

File With _____

SECTION 131 FORM

Appeal NO: ABP - 313939-22

Defer Re O/H

TO: SEO

Having considered the contents of the submission dated/ received 20/17/22
fromEdmond & Mary Stacker I recommend that section 131 of the Planning and Development Act, 2000Be not be invoked at this stage for the following reason(s): no new material planning issuesE.O.: phlDate: 29/7/22

To EO: _____

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

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP _____

M _____

Please treat correspondence received on _____ as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP _____

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐

Amendments/Comments

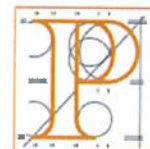
4. Attach to file

(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO:	AA:
Date:	Date:

Validation Checklist

Lodgement Number : **LDG-055657-22**
Case Number : **ABP-313939-22**
Customer: **Edmond and Mary Stack**
Lodgement Date: **20/07/2022 15:15:00**
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**



An
Bord
Pleanála

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

(Overpaid) RX-29/7

Run at: 27/07/2022 12:40

Run by: John Cannon

Lodgement Cover Sheet - LDG-055657-22

Details

Acc- 313939-22

Lodgement Date	20/07/2022
Customer	Edmond and Mary Stack
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Categorisation

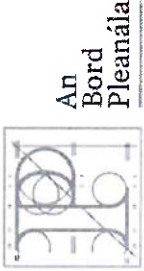
Lodgement Type	Observation / Submission
Section	Processing

Fee and Payments

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

Observation

Run at: 26/07/2022 15:20
Run by: Gillian Brogan



An Bord Pleanála

Lodgement ID	LDG-055657-22
Map ID	
Created By	Gillian Brogan
Physical Items included	No
Generate Acknowledgement	
Customer Ref. No.	
PA Reg Ref	

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

Observation/Objection Allowed?	
Payment	PMT-043246-22
Related Payment Details Record	PD-043145-22

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

Development Description	
Applicant	
Additional Supporting Items	

Canty
Cappagh,
Dungarvan,
Co Waterford
X35V585
19th July 2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01V902

AN BORD PLEANÁLA	
LDG- 055657 055657-72	
ABP- _____	
20 JUL 2022	
Fee: € 100	Type: cheque
Time: _____	By: reg post

Re: Planning Ref 21/ 772 Roadstone Ltd. at Cappagh Quarry Co Waterford - application for extension 18.2 hectares Satellite Quarry and New Concrete Plant at Canty, Cappagh together with extensive listed works at Ballykennedy, Kilgreany Cappagh Co Waterford for up to 20 years.

A Chara,

I wish to make my Observation to the above Planning Appeal by Roadstone Ltd. to An Bord Pleanála.

Relevant documents:

1. Roadstone Ltd. Eastern Satellite Quarry and New Concrete Plant Environmental Impact Report. Volumes 1 and 2 July 2021. (*Application to Waterford County Council*).
2. Roadstone Ltd. Response for Further Information document March 2022 (*to Waterford County Council*)
3. Roadstone Appeal to An Bord Pleanála. 28th June 2022. An Bord Pleanála Reference No: 501.00180.00264
4. Waterford County Council Notification of Decision to Grant - Subject to Conditions.
2nd June 2022

Enclosed for further reference:

1. For clarity and further explanation of my concerns and observation regarding the extension of quarrying at such close proximity to my residence I have attached a copy of my full Response to the Request for Further Information submitted by the Applicant to Waterford County Council Planning Authority.
2. Copy of Court decision regarding the replacement of the link roadway.
3. Map indicating the proximity of my dwelling to the proposed quarry development.
4. Copies of Receipts for RFI response submission for Edmond and Mary Stack.
5. Cheque, Value €100 in respect of Observation fee to An Bord Pleanála for Edmond and Mary Stack, (2x €50).

1 Proximity of the proposed development to my residence.

By its nature the quarrying process is a noisy dusty operation, consisting of Rock drilling, Explosive blasting, Rock breaking using hydraulic hammers and crushing of the rock into various aggregates including Lime.

Resulting from this process are severe and debilitating Noise levels, Ground vibration. Airborne dust pollution and the possibility of damage and pollution to the Aquifer.

This quarrying activity for which this permission is granted now will operate within 200 meters of my residential dwelling which is on the prevailing wind side of the development which increases the effect of noise and dust pollution being produced by the quarrying operations.

Historically the operation was a greater distance from my property in Canty (X35V585) and still generated nuisance levels of noise, and dust pollution.

The new activity will result in a significant increase in road traffic which in itself is a pollutant and includes the risk and hazard of airborne pollution emanating from the trucking activity.

The close proximity will impact disproportionately on my health and wellbeing regardless of the mitigating measures outlined in the Conditions listed in the granting of permission by the Waterford County Council Planning Authority. In the past on occasions, I have found it necessary to leave my home to get relief from the severe and constant noise levels. I ask what will this be like in the future development of the quarry?

As European citizen, one of the rights enshrined in European Convention of Human Rights in Article 8 guarantees the quiet enjoyment of my home and property. With this development my rights evaporate.

Another significant factor is the devaluation of my property resulting from the proximity of the development and the pollution emanating from it. The proximity of quarrying to my home is such that I fear the effects outlined above have not been given due consideration in the granting of Permission or the conditions therein. Should this development proceed, I would justifiably but regrettably reduce my property value for the payment of the Local Property Tax (LPT), and inform Revenue of the reason why. Devaluation of our properties as a result of having this proposed new quarry in such close proximity is just not acceptable. Without redress, it is tantamount to stealing from the residents.

By comparison to a lesser polluting activity, a comparator would be that minimum distances for the installation of Wind Turbines are set at 500metres from local residential properties unless otherwise agreed by the landowner.

It is not acceptable that there is not a specified minimum operating distance from residences for this particular development extension.

Operating Hours.

Ref: Waterford County Council Notification of Decision to Grant:

Condition Nos:

8(a) in the Local Authority planning approval outlines the permissible operating between 07.00 and 20.00 Monday to Friday each week and 0700 hours and 1400 hours on Saturdays. This amounts to a possible total operating time of 72 hours per week. Surely given the excessive noise pollution that will emanate from this development there should be a reduction in these operating hours. In particular, operations should cease on Saturdays at least.

8 (b) Rock breaking commencing at 08.00 to 18.00 and can amount to 10 hours of daily severe noise, this in an otherwise quiet countryside rural setting where the main activity is farming. I wish to question the protection afforded to residents and residential amenities and indeed properties with those extensive daily operating times.

Normal working hours in Ireland under Construction Industry Federation working hours rules is 39 hours weekly. Again, my request to the Bord is to amend these extensive operating hours to offer some respite for the near residents.

I wish to continue my Observation regarding noise emanating from the proposed development as follows:

Reference: Roadstone Ltd. RFI. (detail).

1. **Item a). The applicant is requested to undertake baseline noise surveys.** (RFI Page 1).

(Note: The RFI refers to the L2019 near residence R06. The correct roadway number is L2018).

To State that *"the supplementary noise assessment report concluded that noise levels from the proposed activities in the quarry will not significantly exceed existing background noise levels at residential receptors"* can only be a gross understatement and is not acceptable.

