

K. Hickey

Patrick Buckley

From: [REDACTED]
Sent: Monday 13 May 2024 16:48
To: Appeals2
Subject: Re: Application Ref SU17.319397
Attachments: Submission Tommy Ennis - SU17.319397.pdf

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Hi Patrick,

Please let me know if this file is ok.

Regards

Tommy

----- Original Message -----

From: "Appeals2" <appeals@pleanala.ie>

Sent: Monday, 13 May, 2024 16:29:45

Subject: RE: Application Ref SU17.319397

Dear Mr. Ennis

Please note that the attachment in your email has become corrupted and cannot be opened.

If you wish, and if you are still within the statutory time period to make submissions, you can re-submit your documents.

Regards

Patrick Buckley
Executive Officer

-----Original Message-----

Sent: Monday, May 13, 2024 2:34 PM

To: Appeals2 <appeals@pleanala.ie>

Subject: Application Ref SU17.319397

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Hi,

Please find attached submission from Tommy Ennis

Regards

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1
Email: appeals@pleanala.ie

Thomas Ennis
Kill,
Rathmolyon,
Co. Meath
13th May 2024

SUBMISSION re Application ref. SU17.319397

Reference: ABP: SU17.319397
URL: <https://www.pleanala.ie/en-ie/case/319397>
Application Lodged: 20th March 2024 (Wednesday)
Appeal Deadline: 15th May 2024 (Tuesday), (8 Weeks)
Dev. Address: Tromman Quarry, Tromman, Rathmolyon, Co. Meath
Applicant: Keegan Quarries Limited
Description: **Substitute Consent** for quarry and ancillary precast concrete manufacturing yard
Submission Fee: N/A

Dear Sir/ Madam,

DEVELOPMENT DESCRIPTION

1. *"The development at the quarry and the ancillary precast concrete manufacturing yard, totaling some 21.64Ha in extent, consists of the unauthorised construction of an electrical substation, a concrete batching plant with technical lab and associated lagoon system; additional settlement facilities; a Limestone Powder plant, comprising feed hopper, crushing and screening plant, dispatch points, drying plant, storage sheds and gas tank fuel storage and the unauthorised construction of a precast concrete manufacturing industrial unit. In addition, the unauthorised continuation of extraction and associated mineral processing activities and the continued use and or operation of previously authorised structures; to include a block yard, office, canteen, weighbridge and wheel wash (00/2075), a precast manufacturing facility, associated batching plant and fuel storage (TA20408), an administrative office, septic tank, workshop, weighbridge, wheel wash, fuel store, pump house, steam cleaner and ancillary development (TA130400 & TA130581) beyond the expiry of extraction consents on the 5 August 2018 to which the ancillary consents for buildings plant and structures were co-terminus."*
2. It is helpful to break this down into its component parts: -
 - a. *"The development at the quarry and the ancillary precast concrete manufacturing yard, totaling some 21.64Ha in extent,*
 - b. *consists of the unauthorised construction of an electrical substation,*
 - c. *a concrete batching plant with technical lab and*
 - d. *associated lagoon system;*
 - e. *additional settlement facilities.*
 - f. *a Limestone Powder plant, comprising feed hopper, crushing and screening plant, dispatch points, drying plant, storage sheds and gas tank fuel storage and*
 - g. *the unauthorised construction of a precast concrete manufacturing industrial unit .*
 - h. *In addition, the unauthorised continuation of extraction and associated mineral processing activities and*
 - i. *the continued use and or operation of previously authorised structures; to include*
 - i. *a block yard,*
 - ii. *office,*
 - iii. *canteen,*
 - iv. *weighbridge and*
 - v. *wheel wash (00/2075),*
 - vi. *a precast manufacturing facility,*
 - vii. *associated batching plant and fuel storage (TA20408);*
 - viii. *an administrative office,*
 - ix. *septic tank,*
 - x. *workshop,*
 - xi. *weighbridge,*
 - xii. *wheel wash,*
 - xiii. *fuel store,*
 - xiv. *pump house,*
 - xv. *steam cleaner and*
 - xvi. *ancillary development (TA130400 & TA130581) beyond the expiry of extraction consents on the 5 August 2018 to which the ancillary consents for buildings plant and structures were co-terminus."*

