUNNEL UNDERPASS, AND CONSTRUCTION AND OPERATION OF NEW CONCRETE BATCHING FACILITY. PERMISSION IS SOUGHT FOR UP TO 20 YEARS. A NATURAL IMPACT STATEMENT (NIS) AND ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) WERE SUBMITTED WITH THIS APPLICATION.  
CAPPAGH QUARRY, BALLYKENNEDY, KILGREANY AND CANTY TOWNLANDS, CAPPAGH, DUNGARVAN, CO. WATERFORD  
PLANNING REF NO 21/772

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Dear Sir or Madam

I refer to your correspondence of 19<sup>th</sup> July, 2022, regarding the above application.

I enclose a copy of Planning File **21/772** as requested.

If you require any further information, please do not hesitate to contact us.

Yours faithfully,

  
Lisa Mullally,  
Staff Officer,  
Planning Dept.

<b>AN BORD PLEANÁLA</b>	
LDG-	_____
ABP-	_____
26 JUL 2022	
Fee: €	Type: _____
Time: _____	By: <u>Reg Post</u>



**Waterford City & County Council  
Planning Section  
Menapia Building  
The Mall  
Waterford**

**Dáta | Date  
20-Apr-2022**

**Re: Planning Ref.: 21772  
Applicant: Roadstone Ltd**

**Dear Sir/Madam,**

With reference to the further information submitted in connection with the above planning application, I wish to advise that the Authority's position remains as set out in our letter of 08-Sep-2021.

Please acknowledge receipt of this submission in accordance with the provisions of the Planning and Development Regulations, 2001 as amended.

**Yours faithfully,**

**on behalf of  
Land Use Planning Unit**

*\*Note: In accordance with the provisions of section 13 of the Roads Act 2015, Transport Infrastructure Ireland (TII) is the operational name of the National Roads Authority with effect from 1 August 2015.*

*All planning application referral documentation, including applications, submission acknowledgments, further information notifications and decisions should be notified electronically to TII at [landuseplanning@tii.ie](mailto:landuseplanning@tii.ie). TII would appreciate your Authority's assistance on this matter.*

Próiseálann BIÉ sonraí pearsanta a sholáthraítear dó i gcomhréir lena Fhógra ar Chosaint Sonraí atá ar fáil ag [www.tii.ie](http://www.tii.ie).  
TII processes personal data in accordance with its Data Protection Notice available at [www.tii.ie](http://www.tii.ie).



Bonneagar Iompair Éireann  
Ionad Gnó Gheata na Páirce  
Sráid Gheata na Páirce  
Baile Átha Cliath 8  
Eire, D08 DK10



Transport Infrastructure Ireland  
Parkgate Business Centre  
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An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreacht  
Department of Housing,  
Local Government and Heritage



Planning Ref: 21/772

(Please quote in all related correspondence)

10 May 2022

Director of Services – Planning  
Waterford City & County Council  
Menapia Buildings,  
The Mall,  
Waterford  
X91 PK15

Via email: [planning@waterfordcouncil.ie](mailto:planning@waterfordcouncil.ie)

Re: Notification under Article 28 (Part 4) or Article 82 (Part 8) of the Planning and Development Regulations, 2001, as amended.

**Proposed Development:** the development will comprise the following on an application site of 18.2 hectares: a satellite quarry to the east of Cappagh Quarry (previously permitted under Planning Permission 06/1599 and An Board Pleanála PI 24.225443 and the local access passageway which delineates its eastern boundary. The satellite quarry will extend to 13.6 hectares (33.6 acres) of which 9.7 hectares (24.0 acres) will be extracted: Construction of a 40m concrete tunnel underpass; Stripping of soils; Processing of excavated rock; Demolition of a derelict house; Temporary diversion of section of local access passageway; Temporary access gate and ramp. Demolition of concrete supports; Construction and operation of new concrete batching facility; Batching control office, and mixture storage shed; Closed loop concrete recycling facility; Aggregate storage hardstanding area; Continued use of established site infrastructure: Realignment of wall and demolitions; Restoration and extraction across satellite quarry area at Cappagh Quarry, Ballykenedy, Kilgreany and Canty Townlands, Cappagh, Dungarvan Co Waterford. Permission sought for up to 20 years. An EIAR and NIS will be submitted to the Planning Authority in connection with the application.

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

#### Archaeology

Aonad na nIarratas ar Fhorbairt, Oifigí an Rialtais, Bóthair an Bhaile Nua, Loch Garman, Y35 AP90  
Development Applications Unit, Government Offices, Newtown Road, Wexford, Y35 AP90  
[manager.dau@housing.gov.ie](mailto:manager.dau@housing.gov.ie)  
[www.gov.ie/housing](http://www.gov.ie/housing)





Item 4 in the request for further information issued by Waterford City & County Council on 06/10/2021 requests the submission of a detailed archaeological impact assessment to compliment the archaeological report submitted with the original planning submission. An updated archaeological impact assessment prepared by Dr. Charles Mount for Roadstone Ltd. has been submitted in response to the request for further information. The more detailed archaeological assessment includes details of an archaeological impact assessment prepared by Tobar Archaeology following the completion of a programme of archaeological testing (excavation licence 21E0807 Miriam Carroll) and geophysical survey completed by Earthsound Geophysics Ltd. (21R0158 Heather Gimson).

The Department of Housing, Local Government and Heritage concurs with the findings and mitigation recommendations outlined in the archaeological assessment and it is recommended that the following archaeological conditions be attached to any grant of planning permission to ensure sustainable development and the protection of the archaeological heritage.

