

File With

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SECTION 131 FORM

Appeal No

ABP— 319198-24

Defer Re O/H

[Empty box]

Having considered the contents of the submission dated/received 26/3/24 from Marion Roche obs L5 and C Roche 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. Board to consider same

Section 131 not to be invoked at this stage.

[Checked box]

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

[Empty box]

Signed

Daniel O Connor

Date

9/4/24

EO

Signed

[Empty box]

Date

[Empty box]

SEO/SAO

M

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

To

[Empty box]

Task No

[Empty box]

Allow 2/3/4 weeks

BP

Signed

[Empty box]

Date

[Empty box]

EO

Signed

[Empty box]

Date

[Empty box]

AA

I.K.
28/6/24



Planning Appeal Online Observation

Online Reference
NPA-OBS-003290

Online Observation Details

Contact Name: Marion Roche
Lodgement Date: 26/03/2024 23:08:03
Case Number / Description: 319198

Payment Details

Payment Method: Online Payment
Cardholder Name: Marion Gilligan
Payment Amount: €50.00

Processing Section

S.131 Consideration Required

Yes — See attached 131 Form

N/A — Invalid

Signed

Daniel O'Connor

Date

28/3/24

EO

Rp40 to observer

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG-070985-24

Reason for Refund

Documents Returned to Observer

Yes No

Request Emailed to Senior Executive Officer for Approval

Yes No

Signed

Date

EO

Finance Section

Payment Reference

ch_3Oyj67B1CW0EN5FC1TOrg37o

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

Marion Roche,
Bannagagole,
Bagenalstown,
Co Carlow
R21TH56

To: An Bord Pleanála

From: Marion Roche, on behalf of
Luke, Marion, Jordan & Conor Roche,
Bannagagole, Bagenalstown, Co Carlow R21TH56 and R21 NC58

Planning Application #: PL23/60042 (Carlow County Council)

An Bord Pleanála reference #: ABP-319198-24

Date: 26 Mar 2024

Planning application # 23/60042 was made to Carlow County Council by Millford Quarries Limited (who also trade as Kilcarrig Quarries) for the development of a quarry at Bannagagole, Old Leighlin, Co. Carlow R93XN26. I made a submission to Carlow County Council on 26 Apr 2023 relating to this planning application, on behalf of my family, as listed above. In this submission many significant concerns were highlighted that we had relating to this planning application. Further information was requested by Carlow County Council, which was received on 05 Dec 2023. Following provision of further information by Millford Quarries Limited, I subsequently made an additional submission on 17 Jan 2024. Carlow County Council refused planning permission to this application on 07 Feb 2024.

Based on review of planning application 2360042, Carlow County Council have made the correct decision in refusing planning permission for this planning application. The proposed development area is 9.34Ha for limestone quarrying, however the overall site owned by Millford Quarries Limited in Bannagagole is 26Ha, thus having potential for future further expansion with further significant impact. Additionally, the applicants core business to date is crushed stone, not dimensional stone quarrying.

Carlow County Development Plan 2022-2028, 16.16.3 "Extractive Industries" lists information required at application stage. Based on review of this information, the key areas of concern are detailed beneath each of the points of concern as follows:

1. Total and annual tonnage of extracted aggregates, expected life of the extraction, maximum extent and depth of working, phasing programme

Based on the planning application information provided, 84,000 Tonnes shall be extracted per annum. This equates to 67 HGVs inbound and outbound journeys (134 trips) using the local roads of the area per week for 50 weeks of the year. This proposed quarry is adjoined to an existing operational quarry (Limestone Quarries) with HGVs traffic already using these same roads. The local network of roads are minor roads which are not capable or sustainable for this level of HGVs. The roads are neither capable of withstanding the weight of these vehicles, nor are the roads wide enough for HGVs to meet other HGVs or other cars, jeeps, tractors and farm equipment. Currently vehicles must pull into gateways and gaps to allow the current level of HGVs to pass. The addition of 134 trips with the cumulative effect of the existing volume of

HGVs using these roads is totally intolerable and unsafe for both local road users and visitors to this area that would be unaware of the dangers of so many HGVs using such minor roads. Also, walkers, joggers and cyclists are at risk and these are common activities that occur in this tranquil area in the countryside.