CASE LAW & EXCEPTIONAL CIRCUMSTANCES

3. **3rd July 2020:** the Irish Supreme Court in *AN TAISCE, PETER SWEETMAN & Others v. AN BORD PLEANÁLA and Others* [9/19, 42/19 and 43/19], Mr. Justice William M. McKechnie stated that the public should have an input at the earlier s.177 (c) stage and specifically cited the Aarhus Convention. They also stated that where substitute consent is applied for that the exceptionality test must be applied.
4. **C-215/06: Commission v. Ireland:** Failure of a Member State to fulfill obligations – No assessment of the environmental effects of projects within the scope of Directive 85/337/EEC – Regularisation after the event is not permissible under EU law where E.I.A. and A.A. (Habitats) should have been prepared prior to any development.
5. Given the long history of unauthorised/ illegal development by this operator across counties **Meath, Westmeath** and **Kildare** together with a large amount of enforcement letters, notice and court orders, it is ridiculous to allege that one 'genuinely believed' that the operations were exempted. It cannot reasonably be argued that there are exceptional circumstances pertaining to this quarry.
6. In light of the EU cases of **C-215/06** and **261/18** together with the welcome clarity by the Irish Supreme Court in *AN TAISCE, PETER SWEETMAN & Others v. AN BORD PLEANÁLA and Others* [9/19, 42/19 and 43/19], it is therefore not legally permissible for the Irish Authorities to facilitate any further retention applications to this applicant in light of the planning history.
7. Given the history of recorded unauthorised developments pertaining to the Keegan Quarry at Trammon together with its history across a number of other quarries, it is virtually impossible for it to satisfy the 'exceptionality test'. The amount of documentary evidence now available demonstrates conclusively that the operators had conducted numerous unauthorised developments in a flagrant abuse of planning and environmental requirements both of domestic law (Irish) and also of European law.

COMPLIANCE HISTORY DEMONSTRATES NO EXCEPTIONAL CIRCUMSTANCES

8. This quarry has had a long history of exceeding permitted boundaries. This first occurred in 2003 when **Meath County Council** issued an enforcement notice ref. **03/192**. A retention application was subsequently submitted under ref. TA/30334 [PL 17.206702]. This included a large element of retention: "...the retention of extension at quarrying over an area of 4.88 hectares, storage of over burden material, settlement lagoon and stilling pond, office and workshop area, septic tank and percolation area..."
9. In 2009 the applicants applied to extend the quarry under ref. TA/900976 [PL 17.235960]. This was granted [subject to conditions] on the 3rd August 2010. The Order further stated in a paragraph before the planning conditions were listed: -
"In relation to visual amenity, the Board agreed with the Inspector that, as proposed, the quarry extension would have an unacceptable impact. However, the Board considered that the development would be acceptable, if reduced in extent to allow for a 60 metre wide buffer zone along the frontage with the regional road. Such buffer zone would also enhance public safety and aid dust suppression. Reason: In the interest of visual amenity, public safety and dust suppression"
10. **Condition 2** of the order specifically stated: -
"The area of the quarry extension shall be reduced so that the edge of the extraction area is not less than 60 meters from the boundary..."
11. By way of warning letter dated 22nd March 2018, **Meath County Council** advised the site operator: - *"It has come to the attention of the Planning Authority that unauthorised development may have been or is being carried out on lands at Trammon, Rathmolyon, Co Meath namely: - Breach of condition 2 as per Planning Permission TA900976 / PL.17.235960."* [ref. **17/004**] Notwithstanding this notice, a campaign of extraction continued to occur within 60 meters of the road over the following years .
12. The 60-meter limit was clearly provided for in the order form *An Bord Pleanála* after an EIA assessment. This planning application had been subject to a full EIA assessment. It follows that an EIA infringement has occurred with a prolonged campaign of blasting over several years where the operator clearly knew he should not be working. The developer therefore knew that an EIA offence was occurring but continued to dig/ extract. The operator must admit culpability for this offence; there is absolutely no excuse for it. He had been specifically precluded from quarrying there and issued with a warning letter in 2018, but continued to extract from this area in the years that followed. There were several blasts in this area of the quarry right up to and including 2024. This can't be accidental.
13. **Condition 3** of the order TA/900976 [PL 17.235960]. specifically stated: -
"There shall be no excavation below a level of 50 meters OD..."
The quarry also appears to be well below 50 aOD. The board should ascertain the status of the floor levels within the quarry.
14. Having regard to the Large Concrete Products Factory constructed in c.2017, this never had planning consent. This is a massive factory and a very substantial operation. This is in turn being supported from a quarry that does not have planning permission and much of it from an area where they were specifically precluded from working (please see above). This operator is a major regional player operating without planning permission.
15. **May 2013**, a large Concrete Batching Plant was removed from a site situated at *Keegan Quarries Plant, Agher*. This plant had previously been the subject of **Meath County Council** consent TA/20055, (which was a retention permission) and which was for 5 years from 2000. It was re-erected at the quarry in Trammon without any planning consent whatever. It cannot reasonably be claimed therefore that it could in any way have been exempted from planning consent. UD ref: **14/134**.