**Recommended conditions for archaeological excavation, further investigation & monitoring of topsoil stripping:**

1. The areas requiring archaeological excavation identified in the Archaeological Assessment Report submitted as further information (excavation license 21E0807 M. Carroll, geophysical survey 21R0158 H. Gimson) shall be archaeologically excavated (by hand) in advance of any site preparation, site investigation/engineering and/or construction/extraction works. A detailed methodology shall be prepared and submitted to the Licensing Section of the Department of Housing, Local Government & Heritage for consideration and no site preparation, site investigative, construction or extraction works will proceed on site until the required archaeological methodology has been agreed with the Department and the necessary archaeological excavation has been completed on site.
2. It is acknowledged in the archaeological assessment report that possible karst features have been identified in the bedrock and there is potential for paleontological (archaeological) deposits to survive within any underground cave systems/swallow holes located within the confines of the extraction area (identified in geological survey). Further archaeological assessment of any such karst features will be carried out in advance of development works (extraction works) by a suitably qualified archaeologist with cave-archaeology experience. A detailed methodology to facilitate archaeological



monitoring/recording of the areas where such karst features are located shall be prepared and submitted to the Licensing Section of the Department of Housing, Local Government & Heritage for consideration and no development/extraction works will proceed on site until required archaeological investigation/recording has been completed on site.

3. All topsoil stripping/groundworks within the confines of the development site shall be monitored by a suitably qualified archaeologist licensed under the National Monuments Acts 1930-1994. A detailed methodology for the required archaeological monitoring shall be submitted to the Department of Housing, Local Government & Heritage for consideration. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped pending consultation with the Department of Housing, Local Government & Heritage to agree the appropriate treatment of the archaeological remains. The developer shall be prepared to be advised by the Department of Housing, Local Government & Heritage with regard to any necessary mitigating action and shall facilitate the archaeologist in recording any material found.
4. A detailed final report(s) describing the results of the archaeological excavation(s), archaeological monitoring works, post-excavation specialist reports and analysis shall be submitted to the relevant authorities following the completion of all archaeological work on site and all post-excavation analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

You are requested to send further communications to this Department's Development Applications Unit (DAU) at [referrals@housing.gov.ie](mailto:referrals@housing.gov.ie) where used, or to the following address:

The Manager  
Development Applications Unit (DAU)  
Government Offices  
Newtown Road  
Wexford  
Y35 AP90

Is mise, le meas



Edel Griffin  
Development Applications Unit  
Administration

## REFERRAL SHEET FOR ENVIRONMENT

<b>REF. NO.</b>	21/72
<b>APPLICANT:</b>	Roadstone Ltd.
<b>ADDRESS:</b>	Cappagh Quarry, Ballykennedy, Kilgreany and Carty Townlands, Cappagh, Dungarvan Co Waterford
<b>DEVELOPMENT</b>	the development will comprise the following on an application site of 18.2 hectares:-a satellite quarry to the east of Cappagh Quarry (previously permitted under Planning Permission 06/1599 and An Bord Pleanála PI 24.225443 and the local access passageway which delineates its eastern boundary. The satellite quarry will extend to 13.6 hectares (33.6 acres) of which 9.7 hectares (24.0 acres) will be extracted; Construction of a 40m concrete tunnel underpass; Stripping of soils; Processing of excavated rock; Demolition of a derelict house; Temporary diversion of section of local access passageway; Temporary access gate and ramp. Demolition of concrete supports; Construction and operation of new concrete batching facility; Batching control office, and mixture storage shed; Closed loop concrete recycling facility; Aggregate storage hardstanding area; Continued use of established site infrastructure; Realignment of wall and demolitions; Restoration and extraction across satellite quarry area. Permission sought for up to 20 years. An EIAR and NIS will be submitted to the Planning Authority in connection with the application.

### Environment Section

#### **OBSERVATIONS OF SENIOR EXECUTIVE ENGINEER ENVIRONMENT:**

Having considered the information provided in the response to the further information in conjunction with the information in the EIAR.

#### **Noise**

The EPA guidance Environmental Management in the Extractive Industry (Non-Scheduled Minerals) recommends a noise limit of 55dB, however it says where existing background noise levels are very low, lower noise ELVs may be appropriate. For this reason, I sought the undertaking of a noise survey to assess background levels in accordance with BS4142. The Applicant stated in his response that he didn't think this was appropriate, as this was for industrial and commercial and specifically excludes construction and demolition, and they liken their activities to construction and demolition. I disagree with this as construction and demolition is by its very nature relatively short term, but that is not the case in the case of quarries.

The additional noise monitoring point data which was assessed as part of the FI response was compromised due to nearby agricultural activity, but the applicant still sought to use that data to justify the higher noise level.

The applicant proposes using a noise level of 10dB above the background level as their limit, but according to BS4142, a noise level of 10dB above background is likely to indicate a significant adverse effect, with 5db indicating an adverse effect. Therefore I don't agree with the noise limits they propose.

*The environment section has no objections to this development subject to the following conditions;*



## Noise

1. Prior to the commencement of the development, the developer shall undertake an additional round of background noise monitoring at monitoring point BN5, as the information provided in the FI response was compromised by reported agricultural activity in the vicinity. This information shall be used to set a noise limit for residences in that vicinity.
2. During soil stripping, the construction of the berms and the construction of the tunnel, the noise limit shall not exceed 70 dB LAeq (1 hour) between the hours of 08:00 and 20:00. This limit shall apply for a maximum of 8 weeks from the commencement of the operation.
3. The rated noise levels shall not exceed 5dB LAeq (1 hour) above the measured background noise level between 08:00 and 20:00 at any of the noise monitoring points. Where the noise predicted in the FI response is higher than that, the applicant shall propose enhanced mitigation measures for the agreement of the planning authority prior to the commencement of the development.
4. The developer shall install two continuous monitoring points at BN2 and one other location to be agreed with the planning authority to measure sound levels (LAeq (1 hour)). In the event that both these monitors show exceedances simultaneously for more than 5 individual 1 hour periods in a calendar month, the developer shall notify the Environment Section of Waterford City and County Council within one month, along with an narrative around the causes of the exceedance and proposed mitigation measures to ensure that the exceedance does not recur.
5. The developer shall undertake manned noise monitoring, 4 times a year at the 5 noise monitoring locations measuring noise during the normal operation of the quarry. During this noise monitoring, impulsive noise shall be assessed and a rating penalty shall be assessed against the guidance in BS4142 and this penalty rating shall be used to indicate a rating penalty (if required) which shall be applied against the noise measured in the continuous monitoring