- 1) Ambient noise levels in a rural agricultural setting are by its nature sporadic, varied, and easily tolerable. The statement in the RFI does not consider the daily continuous nature of the noise that the proposed development will emit, and this to continue for 20 years!
- 2) Historically the levels of noise emanating from the plant have been at nuisance levels and is therefore detrimental to the well-being of local residents. This can only become more of a nuisance as the proposed development will be closer to many local dwelling houses including my own.
- 3) The proposed production levels amount to a 13-fold increase in quarry output compared to recent years. This can only result in higher and more constant noise levels and become even more of a nuisance.
- 4) The frequency and abatement of noise emissions from quarry drilling machines located on top of the quarry face has not been addressed by Roadstone Ltd. in their RFI.

- 5) Regarding the use of hydraulic rock breaking hammers. Living beside the existing quarry for many years we have been exposed to the daily drone noise generated by the quarry in operation. In recent years this has changed when the fixed rock crusher was replaced by a mobile crusher and hydraulic rock breaking equipment. Since the introduction of mobile crusher and rock breaker the noise levels have increased dramatically and sometimes it is unbearable.
- 6) The noise generated by the mobile crusher and rock breaker can be so severe that living in close proximity to the quarrying operations I found it necessary to stay indoors or having to wear ear protectors when outside.
- 7) Staccato noise generated by hydraulic rock breaking equipment by its nature is difficult to suppress to levels that are not debilitating to near residents. In the recent past I and other residents living local to the quarrying operation found it necessary to leave home to get relief from the constant din generated by this process and other noise sources emanating from the quarry operations. The thumping, banging and impact noise generated by the rock breaking activity is clearly audible above everything else. The impulsive sound generated by the rock breaking activity is far more annoying than a steady-state sound having the same A-weighted equivalent sound pressure level, LAeq. This situation can only be addressed by eliminating this process or imposing severe penalty conditions on the measured values. The conditions specified in the granting of Planning Permission by the Local Authority have gone some way towards minimising this severe noise pollution. A reduction in the permitted operating hours for this activity including a published schedule would be welcome.
- 8) These unbearable noise levels, which can also be heard inside of dwelling houses with the windows and doors closed will only get worse when the projected 400.000 tonnes per annum is reached if adequate abatement systems are not in place and Planning Conditions are not adhered to.
- 9) Having to leave our homes due to nuisance noise levels amounts to a degree of behavioural change which falls into the category of "Adverse and Substantial".
- 10) The noise level results in the EIAR and the predictions are based on measurements carried out during 2019 and 2020 when the quarry operations were at their lowest in recent history.
- 11) It is therefore incorrect to state that *"the supplementary noise assessment report concluded that noise levels from the proposed activities in the quarry will not significantly exceed existing background noise levels at residential receptors"* This can only be a gross understatement and is not acceptable. Historically the levels of noise emanating from the plant have been at nuisance levels and is therefore detrimental to the well-being of all local residents.

Roadstone Ltd. RFI Item b), (page 5). Regarding whether the area should be considered a low background noise environment and what the impact of the noise from the proposed development is in the context of the background noise level.

- 1) Again, the noise level results in the EIAR, and the predictions are based on measurements carried out during 2019 and 2020 when the quarry operations were at their lowest levels in recent history.
- 2) The response from Roadstone Ltd. in the RFI goes to great lengths to monitor the ambient noise levels and state that the noise limits for the proposed satellite quarry with noise emissions to be no more than 10dB above the background sound level or in any event not exceeding 55dB LAeq,1hr. This however does not take into consideration the amplified effect on the noise levels from reverberation caused by sound bouncing off multiple quarrying faces and other hard surfaces within the operation. Reverberation and multiple echoes can become

even more apparent outside of, and some distance from the quarry boundary. It is also noted that the Table 4-2 on page 9 of the RFI "Summary of Noise Levels, free-field" is incorrect as the dates stated are in the future, (December 2022)!

- 3) The RFI does not include the carrying out a noise modelling study which should have been based on the proposed mitigation measures including the now proposed acoustic fence installed on top of a berm.
- 4) The effect of the mitigation measures proposed in the RFI can only be assessed when the proposed development is up and running. Having had experience of the quarry operators poor regard for their neighbours, by then it will be too late for local residents to protest.
- 5) Within the cluster of houses adjacent to the proposed quarry eastern boundary it is now the norm for quite a few people to work from home on a permanent basis. High noise levels in one's place of work can only be disruptive to efficient working.

RFI Page 9 Item b Regarding rock breaking.

- 6) The RFI only indicates a schedule for this operation which amounts to a possible 50 hours per 5-day week but does not address the effect that it has on local residents who find this operation unbearable and debilitating. Unless adequate noise abatement systems and penalty conditions are imposed for this activity to proceed, it should be abandoned. The operating schedule also needs to be curtailed to a much-reduced finite timetable.
- 7) At the Public Consultation meeting on 16th March this concern was discussed at length and included that Roadstone Ltd. have already created a precedent by upgrading windows in some instances to triple glazing for residents living in close proximity to other quarry operations. The fact of this precedent was not denied by Roadstone Ltd.
- 8) Overall, there seems to be a thinking of "wait and see" regarding noise pollution which is both careless and negligent. This is hardly Roadstone Ltd. being "*a responsible neighbour*" according to their mission statement.

Ref: Waterford County Council Notification of Decision to Grant: Condition Number 3.

"The final floor of the quarry shall not drop below 10mAOD as detailed in the documentation submitted to the Planning Authority on 13th August 2021 Save where otherwise permitted by grant of permission issued by the Planning Authority"

Regarding the proviso, "*Save where otherwise permitted by grant of permission issued by the Planning Authority*"

Historically the quarry operators without any official authorisation or permission have excavated to below and exposed the water table. This clandestine adventure included the installation of a pipe under the R6072 road under the cover of darkness to facilitate pumping of water from the then 40 feet deep hole in the base of the quarry. Polluted water with extremely low Dissolved Oxygen levels (DO) from this hole was pumped to the local Brickey river. Thankfully this was fought by the local community and the stipulation of further excavation levels to be "not below 10-metre OD". was decided by Waterford County Council Planning Authority. (We understand that this planning condition is being observed since it was imposed by the Waterford County Council Planning Authority).

Given that this is a vast aquifer extending to Dungarvan much of it in Karst rock and the fact that when the illegal excavation and pumping took place, the water level in all the borehole wells in the area dropped and the river was contaminated. This possible option in Condition No: 3 should be removed. Not extracting below 10metres OD is probably the single most important condition already in place which helps to protect the aquifer.

in Summary.

I find that the Appeal by Roadstone Ltd. to An Bord Pleanála and much of the content in their RFI is disingenuous in its content towards operating in harmony with their neighbours.

The Roadstone Mission Statement reads: *"We will be a responsible neighbour in the communities in which we operate and deliver on our social responsibilities."* Not factual. Historically the quarry operator has demonstrated utter contempt towards the neighbouring community thereby disregarding their stated social responsibility to the communities in which they operate. There are many examples whereby this mission statement was severely compromised by the questionable management principles and attitude of the quarry operators.

Their track record of ignoring the need for Planning requirements including breaches of existing planning conditions again demonstrates their disregard for Authority and "Proper Planning and Development"

The Company Roadstone Ltd. has yet to fully demonstrate to the local community their commitment to their Mission Statement and proof that they are a responsible neighbour.

