Validation Checklist

Lodgement Number : **LDG-088360-26**
Case Number: **ACP-324277-26**
Customer: **Kathleen S Baker and Timothy R Baker**
Lodgement Date: **08/06/2026 10:42:00**
Validation Officer: **Cathy Carleton**
PA Name: **Cork County Council**
PA Reg Ref:
Case Type: **Application**
Lodgement Type: **Observation / Submission**

An Coimisiún 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

Substitute Consent Observation

- SC40 ✓
- Scan to S-Drive folder
- Contact ICT to upload on website.

Run at: 08/06/2026 10:47

Run by: Cathy Carleton

Lodgement Cover Sheet - LDG-088360-26

An Coimisiún Pleanála

Details

Lodgement Date	08/06/2026
Customer	Kathleen S Baker and Timothy R Baker
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-088360-26
Map ID	
Created By	Cathy Carleton
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Cork County Council
Case Type (3rd Level Category)	Application

Fee and Payments

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

Observation/Objection Allowed?	Yes
Payment	
Related Payment Details Record	

Observation

Run at: 08/06/2026 10:46

Run by: Cathy Carleton

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	Ardcahan, (townland), Dunmanway, Co. Cork.
Appellant	
Supporting Argument	

Development Description	Application for Substitute Consent pursuant of Section 177E of the Planning and Development Act 2000 (as amended) consisting of the quarrying of rock that took place between February 1990 and October 2014, along with all associated site development works. The application is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and a remedial Natura Impact Statement (rNIS).
Applicant	
Additional Supporting Items	Yes

Run at: 08/06/2026 10:46

Run by: Cathy Carleton

Page 1

Mrs Kathleen S Baker

Mr Timothy R Baker

Knockduff

Dunmanway

P47 WR24

Date 5th June 2026

To: The Secretary

An Coimisiun Pleanala

64 Marlborough Street

DUBLIN 1

D01 V902

May 2026

AN COIMISIÚN PLEANÁLA
LDG- _____
ACP- _____
08 JUN 2026
Fee: € _____ Type: _____
Time: 9:15 By: Pon

KSTB

RE: Submission/Observation on Application for Substitute Consent – Murray Brothers Tarmacadam Ltd, Ardcahan Quarry, Dunmanway, County Cork.

Application Reference: SU04.324277

Site Notice Date: 6 May 2026

Applicant: Murray Brothers Tarmacadam Ltd.

Applicant's Agent: McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, County Cork.

Dear Sir/Madam,

We respectfully wish to make a submission and observations as local residents on the Application for Substitute Consent by Murray Bros Ltd for their Quarrying development in Ardcahan, Dunmanway as referenced above. We apologise if some of our observations do not fit in with the tight legal frame work around which you must make your decision, but we hope that you will at least give us the opportunity to state our case and to give it due consideration; after all we will live with your decision.

PLANNING PERMISSION REF: 98/284.

We have seen and read the Site Notice on the quarry gate (photo, Document 1) and the reference to a previous Planning Permission ref: 98/284. We can find no trace of this in Cork Council Planning Records, and no sign of it on any associated maps. Whilst it has been mentioned many times over the years in several previous planning applications, even as far as the High Court, at no time has any

printed or electronic evidence been provided to prove it ever existed. There is no letter of conformation from Cork County Council, there were no conditions attached, no testing, no environmental evaluation, no acknowledgement that the Habitats Directive even existed; 98/284 is a ghost, postulated to get around the uncomfortable truth that this **Quarry never had any specific planning permission.** This Quarry failed to be registered as required by the Planning and Development Act 2000, section 261 within the prescribed timeframe, and once the registration window closed in April 2006, was unable to be registered under the terms of the act. This renders the Quarry unregistered, unlicenced, unregulated and without any planning permission. There has been no legal framework which would allow the County Council help the quarry put in any Environmental Controls to protect the nearby Bandon River SAC, or indeed any local residents.

QUARRY OR TARMACADAM PLANT

The application for Substitute Consent seeks to exclude the Tarmacadam Plant from the quarry operations both in terms of ground area, and statutory control. The quarry entrance is the same as for the Tarmacadam Plant, in the past trucks would have had to stop at the same weighbridge on the way in, and again on the way out, whether they are collecting Tarmacadam or stone. Murray Bros. staff work in both areas, drive to work on same roads, and use the same restroom facilities. Run off from both areas of the site run down the same runnels into the same streams that end up in the Bandon River SAC. The Quarry has not been able to operate without the infrastructure associated with the Tarmacadam Plant. The Blasting is linked to the Tarmacadam Plant, (see below (98/294). There has been a truck/trailer relationship in place between 1998 and 2014.

To exclude the Tarmacadam Plant and the adjacent area from the Quarry area is a form of **Project Splitting and is not acceptable** under the EIR Directive and Section261 (10) of the PDA, and was the reason a previous Planning Application in 2018 failed; see ABP ref 302158-18. The CJEU case C 127/02 Waddenzee found that any plan or project not directly connected with or necessary to the management of the site is to subject to an Appropriate Assessment of its implications for the site in view of the site's conservation objectives.

PLANNING PERMISSION REF: 98/294.

We are in possession of some documents appertaining to a Planning Application for a Tarmacadam/Asphalt manufacturing plant and works, storage bays, weighbridge and septic tank at Ardcahan, Dunmanway; by Murray Bros. Tarmacadam Ltd. This has a Cork County Council Planning Reference W/98/0294, and it was granted by the council on 2 April 1998 with 15 conditions; see Documents 2 through to 8. Mr Harry Dixon was the occupant of our house at the time, and was sufficiently concerned about the repercussions of this that he visited the Planning Office in County Hall on 8 April 1998, and talked to Planner Bob Gunkel (note written contemporaneously by Harry Dixon enclosed as document 9. He then sent a written complaint which was acknowledged by Noel Cooke, Enforcement section (see document 10).

An appeal was then lodged with An Bord Pleanala, ref: PL 04.106466, on Harry Dixon's behalf by Michael McEvoy of Noonan Linehan Carroll Coffey, solicitors and the grounds for appeal are included as documents 11 through to 14.

Following discussions, an agreement was signed between Murray's and Harry Dixon on 8 May 1998 (documents 15 through to 18), and the Appeal to ABP was withdrawn (document 19). We were told by Mr Dixon that this agreement would also apply to us. Murray Bros agreed to carry out noise level monitoring, pollution monitoring of the stream, construct a silting pond to intercept any Hydrocarbons entering the stream, and to construct a bollard in such a way that no vehicles travelling from the plant turn left onto the L4621 'hospital road', see diagram document 20.

Some of the issues raised by Harry Dixon at his meeting with the Council Planners highlight the problems of this development from the start.

a) Bob Gunkel said the existing quarry face is almost up to the boundary of land purchased.
b) If quarrying was to continue, the only direction possible would be in the woodland to the west.
c) Whilst Murray Bros. would cease any manufacturing at the Drumleena, (west of Dunmanway) site, there does not appear to be any remediation or reinstatement at that site. Indeed, the large storage shed is still there to this day, in a prominent position at the side of the road.
d) The environmental issue of pollution in the stream was recognised at the meeting, but not given the priority that the Habitats Directive demanded. There does not seem to have been any proper measurement of Noise, Dust, or stream pollution from either the Quarry or the Tarmacadam Plant.
e) Murray Bros. never asked for permission to have any blasting in any area of the quarry, but it was incorporated into the conditions for the Tarmacadam Plant, because that was the only planning permission being sort.

DOCUMENTS

Because of the number of documents referenced above, we summarise them as follows:

1) Photograph of Site Notice.
2) Planning Permission granted ref w/98/0294.
3) Conditions
4) Conditions
5) Conditions
6) Conditions
7) Conditions
8) Conditions
9) Notes written by Mr Harry Dixon from meeting with Planning Section, Cork County Council.
10) Confirmation of written complaint.
11) Letter of Appeal to An Bord Pleanala.
12) Grounds of Appeal
13) Grounds of Appeal
14) Grounds of Appeal
15) Covering letter from Noonan Linehan Carroll Coffey.
16) Agreement
17) Signatures
18) Further unsigned notes
19) Confirmation of withdrawal of the Appeal.
20) Diagram of bollard positioning.

IRISH AND EUROPEAN PLANNING LAW

Quoting the Irish Legal Guide overview: "under Irish and EU planning law a Tarmacadam plant alongside a quarry is strictly regarded as an extractive and heavy industrial use. Because of its massive scale, noise, dust and heavy vehicle movements, it requires specific planning permission and strict environmental licensing" and" setting up a Tarmacadam Plant, even on the footprint of an existing quarry, represents a 'material change of use'. You must apply for full Planning Permission." **They did that as W/98/0294**. "To operate a tarmacadam plant **and quarry**, you will generally be required to submit: EIAR; and if the land is near a European Natura 2000 site an Appropriate Assessment. **They did not do this.**

The CJEU ruled in the Waddenzee Case that if the most reliable scientific information leaves "obvious doubt" as to whether a plan or project will cause significant adverse effects to a protected ecosystem, the benefit of the doubt must favour conservation. Authorities can only authorize a development or activity if they have ascertained that it will not adversely affect the integrity of the site. This requires definite scientific findings that "no reasonable scientific doubt remains" regarding potential harm. No Environmental Monitoring was undertaken, therefore no scientific findings, and by corollary **scientific doubt must remain**.