## Dust

6. The developer shall undertake, dust monitoring twice annually, during the period May to September at 2 locations adjacent to nearby sensitive receptors. The dust monitoring points shall be agreed with the environment section prior to the dust monitoring taking place taking into consideration the areas of the site works are occurring in, materials are being stored etc. The dust monitoring shall be by the Standard method VD12119 (Measurement of Dustfall, Determination of Dustfall using Bergerhoff Instrument (Standard Method) German Engineering Institute). A limit of 350mg/m<sup>2</sup>/day shall apply.
7. The developer shall install and maintain dust suppression systems to minimise the creation of dust.



8. In the event that the dust limit is exceeded at any dust monitoring point, the developer shall notify the Environment Section of Waterford City and County Council within one month of the completion of the testing, along with an narrative around the causes of the exceedance and proposed mitigation measures to ensure that the exceedance does not recur.

**Communication**

9. The developer shall **provide** a publicly accessible website with all environmental information freely available to any members of the public. This information shall include the noise and dust monitoring results, **along** with any other environmental monitoring results, as soon as practical after the noise results are available.
10. The website shall also include a form to allow members of the public to log complaints regarding the operation of the quarry. The developer shall submit a quarterly report, **within 1 month** of the end of each quarter, to the planning authority detailing the complaints received in the preceding quarter, including the investigation undertaken into the complaints and the actions taken to address these complaints. An anonymised version of this report shall be made available on the publicly accessible website

**SIGNED:**

\_\_\_\_\_  
Niall Kane  
Senior Executive Engineer  
Environmental Services

**DATE:** 30 May 2022.

The Planning Department,  
Waterford City & County Council,  
Civic offices,  
Dungarvan,  
Co. Waterford.

Apartment 324,  
Toronto,  
Ontario,  
Canada.  
M5G0B2

10<sup>th</sup> September 2021

Response to Request for Further Information regarding Planning Application by Roadstone Ltd., Fortunestown, Tallaght, Dublin 24. to Waterford County Council July 2021 Application Reference number 21772

The Planning Application is to seek approval for an Eastern Satellite Quarry and a New Concrete Plant at Ballykenedy, Kilgreany and Cauty Townlands. Cappagh, Dungarvan, Co Waterford.

This response follows Roadstone Ltd. submitting the Request for Further Information as required by Waterford Council Planning Authority.

Reference Documents:

Roadstone Ltd. RFI submission of March 2022

My submission of September 2021 regarding the proposed development.

Receipt from my submission of September 2021 as required.

A Chara.

I wish to place my objection to this proposed development on the following grounds.

**Noise Levels:**

The effect of this commercial enterprise as outlined in the planning application and in the RFI on residents living in close proximity to this proposed development has not been adequately examined.

All results from noise measurements and projections and their effect are severely diminished and are biased in favour of the Applicant.

To argue that the effect of noise on local residents will be minimal with no significant impact is a blatant understatement.

I cannot comprehend how the RFI can state that the noise levels emitted from the proposed new quarry, the boundary of which will now be less than 100 metres from my front door, can state that the noise levels "*will not significantly exceed existing background noise levels*".

In the past, as a result of noise emitted from quarry operations, some residents have had to stay indoors, or on occasion leave their homes for a period of time to get respite from the constant din and noise. In no way is it acceptable that local residents should have to curtail themselves to stay indoors or leave their homes as a result of noise.

HOME SHOULD BE A SAFE, SECURE, COMFORTABLE REFUGE WHICH NO COMMERCIAL INDUSTRY SHOULD BE ALLOWED TO TAKE AWAY.

If planning permission is granted for this new quarry development, the noise levels can only get worse, having such an effect on local residents that has not yet been quantified.

I would worry about the health, welfare and sanity of the residents living in close proximity to such an industry.

### **Noise Levels: (continued).**

In addition, some people living near the quarry now work from home on a daily basis. This includes my family's residence which is at less than 100 metres from the Roadstone Ltd. Property boundary is the nearest to the proposed new quarry site.

The noise levels created will have an adverse effect on what is now a happy working environment (as the quarry is currently not operating), resulting in frustration, inefficiency, lack of productivity and even in the long-term having to relocate.

I was represented at the public consultation meeting held in the Park Hotel Dungarvan on March 3<sup>rd</sup>, 2022, and again at a follow-up meeting with Roadstone Ltd. representatives on 16<sup>th</sup> March 2022.

At that meeting the noise issue was again discussed in great detail and it emerged that Roadstone Ltd. at other quarry locations have upgraded windows in residents effected by nuisance noise levels to triple glazing. This is an admission that there is a big problem with the emission of high noise levels.

Without proper and tested noise abatement systems and methods the following will contribute to substantial increased noise levels:

1. Proposed quarry development being much closer to local residents.
2. Projected output levels of up to 400,000 tonnes per annum.
3. Intense use of mobile crushing equipment and hydraulic rock breaker.
4. Vastly increased road traffic levels.
5. Blasting and excavation of bedrock.
6. Drilling bore holes for blasting.

In short there will be much more activity at the site resulting in much higher noise levels than previously experienced.

### **Link Roadway: L2018 to R6072**

Roadstone Ltd. are responsible for the upkeep of the link roadway between L2018 and R6072. This is a public local amenity and at present it is full of potholes, overgrown foliage damage to fencing, and is showing signs of general neglect.

At the meeting held on the 16<sup>th</sup> of March the state of the roadway was discussed and a promise was made by Roadstone Ltd. representatives the necessary repairs would be done within two weeks. To the date of this submission nothing has been done.