PREVIOUS SUBSTITUTE CONSENT IGNORED

Newcastle, Enfield, County Meath
Meath County Council, Planning Enforcement

16. The site had been used for [unauthorised] quarrying of sand and gravel. On or about 23 October 2014, An Bord Pleanála granted substitute consent (i.e. retrospective planning permission and EIA) for unauthorised quarrying at this site. An Bord Pleanála conditioned the restoration of the quarry within 24 months of the agreement of a restoration plan with the planning authority. Any remedial Environmental Impact Assessment ('EIA') conducted by the Board could only have considered the unauthorised extraction up to the date of its decision.
17. The restoration condition in the 2014 decision of the Board was not complied with. Neither did the quarry close. Unauthorised extraction continued at the quarry after the grant of substitute consent (retrospective consent for part of the historic extraction) and was the subject of subsequent enforcement action by **Meath County Council** who by way of enforcement notice ref **15/077** and dated 29th April 2015 stated that *'The unauthorised development consists of: The unauthorised extraction of sands and gravels.'* It further ordered that *'Cease all quarrying activity on site on lands outside those lands highlighted in Blue on attached Enforcement Map UD 15/077'* by 1 May 2015 at 17.00 hours.
18. Notwithstanding the enforcement notice, I believe that extraction continued and that the matter came before *Judge Mary O'Malley of Trim Circuit Court* on Tuesday 5th February 2019, wherein the Judge ordered the cessation of unauthorised quarry development and to *"remove all material that isn't waste material"* from the site within a period of 3 months and that the site be restored to 'conservation status' within a period of 6 months. **Trim Circuit Court** ref. **18/00123**.
19. The above demonstrates that substitute consent was previous disregarded and unauthorised quarrying continued. This is demonstrative of an apparent pattern of the way quarries have been operated by this developer.

CESSATION ORDER IS REQUIRED

20. It is noted that when a section 177(c) matter appeared before MR JUSTICE SIMONS in a Judicial Review ref. 2019 No. 441 JR of an earlier decision by *An Bord Pleanála* ref. ABP-303334-19 to grant consent, Mr. Simons J questioned why *An Bord Pleanála* had not invoked section 177J of the Planning and Development Act which provides it with the power to order the person/ entity seeking an application for substitute consent to order it to cease operations for a defined period of time while the matter is being considered. This has operated since 2018 without planning consent; it is therefore imperative that it be ordered to cease while this application is being determined. In order to assess the application and the quarry the subject of the application, *An Bord Pleanála* MUST issue a cessation notice. It is not possible to assess an application made in Feb/March based upon reports and surveys prepared in 2023, if that development continues while the application is pending. *An Bord Pleanála* must decide this application and the status quo without the quarry expanding.

177J.— Specifically provides that: -

“(1) Where the Board has received an application for substitute consent made in accordance with section 177E and is considering that application, it may give a draft direction in writing to the person who made the application requiring the person to cease within the period specified in the draft direction, all or part of his or her activity or operations on or at the site of the development the subject of the application, where the Board forms the opinion that the continuation of all or part of the activity or operations is likely to cause significant adverse effects on the environment or adverse effects on the integrity of a European site.”

DEVELOPER'S HISTORY OF FLOUTING PLANNING LAW (UNAUTHORISED /ILLEGAL DEVELOPMENTS)

21. This developer has a long history of flouting of planning law, not just at this quarry, but across three counties; namely Counties **Meath, Westmeath and Kildare**. We have assembled a list of these hereunder: **Enforcement Notices/ Warning Letters** (that we know about).