AIR EMISSION LICENCE, AIR POLLUTION ACT 1987

Issued to Murray Bros Tarmacadam Ltd, Dunmanway, County Cork.

We enclose a copy of the regulations.

Condition 1.5 states: The Licensee shall put in place a program to ensure that members of the public can obtain information concerning the atmospheric emissions of the licensee. The program shall be agreed with the Licensing Authority within three months of the date of issue of this license. We have never been made aware of any such program.

We note that the licence was issued on the 30 September 1998; but we do not have the number and cannot check whether it was issued to the Dromleena or the Ardcahan Plants.

Condition 10.2 states: The Licensee shall keep records of all monitoring carried out and retain such records for ten years; and 10.3 states: Before January 15th of each calendar year the Licensee shall submit a summary report of all monitoring carried out in the previous year. No written records or confirmation that they were ever received have been provided. Had records been made, they would have been available to Planning Inspectors in 2011, 2016, 2018 and 2020. No references were ever made. The applicant cannot prove beyond **reasonable scientific doubt** that any steps were taken to minimize production of dust and resultant damage to the environment.

An example that **the Applicant cannot prove beyond reasonable scientific doubt that no harm has been caused.**

The Court of Justice of the European Union (CJEU) has issued several rulings on Appropriate Assessments, addressing when it is required its purpose and standard it must meet. **It cannot have gaps and must contain complete and precise and definite findings and conclusions capable of removing all reasonable scientific doubt.**

LIVING WITH A QUARRY/TARMACADAM PLANT

- The Tarmacadam plant and its buildings are not fully screened. We can see that there is no wind sock kept on the exhaust stack.
- At times we have witnessed emissions coming out of the tarmacadam plant roof as well as the chimney.
- As soon as we step out of our house, we can hear the tarmacadam plant in operation, it depends on the direction of the wind. When the rock crushers were operating, we could hear them whatever the wind direction.
- We can hear the reversing bleep of the vehicles as they move about the site, we realize that is required from a safety point of view.
- The truck that takes spoil from the tarmacadam plant up the back behind the big shed to deposit it somewhere on the top, has its own distinctive noise. The banging noise can be heard as the loader bounces across the uneven ground.
- Some mornings as we step out of the door there is a strong smell of tar.
- These noises are just coming from the tarmacadam plant, without the edition of quarrying works.
- After requesting notification of a forthcoming blasting event, we got a postcard through the door with the comment "this one will blow your roof off". We ignored it and threw the note in the bin.
- We have never reported any of the above to the local authority.
- The bollard was there to make sure vehicles did not exit the site to the left, this was one of the conditions as discussed (see document 7) the bollard was there for several years. It was taken away when the site entrance road was widened from the L4621 to Murrays main gate. Large vehicles are now able to exit left of the site onto the L4621 'hospital road'.

NOISE and VIBRATION

In Harry Dixon's withdrawn appeal to ABP section h) states: "The manner in which the quarry has been worked in the past has produced a sound amplification difficulty. The high rock face ensures that sound is reflected directly back along the hospital road area and is a source of nuisance and adversely affects residential amenity."

We draw your attention to this comment as there is an area on the public road to the south of the site where sound waves from the Tarmacadam plant bounce off the rock face close behind it and cause a loud boom or 'beat', which we now believe to be called **Amplitude Modulation**.

There are issues around the noise survey, which was taken on a day when the Tarmacadam plant was not working, and only taken from 3 points. This was why they only picked up birds and cows, what a nice quiet place we live in. It would be interesting to see the results when the contractors are out cutting silage. How could they take measurements when the quarry was not working, crushers were not crushing, the drillers were not drilling and there were no associated vehicle movements.

No documents been produced by Hailey Mc Cutcheon Walsh to prove noise level testing were ever carried out.

REPORT BY TIM BAKER BSc Geology Sheffield University. Page 6 KS

This is an overview of the basic Geology of the area from standard texts and a postulation of the early history of the site, from maps in circulation and talking to local people. I shall introduce the fact that there is a proportion of fine clay particles within the rocks that are being quarried that are highly mobile, and a source of pollution detrimental to the Fresh Water Mussel. I hope to show through an examination of the early land use how the current landholdings might have evolved, and their limitation of the early quarry area.

The rocks of this area of south Munster were deposited in a bath shaped trough or basin, running East/West, bounded in the north to include the Dingle Peninsula and with deposits thinning to the East around Waterford. The minerals that came to fill the trough were derived from the erosion of rocks through weathering and hydrological action. Estimates of the thickness of sediments within Munster Trough reach a maximum of 10,000 meters, and given the timeframe, it was a very rapid rate of deposition.

The common interpretation is that these sediments were deposited as 'Turbidites', that is episodic flushes, marine avalanches off the edge of a Continental Shelf, such as have been recorded off the Californian coast. If these pulses of sediment were allowed to settle to the seabed in a sedate manner, the result would be banded rocks graded from course to fine, sand/silt/clay, lain down in a repeated sequence. A particularly fine example can be seen in the striped hillside to the west of Glengarriff, where vegetation has selectively colonized the silt/clay layers and left the sand (now quartzite) layers bare. There are other levels of strata in which it can be shown that the same mix of minerals were less segregated than the banded rocks around Glengarriff, in this case sandstones and mudstones are formed, containing quartz grains of various sizes. The quarry at Ardcahan is in a zone of sandstones and mudstones known as the Caha Formation.

Arthur Holmes in Principles of Physical Geology perfectly describes the rock quarried at Ardcahan: The sandstone is known as 'Graywacke', a name meaning 'grey grit', first given to it by miners in the Harz Mountains in Germany. Graywacke differs from ordinary sandstone a) in being less well sorted, i.e. its grains are of widely varied sizes; and b) in having a wider variety of constituents as grains, matrix and cement. Its grains include quartz and bits of incompletely weathered ferromagnesian minerals and fragments of rocks from the region that was undergoing erosion, including volcanic types in some areas. The matrix is fine grained and largely composed of the flaky alteration products of weathering, such as clay, mica-ceous and chloritic minerals.

The whole Munster Basin was squeezed in the Late Carboniferous Hercynian/Armorican Orogeny (mountain building period). The regional context of this Orogeny links Munster with South West England, Brittany, the Harz Mountains, Newfoundland and Nova Scotia. Munster lacks the large Granite intrusions, such as Dartmoor, but shares a strong East/West axis of folding and faulting. Later stresses caused during the break-up of the Pangea 'super continent' imposed some North/South fault lines. Following periods of uplift and erosion, repeated glaciation and deposition left us with the uneven landform we see today. Patches of bare rock poke through flat sediments laid down in small lakes, huge piles of debris left by the ice many meters thick slumped and slid down hillsides. The glacial debris is a mixture of fine weathered clay, bleached white by chemical action, called variously Kaolin, White Marl or China Clay; sand and gravel, and larger chunks of rock as large as a sofa, or in one case the size of a cottage.

With the end of the last Ice Age, vegetation gradually colonized the land gaining a foothold were ever it could; the deeper the sediment, the richer the plant life. With the arrival of large numbers of

people at the start of the 18th Century looking to farm and to exploit the forested land, we find the first detailed maps of the area being produced. Here we find the first reference to Clashnagallach Wood, or 'trough of the boulders' wood. The woods seem to have been cleared from the North, as there remains a boreen that runs from a collection of farms and houses known as Ardcahan. The pattern of land holdings changes from the point that the trackway enters the wood from small field boundaries to long straight lines showing how the previously community owned woodland was carved off. This northern access point would seem to be the logical way into the wood for the commercial foresters, since any attempt to drag large pieces of timber through a boulder field would be doomed to failure.

Whilst I cannot be certain, it is probable that small stands of old growth oak were left in place because the terrain (boulders, swamps and rock ridges) was too challenging to make it commercially viable to fell. This brings us to a post timber extraction landscape of bare earth, stripped of cover and stripped of topsoil by the winter rains. Woodland struggled to regenerate, and we are left now with Dry Heath and swathes of Birch and Alder Scrub and the odd patch of Oak/Holly left to remind us of what once was. Stripes of this land are still marked as commonage.

The southern part of the Clashnagallach Wood seems to have been treated differently. The first Ordnance Survey maps show a clearing in the trees with a building in the area of what is now the lower quarry, floor height circa 75m OD, and is still there as distinct land holding in around 1900. Perhaps this was the original 'boulder trough', not a long feature but an irregular circular area surrounded by boulders, and amongst which oak trees grew. The area beyond the trough was surveyed by geologists looking for solid rock and their field maps show exposures of sandstone and mudstone dipping to the north. These investigations must have given rise to a quarry being developed behind the small holding but at a higher level. As the quarry expanded, more and more loose glacial debris would have been scrapped off to expose clean rock for blasting. Some of this clay rich material was used as bunding around the quarry perimeter, and some clay would have been washed by heavy rain into the boundary stream before it could have been bound by vegetation.

I do not know whether Cork County Council took it over or were instrumental in its start up, and whether they used a third party to work it. Issues started to develop with the working of the quarry in the 1990's when further expansion was limited by a fall away of the land to the South and East, and pinnacles which could not be safely blasted out of the way to the North, and then a situation developed due to changes to Environmental laws which put the Council in a difficult position. Cork County Council were the owner and operator, the Licensee and Licensor and responsible for Enforcement as well as a major customer. They had 'grandfather rights' to quarry on this site, but even if they were a private operator, they would still have to establish a legal right to continue.

