

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 21/7/22
fromMichael & Noreen Stack 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.: PhilDate: 25/7/22

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 ☐

EO:

Plans Date Stamped ☐Date Stamped Filled in ☐

AA:

Date:

Date:

Validation Checklist

Lodgement Number : **LDG-055508-22**
Case Number: **ABP-313939-22**
Customer: **Michael and Noreen Stack**
Lodgement Date: **21/07/2022 10:49:00**
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

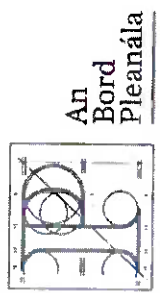
Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Overpaid
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received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

BP40 to Observer

BP97 to Follow

RK-22/7

Lodgement Cover Sheet - LDG-055508-22



ABP-313939-22

Details

Lodgement Date	21/07/2022
Customer	Michael and Noreen Stack
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-055508-22
Map ID	
Created By	Orlagh Kearney
Physical Items included	No
Generate Acknowledgement	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

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

Fee and Payments

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

Observation/Objection Allowed?	
Payment	PMT-043116-22
Related Payment Details Record	PD-043017-22

L10: 26/7/22

Observation

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

Development Description	
Applicant	
Additional Supporting Items	

AN BORD PLEANÁLA
 LDG- 055508-22
 ABP- _____
21 JUL 2022 o.k.
 Fee: € 100 Type: Cheque
 Time: _____ By: reg post

The Secretary
 An Bord Pleanála
 64 Marlborough Street
 Dublin 1
 D01V902

Canty,
 Canty,
 Dungarvan,
 Co Waterford
 X35HH60

Re Planning Ref21/772 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 Ballykenedy, Kilgreany, Cappagh, Co Waterford.

Waterford

Relevant documents

Roadstone Ltd Appeal to a Bord Pleanala 28th June 2022 a Bord Pleanala Reference no; 501.00180.00264.

Waterford County Council Notification of Decision to Grant – Subject to Conditions

Roadstone Ltd .Eastern Satellite Quarry and New Concrete Plant Environmental Impact Report .Volumes 1 and 2 July 2021 Application to Waterford County Council

Roadstone Ltd Response for Further Information Document March 2022 to (Waterford County Council)

A Chara,

As a local resident bounding the Roadstone Ltd Satellite Quarry site and living within 200 meters of the site boundary. I wish to make the following Observation to the above Planning Appeal by Roadstone Ltd to An Bord Pleanála.

Noise

Paragraph condition 12c in the Roadstone Appeal document re; 21/772 Bord Plenala re; 501.00180.00264

Roadstone Ltd states that BS4142- type noise assessments do not apply to, and are not appropriate for, quarry and construction operations given the often intermittent nature of noise emitted by these activities.

Quarrying and processing over 3,000,000, tons of material within a 20 year period is far removed from being an intermittent activity.

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

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

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

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

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

At times the noise generated got so severe I had to stay indoors, or resort to having to wear ear protectors when outside, even to the extent that I left my home some days. Our local Roadstone representative was informed of this and sent a mobile phone sound recording.

Having to leave home due to server noise is a level of behaviour change which falls into the category of "Adverse and Substantial".

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

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

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

The mitigation measures currently in place don't dampen the noise generated by the mobile crusher and rock breaker operation in the existing quarry. Roadstone Ltd gives the impression that the proposed berm around the perimeter which is lower than the existing berms and a 2 meter high acoustic fence on top will dampen the noise to acceptable levels.

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

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

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

Having lived beside a working quarry all my life and experienced nuisance noise levels regularly , to have any quality of life into the next 20 years living beside an operating Satellite quarry moving every closer to my dwelling and boundary the noise limits in Conditions 12 a through to 12 f as per planning permission conditions should stand.

Condition 8(a) in the Local Authority planning approval of operating hours are 07.00 through to 20.00 Monday to Friday and 07.00 through to 14.00 hours on Saturday's .This is a total on 72 hours of allowable operating hours per week which is 33 hours over the normal 39 hour working week .

Extending the allowable weekly working hours to 72 hours means being exposed to excessive noise levels for much longer periods.

