SECTION 131 FORM

Appeal NO: ABP -313939-72	Defer Re O/H
O:SEO	
aving considered the contents of the submission dated/received) 77/7/7	
From	
Ane Fernell & David I recommend that section 131 of the Planning and De	velopment Act, 2000
Denot be invoked at this stage for the following reason(s):. No naterial	- planning issue
E.O.: Date: 19/3/2	J
ToEO:	
Section 131 not to be invoked at this stage.	
Section 131 to be invoked – allow 2/4 weeks for reply.	
S.E.O.: Date:	
TVI	
Please prepare BP Section 131 notice enclosing a copy of the submission	attached
to: Task No:	
A llow 2/3/4weeks - BP	
EO: Date:	
AA:	

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υ,	U /

File With _

CORRESP	ONDENCE	FORM
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Please treat correspondence received on	as follows:
. Update database with new agent for Applica	nt/Appellant
. Acknowledge with BP	1. RETURN TO SENDER with BP
. Keep copy of Board's Letter	2. Keep Envelope:
	3. Keep Copy of Board's letter
	<u> </u>
Amendments/Comments	

4. Attach to file	
(a) R/S (d) Screening	RETURN TO EO ☐
(b) GIS Processing (e) Inspectorate	KETOKW TO ZO
(c) Processing	
	Plans Date Stamped
	Plans Date Stamped Date Stamped Filled in
EO:	-
EO: Date:	Date Stamped Filled in

Validation Checklist

Lodgement Number: LDG-055551-22
Case Ny er: ABP-313939-22
Custome: Anne Fennell and David Shiels Lodgement Date: 22/07/2022 10:15:00

Validation Officer: John Cannon

PA Name: Waterford City and County Council

PA Reg Ref: 21772

Case Type: Normal Planning Appeal PDA2000 Lodgement Type: Observation / Submission



Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Overpaid
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

BP40 to Observer
BP97 to follow
(aerpa.d)
RV-2917

Run at: 27/07/2022 12:13

Run by: John Cannon

Lodgement Cover Sheet - LDG-055551-22

Details

ABP-313439-22

odgement Date	22/07/2022
Sustomer	Anne Fennell and David Shiels
odgement Channel	Post
odgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Am	Bord	Pleanála
	7	-

Lodgement ID	LDG-055551-22
Map ID	
Created By	Orlagh Kearney
Physical Items included	ON
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

A Name	Waterford City and County Council
Case Type (3rd Level Category)	

Observation / Submission

Categorisation

Lodgement Type

Section

Processing

Observation/Objection Allowed?	
Payment	PMT-043153-22
Related Payment Details Record PD-043054-22	PD-043054-22

Fee and Payments

Specified Body	No
Oral Hearing	°Z
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	0.00

Observation

Run at: 22/07/2022 10:24

Run by: Orlagh Kearney

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

Run at: 22/07/2022 10:24

Run by: Orlagh Kearney

Canty,

Cappagh,

Co. Waterford.

X35 RP46

19th July 2022

	THE RESERVE OF THE PARTY OF THE
	AN BORD PLEANÁLA
F	2 2 JUL 2022
	Fee: € 150 Type: Cheque
١	Time: By: neg post

Please find attached:

Our observations Ref. Planning and Planning Appeal by Roadstone Ltd. Planning Ref. 21/772

Map showing distance of our property to Roadstone Ltd.

Receipt Ref. our submission regarding Request For Further Information.

Copy of our submission regarding Request For Further Information.

€100 Being Fee Required For Observations: (Anne Fennell €50. David Shiels €50.00

With regards

Anne Fermell

David Shiels

Canty,

Cappagh,

Co. Waterford

X35 RP46

The Secretary

An Bord Pleanala

64 Marlborough Street

Dublin 1 D01 V902

19th July 2022

Re. Planning Ref 21/772 Roadstone Ltd. at Cappagh Quarry Co. Waterford. Application for extension 18.2 hectares satellite Quarry at Canty, Cappagh including extensive works at Ballykennedy, Kilgreany and Canty Townlands.

A Chara,

I wish to make my observations to the above Planning Appeal by Roadstone Ltd. to An Bord Pleanala.

PROXIMITY OF THE DEVELOPMENT TO THE PROPERTY WE RESIDE IN: X35 RP46

We live 100 meters from the proposed boundary of this new development by Roadstone Ltd. as a result of being in such close proximity our everyday life will be severely impacted by the insufferably vibration, noise, dust, dirt and increased road traffic on a quiet road.

The quality and tranquility that myself, my partner, and our two sons (5th Generation in this house) enjoy at the moment I fear will be greatly diminished. Both our boys nap during the day and the noise and vibration caused will be disturbing to them and sleep is so important in their development.