The route the council took was to sell the site to Murray Bros Ltd, subject to planning permission for a Tarmacadam Plant. The crux of the ensuing problem was the failure by the council to regularize the planning of the quarry as well as the plant, and the area that was to be affected both directly and indirectly, as recently (at that time) Environmental Laws demanded. The area now occupied by the Tarmacadam Plant, the first area to be quarried and further to the east of the 'boulder trough' was originally a separate land holding. Murray Bros would have appreciated the opportunity to integrate stone and tarmacadam production on the same site, but had to buy additional land to quarry – or did they own it already – as there are other Murray lands in the area; but in either case the lands outside the original quarry site, would not have had any specific planning permission.

CLAY

In my report I have introduced the presence of Clay in several areas of the quarry site: Kaolin in the Graywacke rocks, White Marl in the Glacial overburden, Silt in the silting ponds and spoil heaps, Mud on wet days and Dust on dry days. It is all pervasive within the quarry environment through solid/liquid/gas transport pathways, coating vehicles and roadways, plant and people, banks and eventually streams. I make the point of this because the clay eventually makes its way downstream through the Bandon River valley possibly as far as Kinsale where it can be seen as 'slob' when the tide goes out. The clay has an unfortunate and detrimental effect on the wellbeing of the Fresh Water Mussel, and this is what the adoption of a Special Area of Conservation for the Bandon River was set up to protect. It was not intended to be a 'tick box' or a 'desk top' exercise, it was meant to do something positive, **to save a species from extinction.**

If you believe in a God, then He put Mussels in the river to make the water fit to drink; if you do not believe in God, then the Mussels are exploiting organic particals in the water and salmonids to spread their spawn, and stabilising the river bed at the same time, which help the fish and us. See more below.

HYDROLOGY

The rEIAR and rNIS and AA all talk about the pathways to the Bandon River SAC, and while no one could expect this site to be water tight, studies still show that pollutants including clay/silt/dust, and various chemicals still find ways to circumvent methods of mitigation. We can also bring to the attention of the Coimisiun that we have seen silt being taken up onto the dump site in the east of the site (area 1A) and dumped over the edge. There is no bund in this area that separates it from the Boundary stream, and a photograph (apex geophysics quarry report Figure 2.1D 'Scrub and rock outcrop from spoil heap looking northeast') shows **unconsolidated and possibly contaminated silts and clays being eroded and washed downwards into the stream**. We can attest to the frequent muddy events after rain seen on our daily walks, the stream has a pale colour associated with the silt load, not a mid or dark brown opaque colour from agricultural discharge.

FRESH WATER PEARL MUSSEL

Margaritifera margaritifera face severe environmental pressures and rely on pristine waters.to ensure effective conservation it is essential to have a well- coordinated monitoring scheme. They are legally protected since the 1990s and benefit from international protection under the European Union Habitats Directive (92/43/EEC). The Applicant's own survey shows there is silt at Ardacahan in the boundary stream, which flows into the Bandon River SAC. Mussels are filter feeders and silt clogs them up and prevents them breathing. The mussel larvae would have 24 hours to find a host fish, and there is anecdotal evidence of the very good fishing at Poulnalickey, a naturally formed pool on the Bandon River, just below the confluence with the stream that emanates from the Ardcahan Quarry.

In the Natura Impact Statement:

MOORKINS Survey 2019 states: Given the absence of specific surface water data the quality during the period of Substitute Consent **it is not possible to confirm or quantify the contribution of silt** from the quarry operation to the boundary stream or the river Bandon. It is also not known if there were other sources of silt within the wider catchment. It is however likely that the quarry did

contribute to a certain extent given the nature of the on-site operation and hydrological connection, particularly during high rainfall events.

This shows **Scientific Doubt** remains.

Poly Aluminium Chloride (PAC)

The use of PAC is admitted in the NIS, it is used as a flocculating agent to clear sediment laden wash water. The effect of **PAC in waterbodies is dangerous to filter feeders** such as the Fresh Water Pearl Mussel and other aquatic life. Had there been continuous monitoring of the boundary stream, the company would have been alerted and would have had the opportunity to take remedial action. There is no discussion on the use of PAC through Industry Best Practice and whether there is an alternative for use in sensitive situations.

ONGOING QUARRY ACTIVITY

To support the assertion as to the high quality of the stone product from this quarry, details are provided of tests of freshly crushed stone as 10mm chips from February and March 2014 (see Volume 3 Appendices, Chapter 6 Land use, Soils (Geology), Appendix 6.3). This seems presumptuous when the quarry had already been under threat of closure since November of 2013. The stone would have had to be freshly crushed to get the best results, and to go to the trouble and expense of sending the samples to County Longford and Bangor Gwynedd in North Wales; they must have been confident that it would be business as usual in the near future. Did Cork County Council Roads Department request these tests as their main supplier of crushed stone in this area, and were they aware that the Planning Department had issued an Enforcement Notice? Another possible explanation is that these samples came from a different quarry which Murray's proposed to use in the future if they were prevented from using their own stone.

INVASIVE SPECIES

The applicants lack of Biosecurity Measures is allowing invasive species to spread. Irelands SACs are currently facing compliance scrutiny, to prevent ecosystem deterioration. Competition for light, water and soil can put significant pressures to the existing vegetation on site, and the Bandon River SAC.

HABITATS

See rEIAR Non Technical Summary Vol 1

14.1 Habitats: It is considered that the main effects of the development on habitats on site were the removal and reduction of habitats such as Deciduous Woodland, Dry Heath, Wet Grassland and Improved Agricultural Grassland. As such, active quarry and spoil and bare ground, scrub, dystrophic lakes and artificial lakes were created due to the development. The development caused the **loss of two Annex 1 Habitats** listed under the E U Habitats Directive. Existing Oak, Holly and Birch Woodland (historically recorded as Clashnagallagh Woods) and Dry Silacious Heath, corresponding to Annex 1 European Dry Heath (4030). These habitats correspond to Annex 1 Old Sessile Oak Woods with Ilex and Blechnum (91AO), and Annex 1 European Dry Heath (4030).

14.2, Fauna: The National Biodiversity Data Centre (NBDC) provides records of species within 2km of the site, offering a historical context. It was considered that the habitats removed over the period of substitute consent would have been suitable for a number of notable species including Badger, Bird, Bat, Pine Martin, Red Squirrell, Irish Stoat and Otter. Additionally, NBDC considers the development likely **caused the introduction of Invasive Species on site.**

14.3 Residual Effects: The development had a significant negative permanent effect on two national important Annex 1 Habitats Oak, Birch and Holly Woodland and Dry Silicious Heath.

14.4 Statement of the Significant Effects on the Environment: The established Oak, Holly and Birch Woodland associated with Annex 1 Old Sessile Oak Woods with Ilex and Blechnum (91AO) and Dry Silicious Heath associated with Annex 1 European Dry Heaths (4030) will be both permanently lost as a result of the activities between 1990 -2014. These Habitats are deemed nationally significant habitats that cannot be replaced or restored, therefore **the consequences of losing both habitats are recognised as significant, adverse and permanent.**

CONCLUSION

In conclusion we would like you refuse Substitute Planning Consent for the following reasons:

1. The application is factually inaccurate.
2. The Quarry operation cannot be split from the Tarmacadam Plant by law.
3. The Quarry never had any Planning Permission.
4. The boundaries of the Quarry have never been defined by any legal process.
5. The Quarry never had any testing programs to monitor Noise or Air Pollution, contrary to its License.
6. The Quarry has allowed silt to enter the Bandon River SAC, and has failed to monitor the Boundary Stream.
7. Due to the delay in successfully applying for Planning Permission, the current application cannot prove beyond reasonable scientific doubt that no harm has been caused and that there are no gaps in the Appropriate Assessments.
8. The Quarry permanently destroyed two rare Annex 1 Habitats.
9. The quarry caused the introduction of Invasive Species and failed to take adequate steps to eradicate them.
10. Over 2,000,000 tons of rock have been blasted out of this hillside without Planning Permission.
11. Now that quarrying has ceased for twelve years, nature is finding wonderful ways to recolonise the site and to recommence operations now would jeopardise this.

Kathleen S. Baker K.S. Baker

Timothy R. Baker

Photo Document 1

APPLICATION TO AN COIMISIÚN PLEANÁLA FOR SUBSTITUTE CONSENT

SITE NOTICE

Murray Brothers Tarmacadam Ltd., intend to apply for **substitute consent** for development at this site **Ardcahan, (townland), Dunmanway, Co. Cork.**

The development consists of the quarrying of rock that took place between February 1990 and October 2014, along with all associated site development works. The overall site boundary for this substitute consent application includes lands measuring c.19.1 hectares, including an extraction area of c.5.2 hectares and adjoining areas which were used for ancillary purposes such as access roads, drainage (including settlement ponds) and stockpiling of topsoil/quarried material. The site shares an access with the adjacent macadam production plant which was granted planning permission by Cork County Council under Planning Reg No. 98/284 (the macadam production plant is not included within the substitute consent application). The application includes a remediation plan which includes vegetation and woodland management areas.

The application is accompanied by a remedial Environmental Impact Assessment Report and remedial Natura Impact Statement.

Submissions or observations may be made on the application, to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 (www.pleanala.ie) without charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Coimisiún Pleanála and such submissions and observations will be considered by An Coimisiún Pleanála in making a decision on the application. An Coimisiún Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

The application for consent may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Coimisiún Pleanála, or the relevant planning authority during its public opening hours. Any enquiries relating to the application process should be directed to An Coimisiún Pleanála (Tel. 01-8588100).