It is imperative that the Company Roadstone Ltd. use Best Available Technology and Methods to ensure compliance with regulatory constraints to achieve environmental harmony and acceptance by the community in the area in which they operate.

It is also of the utmost importance that the conditions outlined by the Planning Authority in the granting of this permission are monitored and logged by Roadstone Ltd. and that any breaches of the conditions are highlighted, and methods put in place to eliminate further instances.

While the local community have a responsibility to report any environmental issues, it is also the ultimate responsibility of Roadstone Ltd. and the Local Authority to police the operation. I sincerely hope that this will be adhered to by all parties.

Conclusion

1. On the basis of the foregoing, I request the Bord to uphold Condition 12 in total which is specified as a condition for granting of planning approval by the Waterford County Council Planning Authority Ref No: 21/772.
2. I also request the Bord to curtail the operating hours to allow local residents some relief from the noise pollution emanating from the operation especially on Saturdays.
3. Clarity and recommendations are also requested from the Bord on the question of reduced property values due to the close proximity to a noise and dust polluting industry to residential dwellings.

Is Mise.

Edmond Stack.

Mary Stack

#1

For Reference

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

Canty,
Cappagh,
Dungarvan,
Co. Waterford.
X35V585
30th April 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:	Ballykennedy, Kilgreany and Canty Townlands. Cappagh, Dungarvan, Co Waterford.
Detail:	Comments on Request for Further Information Document. March 2022
Included:	Receipt of 16/09/2021 and copy of Court Resolution re Link Roadway.

A Chara.

I the undersigned wish to object to the granting of Planning Approval for the above referenced Planning Application following the issuing of the Response for Further Information by Roadstone Ltd. on the following grounds:

- 1) In the Roadstone Ltd. Application and in the RFI The proposed development is referred to as a "Satellite Quarry". This reference is incorrect as the proposed development is for opening a new quarry on a greenfield site which through aeons of time has been used for agricultural purposes. Nowhere in the Application or in the RFI has there been mention of "change of use" for the lands in question. In any dictionary the word satellite is described as "an artificial body placed in orbit around the earth or another planet...."
- 2) The access to this proposed development is planned to be by a "culvert" passing under the existing link roadway between the L2018 and the R6072. In reality the proposed "culvert" is actually a 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".
- 3) The stated lessening of the effects that are outlined in this planning application and RFI will have on humans and their properties, and the agricultural community is disingenuous. Material human nuisances are minimised or totally discounted as "minimal", "no effect" or "no significant effect", all of which are biased significantly in favour of the Applicant.
- 4) The quality of life and wellbeing for citizens living in close proximity to the proposed development will be further reduced due to the increased nuisance levels resulting from the planned 13-fold increase in quarry output compared to that of recent years.
- 5) Residential properties in close proximity to the proposed development have been severely devalued since the Application was submitted.
- 6) Due to the decision not to relocate the link roadway between the L2018 and the R6077 the quarrying extraction limit will be closer to residential properties to the east of the Roadstone property boundary. The distance from the final quarry face to the nearest residential dwelling will then be approximately 185 metres. This is not acceptable as a safe distance.
- 7) Roadstone Ltd. have not placed enough emphasis on guaranteeing the protection of what is a vast aquifer for the whole area including Dungarvan.

Reference: RFI. (detail).

1. **Item a). The applicant is requested to undertake baseline noise surveys.** (RFI Page 1).

(Note: The RFI refers to the L2019 near residence R06. The correct roadway number is L2018).

To State that *"the supplementary noise assessment report concluded that noise levels from the proposed activities in the quarry will not significantly exceed existing background noise levels at residential receptors"* can only be a gross understatement and is not acceptable.

- 1) Ambient noise levels in a rural agricultural setting are by its nature sporadic, varied, and tolerable. The statement in the RFI does not consider the daily continuous nature of the noise that the proposed development will emit.
- 2) Historically the levels of noise emanating from the plant have been at nuisance levels and is therefore detrimental to the well-being of local residents. This can only become more of a nuisance as the proposed development will be closer to many local dwelling houses.
- 3) The proposed production levels amount to a 13-fold increase in quarry output compared to recent years. This can only result in higher and more constant noise levels and become even more of a nuisance.
- 4) The frequency and abatement of noise emissions from quarry drilling machines located on top of the quarry face has not been addressed.
- 5) Regarding the use of hydraulic rock breaking hammers. Living beside the existing quarry for many years we have been exposed to the daily drone noise generated by the quarry in operation. In recent years this has changed when the fixed rock crusher was replaced by a mobile crusher and hydraulic rock breaking equipment. Since the introduction of mobile crusher and rock breaker the noise levels have increased dramatically and sometimes it is unbearable.
- 6) The noise generated by the mobile crusher and rock breaker can be so severe that residents living in close proximity to the quarrying operations found it necessary to stay indoors or having to wear ear protectors when outside or indeed on occasions leave their residences to get relief from the noise.
- 7) Staccato noise generated by hydraulic rock breaking equipment by its nature is difficult to suppress to levels that are not debilitating to near residents. In the recent past residents local to the quarrying operation found it necessary to leave their dwellings to get relief from the constant din generated by this process and other noise sources emanating from the quarry operations. The thumping, banging and impact noise generated by the rock breaking activity is clearly audible above everything else. The impulsive sound generated by the rock breaking activity is far more annoying than a steady-state sound having the same A-weighted equivalent sound pressure level, LAeq. This situation can only be addressed by eliminating this process or imposing severe penalty conditions on the measured values.
- 8) These unbearable noise levels, which can also be heard inside of dwelling houses with the windows and doors closed will only get worse should planning permission be granted and production increased up to the projected 400,000 tonnes per annum.
- 9) Having to leave our homes due to nuisance noise levels amounts to a degree of behavioural change which falls into the category of "Adverse and Substantial".
- 10) The noise level results in the EIAR and the predictions are based on measurements carried out during 2019 and 2020 when the quarry operations were at their lowest in recent history.
- 11) It is therefore incorrect to state that *"the supplementary noise assessment report concluded that noise levels from the proposed activities in the quarry will not significantly exceed existing background noise levels at residential receptors"* This can only be a gross understatement and is not acceptable. Historically the levels of noise emanating from the plant have been at nuisance levels and is therefore detrimental to the well-being of all local residents.

RFI item b), (page 5). Regarding whether the area should be considered a low background noise environment and what the impact of the noise from the proposed development is in the context of the background noise level.

- 1) Again, the noise level results in the EIAR, and the predictions are based on measurements carried out during 2019 and 2020 when the quarry operations were at their lowest levels in recent history.
- 2) The response from Roadstone Ltd. in the RFI goes to great lengths to justify the noise limit of 55dB(A). This however does not take into consideration the amplified effect on the noise levels from reverberation caused by sound bouncing off multiple quarrying faces and other hard surfaces within the operation. Reverberation and multiple echoes can become even more apparent outside of, and some distance from the quarry boundary.
- 3) The RFI does not include the carrying out a noise modelling study which should be based on the proposed mitigation measures including the now proposed acoustic fence installed on top of the berm.
- 4) The effect of the mitigation measures proposed in the RFI can only be assessed if Planning Permission is granted and when the proposed development is up and running. Having had experience of the quarry operators disregard for their neighbours, by then it will be too late for local residents to protest.
- 5) Within the cluster of houses adjacent to the proposed quarry eastern boundary it is now the norm for quite a few people to work from home on a permanent basis. High noise levels in one's place of work can only be disruptive to efficient working.