I work remotely from home and the noise, constant din of operations will in no doubt hinder my ability to concentrate and be productive.

I also suffer from Asthma and I take medication for same. I feel the dust and dirt generated from this development will aggravate this issue.

I spent much of my Summers with my Grandmother in this house, even then I was aware of the constant noise and drone coming from the now spent quarry which was much further away than

this new development. Blasts were like sharp rolls of thunder disturbing local residents, livestock and pets.

This noise, dust, dirt, blasting and general pollution will now be much worse considering the new Quarry will be so near - 100 meters. Please see map attached for reference. There will also be an increased amount of traffic by lorries, and other machinery used in the working of this Quarry.

As a community I feel we have done everything that is humanly possible to refute this development and I would ask that our original objections and response to the RFI be revisited again by An Bord Pleanala.

The boundary is much too close to our home, as a result of the type of work carried out in this new quarry, I don't believe that any of the measures Roadstone Ltd promise they will put in place will give us any respite from the huge disturbance this development will bring to our lives.

OBSERVATION REGARDING PROPERTY VALUES:

As a direct result of this development my home and other houses in the area will be severely compromised regarding their value to such an extent they may have to be devalued on the property registrar for LPT purposes and Revenue notified as a result.

OBSERVATION REGARDING WORKING HOURS:

There also seems to be an inordinate number of hours allotted to the operating of this new development. I counted 72 hours this includes Saturday. Normal construction federation only allows 39 hours. If the new quarry is allowed to operate for this amount of excessive hours there will be little or no respite for our family or the other local residents in the area, even at the weekend.

OBSERVATION ON WATER TABLE LEVELS AND BORE WELLS:

It is imperative that Roadstone Ltd. are not allowed to excavate deeper than 10 meters OD, speaking to some local residents I know that this has happened in the past with dreadful consequences, I refer to water being pumped from the Quarry into the River Brickey without permission. We have to protect our bore wells.

CONCLUSION OF OUR OBSERVATIONS:

- 1. The new development is much too close to our home. We request that An Bord Pleanala would consider putting in place a substantial increase in distance from our home and the homes of other residents affected.
- 2. The Bord is requested to examine the number of hours which are in place to operate this new quarry and decrease them to a tolerable amount with no work being carried out on Saturday or Sunday.
- 3. The Bord is requested to uphold the 10 meter OD condition.

CONTINUED

4 The Bord is requested to examine the problem of our properties having to be devalued as a result of living in such close proximity to this new quarry.

BASELINE SURVEY RESULTS 4.0

An attended noise survey was carried out around the proposed development site at Cappagh Quarry on Thursday 16th December 2021 to sample the existing noise climate during the daytime across five monitoring locations, designated BN1 to BN5, which have been approximated as representative of the nearest NSRs, shown annotated in Figure 4-1.

X35RP46 Esther & John Fennell DI Ross

Figure 4-1 Site Plan with Baseline Noise Monitoring Locations BN1 - BN5

The noise monitoring equipment used during the survey has been detailed in Table 4-1 overleaf.

AS MARKED V

THIS IS WIDER = | RESIDE HITH MY PAKTON

4 OUL THO PARY SONS.

A. FENNELL.



ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a

PLANNING APPLICATION AN BORD PLEANALA 2 9 JUN 2022 Fee: € _____ Type: ___ 2/05/2022

21/772

Anne Fennell Canty Cappagh Dungarvan

Co Waterford X35 RP46

Applicant: Address:

Roadstone Ltd.,

SLR Consulting (Ireland) Ltd

7 Dundrum Business Park

Windy Arbour **Dublin 14**

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 10/05/2022 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 Pl 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.

CORPORATE SERVICES, CULTURE AND PLANNING.

Waterford City and County Council, City Hall, The Mall, Waterford. Comhairle Cathrach agus Contae Phort Láirge, Halla na Cathrach, An Meal, Port Láirge Tel: 0818 10 20 20 www.waterfordcouncil.ie

Copy

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

Canty, Cappagh, Dungarvan, Co. Waterford. X35 RP46 6th May 2022

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 Ballykennedy, Kilgreany and Canty 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 2922

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.

se 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 at less than 100metres 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° , 2022, and again at a follow-up meeting with Roadstone Ltd. representatives on 16° 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:

- 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 16th 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.

Roadway: L2018 to R6072 (continued).

In 1997 members of my family and 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 my front door.

The relocation of the link roadway was discussed at length both at the public meeting held on March 3rd and the subsequent meeting held on March 16th, 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 guarry 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:

mes 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 archelogy 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.

re 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 16th 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. It is in effect 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 operafors 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.	
Anne Fennell.	

Anne Fennell