Signed:

Tom Halley

McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, Cork (on behalf of Murray Brothers Tarmacadam Ltd.)

Date of erection of site notice: 6th May 2026

APPLICATION TO AN COIMISIÚN PLEANÁLA FOR SUBSTITUTE CONSENT

SITE NOTICE

Murray Brothers Tarmacadam Ltd., intend to apply for **substitute consent** for development at this site Ardcahan, (townland), Dunmanway, Co. Cork.

The development consists of the quarrying of rock that took place between February 1990 and October 2014, along with all associated site development works. The overall site boundary for this substitute consent application includes lands measuring c. 19.1 hectares, including an extraction area of c.5.2 hectares and adjoining areas which were used for ancillary purposes such as access roads, drainage (including settlement ponds) and stockpiling of topsoil/quarried material. The site shares an access with the adjacent macadam production plant which was granted planning permission by Cork County Council under Planning Reg No. 98/294 (the macadam production plant is not included within the substitute consent application). The application includes a remediation plan which includes vegetation and woodland management areas.

The application is accompanied by a remedial Environmental Impact Assessment Report and remedial Nature Impact Statement.

Submissions or observations may be made on the application, to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 (www.pleanala.ie) without charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Coimisiún Pleanála and such submissions and observations will be considered by An Coimisiún Pleanála in making a decision on the application. An Coimisiún Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

The application for consent may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Coimisiún Pleanála, or the relevant planning authority during its public opening hours. Any enquiries relating to the application process should be directed to An Coimisiún Pleanála (Tel. 01 8588100).

Signed:

Tom Healy

McCutcheon Healy & Joyce House, Barrack Square, Ballincollig, Cork

(on behalf of Murray Brothers Tarmacadam Ltd.)

Date of erection of site notice: 6th May 2024

Document 2

25

C O R K C O U N T Y C O U N C I L

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963-1993

NOTIFICATION OF DECISION TO GRANT PERMISSION (with conditions)

Reference No. in Planning Register
W/98/0294

MURRAY BROS. TARMACADAM LTD
c/o P.D. Lane Associates,
1 Church Road,
Greystones,
Co. Wicklow

In pursuance of the powers conferred upon them by the above mentioned Acts the Council of the County of Cork have by Order dated - 2 APR 1998 decided to GRANT PERMISSION for the development of land namely;

Tarmacadam/asphalt manufacturing plant, ancillary buildings & works, storage bays, weighbridge and septic tank

AT: ARDCAHAN, DUNMANWAY

in accordance with the plans and particulars submitted by the applicant

On: 04/02/98
And as amended by revised documentation on 12/02/98

and subject to the conditions (15 No.) set out in column 1 of the Schedule attached hereto. The reasons for the imposition of the said conditions are set out in column 2 of the Schedule.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanala by any person before the EXPIRATION of the period of ONE MONTH beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority. (SEE NOTES ATTACHED)

If there is no appeal against the said decision, a grant of PERMISSION in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala.

It should be noted that until a grant of PERMISSION has been issued, the development in question is NOT AUTHORISED.

Planning Department,

County Hall,

Cork.

Signed on behalf of the said Council

DATE: - 2 APR 1998

SEE NOTES ATTACHED

KSTEE

19 Document 3 KSTR6

SCHEDULE

Reference No. in Planning Register: 98/0294

Column 1 - Conditions	Column 2 - Reason
(1) Percolation tests and Watertable tests shall be carried out in accordance with the provisions of S.R.6 (1991) NSAI Standard Recommendation for Septic Tank Systems to establish the suitability of the site for septic tank drainage and the length of distribution piping required for percolation area. These tests shall be carried out by a suitably qualified person. The certified results together with site location map showing locations of each of the four percolation test holes and watertable test hole and certification that the site is suitable for septic tank drainage shall be submitted to the Planning Authority for examination before development commences.	To determine the extent of the percolation area required.
(2) The proposed septic tank drainage system shall be designed, constructed, laid out and maintained in accordance with the provisions of S.R.6 (1991) NSAI Standard Recommendation for Septic Tank Systems of which the following are some of the principle requirements:- [a] The septic tank shall be located not nearer than 7m from the dwelling served and shall not be nearer than 20m from the nearest point of any other dwelling. [b] Effluent from the septic tank shall be disposed of by means of distribution pipes from a percolation area and not by means of a soakpit. The effluent	To ensure satisfactory design, construction and maintenance of the septic tank drainage system.

SCHEDULE

Document 4

Reference No. in Planning Register: 98/0294

Column 1 - Conditions	Column 2 - Reason
distribution system shall have piping of a minimum length which shall be determined by percolation tests results. [c] No part of the percolation area shall be closer than 20m to the nearest point of the nearest habitable building. [d] No part of the percolation area shall be within 10m of the nearest road boundary,stream or ditch, nor within 3m of the boundary of the adjoining sites. [e] No part of the septic tank or percolation area shall be located within an area that would affect any water source, e.g., a well, spring, borehole etc.The required distances are outlined in detail in S.R.6 (1991) and depend on the type of soil.The distance shall be greater where ground water is used as the source of water for Public supply or for Group Schemes.	
(3) The developer shall ensure the provision of an adequate supply of potable water to serve the development.	In the absence of a public supply it is the developer's responsibility to provide an adequate water supply.
(4) The site shall be landscaped and planted in accordance with a comprehensive scheme to comprise predominantly native species and varieties and to include: [a] details of screen bund wall including height and species to be planted. A mix of coniferous and deciduous trees are to be	In the interests of visual amenity.

SCHEDULE

Document 5
KS TRR

Reference No. in Planning Register: 98/0294

Column 1 - Conditions	Column 2 - Reason
provided. [b] species, variety,number and locations of trees and shrubs [c] programme for implementation of the scheme. Full details shall be submitted to and agreed with the Planning Authority prior to commencement of development.	
(5) Upon cessation of operations the developer shall remove all equipment and landscape the site to the satisfaction of the Planning Authority within 12 month of said cessation.	In the interest of visual amenity.
(6) All solid wastes arising on the site SHALL BE RECYCLED as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the Planning Authority. In any case no such wastes shall be stored on the site except within the confines of the buildings on site.	To safeguard the amenities of the area.
(7) Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 55 dBa (15 minute Leq) between 08.00 hours and 20.00 hours Monday to Saturday inclusive and shall not exceed 45 dBa (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations R.1996/1 "Acoustics - Description and	To safeguard the amenities of the area.

SCHEDULE

Document 6

Reference No. in Planning Register: 98/0294

Column 1 - Conditions	Column 2 - Reason
Measurement of Environmental Noise, Part 1: Basic quantities and procedures". If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), of if the noise is irregular enough in character to attract attention, a penalty of +5 dBA should be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. (Ref. BS 4142 Section 7.2)	
(8) All operations on-site shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs beyond the site boundary because of such operations.	To safeguard the amenities of the area.
(9) Production shall not commence on site unless a licence under the Air Pollution Act has been issued by the Local Authority in respect of the operations.	To safeguard the amenities of the area.
(10) Blasting operations for the removal of rock shall be carried out in such a manner as to restrict peak particle velocity below 12 mm/sec measured in any three mutually orthogonal directions at any point on the site boundary. The air overpressure arising from any blast carried out on site shall, when measured at the nearest residence, not exceed 125 dB(linear).	To safeguard the amenities of the area.

SCHEDULE

Document 7
KSCRB

Reference No. in Planning Register: 98/0294

Column 1 - Conditions	Column 2 - Reason
In advance of blasting operations, the developer shall inform all householders within 300 metres of the site that blasting will take place and for what period of time it is likely to continue. Such notification shall take place within one week of commencement of blasting activities.	
Blasting operations shall only take place between the hours of 09.00 and 18.00, Monday to Friday inclusive. Monitoring of noise and vibration arising out of blasting activities shall be carried out by the developer at the request of the Planning Authority. This monitoring shall be carried out by an approved independent specialist contractor.	
(11) All fuel and bitumen storage tank areas and drum storage areas shall be rendered impervious to the materials stored therein. In addition, storage tank areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area. Drum storage areas shall be bunded to a volume equal to 110% of the sum of the volumes of the largest five drums likely to be stored therein. The height of the bund for any drum storage area shall be not less than 300 millimetres.	To safeguard the amenities of the area.
(12) All water contaminated with hydrocarbons discharging to the stream shall discharge via a grit trap and hydrocarbon interceptor. An inspection	To safeguard the amenities of the area.

SCHEDULE

Document 8

Reference No. in Planning Register: 98/0294

Column 1 - Conditions	Column 2 - Reason
chamber with a sump shall be constructed between the interceptor and the stream. The sump shall be of a minimum size of 500mm square and 400mm deep. The interceptor and sump shall be installed and operated to the satisfaction of the Planning Authority.	
(13) All inflammable substances to be stored in accordance with Fire Officer's requirements.	In the interests of fire safety.
(14) Soiling levels arising out of activities on the site shall be such that the soiling level of standardised sticky pads shall not exceed 3% EAC/day at the site boundaries. The method of measurement and interpretation shall be as specified by the Planning Authority.	To safeguard the amenities of the area.
(15) The applicant shall arrange for a baseline macrophyte and macroinvertebrate survey of the stream flowing adjacent to the site of the proposed development. This survey shall be carried out by a suitably qualified person before the development commences and at subsequent times to be agreed in advance with the Planning Authority. This survey shall extend a minimum of 80 metres upstream and 50 metres downstream of the proposed development and any discharges from same. Results of the survey should be submitted to the Planning Authority within 14 days of the survey being carried out.	To safeguard the amenities of the area.

