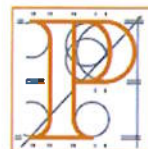


Validation Checklist

Lodgement Number : **LDG-055682-22**
Case Number: **ABP-313939-22**
Customer: **Sinead McCarthy and Others**
Lodgement Date: **22/07/2022 10:36:00**
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 – Correct
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

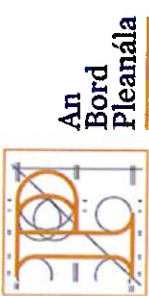
BP40 to Observer

RK-29/7

Run at: 27/07/2022 11:21

Run by: John Cannon

Lodgement Cover Sheet - LDG-055682-22



Details

Lodgement Date	22/07/2022
Customer	Sinead McCarthy and Others
Lodgement Channel	Web Portal
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-055682-22
Map ID	
Created By	John Cannon
Physical Items included	No
Generate Acknowledgement	
Customer Ref. No.	
PA Reg Ref	21772

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

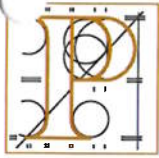
PA Name	Waterford City and County Council
Case Type (3rd Level Category)	Normal Planning Appeal PDA2000

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	50.00
Refund Amount	0.00

Observation/Objection Allowed?	Yes
Payment	PMT-043263-22
Related Payment Details Record	PD-043162-22

Observation



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference

NPA-OBS-001059

Online Observation Details

Contact Name
Sinead McCarthy

Lodgement Date
22/07/2022 15:21:00

Case Number / Description
313939

Payment Details

Payment Method
Online Payment

Cardholder Name
Mary McCarthy

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — P.T.O. ☐ N/A — Invalid

Signed

S.3

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 22/7/22
from Sinead McCarthy I recommend that section 131 of the Planning
and Development Act, 2000 be not be invoked at this stage for the following reason(s):
no new material planning issues

Signed


EO

Date

22/7/22

To

EO

Section 131 not to be invoked at this stage.

Section 131 to be invoked — allow 2/4 weeks for reply.

☐☐

Signed

SEO

Date

Signed

SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date

Rockvilla
Canty
Cappagh
Co Waterford
X35DD25

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01V902

20/07/2022

Case No: ABP-313939-22

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

A Chara,

Hereunder find observations on the above Planning Permission Granted on 02/06/2022 by Waterford City & County Council:

1. Proximity of the proposed development to the family home

Of its nature the quarrying operation is a vibrating, hammer-action, pounding constant noisy process to break up rock in the ground. To be more specific quarrying is drilling holes into solid rock using air compressors. Explosives are placed into these holes, the charge is ignited to break up the solid rock, this is the blasting process. Heavy plant: 50 tonne machinery with hammer action chisels then breaks down the large rocks for processing in a crushing machine which produces varying sizes and grades stone, aggregates and also lime. Now add in traffic noise to this mix of noisy plant and the dust that will be blown into the air. This will be the environment in future when we are in our family home when the satellite quarry is operating according to the planning conditions outlined by Waterford Council. This quarrying activity with the resultant nuisance of ever-present dust, constant noise, vibration and traffic will occur **140m** from my family home in the townland of Canty. The close

proximity will impact disproportionately on health and wellbeing regardless of the mitigating measures outlined in the Conditions listed in the intention to grant permission by the Local Authority. 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 these rights evaporate.

The proximity of quarrying is such that I fear the effect has not been given due priority in the conditions outlined.

Nuisance as set out by Gannon J in *Halpin v Tara Mines* unreported, High Court February 16, 1976

..that what an occupier of land is entitled to as against his neighbour is the **comfortable and healthy enjoyment of the land to the degree that would be expected by an ordinary person** whose requirements are objectively reasonable in all the particular circumstances..(my emphasis)

2. Hours of Operation

Condition Nos: 8 (a) Operating between 07.00 and 20.00 amount to 13 hours of operations on Monday to Friday each week in an otherwise quiet countryside rural setting. That residents should be subjected to Saturday morning operating hours between 07.00 and 14.00 will be absolutely intolerable.

8 (b) Rock breaking commencing at 08.00 to 18.00 amounts to 10 hours of vibrating din daily.

13(a) Blasting operations from 10.00 to 16.00 each weekday – these blasts, although notified, are startling when they occur.

I wish to question the protection afforded to residents and residential amenities and indeed properties with those extensive daily operating times.

Charlton J in *Lanigan & others v Barry & others* [2008] IEHC 29 on industrial standards of measuring noise reported in *Irish Times* 10 March 2008

“People experience a nuisance, whatever it is, based on human factors. In the case of noise, factors such as tone, unexpectedness and irritant factor, which cannot be measured by scientific instruments are very important”

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 adjacent residents.

3. Water

The exclusion of Environmental Protection Agency input in this application due to the presence of such a strategic aquifer in the valley is flagrant disregard for the water source for the population in the environs of Dungarvan. The potential to quarry below 10m AOD in a future application under Condition No 3 is unbelievable given the previous An Bord

Pleanala permission Pl.24.225443 specifically forbidding lowering the water table any further. **Unauthorised development** took place when quarrying extended below the water table necessitated a dewatering process by pumping water out of the aquifer to the River Brickey causing environmental damage .

In the interest of clarity on the environmental commitments proposed, the EIAR and the Further Information Report submitted to the local authority by the Planning Consultants should have been collated into one finite document. Confusion and obfuscation is anathema if compliance with planning permission is queried.

The mitigation and monitoring conditions attached to the permission are far from fair and reasonable to offset the **significant adverse effects on residents and property** in the immediate vicinity of the proposed satellite quarry. Noise, dust, vibration and the threat to the potable water supply present a grave danger to public health which are the cornerstones of protections under the Planning and Development Acts, 2000, (as amended).

Yours faithfully,

Sinead McCarthy & Aled Jones

Terence J & Mary McCarthy

Robert McCarthy & Katie Dwane

Ella McCarthy & David Estrada Garcia

20