COUNTY MEATH

22. **Enforcement Notices/ Warning Letters:** There have been hugely problematic compliance issues relating to *Keegan Quarries Limited* for many decades now and we outline hereunder a list of enforcement notices (that we are aware of) hereunder.
23. **Trammon, Rathmolyon, County Meath;** Unauthorised development ref. **03/192**. Exceedance of permitted boundaries, (the initial grant of planning permission in 1998 was massively exceeded and abused to such an extent both vertical and horizontally that a very significant application for retention was necessitated in 2003). Enforcement notice issued on the **7th July 2003**.
24. **Trammon, Rathmolyon, County Meath;** Unauthorised development ref. **14/162**. Non-compliance with condition 4 of 00/2075 Re a financial condition to protect water supplies in the area. Warning letter issued on **3rd November 2014**.
25. **Trammon, Rathmolyon, County Meath; (As above) May 2013**, a large Concrete Batching Plant was removed from a site situate at *Keegan Quarries Plant, Agher*. This plant had previously been the subject of *Meath County Council* consent TA/20055, (which was a retention permission) and which was for 5 years from 2000. This in itself had been grossly exceeded as the time permitted 5-year time frame had long since elapsed. It was re-erected at the quarry in Trammon without any planning consent whatever. It cannot reasonably be claimed therefore that it could in any way have been exempted from planning consent. UD ref: **14/134**.
26. **Trammon, Rathmolyon, County Meath;** Unauthorised development ref. **15/284**. Unauthorised construction of electrical sub station and the erection of pre cast concrete units at the rear of the quarry area. Enforcement notice issued on **25th November 2015**.
27. **Trammon, Rathmolyon, County Meath;** Unauthorised development ref. **15/284**. The unauthorised construction of an electrical sub station and the erection of a batching plant and hopper including concrete silos, storage bays/units at the rear of the quarry area without the benefit of planning permission. Enforcement notice issued on **18th November 2016**.
28. **Trammon, Rathmolyon, County Meath;** Unauthorised development ref. **15/284**. The unauthorised newly constructed blockwork electrical sub station, construction or precast concrete units i.e. silos/storage bays, 2 number concrete batching plants and associated plant and a large industrial building. Enforcement notice issued on **30th January 2017**.
29. **Trammon, Rathmolyon, County Meath;** Unauthorised development ref. **15/284**. The unauthorised construction of an electrical sub station and the erection of 2 no. batching plants and hopper including concrete silos, storage bays and the construction of an industrial unit at the rear of the quarry area without the benefit of planning permission. Enforcement notice issued on **31st March 2017**.
30. **Trammon, Rathmolyon, County Meath;** Unauthorised development ref. **17/004**. By way of warning letter dated 22nd March 2018, Meath County Council advised the site operator: - *"It has come to the attention of the Planning Authority that unauthorised development may have been or is being carried out on lands at Trammon, Rathmolyon, Co Meath namely:- Breach of condition 2 as per Planning Permission TA900976 / PL.17.235960."* Notwithstanding this notice, a campaign of extraction continued to occur within 60 meters of the road over the following years.

31. **Bullring, Clondoogan, Summerhill, County Meath:** Unauthorised development ref. **12/192**. Unauthorised quarrying of sand and gravel. Warning letter issued on **24th June 2013**. Despite this, works continued.
32. **Bullring, Clondoogan, Summerhill, County Meath:** Unauthorised development ref. **13/140**. Unauthorised quarrying of sand and gravel. Warning letter issued on **3rd July 2013**.
33. **Duleek, County Meath;** Unauthorised development ref. **14/213**; non-compliance with Condition No. 18 which provided for a cash deposit of €30,000. It is noted that a warning letter was issued in 2015. In short the letter referred to: - '*non-compliance with Condition No. 18 of Planning Permission Ref. 01/4203.*' Condition 18 of a planning consent providing a cash deposit of €30,000; ref. 14/213. Warning letter issued on **3rd November 2014**.
34. **Rahinston, County Meath;** on the **15th May 2013**, *Meath County Council* issued an enforcement notice ref. **13/092** relating to 'outside of working hours'. Out of hours operation has been a major issue relating to all the Keegan operations for many years and the local residents have had to endure enormous disruption, which has and continues to have an impact on their quality of life.
35. **Bellewstown, County Meath;** Unauthorised development ref. 11/243. Unauthorised storage of material and quarry operations. Warning letter issued **3rd November 2011**. The enforcement letter served on Keegan Quarries stated: - '*It has come to the attention of the Planning Authority that unauthorised development may have been or is being carried out on lands at Bellewstown, Co Meath namely: - 'unauthorised use of lands for the deposit / storage of material from quarry operations'.*' On the 12th October 2012, planning permission was granted to reinstate under SA110858. Given the current state of the site; it has not been reinstated and the 3 years (as per condition 2) for doing so has long since passed.
36. **Newcastle, Enfield, County Meath:** Unauthorised development ref. **15/077**; unauthorised quarrying of sand and gravel on a very large scale much of it from beneath the water-table. Enforcement Notice issued; **29th April 2015**. This matter appeared before *Trim Circuit Court* on the **5th February 2019**; ref. **18/00123**.
37. **Newcastle, Enfield, County Meath:** As above; In 2010, *Keegan Quarries* were rapidly removing sand and gravel from this site and encroached very close to the banks of the Royal Canal. Waterways Ireland became very concerned and their solicitors wrote to *Keegan Quarries* about this matter by way of letter dated the **11th October 2010**. The following are excerpts from a solicitor's letter that issued from Waterways Ireland: '*That the excavation carried out by you has made Waterways Ireland property unstable, and the boundary line is susceptible to erosion.*' '*That the excavation has rendered Waterways Ireland open property unsafe, as the public can access the vertical face at the boundary, from the towpath over its property.*'