Document 9
KSTRS

Notes from Visit to Planning Office 10th floor County Hall
8 April 98

Planner Bob Gunkel
4 employees up there

Traffic:

12 Car movements
40 Truck
Max 80 Trucks

Question Is this per day??

Existing Quarry face is almost up to Boundary of land purchased. Only place owned by them where they could quarry is in woodland to right (West) of existing face.

Escarpment to be built will be 8 Mtrs High (27 ft) will have conifers on it but planners are saying broad leaf trees. This will not hide it from houses above.

Roads: Bob Gunkel says there is good access to Coppeen Dunmanway Regional route
He said that there was no contribution necessary from developer as the roads were so good.
no mention of hospital road.

D. Daly It would appear that quarrying will intensify to meet demands of Tarmacadam plant.
Houses are less than 300 Metres away
Murray bros. will be scaling down and ceasing tarmac production at plant in Dunmanway over next 2 years.
They are not giving up planning on the site in Dunmanway

Someone who wrote in pen whose signature (dated 13/3/98)was unreadable
This was on back of piece of paper sent to Geroid Hayes
Council bought quarry in 1981. had been paying royalties prior to this
New owners paid over £200,000 for it (well over?)
They paid so much for site it would be unreasonable to ask them for contribution to roads!!!
Environmental officer may comment on requirements to safeguard nearby stream *This was nor commented on.*
He supports view of modest development ???(unreadable) relating to roads

Noise & Working Times
In application said that they would want up to 55dB Monday to Friday 6 am to 6 pm. Up to 35 dB rest of time
Planning gave them up to 55dB Monday to Saturday 8 am to 8 pm. Up to 45 dB rest of time.
ie. they gave them a less strict regime than requested.
Blasting:
Why were they given permission to blast there when thy haven't applied for that in their application?

Comhairle Chontae Chorcaí

Document 10
KSTRS

Mr. H.G.D. Dixon,
Knockduff,
Dunmanway,
Co. Cork.

Cork County Council
County Hall
Cork
Telephone: 021-276891
Fax: 021-276321

14th April, 1998.

Ref: E980057

Re: Planning Reg. Ref. No. W/98/0294
Tarmacadam/asphalt manufacturing plant and works, storage bays, weighbridge and septic tank at Ardcahan, Dunmanway.

Dear Sir,

I wish to acknowledge receipt of your complaint dated 9th April 1998.

A copy of same has been forwarded to the Council's Planning Officer for a report in the matter.

I will advise you further in this regard as soon as this report is to hand.

Yours faithfully,

NOEL COOKE
ENFORCEMENT SECTION

NC/MC

Michael C. McEvoy be MIEI

Tel &
Fax 021 870061

our ref
MM/C10/2055

date 27-04-98

Document
(11) KS TAS

An Bord Pleanala
Floor 3, Block 7,
Irish Life Centre
Lower Abbey St
Dublin 1

Re appeal against permission decision by Cork co co for a Tarmacadam plant, Ancillary Buildings & Works storage Bays Weighbridge and Septetank at Ardacahan, Dunmanway Co Cork

Dear Sir's

We wish to Appeal against the above Decision to grant Planning Permission on behalf of the below mentioned appellant and submit the following information.

Person making the appeal
Mr Harry Dixon
Knockdu Pl
Dunmanway
Co Cork

Subject matter of appeal
Planning Authority Co Co Co
Register Ref No W/98/0294
Proposed Development
Tarmacadam/ ~~Plant~~ ~~Asph~~ Asphalt manufacturing Plant & Ancillary Buildings & Works, Storage Bays, Weighbridge & Septic Tank

Location Ardacahan Dunmanway Co Cork

~~A) The decis~~

Nature of appeal

Document 12

KSCRB

Planning Applicant: MURRAY BROS. TARMACADAM LTD.

3. Nature of appeal:

The appellant is appealing against the Decision to Grant Permission as it is felt that the proposed development would adversely affect the neighbouring residential area and as such would not be in accordance with the proper Planning and Development of the area on the following grounds:

a) The proposed access to the plant along the hospital road from Dunmanway is not acceptable in that the use of this road would adversely affect the well-being of hospital patients.

St. Anthony's Hospital, Dunmanway, lies directly on the proposed access road. (Please refer to photograph no. 4 of the attached photo montage).

The front of the hospital is less than 5m from the road edge.

The hospital has single glazed windows and as such are poor sound insulators.

It is evident that the use of such a road by delivery trucks transporting hot road paving asphalt and quarry stone would generate unacceptable noise and odour levels.

b) The proposed access to the plant along the hospital road is not acceptable in that this road is too narrow and twisting to safely accommodate the use of heavy delivery trucks including 21 tonne articulated trucks.

Sight-lines are inadequate and geometric design considerations such as intersections, cross-section, alignment do not comply with the National Roads Authority requirements.

Please refer to photographs nos. 2, 3 & 4. The paved surface width as seen in photograph no. 3 is only 3.9 metres.

c) The proposed access to the plant along the hospital road is not acceptable in that a wider alternative route is available via Caha Bridge as shown on the attached ordnance survey map.

d)The proposed access to the plant along the hospital road is not acceptable in that this route has a number of rural junctions that are presently hazardous and would evidently be more hazardous should use be made of this road by delivery trucks serving the proposed development.

Document 13

KOTES

e)The proposed access to the plant along the hospital road is not acceptable in that significant pedestrian usage is made of the road.

f) the site layout drawing on foot of which the Planning application was submitted and the local authority Decision was made does not satisfactorily indicate the extent of the proposed use in that the planning submission documentation site only incorporates a small portion of the overall intended operation/use.

The applicant's planning submission indicates a large site which is outlined in blue ink and a smaller site which is outlined in red ink. It is evident that the intended minimum site is that one outlined in blue. The planning submission warrants a rejection on this basis alone.

g) The proposed screening scheme of the asphalt plant is grossly unsatisfactory.

Dwellinghouses within 300 metres of the proposed development shall be adversely affected should the proposed development be allowed to proceed.

h) The manner in which the quarry has being worked in the past has produced a sound amplification difficulty. The high rock face ensures that sound is reflected directly back along the hospital road area and is a source of nuisance and adversely affects residential amenity.

The proposed development does not address this problem and as such is not in accordance with the proper planning and development of the area.

i) The planning application was incomplete in that it did not include an Environment Impact Statement.

j) The Decision does not include Conditions concerning development charges for roads.

k) The Decision does not include a Condition to relinquish/forego the developers current planning permission at their present plant at Dromleena, Dunmanway.

l) The Decision does not include a Condition to have an obligatory noise level survey carried out when full operations commence to ensure compliance with the stipulated noise limits.

m) The Decision does not include a Condition regarding the immediate cessation of the premature development of the site which is evidently proceeding with haste in blatant contravention of planning regulations.

Following on from m Nature of Appeal

Document
KSTRB 14

n) The Decision includes a Condition concerning rock blasting when blasting was not stipulated in the application documentation.

We trust that you will take into account the above when adjusting on this matter.

We enclose a draft for £100.00 as fee.

Document 15

KSTCB

Noonan Linehan Carroll Coffey

SOLICITORS

54 North Main Street
Cork
Ireland

References

Telephone 021 270518
Fax 021 274347
Email info@nlc.ie

Our Ref: PC/CL

8 May, 1998.

BY FAX - 023/55162

Mr. Harry Dixon,
Harry Dixon & Co.,
Accountants,
Knockduff,
Dunmanway,
Co. Cork.

Dear Harry,

I enclose herewith Agreement which has been drafted in light of your fax of yesterday. I trust it meets with your approval but please amend if you feel same is necessary. Can you confirm separately that on receipt of the signed Agreement from Murray Brothers, that you will withdraw the Appeal to An Bord Pleanala within one week from the 7th of May, 1998. This may not be part of the Agreement.

Yours sincerely,

Philip Coffey,
NOONAN LINEHAN CARROLL COFFEY

Document 16

KS 128

AGREEMENT

AGREEMENT dated the day of 1998 BETWEEN **HARRY DIXON** of Knockduff, Dunmanway in the County of Cork (hereinafter called "Dixon") of the One Part and **MURRAY BROTHERS TARMACADAM LIMITED** having its registered office at
(hereinafter called "Murray Brothers") of the Other Part. In consideration of the sum of £1.00 (One Pound) paid by Dixon to Murray Brothers (the receipt of which is hereby acknowledged), Murray Brothers have agreed to carry out the following;

a). to conduct or arrange for the carrying out of a noise level survey to ensure compliance with the stipulated noise limits as contained in the Planning Conditions governing the tarmacadam plant at Ardcahan, Dunmanway within three months of the date upon which operations commence at the said plant. The results of the survey are to be supplied to Dixon and Cork County Council. Mr. Dixon and if he so wishes An Taisce are to be invited to attend while the survey is being carried out and Murray Brothers further agree with Dixon that in the event of operating procedures changing in any material way and affecting the noise levels that other surveys will be carried out under the same conditions as attached to the noise level survey stipulated herein.

b). to carry out ongoing pollution monitoring of the stream abutting/adjacent to the plant from the date of production onwards. The results of this monitoring which is to be conducted in an acceptable scientific manner will be furnished to Dixon upon his request together with all other emission data collected by the company relating to water, air and noise discharges.

c). it is specifically agreed between the parties that in the event of Hydro carbons entering the stream, then Murray Brothers hereby undertake to construct a silting pond or take whatever appropriate measures are necessary to ensure that Hydro Carbons are not allowed to enter the stream.

d). Murray Brothers are to construct and position a bollard as per the specifications in the attached map which is designed to ensure that all vehicles travelling to and from the plant site shall not pass or re-pass over the N roadway between the towns of Dunmanway and .