Having experienced noise levels from the existing quarry, needing to wear ear protection when outside ,hearing the Impact ,tapping and bagging noise from the mobile rock breaker and mobile crusher within my dwelling even with windows and doors closed ,up to and having to leave home on occasions due to the severity of noise .This is not good for one's mental Health I ask that An Bord Pleanála give consideration to the effects noise pollution will have on my wellbeing and mental health and reduce these excessive working hours to a normal 39 hour five day working week .living so close to the Satellite quarry and concrete plant I need some respite if I am to have any quality of life.

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

Increasing output from 30,168 tonnes produced in 2020 to a potential output of 400,000 tonnes equates to a 13-fold increase over 2020 figures. This increased output will invariably result in increased levels of fugitive dust pollution escaping from the quarry and being carried away in the direction of my Dwelling by the prevailing winds.

Fugitive dust levels recorded during the period 2018, to June 2021, (the lowest output and activity levels I can remember), are not representative of future dust levels when production increases from 2020 outputs of 30,168 tonnes to a potential output of 400,000 tonnes per annum

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

The development of a satellite quarry and cement plant and increasing output up to a potential 400,000 tonnes per annum allowable under current planning, fugitive dust levels will increase above and beyond that ever experienced in the past.

For example.

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

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

As a resident living at very close proximity of the development of the a satellite quarry this is of grave concern to me

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

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

I suspect the Roadstone Ltd is adopting a wait and see approach.

For example there is no mitigation measures proposed in the RFI

1. To dampen the dust clouds arising from tunnelling under the public right of way link road.
2. To control the dust clouds arising from the stripping of soil from the top of the satellite quarry development
3. To control the dust arising from the blasting holes drilling machine.

4. To control the heavy dust clouds arising from the many blasts required to provide raw material of up to a potential 400,000 tonnes per annum.
5. To avoid dust being whipped up from the vast floor area of the existing and satellite quarry and carried away by the prevailing winds.
6. To dampen rising dust from the many trucks, dump trucks, loaders and heavy machinery constantly moving around within the applicant's site boundary
7. To dampen the dust rising from the loading of possessed material and ready-mix onto trucks.
8. To stop residual dust deposits from plant and machinery being carried away by the prevailing winds which can also happen outside quarry operation hours.

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

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

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

My domestic water supply bore hole is within 200-meter of the satellite quarry development

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

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

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

It's well established that we are all drawing from the same aquafer. It's essential that the water quality is protected at all times.

Property values, the value of my dwelling being within 200 meters of the Satellite quarry and cement plant is negatively affected due too , fugitive dust emissions, constant high noise levels, threat to water supply-well and water table, effect on the structural integrity of my dwelling from ground vibration . This is already reflected in the value of my property for the purpose of property tax.

Summary

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

Living within 200 meters a Roadstone Ltd site boundary and existing quarry I'm not seeing much attention to their social responsibilities as mentioned in their mission statement for example:

1. The proposed tunnelling under the public right of way road, heavy machinery crossing the right of way road, construction of a bypass will be an inconvenience to the many users of this right of way public road.

- 2 The original public Kilgreany road was blasted through and completely destroyed without planning permission, of consultation with locals and users of this public right of way.

3. The EAIR is biased in favour of the Applicant. For example, traffic, dust emissions, vibration and noise tests were carried out during the lowest production period I can remember. The assumptions and estimations are based on these test results which in real time do not reflect the limits when production will be ramped up to potential levels of 13-times 2020 outputs.

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

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

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

During the meeting on the 16th March 2022 with local residence's living in the cluster of dwellings on the North Easterly Direction of the proposed development and Roadstone Ltd representatives the impact on these residents from noise pollution ,air quality, property values, ground vibration, threat to water supply and effect on their physical and mental Health were raised .

The Roadstone representatives at this meeting mentioned possible additional mitigations measures. However in the absence of specific details or performance data on any additional mitigation measures these are only words which don't give me confidence that these unspecified mitigations measures will be followed through on or be implemented

A disturbing statement in Page 15 of the FRI.