COUNTY WESTMEATH

38. **Anascannon, Killucan, Co Westmeath:** Unauthorised development ref. **1909**. Unauthorised quarrying of sand and gravel; Warning letters dated **10th June 2019** and also **23rd March 2020** issued to *Mr. John Keegan, Keegan Quarries*, etc dated. *Keegan Quarries* appear to have now vacated this site leaving behind a large lake of water where it had removed an enormous amount of material from beneath the water table.

COUNTY DUBLIN (FINGAL)

39. **Fingal County Council: Long Acre, Thormanby Road, Howth:** Unauthorised development ref. **Enf. No.22/149B**. Non Compliance with Condition 4 (a), (b) and (c) and Condition 5 of approved Planning Permission by An Bord Pleanála ABP-311186-21. This site was purchased in the name of *Leinster Land Developments Limited*, which is another company in the directorship of *Mr. John Keegan*.

COURT ORDERS – UNAUTHORISED DEVELOPMENTS

COUNTY KILDARE

40. **Ballyowman, Clonard, County Kildare:** This has been the main source of sand and gravel to the Keegan group since circa 2016. Unauthorised development ref. **UD7387**. I can confirm that unauthorised development consisting of unauthorised quarrying, stockpiling and processing activities are ongoing at Ballyowman, Clonard, County Kildare. There has been wholesale excavation of material from below the water-table. After many years in operation, *Kildare County Council* eventually pursued the matter through the Circuit Court [ref **2021/App19**]. Note that the case was listed for mention only on numerous occasions between 2019 and 2023, but it was frequently adjourned for periods of up to 6 months; the quarry continued to operate during this period.
41. Eventually the matter was heard **July 2023** and the court issued orders (to amongst other items) require the unauthorised quarry to cease extractions below the water table.
42. Notwithstanding, the court order, we have observed long-reach machines continue to extract material from beneath the water table as recent as April 2024
43. The **Ballyowman** site has also been used to channel / process very large amounts of material from other unauthorised developments in **Meath, Kildare and Westmeath**. Typically large articulated trucks carrying about 30 ton of material were making numerous trips per day to and from other sites. There were a large number of trucks involved in the operation over a long period of time, meaning that very large amounts of material were imported and processed via this site.

COUNTY MEATH

THE AGHAR SITE; aka Lands at Clegarrow, Rathmolyon, County Meath

44. Briefly: *Keegan Quarries Limited* were to remain 1.4 meters above the water table. They completely ignored this condition and left 2 very large lakes together with other smaller ones. They also removed their plant; much of it to the Trammon site and abandoned the Aghar site and failed to carry out any reinstatement.
45. **Statutory Enforcement Authorities:** *Meath County Council* failed to take any enforcement action on this site. The owners of the site; the Fowlers' (Lady Jennifer Fowler) ended up having to pursue Keegan Quarries in the High Court by way of a section 160 Planning enforcement action. Mr. Justice Michael White was very critical of *Meath County Council's* failure to take enforcement action against the site operators; Keegan Quarries Limited. High Court determination of ***Fowler v Keegan Quarries Limited*** 2016 IEHE 602/ High Court Record Number: 2012463 MCA. Initial judgment was delivered 28th October 2016. Of note is page 35 re Judges comments on the lack of enforcement by the Planning Authority.

HILLTOWN LITTLE, BELLEWSTOWN, CO. MEATH

46. Briefly local residents [Pierson & Ors -v- Keegan Quarries Ltd] in the Bellewstown of Co. Meath (near Duleek) suffered significant nuisance from an unauthorised quarry, which was operated by *Keegan Quarries*. In the absence of enforcement proceedings by *Meath County Council*, local residents pursued Keegan Quarries themselves. On Friday, October 8, 2010 the Irish Times reported that: -

"Ms Justice Mary Irvine ruled yesterday that the use by Keegan Quarries Ltd of lands at Hilltown, Bellewstown, Co Meath as a rock and stone quarry amounted to unauthorised development materially different from any use to which the lands were previously put. Ms Justice Irvine ruled in favour of the residents. The judge said the present operation of the quarry was "highly mechanised" and generated substantial noise and dust with large volumes of trucks going to and from the premises."