2. Description of development works (buildings, fixed and mobile plant, roads, fuel tanks, water supply and drainage, earth mounds, etc.)

As detailed in point 1 above, the roads are of grave concern. Due to the current level of HGVs using these local roads, there is consistently potholes in these local roads, with the edges of the roads subsiding due to the weight of these vehicles. The cumulative effects of an additional quarry in the same area will severely further deteriorate the condition of the same roads.

There is potential for mineral releases and impact to change the route of underground water. There will also be water pollution from the proposed quarry, with water run-off from the quarry contaminating the water courses, dikes and streams. There are 3 streams in the near vicinity of the proposed development, with these streams leading to the river Barrow which is designated a Special Area of Conservation (SAC).

3. Description of water courses and water table depth, natural and cultural heritage, traffic impact and waste management

Properties R21 TH56 and R21 NC58 both have private wells for water supply, with well depths of 180ft and 210ft respectively. These private wells were of significant cost for us when constructing our homes and the availability of water is a basic human right. The proposed quarry has significant potential impact to the water table levels, with a risk of wells going dry in the area and no water being available even upon further drilling. There is currently no mains water supply in this local area, therefore potable water supply via private wells is crucial.

4. Description of cumulative impact when taken together with other quarries in the vicinity

As this proposed quarry is adjoining an existing operational quarry, the cumulative effects of two operational quarries beside each other in such a tranquil and peaceful countryside area cannot be under-estimated. There are so many items of concern due to the cumulative effect including but not limited to: roads, road safety, potable water of private household wells, water contamination, noise of traffic, noise of operations and blasting at quarry, dust dirt, muck and air pollution. Dust is already prominent in the area, with cars, houses, windows and clothes on the line being covered in dust. The cumulative effect of an additional quarry is totally intolerable to locals that have lived in this area for their life-time. In short, the local residents have tolerated an existing quarry in the area, however 2 operational adjoining quarries is totally intolerable.

The cumulative effect of 2 adjoining quarries will result in a significant change in the water table, causing wells to go dry as detailed in point 3 above. The planning application states that quarrying operations will extend below the groundwater table, lowering groundwater levels in surrounding areas, thus further highlighting this risk of unavailability of water for local residents.

5. Likely environmental effects including EIA

A lot of agriculture including livestock and equine occurs in the local vicinity. Air pollution and noise are items that will greatly impact these industries. Dust can contribute to significant horse

health issues contributing to respiratory damage and due to the large volume of air inhaled by an idle horse (16 gallon/minutes), it is important to minimise the amount of dust in the area. There are many environmental concerns as detailed in points 2, 3, 4 and 6.

6. Proposals for surface water management and flood risk minimisation

Currently local dikes are already congested with dust particles from the existing quarry. With levels of rainfall in the area, all dikes are overflowing and the surface water is either flowing down-hill toward the river Barrow or causing floods on local roads. This situation will worsen greatly if 2 adjoining quarries are operating. Water pollution will occur with water run-off from the quarry, contaminating the water courses, dikes and streams. There are 3 streams in the near vicinity of the proposed development, with effluent, silt and sediment contamination inevitable if this development were to progress. These streams lead to the river Barrow, a designated Special Area of Conservation (SAC).

An additional area of concern is the risk of **land slide**:

Geological Survey Ireland state "Ireland's location, terrain and climate result in landslides occurring mainly in **areas with steep slopes** where rock meets the surface" The consequences of landslides have the potential to cause great havoc resulting in potential for catastrophic damage to homes, roads, agricultural lands, livestock, rivers and loss of life. The impact of landslides, irrespective of their size, mean that serious attention to slope instability must be properly assessed.

EPA report "Climate Change Research Programme (CCRP) 2007-2013 Report Series No. 5: Extreme Weather, Climate and Natural Disasters in Ireland" state that areas with 300 and 500 metres in elevation and of 4–10 degrees in slope are at risk of landslide. The removal of topsoil and blasting has potential to exacerbate this risk.

There was a previous landslide above the proposed development in 1936, therefore this is a valid critical concern. Below figure 1 illustrates the Bannagagole townland with proposed quarry site, two properties and the steep slope of hill indicated.