This compounds my fear and belief that Roadstone Ltd. are not a responsible neighbour showing little or no regard for the local residents in the area. They have always been forced to carry out maintenance on this roadway.

This roadway has always been an important and safe amenity for local residents which is in daily use for walking, cycling, horse riding and the local farming community.

The original Planning proposal was to relocate the roadway to the eastern boundary of the proposed new quarry. This has now been changed to not relocating it.

If the proposed "culvert" in reality is a huge concrete tunnel which can accommodate large quarrying machinery and measures 5.5 metres high, 6.5 metres wide and 40 metres long. This can hardly be referred to as a culvert which is described in dictionaries as "a channel for carrying water under roads or other obstacles". If it goes ahead it will seriously impede on the resident's enjoyment of their daily walks etc. as a result of having to walk from one end to the other with a working quarry at one side and the noisy cement plant on the other, eventually they may desist from using this walkway and in time it will be swallowed up by Roadstone Ltd. which will only serve them and not the local residents. This again underlines the lack of care Roadstone Ltd. have for their near neighbours. One wonders if this is their eventual plan.



#### **Link Roadway: L2018 to R6072 (continued).**

In 1997 members of the local community had to fight in the High Court for this roadway to be replaced after the original roadway was bombed out in 1997 when the quarry extended into the then purchased Doyle lands. This destruction of the original roadway was carried out without Planning Permission or concern for the local residents and others who used it. It also showed the quarry operators total disregard for Regulations and Authority.

Following the High Court decision in 1997 John A Wood Roadstone Ltd. signed an agreement to register this link road between the L2018 and R6072 as a designated right of way. They have not honoured this agreement.

Unfortunately, now 25 years later we find ourselves having to fight again in an effort to retain this local amenity.

If the roadway was relocated to the eastern boundary of the proposed new quarry site it would push out the boundary from the nearest residents, as it stands the boundary is less than 100 metres from my front door.

The relocation of the link roadway was discussed at length both at the public meeting held on March 3<sup>rd</sup> and the subsequent meeting held on March 16<sup>th</sup>, 2022.

At that meeting Roadstone Ltd. representatives stated that for "legal reasons" the link road could not be moved as per the original plans, these "legal reasons" have not been explained to us.

It was also stated that some of the local residents did not want the roadway moved to the new boundary. This is untrue as in any of the submissions made to the planning department none of the submissions expressed a wish to leave the roadway in its present location. I believe that the public submissions concerning the planning application are the accepted opinions of the people.

#### **Dust and Air Quality:**

The dust levels in the EIAR and RFI are based on tests carried out during the period January 2018 to June 2021 which is one of the lowest production output periods from Roadstone Ltd. Cappagh Quarry in recent years. On that basis it should be looked on as not being a true reflection of the facts and not what it will be in the future should planning be approved.

Local residents living within a 450-metre radius from the original Cappagh Quarry when it was in operation were constantly plagued by dust and dirt deposits on roofs, windowsills, gardens, fields, cars etc.

It is not believable that dust emissions from less than 100 metres away from the boundary will be held at below nuisance levels without implementing extreme measures of containment. I really can't see how this can be done. It is like trying to collect all the feathers when a gust of wind blows them up in the air. The response from Roadstone Ltd. in the RFI does not address the issue of increased fugitive dust and how it will be adequately contained within the quarry premises.

#### **Vibration and Blasting:**

With this proposed operation now being so close to my family's home which is just 95 metres from the indicated boundary and another seventeen homes within 450 metres there will be increased ground vibrations and air over-pressure from blasting operations. This will have a serious impact on the structural integrity of dwellings and other buildings in close proximity to the proposed operations.

#### **Fly Rock:**

In the past incidents of "fly rock" from the old Cappagh Quarry has been an issue. Fly-rock from blasting went through the roof of a local dwelling resulting in the quarry owners needing to relocate the effected residents to new houses in another location away from the quarry operations.

Now that the proposed quarry would be operating much closer to our dwellings there is definitely a danger that there will be an issue with "fly rock" when multiple quarry faces are being worked.

### **Property Values:**

Homes close to the proposed development have been devalued since the planning application for this new proposed quarry has been issued to the Planning Department.

Without stating the obvious it is bound to have an impact on the value of houses nearest the quarry boundary due to the nature and type of work that will be carried out.

More than one local property owner has been devalued on the property tax register. Another local person who had intended to build a house on a farmstead near the quarry has since decided against it due to the house not being worth what it would cost to build and the general nuisance that will arise from having a dirty quarry industry operating so close.

### **In the RFI Page 15 of the Public Consultation Report**

3.8 Property Values. Roadstone Ltd. state: *"Given that for most quarry development, there will be potential conflicts with adjoining land uses, the challenge for the Applicant and for Planning Authorities is to balance the needs of wider society and economy against the interests of individuals and / or private enterprise located in the surrounding area"*

So, in other words, Roadstone Ltd. primary aim is to profit from the operation of this proposed quarry under the guise of *"the needs of the wider society and economy"*. This is a callous attitude by Roadstone Ltd. towards the local residents. To date they show little or no regard for the community in which they operate and contribute little towards it.

The challenge would be for the Planning Authorities alone to issue stringent conditions in the interest of Proper Planning and Development and insist that these conditions will be abided-by by Roadstone Ltd. The quarry operators cannot be trusted to work within conditions that are laid down by the relevant authorities.

There is no reference to accruals for the proposed Restoration of the spent quarry lands in the Roadstone Annual Financial reports. Surely the accounts should show monies being accrued for the restoration work on spent quarry lands on an annual basis. In the end all that will be left is the devastation and hazards resulting from years of quarrying.

All of this is in contrast to other rural responsible developments such as wind turbine farms who without prompting, carry out community projects and make annual published monitory contributions to the local community and enterprises in which they operate. They are also required to abide by strict distance limits between the wind turbines and local residents. It seems that essential minimum safe distance conditions do not apply to quarry operators.