[<http://www.irishtimes.com/newspaper/ireland/2010/1008/1224280636497.html>]

FINANCIALS

OUTSTANDING FINANCIAL OBLIGATIONS

47. Having conducted appropriate inquiries with the planning authority; Meath County Council as to compliance with previous grants of planning consent, we can confirm that there has been significant non-compliance with financial conditions. Based on the information supplied to us, we calculate outstanding financial obligations to be in the region of circa. €476,000.
48. Given that the operation has had no consent at all since 2018, it follows that it's operating without any regulation. We therefore reiterate the need to invoke section 177J of the planning and development act in that a cessation order would be appropriate in the circumstances.

MR. KEEGAN'S OWN ADMISSIONS

49. Keegan Quarries Ltd submissions to the Meath County Council in respect of Readymix Ireland's application of 1998 & dated 29th January 1999: (copy enclosed).

Mr. Keegan was concerned about the level of blasting that would ensue if planning permission were to be granted to an additional quarry. He further stated in that letter that he believed that there was; ***"an adequate number of quarries to meet the demand"***.

Finally he was ***"very worried about the unnecessary upset that would be caused to the local people by a second quarry"***.

He subsequently constructed factory after factory (mostly without any planning consent) and a very large concrete batching plant.

50. Keegan Quarries Ltd submissions to Án Bord Pleanála in respect of Readymix Ireland's application of 1998 & dated 11th May 1999: (copy enclosed).

In this letter, Mr. Keegan was worried about the noise levels that would result from a second quarry and states that:

"that the people in the locality would have a lot to complain about". The current proposal by Keegan Quarries Ltd would add enormously to the then cumulative effect of two quarries.

Mr. Keegan was also very concerned about the dust levels that would result from a second quarry and states and admitted that dust is hard to control;

"Dust is very hard to control, especially in a Limestone quarry"; he further states that he could

"see a lot of problems with two quarries working side by side". He further states that the traffic ensuing from the 2 quarries combined would ***"have a huge impact on the residences of the area"***.

LEGITIMATE EXPECTATION

51. **Legitimate Expectation:** The initial grant of planning permission in 1998 was for a period of 15 years. That permission envisaged that the quarry and area would have been reinstated by 2013. Sadly, this hasn't happened. Indeed reinstatement is going to be very challenging now, given the amount of unauthorised development that has since occurred. In 2013, the activities at the quarry were in fact granted an additional 5 years (without any public consultation).
52. The community has endured more than their fair share of disruption and nuisance for the benefit of a 3rd party. The community has a legitimate expectation that lands will now be reinstated. Therefore the current proposal would make a bad situation worse and be contrary to proper planning and sustainable development.

ARCHAEOLOGY

53. There are significant concerns about the attitude of the principal director of the companies within the Keegan Group to the issue of archaeology. In this regard, it is necessary to have regard to the events which occurred on a major archaeological site found to exist in the 'thistle field' situate at Trammon, Rathmolyon, County Meath: -
54. A major archaeological find was unearthed on the southern side of the R156 in 2007 at a site owned by Keegan Quarries (when the applicant had applied to tunnel under the road from an existing quarry to a Greenfield site). Two large early medieval burial grounds were discovered and some 33 sets of skeletal remains were touched on near the surface of the ground. When the National Monuments Service [NMS] placed a protection order over the burial grounds (as published in *Iris Oifigiúil* in January 2011), the applicant challenged this in the High Court; **KEEGAN QUARRIES LIMITED -V- MINISTER FOR THE ENVIRONMENT HERITAGE AND LOCAL GOVERNMENT [2011/353 JR]**. We understand that the department sadly consented to an order of *certiorari* on the 16th October 2012. We further understand that part of the order mandated that the burial sites be re-assessed with a view to reinstating the protections. We are informed that this was never done.
- Both burial grounds were subsequently ploughed up and tillage farming (by the applicant) has been practiced over the burial grounds every since.**
55. Moreover, the applicant stripped lands in preparation for a quarry extension (adjacent to the main quarry site) during the sever blizzard conditions of November 2011 when approximately half a meter of snow fell (the big freeze). The roads were impassible and it was difficult to even get from Rathmolyon to Trim. A photograph reveled that there was good reason to believe that further sites of archaeological interest existed at that location, but sadly we will now never know. We cannot therefore trust this operator to safeguard heritage. Why it was considered necessary to have this work done in blizzard conditions when in fact the actual extension didn't happen for well over a year after.

PROBLAMATIC DEVELOPMENT

56. **Height of Overburden:** There is a large mountainous mound at the centre of the said quarry, which is comprised of quarry spoil and overburden. This has now reached alarming heights and can be seen from all over the area including as far away as Tara hill (22km away by car). This is visually obtrusive. It will be noted that according to the many grants of planning permission, that all: -

'overburden stockpiles awaiting use in landscaping shall be covered with topsoil and seeded'.