PRESENT when the Common Seal of MURRAY BROTHERS TARMACADAM was affixed hereto:-

Document 17

KSTR6

John B Murray Director

Signed, Sealed and Delivered by HARRY DIXON in the presence of:-

H. S. D. Dixon.

Declan O Shea

Document 18

KS2RN

Agreement between Harry Dixon, Knockduff, Dunmanway, Co Cork
And Murray bros. tarmacadam ltd.
re proposed tarmacadam plant at Ardcahan, Dunmanway,

1. Murray bros. tarmacadam ltd agree to construct the drawings presented to Mr. Dixon and faxed on to Noonan. Linehan Carroll & Coffey on condition that Mr. Dixon withdraws his appeal to an board Pleanalla within one week of today 7 May 1998.
2 Murray bros. tarmacadam ltd also agree to carry out a noise level survey within 3 months of full operations commencing to ensure compliance with the stipulated noise limits as contained in the planning conditions. This information to be supplied to Mr Dixon and County council. Mr Dixon and an Taisce to be invited to attend while survey is carried out. If operating methods change in any way that might effects noise levels, other surveys will be carried out. Mr Dixon (or other resident) and an Taisce will be invited to attend these also.
3. ongoing monitoring will be carried out on the stream once production begins. This data will be given to Mr Dixon and other residents on request, as will all other emission data collected by the company. In the event of Hydrocarbons entering the stream Murray bros. tarmacadam ltd will construct a ~~stilling~~ Silting pond or take other appropriate measures to ensure that this is rectified.

Our Ref: PL 04.106466
P.A.Reg.Ref: W/98/294

Document 19
KSTRS

An Bord Pleanála

HARRY DIXON,
Knockduff,
Dunmanway,
Co. Cork.

20th May 1998

Appeal Re: Tarmacadam/asphalt manufacturing plant, ancillary buildings and works, storage bays, weighbridge and septic tank.
Ardcahan, Dunmanway, Co. Cork.

Dear Sir,

An Bord Pleanála has received your letter and notes that the above-mentioned appeal made by you under the Local Government (Planning and Development) Acts, 1963 to 1998, has been withdrawn.

Yours faithfully,

Muiriosa Cassells
Administrative Assistant

NA 50

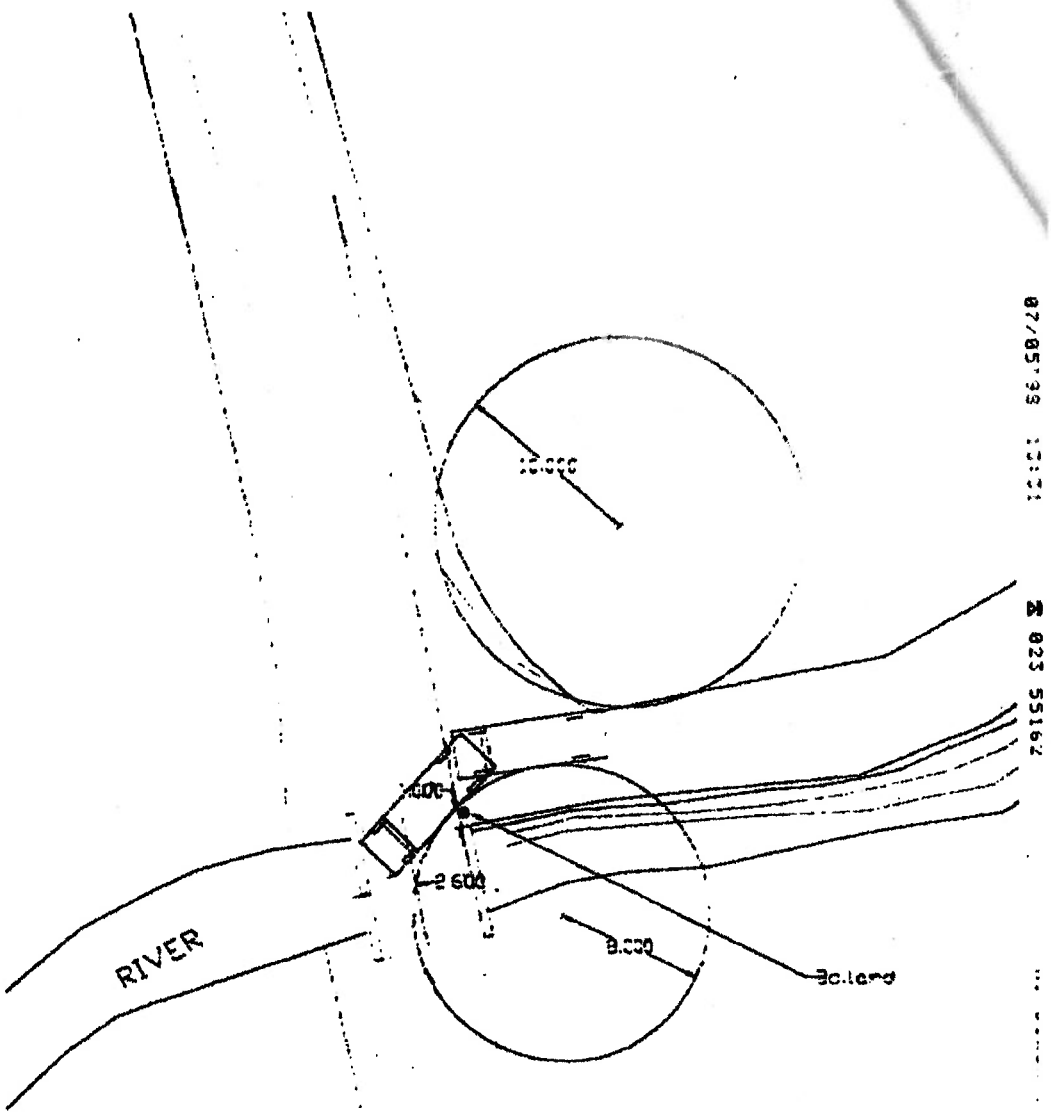
Floor 3, Block 6
Irish Life Centre
Lower Abbey Street
Dublin 1

Tel: (01) 872 8011
Fax: (01) 872 2684

Úrlar 3, Bloc 6
Lárionad Irish Life
Sráid na Mainistreach Íochtarach
Baile Átha Cliath 1

Document 20

THE POSITIONING OF A BOLLARD ON THE L.H.S. OF THE JUNCTION AT A DISTANCE OF 1m FROM THE FRONT WALL OF THE BRIDGE WILL STOP ANY PROPOSED TURNING MOVEMENTS EITHER INTO OR OUT OF THE QUARRY TO THE HOSPITAL SIDE.
ALSO THE CONSTRUCTION OF A KERB LINE ON THE OPPOSITE SIDE TO A RADIUS OF 10m WILL PREVENT REVERSING TO ACCOMPLISH THE TURNING MOVEMENT IN MULTIPLE SWEEPS.



KPTRB

AIR POLLUTION ACT 1987
Air Emission Licence

Murray Bros. Tarmacadum Ltd
Dunmanway
Co. Cork

INDEX

SCHEDULE

NOTES AND DEFINITIONS:

1. The concentration limits specified in this licence shall be based on gas volume under standard conditions of:- Temperature 273K, Pressure 101.3 Kpa., 3% Oxygen for gas fuels, dry gas.

2. The emission limit values specified in this licence shall be interpreted in the following way:- All 30 min. measurements shall be less than the limit value.

3. Alternative sampling strategies, if shown to be more appropriate may be agreed with the Licensing Authority.

CONDITION 1 - EMISSION MANAGEMENT

1.1 The Licensee shall employ the best available technology not entailing excessive cost in the avoidance, minimisation, and abatement of emissions to atmosphere generated on site.

1.2 The Licensee shall prepare an air emission management programme which shall assess all operations which produce air emissions on site. The review shall consider the use of cleaner technologies and production which could avoid and minimise atmospheric emissions arising from activities on site. The review should also document any such measures which have already been assessed or implemented by the licensee. A report shall be issued to the Licensing Authority detailing the results of this study within six months of the issue of this licence. The report shall address the following issues as a minimum requirement:

a) Process modifications and control of the atmospheric emissions.
b) Control of fugitive emissions.

Following the completion of this report, the licensee shall establish targets for the reduction of the material losses and a programme to implement these targets with an agreed time period shall be submitted to the Licensing Authority. An annual summary report on progress in achieving these targets shall be submitted to the Licensing Authority in conjunction with the annual report summarising monitoring returns outlined in Condition 10 hereunder.

1.3 Comprehensive written operating instructions and procedures shall be prepared in respect of emission control and abatement systems to assist personnel with responsibilities for the operations of such systems and plant equipment. These procedures and training records shall be made available to the Licensing Authority within three months of the date of issue of licence.