RFI Page 9 Item b Regarding rock breaking.

- 6) The RFI only indicates a schedule for this operation but does not address the effect that it has on local residents who find this operation unbearable and debilitating. The schedule excludes Saturday operation but does not exclude Sunday operation? The operating schedule also needs to be curtailed to a much-reduced finite timetable. Unless adequate noise abatement systems and penalty conditions are imposed for this activity to proceed, it should be abandoned.
- 7) At the Public Consultation meeting on 16th March this concern was discussed at length and included that Roadstone Ltd. have already created a precedent by upgrading windows in some instances to triple glazing for residents living in close proximity to other quarry operations. The fact of this precedent was not denied by Roadstone Ltd.
- 8) Overall, there seems to be a thinking of "wait and see" regarding noise pollution which is both careless and negligent. This is hardly Roadstone Ltd. being "*a responsible neighbour*" according to their mission statement.

Section 3.0 Feedback from Public Consultation Process.

The Public Consultation requirement was ignored by Roadstone Ltd until it became an issue which would render their planning application unacceptable. At the mandatory Public Consultation Meeting held in the Park Hotel Dungarvan on Thursday 3rd March, it was agreed that Roadstone Ltd. representatives would meet with residents living in a cluster of houses in close proximity to the Cappagh Roadstone Quarry to further discuss concerns regarding the proposed development and how they would be addressed by Roadstone Ltd. This meeting took place on 16th March 2022.

The following are the main concerns outlined at that meeting that will affect the wellbeing of the local residents representing themselves and their respective families and the detrimental impact that the proposed development will have on the depreciation and consequently the comfort and value of their residences:

Link Roadway.

At the start of the meeting, it was pointed out that the link roadway between The L2018 and the R6072 Lower Canty road is in a sorry state of repair with significant traffic tracks, potholes, muck, damage to fencing and overgrown hedging which has rendered it unusable as the maintained public amenity which it is intended to be.

Unfortunately, this situation is an indication of the lack of care and attention to their obligations that Roadstone Ltd. pay to their neighbours and consequently the lack of trust therein.

Maintenance of this roadway which is the responsibility of Roadstone Ltd. has always been treated on a reactive rather than a proactive basis. Promises were made at the public consultation meeting of 16th March that this issue would be addressed promptly. At the time of writing no maintenance work has been carried out on the roadway!

Location of the Link Roadway between the L2018 and R6072:

Over the years since it was reinstated in its present location the roadway has been used extensively by locals and others for leisure activities such as walking, (with children or pets), horse and pony riding and cycling as well as its use as a convenient thoroughfare for farmers and the general public. This link roadway has become an important local and safe amenity.

While the Agreement made between John A Wood Limited (previous quarry operators) and representatives from the local community on 24th April 1997 in paragraph 9 states that *"In the event that the Grantor is entitled to extract materials from the lands east of the lands coloured in the map (existing spent quarry lands) annexed hereto the Grantees acknowledge that the Grantor shall be entitled to construct a such a culvert or bridge as may be necessary to provide access to those lands*

This agreement outlines an entitlement only and is not necessarily a requirement should the quarry be extended eastwards into what was previously the O'Brien lands. It is difficult to understand why the original proposal to relocate the roadway to the eastern boundary has been abandoned. The perception by locals is that due to the unsuitability of the roadway going through a quarry this amenity will eventually fall out of use, be abandoned, and ultimately be absorbed into useful quarry property.

There is precedence of this being attempted in the past when without permission and in keeping with their cavalier management attitude, the previous quarry operators, John A Wood Ltd. blasted through the original right-of-way road into the then former Doyle lands without any official authorisation or concern for the local community.

Following the High Court decision in 1997, John A Wood Roadstone Ltd. signed an agreement to register this link road between the L2018 and the R6072 as a designated permanent right-of way. They have failed to honour this agreement.

RFI Attachment C. Report on Public Consultation, (continued).

At the Public Consultation meeting on 16th March 2022 with Roadstone representatives, it was stated that that due to "Legal Reasons" it will not be possible to relocate the link roadway according their original plan and drawings submitted to the Waterford County Council Planning Authority, Planning Reference 17/551. The "Legal Reasons" were not explained and therefore not understood by the local residents.

The Court Agreement made on 21st April 1997 between John A Wood Ltd. The Grantor, and local representatives, The Grantees, states that:

"The Grantor assents to the registration of the right-of-way hereinbefore referred to as a burden on the lands of Folio Number 365 Co. Waterford and 6704GF Co. Waterford and shall attend to the said registration in the land Registry within a period of one month from the date thereof....."

To date this requirement has not been honoured by John A Wood Ltd. or the present owners Roadstone Ltd. as they have failed to carry out what they have agreed and signed. The local community have not informed of the reasons for this situation arising. It begs the question of how there can be legitimate "Legal Reasons" why the link roadway cannot be reinstated at the quarry property boundary when the quarry owners have not honoured their commitment. **A full copy of this Agreement is included with this document for reference.**

It would be the preferred option for myself and the local residents to have the link roadway relocated to the Roadstone quarry boundary according to the design submitted by Roadstone Ltd. in their Planning Application, Reference Number 17/551.

Having the roadway relocated to the boundary would provide a greater separation distance between the quarry and the local residents the nearest of which is only **95metres** from the proposed quarry property boundary and approximately **195 metres** from the now proposed quarrying extraction limit. Increasing this distance would help to reduce the levels of nuisance noise and fugitive dust pollution emanating from the operation. Roadstone Ltd. would also benefit as it would increase the land area available for quarrying.

The relocation of the roadway was discussed at length at the public consultation meeting. Roadstone Ltd. representatives stated that many of the public did not want the road relocated to the new boundary. This is grossly untrue as having read all of the public submissions to The Planning Authority not one of them expressed their opinion to leave the roadway in its present location.

I believe that the submissions by the public to the Planning Authority reflect the official opinion of the community. I fervently request that the possibility of rerouting the link roadway according to the Roadstone Ltd. original design and drawings would be pursued further by them with the Local Authority.

Noise:

There were lengthy discussions regarding Noise emanating from the plant both historically and if Planning Permission is granted. (Concerns regarding noise have been responded to earlier in pages 1 and 2 of this resident's response to the Roadstone Ltd. RFI submission).

Noise issues summary:

Without the installation of adequate abatement systems and the strict management thereof, the increase in noise levels will be significant, resulting from the following facts: -

- a) Proposed new ("Satellite") quarry development.
- b) Annual projected output levels of up to 400,000 tonnes.
- c) Increased use of mobile crushing equipment and hydraulic rock breaker.
- d) Increased road traffic levels.
- e) Blasting and excavation of bedrock from a series of open faces.
- f) Proposed development being much closer to local residents.
- g) Drilling bore holes for blasting.

In simple terms: More activity will result in higher noise levels.

RF Attachment C. Report on Public Consultation, (continued).