### **In the RFI Page 16 of the Public Consultation Report.**

#### **3.9 Misplaced priority for Biodiversity / Archaeology.**

Why would anyone comment unfavourably on the retention of the derelict cottage and the surrounding field which was requested by the Planning Authority? Surely the Authority who requested this condition has to be applauded for their concern for Biodiversity and Archaeology.

The statement regarding this in the Roadstone Ltd. RFI is not believable. It is more likely that Roadstone Ltd. would prefer to quarry the area as they would gain extra quarrying lands.

It is commendable that the cottage and surrounds will remain as long as the area is surrounded by secure fencing with proper ground level access for wildlife. This should be an immediate condition regardless of whether planning permission is granted or not for the proposed development.

Regarding archeology and heritage. It is regrettable that the relevant planning Authority was not aware of the destruction of the Listed Kilgreany Cave complex on time before it was destroyed by the previous quarry operators John A Wood Ltd. It was filled with silt when they pumped contaminated water from an illegal excavation below the water table. The drawing accompanying the RFI shows the outline of this cave, but it is not captioned. In reality its only lines on paper, as the cave no longer exists.



## **In Conclusion.**

There is a lack of information in the RFI to demonstrate how the nuisance effects resulting from the increase in noise levels, dust emissions, vibration, much more traffic on an otherwise quiet rural road, will be removed or banished totally.

In reports from the public consultation meeting on March 3rd and the follow up meeting on March 16<sup>th</sup> with residents living near to the proposed development, it was notable how excited the representatives from Roadstone Ltd. were, regarding leaving the cottage on the north-eastern corner of the site to become a habitat for birds and other wildlife. Leaving the cottage in situ was not a Roadstone Ltd. idea, it was a condition prompted by the relevant Planning Authority to have the Roadstone Application considered by them and they have to be commended for it.

Whilst this is to be commended I respectfully suggest that it would be more beneficial if Roadstone Ltd. concentrated their efforts on working with the local community to reassure them they are doing their utmost to safeguard us from, what I can only describe, will be a monstrosity and, if planning is granted, the boundary of which property will be less than 100metres from the nearest domestic residence.

The mission statement of Roadstone Ltd. states: *"We will be a responsible neighbour in the communities in which we operate and deliver on our social responsibilities"*

Historically such has not been the case and regrettably I have no reason to trust or have confidence in this organization to uphold their civic duties and responsibilities.

More investigation is required regarding the link roadway L2018 to R6072 as to why it cannot go forward as per the original 2017 plan. This is a social amenity which is enjoyed by local residents.

Devaluation of our properties as a result of having this proposed new quarry in such close proximity is just not acceptable. Without redress this in effect amounts to stealing from the residents.

The mental health and wellbeing of the local residents is paramount, our homes are our sanctuary, and it is reasonable and fair to expect that this will continue to be the case without fear of being disturbed on a constant daily basis by noise, dust, vibration, heavy traffic, fear of our domestic wells going dry etc.

The spent quarry lands are already a blot on the rural landscape. If Planning Permission is granted for the proposed new quarry development on what are now and have been from time immemorial farming lands; this devastation will become even more of an eyesore.

My Submission of September 2021 to the County Council has detailed many reasons why Roadstone Ltd. and earlier quarry operators historically have shown total disregard for their near neighbours, the community in which they operate and the landscape surrounding the quarry.

Knowing the way that the quarry operators have behaved in the past towards the local residents and the surrounding landscape, I have great difficulty in believing that they will change how they operate in the future. I therefore have no trust in this organisation.

With reference to my submission regarding the RFI and the above reasons I wish to object to the granting of planning permission for a new quarry in Cappagh as proposed in planning file reference number 21772 and Roadstone Ltd. RFI response of March 2022

Is mise le meas.

  
Liam Devaney.





## Comhairle Cathrach & Contae Phort Láirge

Waterford City & County Council

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a  
PLANNING APPLICATION

**PLANNING DEPT.**

No. ....

RECD. 10 MAY 2022

WATERFORD CITY AND COUNTY COUNCIL

21/772

Liam Devaney  
Apt 324, Toronto  
Ontario  
Canada  
M5G0B2

**Applicant:** Roadstone Ltd.,  
**Address:** SLR Consulting (Ireland) Ltd  
7 Dundrum Business Park  
Windy Arbour  
Dublin 14

**PLANNING DEPT.**

20/09/2021

No. ....

RECD. 10 MAY 2022

WATERFORD CITY AND COUNTY COUNCIL

**THIS IS AN IMPORTANT DOCUMENT**

**KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.**

Dear Sir/Madam,

I wish to acknowledge receipt of submission/observation received from you on 14/09/2021 in connection with planning application by Roadstone Ltd., for the development will comprise the following on an application site of 18.2 hectares:-a satellite quarry to the east of Cappagh Quarry (previously permitted under Planning Permission 06/1599 and An Board Pleanala PI 24.225443 and the local access passageway which delineates its eastern boundary. The satellite quarry will extend to 13.6 hectares (33.6 acres) of which 9.7 hectares (24.0 acres) will be extracted: Construction of a 40m concrete tunnel underpass; Stripping of soils; Processing of excavated rock; Demolition of a derelict house; Temporary diversion of section of local access passageway; Temporary access gate and ramp. Demolition of concrete supports; Construction and operation of new concrete batching facility; Batching control office, and mixture storage shed; Closed loop concrete recycling facility; Aggregate storage hardstanding area; Continued use of established site infrastructure: Realignment of wall and demolitions; Restoration and extraction across satellite quarry area. Permission sought for up to 20 years. An EIAR and NIS will be submitted to the Planning Authority in connection with the application at Cappagh Quarry Ballykennedy, Kilgreany and Canty Townlands Cappagh.

The submission/ observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001, as amended, and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully,

for DIRECTOR,

ECONOMIC DEVELOPMENT & PLANNING SERVICES.

Waterford City and County Council, City Hall, The Mall, Waterford.