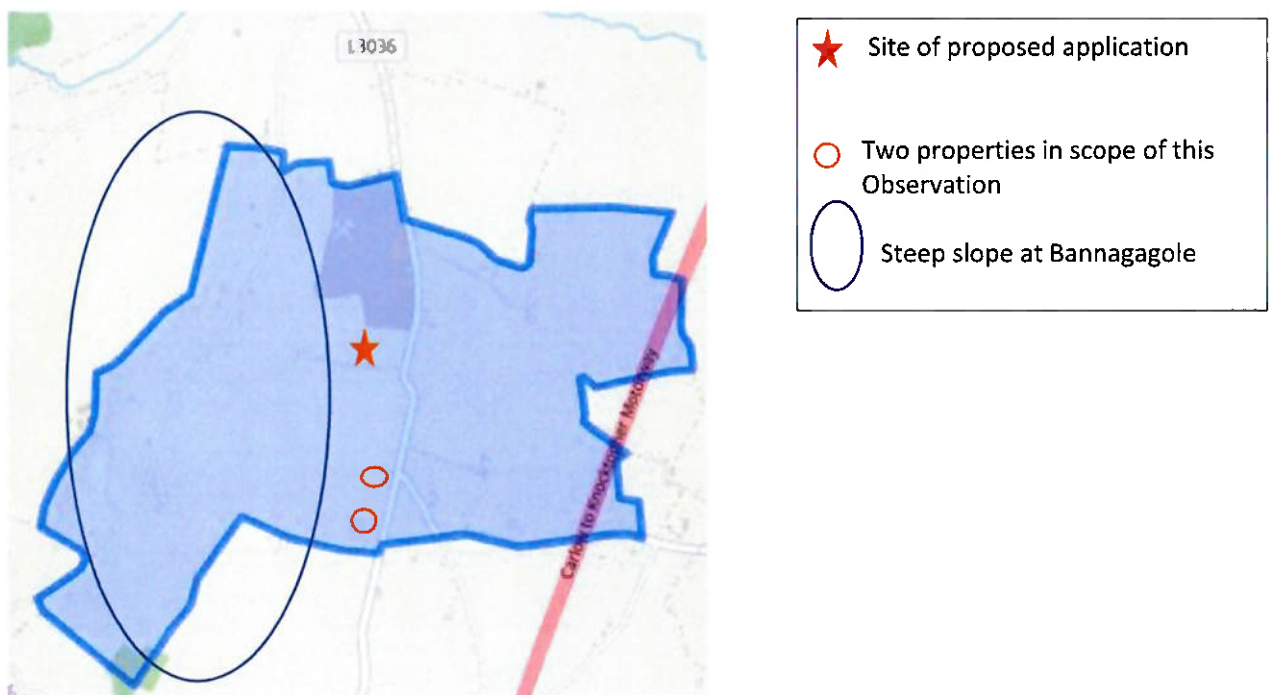


Figure 1: Bannagagole townland

On review of the planning application, much of the data to support this application is not Millford Quarry Limited generated data, but historical data generated by Kilkenny Limestone, from 2016-2021 prior to the Millford Quarry Limited planning application, and therefore does not in any way address the cumulative effect of 2 adjoining quarries. The SIR annual report 2021 included in this application was a report specific to the existing quarry and is not applicable to this application as it does in no way address the cumulative impact of 2 adjoining quarries for all items included within this report. SLR report included in the planning application, appendix C Certificate of Analysis pg. 348-367, none of the pages have any data with legible results, the only legible. Therefore, there is no supporting information included in this section.

There was no consultations with local residents in the area relating to the proposed planning application. Properties R21 NC58 and R21 TH56 are only 165 and 140 Meters respectively from the proposed development boundary, which is well within the allowable blasting distance. Additionally, these properties are only 380 and 550 Meters respectively by road to the proposed development. There are serious consequences for the value of both properties going forward if this development were successful in their appeal of the Carlow County Council decision to refuse planning permission.

This observation summaries the many significant concerns held by the Roche family relating to this planning application 2360042 and are in agreement with the decision made by Carlow County Council in refusing planning permission for application 2360042.