Fugitive dust breakout and air quality:

The benchmark dust levels in the EIAR and RFI are based on tests carried out during the period January 2018 through to June 2021. This is one of the lowest production output periods from Cappagh quarry in recent history. The total output for this 3-year period 2018, 2019, and 2020, was 250,941 tonnes (17% of which came from stockpiles already excavated). That is not even one year's output of the projected production of up to 400,000 tonnes per year. These test results cannot be representative of future dust levels if planning permission is granted and production increases from the 2020 annual output of 30,168 tonnes to projected outputs of up to 400,000 tonnes pa which equates to 13-fold increase over 2020 figures and will invariably result in the increase of fugitive dust pollution escaping from the quarry.

Residents living within 450 meters the quarry for many years, (with the exception of recent years due to low outputs), have experienced high levels of dust deposits on a regular basis falling on roofs, windowsills, gardens, fields, and vehicles even to the level of fouling which is considered to introduce a nuisance as stated in the EIAR.

Additionally, with the projected output increasing by up to 13 times the 2020 output, the blasting of bedrock moving closer to local resident's properties will emit blast dust clouds which also carry a strong odour.

It was also stated at the meeting by Roadstone Ltd. representatives that due to world shortages and the increasing price of imported fertilizer, the requirement for ground limestone will increase. This is another significant source of fugitive dust both in production and transportation.

All fugitive dust emissions generated from blasting and quarrying operations are generally carried by the prevailing wind in the direction of the local residences and properties east of the proposed quarry boundary. Of the 18 dwellings within 500metres of the application site boundary, five of these are located directly to the east of the proposed development at distances of: 95, 200, 245, 285 and 450metres. All of there are affected by fugitive dust breakout.

It is interesting to note that on occasion we get dust from the Sahara Desert falling on our properties!

It is therefore not believable that fugitive dust emissions from an over-the-fence source will be held below nuisance levels without significant containment measures being installed.

All issues regarding fugitive dust emissions falling on residences near to the proposed development need to be addressed. This involves minimising or eliminating dust emissions by the installation and use of dust abatement systems at the quarry operation.

Stringent measures to ensure the operation of mist cannons must be enforced to limit airborne dust emissions during quarrying and other related activities.

Clean-up maintenance at local residences must be the responsibility of Roadstone Ltd. but it should not give them leave to pollute outside of their boundary.

Vibration from Blasting:

Due to the proposed development operating significantly nearer to local residences (nearest is less than 100metres from the boundary), there will be an increase in vibration levels from blasting operations. This could have a detrimental effect on dwellings and other buildings near to the proposed development. The protection and repair of possible damage to windows from air over-pressure must be the responsibility of Roadstone Ltd..

A baseline structural survey of local buildings should be carried out by Structural Engineers prior to any further blasting taking place at the Cappagh quarry.

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.

Protection of the Aquifer:

- 1) There are private domestic water supply bore hole wells inside the 200-meter green line on the EIAR map. We are concerned that fracturing of the bedrock from the blasting of over 3 million tonnes of rock so close to these boreholes will affect the water quantity and quality from local resident's borehole wells and threaten the very existence of the supply well itself.
- 2) It was outlined in the meeting that the procedure for maintaining excavation above the 10m OD stipulation will be based on projected measurements from a permanent datum point within the quarry premises. This primarily applies to calculate the drilling depth from the top of the proposed quarry.
- 3) Again, in this case historically the quarry operators without any official authorisation or permission have excavated to below and exposed the water table. This clandestine adventure included the installation of a pipe under the R6072 under the cover of darkness to facilitate pumping of water from the then 40 feet deep hole in the base of the quarry. Polluted water with extremely low Dissolved Oxygen levels (DO) from this hole was pumped to the local Brickey river. Thankfully this was fought by the local community and the stipulation of further excavation levels to be "not below 10-metre OD". was decided by Waterford County Council Planning Authority. (We understand that this planning condition is being observed since it was imposed by the Waterford County Council Planning Authority).
- 4) Concerns were expressed regarding the separation and containment of runoff water from stockpiled site produced materials, and other materials brought in from suppliers, stockpiled sediment from the lagoons contaminated with admixtures, accidental spillage of oils or chemicals and chemical residue leaching into and contaminating the aquifer. It is not clear or addressed adequately in the in the RFI how stormwater and contaminated water from production operations will be separated.
- 5) There is no listing of imported Chemicals and Admixtures which will be used in the concrete manufacturing process. This listing should include the description of all Admixtures and their requirement together with their respective Chemical and Safety Data Sheets.
- 6) Storage and use volumes for all oils and fuels or other chemicals used in the quarrying and concrete manufacturing process should also be listed.

Property Values

Since Planning Permission was applied for the proposed development, the value of residences that are in close proximity to the quarry boundary are negatively affected due to the nuisance caused by various type of airborne dust emissions, constant high noise levels, threat to pollution of the aquifer and the effect on the structural integrity of dwellings due to ground vibration and air over-pressure from blasting.

This is already reflected in that more than one local property being devalued on the property tax register.

The response from Roadstone Ltd. in the RFI does not address the local residents' concerns regarding reduced property values due to the polluting nature of the proposed development.

**Roadstone Ltd. response in the RFI to concerns discussed at the Public Consultation meetings
with comments from this local resident.**

RFI Pages 9 and 10 items a) to i)

1. Increase in Noise levels.

Many concerns still exist regarding increased noise pollution levels from the proposed development. These concerns have not been adequately addressed in the RFI response from Roadstone Ltd. as outlined earlier on pages 1 and 2 of this resident's response.

In Item a), Roadstone Ltd. state that:

"A 2m high acoustic fence will be erected along the top of the proposed perimeter screening berm to the north-east and south of the satellite quarry to further reduce noise impacts on nearby residential property"

The RFI response from Roadstone Ltd. does not include the specifications for this acoustic fence or the mitigating effect that it will have on the noise pollution emanating from the quarrying operation.

In Item b), Roadstone Ltd. state that:

"No rock breaking to be carried out at the quarry prior to 08:00hrs or after 18:00hrs on any weekday. No rock breaking will take place on Saturday"

The RFI by Roadstone Ltd. only indicates a schedule for this operation but does not address the effect that it has on local residents who find this operation unbearable and debilitating. The schedule excludes Saturday operation but does not exclude Sunday operation? Adequate noise abatement systems and penalty conditions need to be imposed for this activity to proceed, and the operating schedule needs to be curtailed to a much reduced and finite timetable. Failing this, the rock breaking activity using hydraulic hammers should be abandoned.

In item c) Roadstone Ltd.

"will put arrangements in place for continuous noise monitoring at the quarry (at noise monitoring location N2) and for sharing this data with local residents and the Planning Authority"

This service would be much more useful to the local residents if was placed at the nearest local residential property. Also, the near residents should be able to access this data on their mobile phones. Regular Independent calibration certification of the proposed acoustic monitoring sensor needs to be put in place.

2. Increased Vibration levels.

In Item d), Roadstone Ltd. state that they

"Will commission independent structural condition surveys of local residential properties closest to the proposed satellite quarry in advance of the satellite quarry development"

It is necessary and welcome to have a baseline study.

3. Increased Fugitive dust emissions. (continued).

In Item e). Roadstone Ltd. state that *"Procedures and protocols will be put in place to remedy the impact of any fugitive dust emissions from the quarry in a timely manner should they arise at local residential properties"*.