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Gliddane Mor,

Dungarvan,

Co. Waterford

X35 E432

11<sup>th</sup> May 2022

Reference:		Planning Application to Waterford County Council. July 2021
Planning file Reference Number		21772
Applicant:		Roadstone Ltd., Fortunestown, Tallaght, Dublin 24.
Purpose of Application		To seek approval for an Eastern Satellite Quarry and a new Concrete Plant.
Location:		Ballykenedy, Kilgreany and Canty Townlands, Cappagh, Dungarvan, Co. Waterford.

A Chara

I am writing this submission to express my concern regarding the Planning Application Reference Number 21772 for the development of a satellite quarry and cement Plant at Ballykenedy, Kilgreany and Canty. I have family resident in the townland of Canty located in a North Easterly direction from the proposed development which is bounding my family's property. All intentions are that my homeplace will stay in the family name so one day I may be the benefactor. The proposed development has huge implications on any future plans for my homeplace.





### **Right of Way Public Road**

My concern is that, if permission is granted, the public right of way road will then exist at a height of up to 20 metres above the floor of a quarried-out crater. The blasting of the proposed satellite quarry will cause fracturing of the Eastern side of this right of way public road foundation making it prone to subsidence and dangerous to users.

Not only is this road a public right of way but it is a wonderful amenity in the area offering many benefits as a scenic walking and cycling route. I would kindly request consideration of the proposal to locate the link road around the perimeter as per original design and drawings submitted to Waterford County Council Planning Authority, reference number 17/551. There are many benefits to the proposal relocating the link road around the perimeter route:

- A- It would be safer for its many users,
- B- Not having to tunnel under the existing road would have cost benefits
- C- No requirement to open any new quarry faces
- E- Locating the road around the site perimeter would move the quarry boundary further away from local dwellings and help mitigate fugitive dust and noise pollution
- F- More material resources would be available for quarrying.

The reason given for not relocating the link road was legal in origin but no further explanation was provided or details given at the public drop in meeting in the Park Hotel Thursday the 3<sup>rd</sup> March 2022.

There is a feeling among the community that the proposal to build the underpass is to render the existing road and amenity unusable resulting in an eventual collapse into the possession of Roadstone. Such a feeling is not without precedence as evidenced by the unapproved blasting across the original right of way road

## Noise

RFI page 2, the applicant was requested to undertake baseline noise surveys in accordance with the criteria set down in BSA 4142. The applicant challenged this request on the grounds that given its variable and intermittent nature; noise generated by extractive/quarrying activities is more directly comparable to that generated by construction and demolition activities rather than that generated by industrial noise source.

Quarrying and processing over 3,000,000, tons of material within a 10 /15 year period is far removed from being an intermittent activity.

Regular drilling of blasting holes, blasting rock on a number of the faces, rock breaking, moving material for crushing and screening ,moving and mixing materials for a cement plant , producing ready mix cement , movement of trucks transporting processed material and ready-mix on a daily basis , represents a level of activity which should be categorised as heavy industry and not demolition or building activity .

There are tables of noise level reports in the RFI showing low background ambient noise and predicted operational levels of the satellite quarry and cement plant

It has to be noted that words such as (approximated and predicted) are used in the RFI when determining future noise levels

Living beside the existing quarry for most of my life I have experienced the daily drone noise generated by a quarry in operation. An added concern was introduced when the fixed crusher was replaced by a mobile crusher and rock breaker. Since the introduction of the mobile crusher and rock breaker the noise levels have increased dramatically.

In addition to the drone noise there is now thumping, banging, and impact noise coming from the mobile crusher and rock breaker which is clearly audible over everything else

At times the noise generated gets so severe my family have to stay indoors, or resort to having to wear ear protectors when outside. It reached a point where my parents had to leave their home for a period such was the disruption. Our local Roadstone representative was informed of this and sent a mobile phone sound recording.

Having to leave their home due to server noise is a level of behaviour change which falls into the category of "Adverse and Substantial" and is not acceptable [REDACTED].

The unbearable noise levels experienced previously, which can also be heard inside their dwelling with windows and doors closed can only get worse should planning permission be granted.

Increased noise levels will be significant resulting from facts as follows: -

- a. Proposed Satellite quarry development.
- b. Potential annual output levels of up to 400,000 tonnes.
- c. Regular drilling of bore holes at the top of the quarry for blasting
- d. Regular blasting and excavation of rock from a series of open faces.
- e. Continues use of the mobile crusher and rock breaker
- f. Loading the crusher hopper
- g. Transporting and loading material within the quarry
- h. Hundreds of trucks transporting processed material and ready-mix from the facility daily.
- i. Proposed development moving closer still to my dwelling.
- j. More activity more noise

Page 3 phase -1 of the RFI acknowledges that noise levels at some receptors (of which my parents' dwelling is one) is likely to be an indication of a significant adverse impact. In my experience the noise levels predicted are lower than what will be experienced in reality and are somewhat biased towards the applicant

The mitigation measures currently in place don't dampen the noise generated by the mobile crusher and rock breaker operation in the existing quarry. The applicant gives the impression that the proposed berm around the perimeter which is lower than the existing berms and a



2 meter high acoustic fence on top will dampen the noise to acceptable levels.

The acoustic fence is only erected to act as a noise abatement barrier while the tree line and vegetation are developing to maturity.

RFI requested the Applicant to propose a plan for continuous noise monitoring in addition to annual monitoring proposed in the EIAR. This noise monitoring shall provide the quarry manager with real-time information regarding potential exceedances of noise limits allowing prompt action to be taken to mitigate same

Having noise monitoring equipment in the proposed site and boundary will not reflect the real time noise level at my parents' dwelling. They don't live within the proposed quarry boundary but live in the slipstream of the noise generated from the existing quarry and proposed satellite quarry development. Noise generated at source can be amplified by sound bouncing off a number of quarry faces and surfaces within the quarry and heard some distance outside the proposed quarry development boundary.