1.4 Employees with responsibilities in the emission control and abatement area shall receive training adequate to enable them to execute their tasks in relation to emission management.

1.5 The Licensee shall put in place a programme to ensure that members of the public can obtain information concerning the atmospheric emissions of the licensee. The programme shall be agreed with the Licensing Authority within three months of the date of issue of this licence.

1.6 Within three months of the date of issue of this licence, the licensee shall submit a report identifying items of plant equipment critical to the control of atmospheric emissions. A maintenance programme covering these items shall be put in place and the records relating to the programme shall be submitted to the Licensing Authority.

1.7 The Licensee shall ensure that all operations on site are carried out in such a manner which ensures that no odour nuisance, attributable to site operations, occurs beyond the site boundary.

Reason:-
To make provision for the management of atmospheric emissions and to ensure that the best available technology not entailing excessive costs is applied to the activity.

CONDITION 2 - GENERAL

Emissions to the atmosphere shall take place only as specified in the application A.P 1//98 as modified and /or extended by this licence and subject to the requirements of law. Any proposed changes in the Licensee's products of manufacture, environmental protection standards, or in any of the processing systems proposed from those submitted in support of the licence application, whether these changes are in respect of the raw materials used, intermediates or finished products or in the process plant itself or of its pollution abatement systems, shall be notified in advance to the Licensing Authority. The Licensing Authority shall interpret whether any change is material or not. In the case of any material change, the Licensee shall request a review of the licence prior to any such change being made.

Reason:-
to ensure proper control of emissions.

CONDITION 3 -

3.1 Tarmacadum Plant Vent No 1.

Emissions from the tarmacadum plant shall not exceed the following limits:-

Sulphur Dioxide (as SO_2)	500 mg/m^3
NO_x (as NO_2)	450 mg/m^3
Carbon Monoxide (CO)	850 mg/m^3
Dust	50 mg/m^3

The Licensee shall minimise emissions of NOx by using low NOx combustion equipment to the greatest extent practicable.

The concentration of Sulphur Dioxide (as SO_2) discharged to the atmosphere from all emission points shall be calculated once per week from the volume of fuel burnt and the measured sulphur content of the fuel. A certificate stating % sulphur content of the fuel shall be submitted in accordance with condition 10 of this licence.

Notwithstanding the above this plant shall operate giving a smoke colour less than or equal to shade No. 1 on the Ringelmann chart except during periods of start up.

Reason:-
To ensure proper control of emissions and to protect the amenities of the area.

CONDITION 4 - AIR DISPERSION MODEL

An air dispersion model on emissions from the Tarmacadum plant shall be carried out within 6 months from the date of commencement of operations on site and submitted to the Licensing Authority.

CONDITION 5 - EMISSION LOCATIONS, SAMPLING POINTS & EQUIPMENT

The licensee shall install on all emission points such sampling points or equipment as may be required by the Licensing Authority. All such equipment shall be consistent with the safe operation of the system. Safe access to all such equipment shall be provided by the Licensee to the satisfaction of the Licensing Authority.

Reason:-
To provide for adequate monitoring and to protect the amenities of the area.

CONDITION 6 - RESPONSIBLE PERSON

The Licensee shall ensure that a responsible and suitably qualified person is available on the site at all times during which emissions to the air are occurring. A designated member of the Licensee's staff shall interface with the Licensing authority or member of the public in the event of complaints or queries in relation to environmental emissions.

Reason:-
To ensure that emissions from the site can be monitored or investigated by authorised personnel.

CONDITION 7 - WEATHER MONITORING

The Licensee shall operate a weather monitoring station on the site at an agreed location, on the request of the Licensing Authority. This station shall record conditions of temperature, wind speed and wind direction. All records from this station shall be submitted as required by the Licensing Authority. The format of this information and any additional information relating to weather conditions shall be provided to the requirements of the Licensing Authority. The Licensing Authority may require the Licensee to record additional information relating to the weather conditions or to alter the format of presentation of such records.

The Licensee shall erect a wind sock in a prominent location visible from the public road. from the date of issue of this licence.

Satisfactory alternative arrangements may be agreed with the Licensing Authority.

Reason:-
To ensure the availability of adequate weather data.

CONDITION 8 - MONITORING

The Licensee shall have carried out at his own expense, the following level of monitoring:-

Vents, 1. shall be monitored quarterly for the relevant parameters specified in condition 3 above at a time when maximum emissions discharge to atmosphere is occurring. Alternatively, continuous monitors for the relevant parameters may be installed on these emission points by the licensee. The monitoring shall be initiated from the date of issue of this licence. The frequency of monitoring required shall be reviewed by the Licensing Authority after one year. Sampling and analytical methods shall be agreed with the Licensing Authority. These methods shall be reviewed during the period of this licence and shall be demonstrated to be equivalent to standard methods agreed with the Licensing Authority. Monitoring of emissions shall be carried out during periods of maximum emissions.

A monitor (with data logger) for the continuous measurement of dust levels from the tarmacadum plant shall be fitted. The monitor shall be functioning at all times (except during maintenance and calibration) when the activity is in operation, unless alternative sampling or monitoring has been approved in writing by the Licensing Authority for a limited time period. In the event of the malfunction of the continuous monitor, the licensee shall contact the Licensing Authority as soon as practicable, and alternative sampling and monitoring facilities shall be put in place. Approval for the use of alternative equipment, other than in emergency situations, shall be obtained from the Licensing Authority in writing.

Reason:-

To provide for adequate monitoring.

CONDITION 9 - AMBIENT AIR MONITORING

All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs offsite.

Air quality standard for carbon monoxide
The air quality guideline standard for carbon monoxide of ten parts per million (ppm) for eight hour period (World Health Organisation) shall not be breached.

Air quality standrads for sulphur dioxide and nitrogen dioxide
The air quality emission standard S.I. 244 of 1987 shall not be breached.

Desposited dust

Soiling levels of ambient dust arising out of activities on site shall be such that the soiling level of standardised sticky pads shall not exceed 3% effective area coverage / day at the site boundaries. Monitoring shall be performed on a seven day average basis or as otherwise directed by the Licensing Authority. A control site plus two sampling locations shall be agreed with the Licensing Authority. No spot sample shall exceed 5 % EAC.

The implementation of this programme shall be agreed with the Licensing Authority.

Reason:- To protect the amenities of the area and to protect human and animal health.

CONDITION 10 - REPORTING

10.1 All results of monitoring required by this licence shall be submitted to the Licensing Authority during the first 10 days of each calendar month, relating to records from the previous month. The Licensing Authority may require additional parameters or a higher frequency of monitoring under this condition.

The format for presentation of the results shall be agreed with the Licensing Authority. Alternative reporting arrangements may be agreed with the Licensing Authority.

10.2 The Licensee shall keep records of all monitoring carried out and shall retain such records for a minimum period of ten years. These records shall be available for inspection by authorised personnel representing any statutory body involved in air pollution control at all reasonable times. Any non-compliance with the terms of the licence shall be high-lighted and the reason why this occurred shall also be outlined.

10.3 Before January 15th of each calendar year, the Licensee shall submit a summary report of all monitoring carried out in the previous year. This report shall evaluate the operation of the facilities available on-site to treat the emissions in the light of the results achieved in the previous year. The report shall also outline the intentions of the Licensee with regard to the upgrading of treatment methods or operations should these results not fully comply with the terms of this licence. All monthly and annual reports shall be certified accurate and representative by the Licensee's Plant Manager or other senior officer designated by him.

10.4 The Licensee shall record all complaints received relating to site operations. The record shall contain the name of the complainant, nature, time and date and a summary of the companys investigation and response. These complaints shall be submitted to the Licensing Authority along with monitoring data as per condition 10 of this licence.

10.5 Provision shall be made for the transfer of atmospheric monitoring data and related information to the Licensing Authority's computer system, on request.

Reason:-
To ensure the availability of monitoring data.

CONDITION 11 - CONTRIBUTIONS

The Licensee shall pay to the Licensing Authority such annual contributions towards the cost of monitoring the emissions as the Licensing Authority considers necessary for the performance of its duties under this Act. Not later than 30 September 1998 , the Licensee shall pay to the Licensing Authority a minimum contribution of £ 2,000 pounds and in subsequent years shall pay a minimum amount of £ 2,000 pounds updated in accordance with the Consumer Price Index from the date of grant of the licence to the value pertaining at the time of each annual contribution. The Licensing Authority however reserves the right to alter the rate of contribution each year in order to take account of the actual cost of monitoring as incurred by it in the previous year and as estimated for the next year.

Reason:-
To ensure the proper financing of adequate independent monitoring.

Kathleen S Baker

Timothy R Baker

Knockduff

Dunmanway

P47 WR24

Date

5th June 2026

AN COIMISIUN PLEANALA -Case reference FD04 324278

Ardacahan (townland), Dunmanway, Co Cork.

Cork County Council

Description: Application under section 37L of the Planning and Development Acts 2000-2021 for Further Development consisting of further quarrying of rock along with all associated site development works. The application is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and a remedial Natura Impact Statement (rNIS).

Dear Sir/Madam

We would like to make a submission and observations and object to any further development by Murray Brothers Tarmacadam Ltd, Ardacahan. We respectfully hope that you consider our comments as local residents who will have to live with your decision.