This will help regarding fugitive dust emissions but should not give leave for Roadstone Ltd. to pollute at will!

In Item f). Roadstone Ltd. stated that

"A mobile mist cannon will always be available and in operation when a mobile crusher is in operation on the quarry floor".

Will the proposed single mist cannon be adequate to contain fugitive dust emissions within the quarry boundary? This would need to be reviewed regarding the adequacy and dependency on one mist cannon operating. Also, strict management protocols need to be adhered to ensure its operation when fugitive dust is being generated.

4. Protection of the aquifer

In Item g). Roadstone Ltd. state that,

"Monitoring of local wells down-gradient of the Roadstone property will be undertaken periodically to monitor groundwater level and quality".

This is necessary. Results from the monitoring should be made available to the appropriate residents. The monitoring should also extend to the Roadstone Ltd. in-house potable water supply and the data made available to the Waterford County Council Water Services.

In Item h). Roadstone state that they will,

"Submit a topographical survey on an annual basis to the Planning Authority to demonstrate compliance with the undertaking not to extract below the groundwater table / 10mOD"

Not extracting below 10metres OD is probably the single most important condition already in place which helps to protect the aquifer.

Another area of risk for the protection of the aquifer is the possible leeching of contaminants such as oil and other chemicals from spillages into the quarry karst rock formation which by its nature is somewhat "honeycombed or sponge-like" and therefore porous. The possibility of private water supplies being contaminated by residual chemicals used in blasting, admixtures used in the concrete batching facility, uncontained or accidental fuel and oil spillages all amount to a public health hazard for this extensive aquifer which extends to Dungarvan.

Adequate separation of stormwater and bunding of water used for washing and other quarry processes is paramount for the protection of the aquifer. Proposals to install a wastewater treatment plant is necessary. The proposed wastewater treatment plant should be listed and policed by the EPA.

In Item i).

"Roadstone Ltd. will provide an undertaking to local residents that in the unlikely event that the supply or quality of groundwater at an existing well is adversely impacted by quarry development it will extend any impacted supply well to install a replacement thereof"

The timescale for this should be immediate. Hopefully this will never be necessary.

he 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 new quarry under the pretence 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.

I believe that 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. Is the Roadstone Ltd. "Restoration Plan" another fallacy?

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 this essential minimum safe distance condition does not apply to quarry operators.

The devaluation of property resulting from a third-party business such as the Roadstone Ltd. proposed new quarry development operating in such close proximity to local residents without redress can only be described as stealing. Roadstone Ltd. in their RFI response wash their hands on this very relevant issue which would be directly attributable to their proposed development. Any pollution control measures stated by the applicant will not change the property devaluation fact, which is unacceptable. This devaluation situation has existed since the Planning Application was lodged with the Planning Authority.

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.

I say that 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.

Conclusion:

The Submission to the Waterford County Council Planning Authority goes into great depth and research into the audits and analysis of Flora and Fauna, Antiquities and Heritage and how they might be protected. As an example, the cottage on the North-Eastern corner of the proposed site is to be maintained due to it becoming a habitat for birds and possible bat roosts.

While this is admirable, it further emphasises the lack of importance that Roadstone Ltd. place in their social responsibilities to another living species namely humans who will suffer the greatest impact if this proposed development is granted planning permission under the present application. (It should be noted that the scrub area around the derelict house to the north-east of the Roadstone Ltd. property has been used for fly tipping. Roadstone Ltd. were informed of this by their local neighbours and the area was subsequently cleaned up. The scrub area should be investigated for the possible dumping of used batteries which may have been disposed of underground).

There is insufficient information in the RFI to indicate how the nuisance effect resulting from the increase in Noise levels, Fugitive dust emissions, Vibration from blasting and Increased traffic levels resulting from the proposed development will be eliminated or reduced to tolerable levels.

A consequence of the proposed development being granted Planning Permission would be that local residents would justifiably but regrettably reduce their property values for the payment of the Local Property Tax (LPT). Devaluation of our properties as a result of having this proposed new quarry in such close proximity is just not acceptable. Without redress, it is tantamount to stealing from the residents.

The Roadstone Mission Statement reads: *"We will be a responsible neighbour in the communities in which we operate and deliver on our social responsibilities."* Not factual. Historically the quarry operator has demonstrated utter contempt towards the neighbouring community thereby disregarding their stated social responsibility to the communities in which they operate. There are examples in the foregoing text whereby this mission statement was severely compromised by the questionable management principles and attitude of the quarry operators.

Their track record of ignoring the need for Planning requirements including breaches of existing planning conditions again demonstrates their disregard for Authority and "Proper Planning and Development"

The Company Roadstone Ltd. has yet to fully demonstrate to the local community their commitment to their Mission Statement and proof that they are a responsible neighbour.

It is paramount that all the necessary Procedures and Protocols to reduce or eliminate the detrimental effects that the proposed development will have on the local residents are agreed to their satisfaction prior to the granting of Planning Permission for this proposed development.

Reasonable principles would guarantee that people can enjoy the amenity of their homes in peace and comfort for the remainder of their lives without the nuisance issues and all the threats to human health associated with the pollution created by and emanating from this proposed development.

It is the belief of myself and all the residents who attended the follow-up meeting on 16th March that if Roadstone Ltd. address the concerns of residents living in close proximity to the proposed development and if they are treated fairly and equitably with remedial proposals, aspects such as flora and fauna, antiquities and heritage will also be protected and therefore benefit.

For all of the above reasons I wish to place my objection to the granting of Planning Permission for the Cappagh Quarry Expansion proposed in Planning File reference Number 21772 and RFI response of March 2022.

Is mise le meas.



Edmond Stack.

#2 For REFERENCE

JOHN A WOOD LIMITED

John A. Wood Limited
Carrigrohane Road
Cork, Ireland.
Telephone: 021-542821
Fax. No.: 021-542840

Reg. Office
Carrigrohane Road Cork
Reg. No. 13856
Reg. in Ireland
A CRH Group Company

Concrete Products
Aggregates
Bituminous Macadam
Limestone Products



our reference

your reference

date

BOARD RESOLUTION

It was resolved at a Board Meeting of John A. Wood Ltd. held on 23rd April 1997 that Michael Buckley be empowered to sign on behalf of John A. Wood Ltd. an Agreement between John A. Wood Ltd. of the one part and John O'Brien and Mary Stack of the other part in relation to proceedings between John A. Wood Ltd and Waterford County Council in relation to land at Cappagh, Co. Waterford.

Certified to be a true copy of Minute of Board Meeting of John A. Wood Ltd.

Director.

Director/Secretary.

Date: 23rd April, 1997.

COMHAIRLE CHONTAE
PHORTLAIRGE

27 NOV 2006

RANNOG PLEANALA

THIS AGREEMENT made the 26th day of April 1997.
BETWEEN JOHN A. WOOD LIMITED having its registered offices
at Carrigrohane road, Cork in the County of Cork, limited
liability company (hereinafter called "the Grantor") of the
One Part and JOHN O'BRIEN and MARY STACK both of Cappagh
Dungarvan in the County of Waterford Farmer and Clerk
respectively (hereinafter called "the Grantees") of the
Other Part (which expression shall where the context so
admits or requires shall include their executors,
administrators assigns, invitees and licensees together with
the general public resident contiguous to the lands affected
by this Agreement) of the Other Part.