A request was made to the Applicant during the meeting at the home of Eddie and Mary Stack on March 16<sup>th</sup> 2022 to install noise monitoring equipment at the most appropriate location within the cluster of dwelling nearest the proposed development for continuous monitoring of real time noise levels.

Page 2 of the RFI the applicant states that the location of the mobile plant as far as possible from the most sensitive residential receptors and reducing the proportion of time in which plant is left idling.

Location of such mobile equipment as far as possible from the nearest sensitive residential receptors. Does this mean that the mobile plant will be moved up to a kilometre away from the proposed satellite quarry rock faces into the existing quarry for noise reducing measures? The applicant needs to clarify this.

Heavy industry operating to a license requires daytime noise levels to be at 55db at site boundaries. It is clear from the details provided that levels in the vicinity are in excess of this value

### **Vibration**

Vibration from Blasting is something I have experienced from the existing quarry. Depending on the size of the blast, vibrations can vary from a low rumble to a large bang which is heard and felt inside my homeplace. It is not uncommon for windows and doors to visibly shake. I remember this clearly growing up and new technology has made bigger more explosive blasts more common

My concern is if planning permission is granted, with the quarry moving closer, production increases to a potential of 13 times that of 2020 levels with the result that my parents' dwelling will be subjected to more vibration and possible structural damage (hairline cracks are already evident in some of the dwelling walls)

### **Dust**

This is an impact which has also caused significant concern on an ongoing basis. While there are test results compiled and presented in the EIAR, I would like to point out that these tests were carried out during the period January 2018 through to June 2021 - one of the lowest production output periods from Cappagh quarry I can remember. The total output for this 3-year period 2018, 2019, and 2020, reported in the EIAR was 250, 941 tonnes (17% of which came from stockpiles already excavated). That's not even one year's output of a potential output of 400,000 tonnes per year and therefore the results obtained are unrepresentative of the situation which if planning permission is granted will be presented going forward.

Increasing output from 30,168 tonnes produced in 2020 to a potential output of 400,000 tonnes equates to a 13-fold increase over 2020 figures. This increased output will invariably result in increased levels of fugitive

dust pollution escaping from the quarry and being carried away in my direction of my Dwelling by the prevailing winds.

Fugitive dust levels recorded during the period 2018, to June 2021, (the lowest output levels I can remember), are NOT representative of future dust levels if planning permission is granted and production increases from current 2020 outputs of 30,168 tonnes up to a potential output of 400,000 tonnes per annum

I have lived beside the quarry for most of my life, and with the exception of recent years due to low outputs, everyone in the vicinity has experienced on a regular basis dust deposits on Property, roofs, window sills, gardens, fields, and vehicles even to the level of fouling which is considered to introduce a nuisance as stated in the EIAR.

If planning permission is granted for the development of a satellite quarry and cement plant fugitive dust levels will increase above and beyond that ever experienced in the past.

To achieve a potential output of up to 400,000 tonnes per annum allowed under current planning, dust emissions will exceed anything experienced in the past.

For example.

- k. Regular drilling of bore holes at the top of the quarry for blasting
- l. Regular blasting which emit heavy dust clouds
- m. Excavation of rock from a series of open faces
- n. Continues use of the mobile crusher and rock breaker
- o. Loading the crusher hopper
- p. Transporting , loading and stockpiling material within the quarry
- q. Transporting material including sand brought in from external suppliers for the ready-mix plant
- r. Hundreds of trucks transporting processed material and ready-mix from the facility daily.
- s. Proposed development moving closer still to my dwelling.
- t. More activity more dust

From a Physical Health aspect it's of paramount importance to model and publish the projected particulate matter sizes in the fugitive dust emissions. Inhaling air contaminated with dust particles particularly those of PM 10 and under is detrimental to the Health and wellbeing of those who, through no fault of their own, are exposed to breathing and inhaling air contaminated with such dangerous particles.

Any risks to health for any of my family are a **big concern** and need to be measured, mitigated against and clarified fully.

If planning permission is granted the applicant has committed to putting dust mitigation measures in place such as sprinkler system and mist cannons where necessary, may I point out sprinkler systems and dust cannons are already in place in the existing quarry.

My concern is there's no modelling or background information as to how successful the proposed dust mitigation measures will be in dampening emissions below nuisance and fouling levels,

I suspect the Applicant is adopting a wait and see approach.

For example there is no mitigation measures proposed

1. To dampen the dust clouds arising from tunnelling under the public right of way link road.
2. To control the dust clouds arising from the stripping of soil from the top of the proposed satellite quarry development
3. To control the dust arising from the blasting holes drilling machine.
4. To control the heavy dust clouds arising from the many blasts required to provide raw material to support production of up to a potential 400000 tonnes per annum.
5. To avoid dust being whipped up from the vast floor area of the existing and proposed satellite quarry and carried away by the prevailing winds



6. To dampen rising dust from the many trucks, dump trucks, loaders and heavy machinery constantly moving around within the applicant's site boundary

7. To dampen the dust rising from the loading of possessed material and ready-mix onto hundreds of trucks.

8. To stop residual dust deposits from plant and machinery being carried away by the prevailing winds which can also happen outside quarry operation hours.

With potential output increasing by up to 13 times the 2020 outputs of 30,168 tonnes, and activity levels increasing as described above I'm not satisfied that dust emissions will be kept below nuisance levels.

I'm very concerned that the proposed opening up of a series of quarry faces further increases the risk of blasted fly rock being blown in my parents' direction; there have been instances of fly rock blown into surrounding properties in the past.

### **Water**

"The GSI outline database in the EIAR shows the presence of a number of groundwater boreholes within c.2 km of the application.

In the absence of any public water supply scheme I have to depend on a private water supply well.

My parent's domestic water supply bore hole well is within 200-meter of the proposed satellite quarry development

My concern is that ground vibrations and fracturing of the bedrock as a result of blasting out of over 3 Million tonnes of bedrock so close will affect my water supply well and threaten its very existence.