This condition has not been complied with. Today given the size of the overburden pile, it is considered that this would now be logistically challenging and dangerous. It follows that the height of the pile obviously poses significant health and safety issues. Given that the pile has now existed for so long, it cannot be considered a temporary structure. One would have thought that Keegan Quarries (with so many extraction areas) would have sites where this could have been moved to on a regular basis in an effort to keep the stockpile at a manageable level and even reinstate other quarry locations.

The overburden reached such a ridiculous height in recent years that a section 5 confirmed in November 2017 that this was not an exempted development.

57. **Progressive Restoration:** We note Condition 14 of consent 98/1868 states:

'The Progressive and final reclamation of the quarry shall be in accordance with the details in section 6 of the E.I.S. This work shall be completed within 2 years of the closure of the quarry as defined under condition 2 above whether or not the quarry has been worked to the extent envisaged in the plans submitted. Reason: In the interest of development control and visual amenity.'

We further note the 2003 application TA/30334, which states PROPOSED DEVELOPMENT: *'The continuance and extension of quarrying of limestone, progressive restoration of the eastern bench to the adjoining property boundary, and associated development and works, and the retention of extension at quarrying over an area of 4.88 hectares.'*

It is entirely reasonable and appropriate therefore that the quarry should immediately be restored as per the earlier planning consents. However, given the *modus operandii* of Keegan Quarries, the local residents hold little hope of this ever happening.

58. **Record on Previous Reinstatement:** It is submitted that the application should not be considered until full reinstatement has been implemented at all sites operated by companies under the control of the applicant [Mr. John Keegan esq.] and specifically Keegan Quarries Limited, of which Mr. John Keegan is a director.

NUISANCE

59. Living beside a large quarry / concrete products manufacturing operation. Below are some examples: -

- a. **Blasting:** blasting is particularly disruptive to the lives of local residences and landowners. Pets and animals become upset and some are very spooked with blasts. For local residents, blasting is particularly disruptive. Constant blasting is also a concern for the integrity of their properties with older properties being extremely vulnerable.
- b. **Dewatering:** lowering of the water table is very concerning for people who depend on private wells for their water supply. Another issue is that dewatering removes finer particles from the soil leading to a lowering of the land topography in the area. This in turn is known to be responsible for structural damage. Furthermore, the quarry is being de-watered on a 24/7 basis. A large generator and pump is running on a 24/7 basis causing annoyance and loss of amenity to local residents. Some quarry operations can abstract in excess of 30 million liters of water every day – enough to fill 12 Olympic size swimming pools. It would be interesting to know the abstraction rate of Keegan Quarries at Trammon.
- c. **Tonal Bleeping:** This has also a major issue for neighbors. These are beepers which are fitted to machinery for health and safety issues. There are alternatives though and we are aware of a different type of tonal device, which can be fitted and which is only audible around the machine. We believe that these have been fitted to machines in Dublin Airport.
- d. **Loading Operations:** The sounds of loading operations has also been a significant issue. Loading operations relate not only to loading of trucks but also to loading of grading and crushing machinery which is used to process blasted rock.
- e. **Passing traffic movements:** This is one of the principal nuisance issues, which we encounter. Un-laden trucks can be particularly noisy, while with fully laden trucks, engine laboring under high revs is a cause of great annoyance as they pass up and down the road.
- f. **Dust:** Fugitive dust also continues to be a major issue and drenches the countryside with a frequent film of dust on our vehicles and also the vegetation. Muddy roads are a regular issue each winter and keeping vehicles and windows clean is impossible and an expense which we are forced to incur. Our experience is that limestone quarries do not have a good record in respect of dust suppression. Picking blackberries in this area is now a thing of the past given the level of fugitive dust encountered in the surrounding environment. Silica is also a major constituent of construction materials such as bricks, tiles, concrete and mortar. Dust is generated activities such as cutting, drilling, grinding and polishing. It is commonly called silica or silica dust. Silica dust particles can become trapped in the lung tissue causing inflammation and scarring.
- g. **Air Quality:** Particulate Matter [P.M.]. Diesel particulate matter (DPM), sometimes also called diesel exhaust particles (DEP), is the particulate component of diesel exhaust, which includes diesel soot and aerosols such as ash particulates, metallic abrasion particles, sulfates, and silicates. When released into the atmosphere, DPM can take the form of individual particles or chain aggregates, with most in the invisible sub-micrometer range of 100 nanometers, also known as ultrafine particles (UFP) or PM0.1. Exposure to diesel exhaust and diesel particulate matter (DPM) is a known occupational hazard to truckers, railroad workers, and miners using diesel-powered equipment.
- h. **Spillages & Blocked shores:** Overloaded trucks has been a major issue with Keegan Quarries. A consequence of overloaded trucks are frequent spillages of aggregates and dust along the roadsides. There are three deep gullies (shores) outside our home and they frequently become blocked and we have to remove significant quantities of quarry related debris. Our drains regularly need to be blown out by a large drain cleaning truck.