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

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

Michael Stack

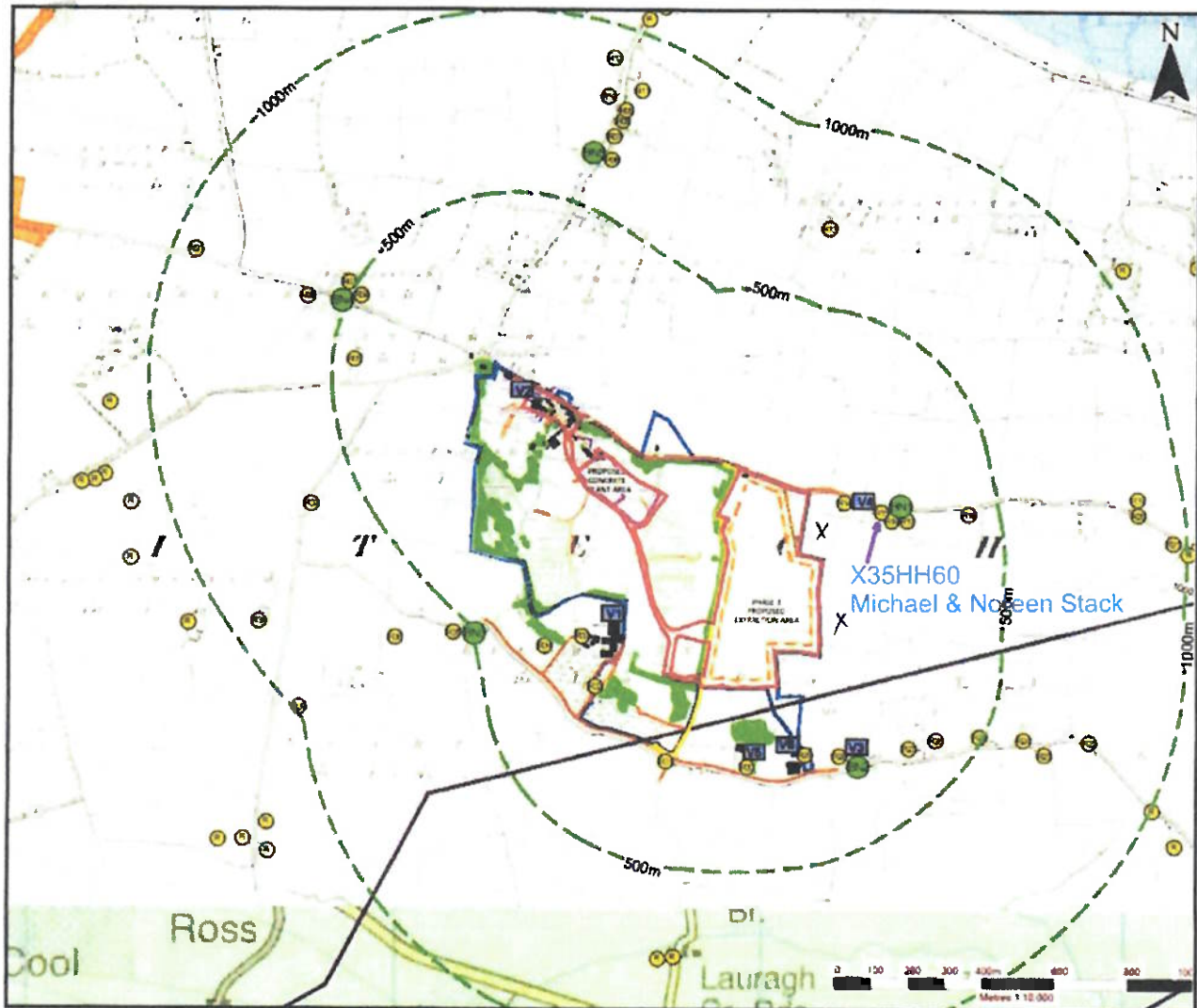
Noreen Stack

Michael Stack Noreen Stack

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.

*Copies of map showing the proximity
 of my dwelling and lands to the
 Satellite Quarry. Boundaries.*