It's of paramount importance that the applicant adheres to staying above the 10 meter OD line .Unfortunately there's a history of going below the 10 meter OD line in the past, pumping excess water into the Bricky river and the draining of wells in the area without any permission whatsoever.

I'm very concerned that runoff water within the quarry from stockpiled site produced materials, materials brought in from other suppliers, stockpiled sediment from the lagoons contaminated with admixtures and accidental spillage of oils or chemicals leaching into the aquifer could affect underground water quality.

It's well established that all local residents are all drawing from the same aquifer. It's essential that the water quality is protected at all times. I'm not convinced that proposed mitigations measure, will be enough to protect our water quality

### **Property Values**

The value of my parents' dwelling being at so close proximity to the quarry boundary is negatively affected due to, airborne dust emissions, constant high noise levels, threat to their water supply well and water table, effect on the structural integrity of my dwelling due to ground vibration from blasting. This is already reflected in the value of their property for the purpose of property tax.

### **Summary**

Roadstone's mission statements refer to them as "Being responsible neighbours in the communities in which we operate and deliver on social responsibilities".

Having lived within 200 meters of the site I'm not seeing much attention to their social responsibilities as mentioned in their mission statement for example:

There was no Public Consultation (a requirement of planning guidelines); meeting held with the locals during the pre-planning process, Covid restrictions may be the reason for this; however there are references in the EAIR to pre-planning consultation meetings held outdoors at the application site between Roadstone, Consultants, and Planners. Why were the locals NOT informed or included in any of these?

1. Whole industries continued with meetings during Covid via Microsoft Teams, Zoom and other such applications, so I do not accept that the locals could not have been kept up to date in a public meeting consultation, as is required under current planning guidelines.
2. I feel the reason for holding a recent walk-in information meeting in the Park Hotel on the 3<sup>rd</sup> March and a subsequent meeting with the local residence living in the cluster of dwellings on North Easterly direction of the proposed development application on the 16 March 2022 was just to satisfy planning requirements and not driven by concern for local residences
3. The proposed tunnelling under the public right of way road, heavy machinery crossing the right of way road, construction of a bypass will be an inconvenience to the many users of this right of way public road.
- 4 .It would make much more commercial sense from a cost, safety, and convenience point of view and provide some additional noise and fugitive dust mitigation to re-route the right of way road link road permanently around the perimeter as per original design and drawings submitted to Waterford County Council Planning Authority, reference number 17/551.
5. The original public Kilgreany road was blasted through and completely destroyed without planning permission, and WITHOUT consulting the locals which hugely undermined local interest and affinity to the road. This was a major breach of trust.

I wonder is this attempt to inconvenience the many users of this re-instated public roadway so much that it will become unusable and eventually fall into the possession of Roadstone. After all there's a history of this being attempted in the past when without permission Roadstone blasted through the original right of way road.

6. The EAIR is biased in favour of the Applicant. For example, traffic, dust emissions, vibration and noise tests were carried out during the lowest production period I can remember. The assumptions and estimations are based on these test results which in real time do not

reflect the limits when production (if permission is granted) will be ramped up to potential levels of 13-times 2020 outputs. I also question these results when one of the PM monitors referred to in the EAIR was located under heavy foliage cover.

7. The references to mitigation measure throughout the EAIR and the RFI are written giving the impression that the recommendation and introduction of such mitigation measures will solve dust, noise, vibration, and water issues to below nuisance and adverse levels.

8. This is very misleading and another example of the "wait and see what happens" attitude of the applicant. There are mitigation measures currently in place in the existing quarry: dust cannons, wheel wash, berms which are much higher than the proposed berms on the boundary of the applicant site. These mitigation measures are not reducing fugitive dust and noise emission to below nuisance levels

9. If planning permission is granted and production output increases up to a potential 400,000 tonnes per annum I'm not confident that the proposed berms, (which are a lower height than the existing berms) and the installation of a 2 meter screen will have any additional effect on noise and fugitive dust reduction to below nuisance levels.

10. There is no performance data to support claims that mitigation measures mentioned in the RFI will reduce the impact of noise, vibration, and dust emissions to below nuisance levels.

- a. Increased dust levels escaping from the operation.
- b. Increased noise levels which even recently have been intolerable.
- c. Increased vibration levels due to increased frequency of blasting.
- d. Increased danger to the aquifer.
- e. A detrimental effect on Flora and Fauna, Wildlife and Heritage.
- f. Reduced private property values.

During the meeting on the 16th March 2022 with the local residence's living in the cluster of dwellings on the North Easterly Direction of the proposed development the issues were raised again with the Applicants



representatives as to the impact on these residents from noise pollution ,air quality, property values, ground vibration, threat to water supply and effect on their physical and mental Health should planning permission be granted.

While the Roadstone representatives at this meeting mentioned possible additional mitigations measures. However without giving any specific details or performance data on any additional mitigation measures these are only words and don't give me any confidence that these unspecified mitigations measures will be followed through on or implemented should planning permission be granted .

A disturbing statement in Page 15 of the FRI.

Challenge for the Applicant and Planning Authorities is to balance the needs of wider society and economy against the needs and interest of individuals and /or private enterprise located in the surrounding area.

In other words if mitigation measures fail to bring the limits of noise ,dust pollution, threat to water supply/ contamination, and ground vibration down to an acceptable level then there is no accountable recourse?. Are my family to become collateral damage for the benefit of the wider society and economy – this is in stark contrast to the Applicant's mission statement.

For the reasons highlighted in this submission and to be able to live in an environment where no one is exposed to unnecessary ground vibrations, threat to domestic water supply, being exposed to unbearable noise levels, breathing dust contaminated air and endangering both mental and physical health of all residents current and future, I wish to place my strongest objection to the granting of Planning Permission for the Cappagh Quarry Expansion proposed in Planning File Number 21772

John Stack