- i. **Out of Hours operation/ activity:** Out of hour's movements of trucks has always been an issue. It is often the case that truck movements are common as early as 5am thereby severely disrupting our sleep. Likewise, late evening traffic has also been a problematic. Activity in the workshops / factories is also hugely problematic with hammering and banging often an issue at ungodly hours of the night early mornings.
- j. **Noise:** Noise is generally regarded as a nuisance if it is so loud, so repeated, of such pitch, or of such duration that it causes annoyance to people. It can be any one, or a combination of these to constitute a nuisance. Our experience at Trammon has been horrendous in that there are multiple sources of sound. Living in the countryside should be a peaceful experience.
- k. **Hydrology:** Rocket blasting of Karst limestone is very destructive of rare Karst and cave systems. Extraction to depths of 20m a.O.D. is extremely problematic in that significant dewatering is required to extract to these depths. It follows that significant interference with the ground water table is required. We all have wells to be concerned about; so too those of us with agricultural lands. The ground water aquifer is crucial to the health and wellbeing not only of neighbours, but of a much wider community.
- l. **Heavy Vibrations:** heavy vibrations from the activities of the manufacture of concrete products manufacturing facilities has also been hugely problematic. This is thought to be from the block making machinery.
- m. **Visual:** The visual impacts of living close to not one but two large quarry operations has also been significant. There is a very large unauthorised mountainous pile of overburden, which can be seen for miles around and as far away as Tara Hill and which is visually obtrusive. It is also a hazard to machine operators and or any person who may wander up on top thereof. We have observed landslides from this in the past.
- n. **Night-time Lighting.** We are also subjected to unacceptable levels of night-time lighting from this quarry. This issue has got much worse with the installation of new LED lighting, which has been erected, in both quarries since c.2020. Dark sky's in this rural area is not sadly a thing of the past. This has further denigrated our amenity and enjoyment of our property. It also impacts on biodiversity in that it severely disrupts the natural flow of wildlife together with predator / prey relationships and so on. I have concerns for biodiversity and the welfare of nocturnal mammals such as bats (former EIA's detail many different species of Bat (some of them very rare) which were recorded in the area. Modern LED lighting is particularly bright and problematic.
- o. **Biodiversity and loss of agricultural lands:** Given the significant area of lands which are now under quarrying at Trammon, it follows that the loss to pasture and agriculture has been significant. The consequent loss to biodiversity has also been significant. The quarries in the area are constantly expanding, one legally (Kilsaran) and one illegally (Keegan Quarries). Even where the quarries seek to expand by way of planning application, they seek to remove large numbers of trees and woodland habitat, the very same habitat that they once promised to hold onto when the quarries were first applied for on a Greenfield site. Moreover there has been a trend in recent years to avoid reinstatement at all and the excuse being proffered is that they wish to leave it for beneficial biodiverse habitat. This is unacceptable and may be described as a form of green washing.
- p. **Stockpiling of materials & HGV movements.** we are also raise our concerns re the stockpiling of material on site, together with the current and future level of HGV vehicle movements associated with the quarry on the R156 road.
- q. **Loss of time:** Given the constant need to monitor and agitate for enforcement on the part of the statutory authorities, this has been a huge imposition on local people. A truly massive

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amount if irreplaceable time has been lost pursuing these issues.

CONCLUSIONS

60. Planning consent expired in August 2018 for that which had been permitted. Notwithstanding it has continued in operation.
61. We have identified a number of systemic issues relating to Keegan Quarries and other companies within the Keegan Group, all of which are managed by Mr. John Keegan. Principally among them is the fact that there has been so much unauthorised developments together with an outstanding courts.
62. In summary, we had witnessed a large quarry operator obtain all their **SAND & GRAVEL** requirement from an unauthorised development at Clonard for many years. Before that, they sourced all their SAND & GRAVEL extraction from Anascannon, County Westmeath and before that from the Aghar Quarry in County Meath; all were unauthorised.
63. It is high time that the Rule of Law be respected and that the authorities take appropriate enforcement actions to bring an end to unauthorised development.

Yours sincerely



A handwritten signature in black ink, appearing to be 'John Keegan', written over a horizontal line.