WHEREAS:

- (1) The Grantor is the registered owner of the lands
contained in folios 365 and 6704F of the register Co.
Waterford.
- (2) The Grantees claim that themselves and their antecedents
from time immemorial enjoyed an unrestricted right of
passage withh or without vehicles and with or without animals
over and across the passageway coloured blue on the map
annexed hereto for all purposes and at all times and the
Grantors have not accepted said claim.
- (3) The Grantor is carrying out quarrying operations on
the lands contained in said folios aforesaid.
- (4) The Grantor, to facilitate the execution of earth-works
has removed the passageway from the location shown blue
on the map annexed hereto.
- (5) The Grantees in their representative capacity on
behalf of adjoining neighbours, landowners and the parties
hereinbefore described have agreed with the grantor that
the passageway which formerly was located traversing the

lands the subject matter of folios 365 and 6704F of the register Co. Waterford at the location coloured blue on the map annexed hereto shall not be replaced by a passageway to be constructed by the Grantor at the location shown yellow on the map annexed hereto.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and in consideration of the Grantees forbearing to sue in respect of the claimed disturbance and claimed obstruction of the passageway over and across the lands at the location coloured blue hereinbefore referred to, the Grantor hereby agrees to grant to the Grantees the following:-

1. To construct a replacement passageway over and across the lands contained in folios 365 and 4704F of the register Co. Waterford along the passageway coloured yellow on the map annexed hereto.

2. To erect a fence on the Western side of said passageway said fence to be stockproof and childproof in the interests of safety and to be responsible for the future maintenance and upkeep of said fence.

(3) The metalled portion of the roadway shall at all locations, be not less than 10 feet wide and shall have two layers of 2" down material and a layer of three-quarter inch screenings, each layer to be compacted with a vibrating roller.

(4) The Grantor hereby agrees to henceforth maintain the surface of said passageway in a good and serviceable condition and to carry out maintenance from time to time as may be reasonable.

(5) The Grantees for their part hereby acknowledge that they shall not seek to have the surface of the passageway so constructed tarred by the Grantor and waive any claim

that they may have in that respect.

(6) The parties hereto acknowledge that it shall be the responsibility of the Grantor to obtain such Planning Permission as may be necessary to facilitate the construction of the passageway aforesaid and the opening of any entrances associated with said passageway.

(7) The Grantees for their part hereby acknowledge that the Grantor shall be entitled without obligation to close up the entrances at the points A and B as soon as the roadway is serviceable at the location coloured yellow on the map annexed hereto.

(8) The Grantees acknowledge the Grantor shall be entitled to carry out blasting operations at their nearby lime stone quarry and the Grantees acknowledge that at the time of any such blasting operations the Gardai and/or Grantor shall be entitled to temporarily close the said passageway for the duration of such blasts such closure generally to be for a duration of approximately 30 minutes and generally to be not more than once per week.

(9) In the event that the Grantor is entitled to extract materials from the lands to the East of the lands coloured yellow on the map annexed hereto the Grantees acknowledge that the Grantor shall be entitled to construct such culvert or bridge as may be necessary to provide access to those lands despite the fact that the said construction may cause temporary interference with the passageway strictly however provided that the grantor will provide a temporary practical alternative passageway and will provide any adequate notice in advance of any such alterations.

(10) The Grantor hereby acknowledges that at no time shall it erect gates or barriers on the passageway hereby created

so as to in anyway obstruct or impede the right of passage acknowledged by this agreement.

If however the Grantor wishes to erect gates so as to enter onto or off the passageway hereby created the Grantees acknowledge that the Grantor shall be entitled so to do provided however that such entrance gates shall be recessed a reasonable distance from the passageway so as to provide relief to passing traffic on the said passageway.

(11) The Grantees for their part hereby acknowledge that the Grantor retains ownership of the said passageway aforesaid subject to the rights in favour of the Grantees herein set forth and it is acknowledged by the Grantees who execute this agreement that they do so in their representative capacity solely and in particular they acknowledge that they do not have any proprietary interest as individuals in the said passageway aforesaid.

(12) The Grantor hereby acknowledges that the Grantees shall be entitled to traverse the passageway at all times in perpetuity for all purposes, with or without vehicles, or animals as if they enjoyed the user of said roadway as a public road taken in charge of the Local Authority.

(13) It is mutually agreed that on compliance by the parties with their obligations arising hereunder all or any disputes between the parties concerning the closure of the passageway from A-B and any claim arising therefrom are fully and finally settled on the distinct understanding that this does not constitute an admission of liability.

(14) The Grantor hereby assents to the registration of the right-of-way hereinbefore referred to as a burden on the lands of folio 365 Co. Waterford and 6704F Co. Waterford and shall attend to the said registration

Not done

)

(

Not Done

in the Land Registry within a period of one month from the date hereof, and shall be solely responsible for the costs thereof, and shall as soon as possible after registration is completed furnish to the Grantees copies of the File Plans of both folios showing the registration of the said burden.

The parties hereto acknowledge that this Agreement shall be made a rule of court in proceedings extant between the Grantors of the One Part and the County Council of the County of Waterford of the Other Part.

IN WITNESS whereof the Grantor has hereunto caused its Common Seal to be affixed and the Grantees have set their hands and affixed their seals the day and year first herein written.

PRESENT when the Common Seal of JOHN A. WOOD LIMITED was affixed hereto:

Wm. Doyle
S.R.
48 South Mall
Cork

Michael Buckley

SIGNED SEALED & DELIVERED

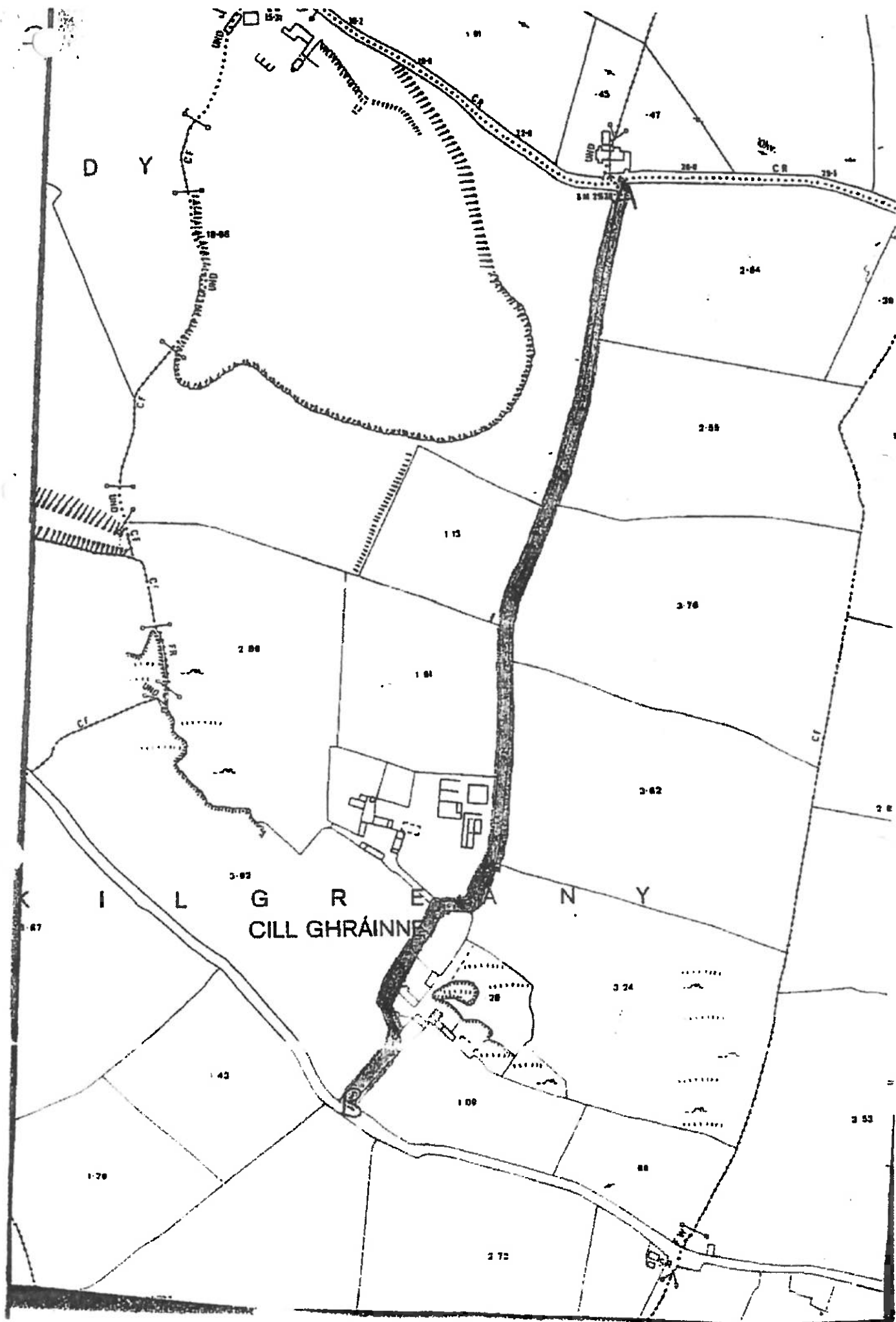
by the said JOHN O'BRIEN and MARY STACK in the presence of:

Wm. Doyle
S.R.
48 South Mall
Cork

John O'Brien

Mary Stack





Dated this 24 day of April 1997

BETWEEN:

JOHN A. WOOD LIMITED

One Part

Sullivan
Nowlan

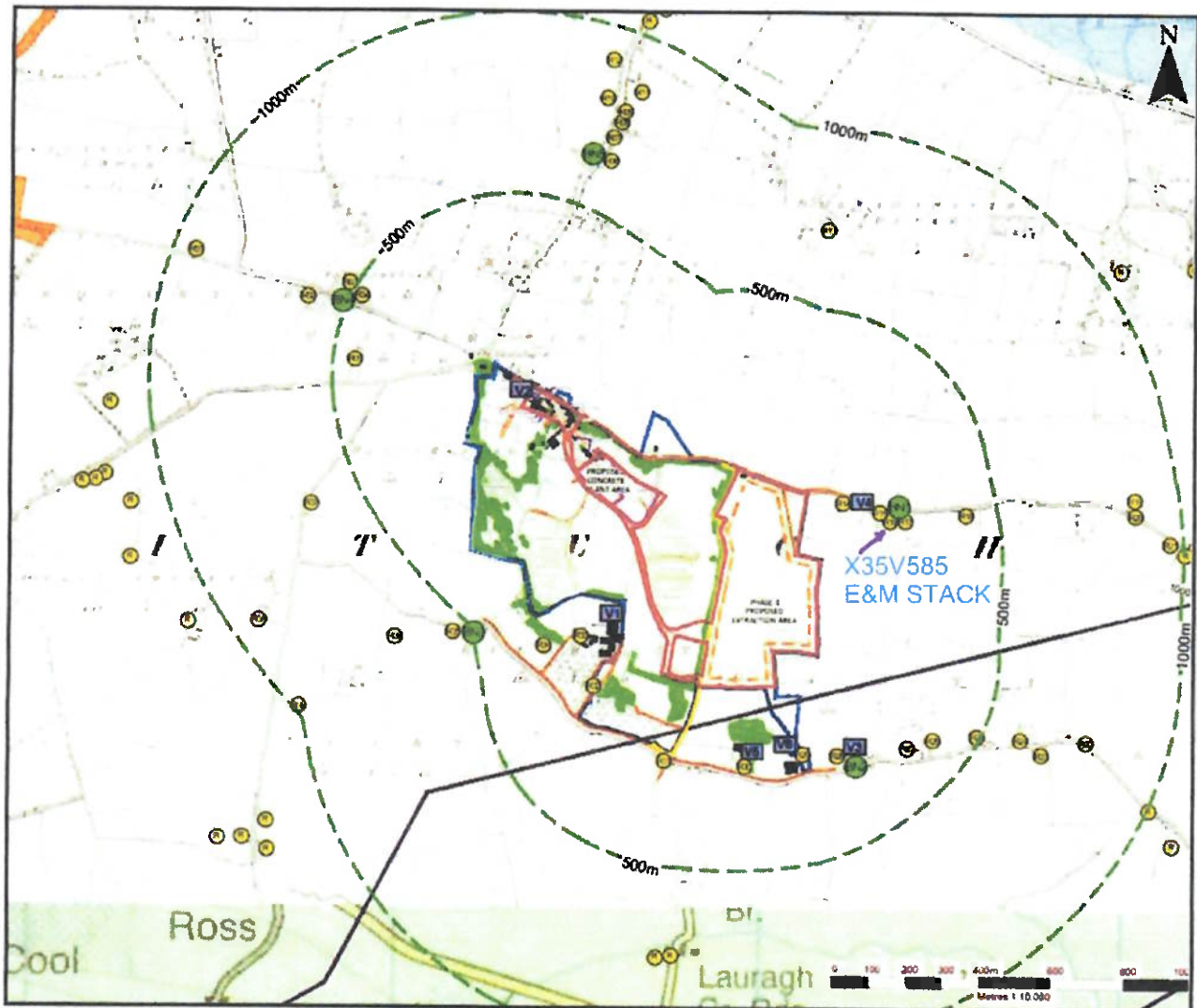
A G R E E M E N T

Joseph P. Gordon & Co.,
Solicitors,
Burgery,
Dungarvan,
Co. Waterford.

4.0 BASELINE SURVEY RESULTS

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.

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.

Copied from R.F.I.



#4 For Reference
Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a
PLANNING APPLICATION

21/772

Mary Stack
Canty
Cappagh
Dungarvan
Co Waterford

12/05/2022

Applicant: Roadstone Ltd.,
Address: 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 Bord 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 Ballykenedy, 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.



#4 For Reference
Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a
PLANNING APPLICATION

21/772

Edmond Stack
Canty
Cappagh
Dungarvan
Co waterford

12/05/2022

Applicant: Roadstone Ltd.,
Address: SLR Consulting (Ireland) Ltd
7 Dundrum Business Park
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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 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,
CORPORATE SERVICES, CULTURE AND PLANNING.