We note the site notice at the entrance to the quarry and that it was not hidden behind the gate as was the last Planning Application. We read that the Applicant wishes to quarry rock and crush, wash and stockpile with buildings and plant etc. The notice states the proposed quarry will share an entrance with the adjacent macadam production plant which was granted Planning Permission by Cork County Council under Planning Reg No 98/284.

This is not true, the Tarmacadam plant does not have Planning Permission under ref 98/284, and the quarry does not have Planning Permission under ref 98/294. How can you, members of the Coimisiun hope to make a factually accurate assessment of the case for development when these statements are repeated ad nauseam throughout this application. How can we, as members of the public, hope to make ourselves aware of the true facts of the case if this initial statement is so fundamentally incorrect.

We have attempted, in our submission on the application for Substitute Consent, to explain what is the true legal position, and why the correct decision would be to rule against giving permission. Should the Coimisiun decide to legitimatize this quarry after more than thirty years of operation, we would urge you to rule against any further expansion on the incontestable evidence that the

KS 28

Applicant cannot prove beyond reasonable scientific doubt that damage will not be done to the surrounding Ecosystem, and in particular to the Bandon River Special Area of Conservation.

The Planning Notice was published in the Echo, we would have hoped the Applicant would have chosen a more appropriate paper such as The Southern Star which is circulated throughout West Cork and is the paper all the communities rely on. The Echo is a Cork evening paper, and as such has a limited circulation this far west, whilst the Southern Star is a weekly paper published in Skibbereen and is widely circulated and read.

HABITAT LOSS

Further quarrying on this site will further destroy two Annex 1 habitats as listed under EU Habitats Directive:

- Dry Silacious Heath, as European Dry Heath (4030) is ecologically vital and a rich habitat.
- Oak, Holly and Birch Woodland, as Old Sessile Oak Woods with Ilex and Blechnum(91AO).

The last remains of the once extensive Clashnagallagh wood would be destroyed forever. These remnants of the once extensive woodlands throughout West Cork have been formally designated as sites of International Ecological importance, and provide homes for wildlife and nodes from which reintroduction is possible.

The CJEU has ruled that Ireland has failed to fulfill its some of its obligations under EU Biodiversity Conservation laws. In Dunmanway, local biodiversity is strictly protected under the Cork County Development Plan against inappropriate development that destroys habitat and ecological corridors. the site is important for a number of reasons. Please note that part of the proposed new quarry area is within the Green Belt zone.

BIRDS

The area around Knockduff and Ardcahan is rich in birdlife, and the Raptors we see frequently include Buzzards, Sparrowhawks, Peregrine Falcons and Kestrels. All four species are seen and heard regularly flying over our house and the quarry area. It has been recorded by the bird surveys that Peregrine Falcons and Kestrels as well as Ravens have nested in the quarry and the NPWS regularly check the site. We suspect Buzzards and Sparrowhawks have had nests in the woods between the quarry and Dromerk farm.

The Peregrine Falcons nested in the quarry in 2023, as the Moloney O'Regan survey recorded male and female were seen calling and displaying in the May, and the nest was visible with whitewash on the cliff in the June with adults feeding two chicks. The NPWS Ranger reported that the Peregrines raised two chicks in 2024. The Maloney O'Regan Environmental survey recorded a lot Peregrine Falcon activity in 23d April 2025 but could not confirm that there was a nest. We remember that there was a period of activity in the lower quarry that year, with a rock breaker or 'pecker' being used. This may have put the birds off nesting in the quarry, as the Ravens also failed to nest.

The April 2025 survey also noted Kestrels (now on the Red List) flying around and nesting in a cleft in the rock face but their nest site is due to be destroyed in the first phase of quarry expansion. In the first 2 weeks of April 2026, there was a lot of noise coming from the lower quarry, material was being moved using an excavator, in conjunction with Cork County Council vehicles. Furthermore, tree cutting had taken place at the behest of the ESB. We heard the Peregrine Falcon a few days before the commotion started, then all went quiet. We can now report that we heard Peregrine Falcon

KS.TR

calling on the 26th May 2026, but cannot confirm nesting has taken place. The Peregrine Falcons had been used to a fairly stable environment since quarrying ceased, but what we and other observers have recorded is how disturbance over a short period can put nesting off for the whole year.

We feel that the proposed 50 meter buffer zone is a ridiculously small distance between a Peregrine Falcon nest and rock blasting, the operation of heavy vehicles, wash plant, and rock crushers, and that the timing of any work is crucial if wildlife is to live in harmony with the proposed quarry operations.

It has been recorded that two Mute Swans landed in one of the bigger ponds in the quarry, and last year (2025) we spotted a Mute Swan landing in the same pond (C).

BATS

The Leisler's Bat was identified at being present on the site. Ireland is a particular stronghold for this Bat and it prefers woodlands and large trees. It will be a great pity if we lose any of our Bats as they play an important role in our ecosystem, and control crop-damaging insects.

We are concerned that Tower Mast Lighting may be used, but no plans have been provided, but should be agreed. Also we are concerned that overhead electrical cables connecting different parts of the site would intersect with areal flyways.

MASTIC ASPHALT BLOCK MANUFACTURE

Murray Tarmacadam Ltd advertised for staff to work in the production of Asphalt Blocks in 2013; and we noticed the roof of a new shed when the leaves were off the trees. We presume the shed is to the West of Pond L and the storage of the blocks beyond Pond F. (see photo 8, Appendix 6.7 Ardcahan EIAR – Land Use / Soils (Geology)). We are concerned that:

- a) should a separate Planning Permission apply to this,
- b) it may be outside the area that 98/294 Planning Permission applies to,
- c) has any Risk Assessment been carried out with respect of Hydrocarbon pollution.

The EIAR talks about temporary stockpiles of bitumen coated aggregates in Area 3 cooled with a sprinkler system, with the excess cooling water flowing into Pond G. It states the cooling water may contain Polycyclic Aromatic Hydrocarbons (PAH's), which are classified as hazardous to aquatic life. The same Pond supplies water for the sprinklers, so this begs the question as to whether the PAH's are allowed to build up in Pond G. There is an interconnection from Pond G to Pond L, and the EIAR admits that periodically, water from Pond L reaches the top of the berm along the outlet channel from Pond L and which flows into the Boundary stream and further on to the Bandon River.

The rEIAR lightly dismisses any concern, but we believe the PAH's as a suite of compounds may include a lighter than water fraction which would easily find their way into the Bandon as well as a heavier compound in aqueous solution that would linger in sediments and pose a longer-term risk. Ten years on and the rEIAR is **still** talking about several qualifying features requiring further consideration and appropriate mitigation measures to ensure that the development will not lead to a combination of effects with any proposed future developments. **It seems a bit late for that.**

LS.B.

HEALTH/WELFARE

The Safety Health and Welfare at work (Quarries) regulations 2025 (SI283 of 2025) came into effect on January 1st 2026 the rules demand a stricter oversight of heavy machinery, explosives and quarry faces, requiring quarry operators to notify the Health and Safety Authority (HSA) when operations start, pause or resume. Machinery must undergo re -inspections; the regulations on quarry operations were designed to protect not only their workers but members of the public in the immediate vicinity.

USE OF QUARRY BY THIRD PARTY CONTRACTOR

In October 2019 the applicant Murray Brothers Ltd allowed Keel Energy Ltd under Planning Ref 17/00431 to occupy the lower level of the quarry to enable their sub-contractors working on the Carrigdangan wind farm and sections of the cable route. Stone aggregate for the cable route was transported from another quarry, and stored in the quarry before being ferried in and out in dumper trucks to fill in the cable trenches. ABP Inspectors Report ref ABP -305621-19 on page 13 of their report highlighted that on 23d January 2020 it was used for storage and there were temporary buildings in the lower quarry. We can confirm that there were 3 cabins on site, one cabin housed welfare facilities for the workforce, one cabin had computers in and one cabin was used for site meetings; and the site was also used to store fuel.

This area is just below where the Peregrines Falcon's nest is. Mc Carthy Kelville O Sullivan were employed to do the survey work on the cable route, but failed to include the Murray Brothers quarry site. **We think this site in the quarry should have had a NIS and/or an AA or an EIAR survey, as the site and roads they used are adjacent to and provide a pathway to enter the Bandon River SAC.** Contract workers continuously travelled from the wind farm site to the quarry; fuel spillages were witnessed on the L4621 and on the quarry approach road. Murray Tarmacadam Ltd had widened their approach road and taken away the bollard and this gave Keel Energy Ltd sub-contractors more room so their tractor/trailers and HGVs could turn left onto the L4621. No-one told us beforehand, and when I asked if the bollard could be put back, Murray's replied: "We are not quarrying anymore".

It was observed many times and reported to Cork County Council that the wind farms contractors did not adhere to the mitigation measures that had been set by ABP.

A landowner who is not bothered about a contractor working close to a Special Area of Conservation particularly if it could have caused or done damage to the SAC should have been seen to be more responsible, you could say the contractors were independent, landowners can still be held responsible if they fail to take any action. There was a potential for Hydrocarbons to run into the stream. The applicant should have had a duty of care and not adopt a "not bothered" attitude. a landowner cannot simply wash their hands of responsibility.

JAPANESE KNOTWEED

Japanese Knotweed is an Invasive Species. Mc Carthy Kelville O Sullivans windfarm survey team did not document the three stands of Japanese Knotweed on the L4621, this was reported to Cork County Council three times. Then the two stands one being on the corner of the L4621 leading into the quarry site where eventually sprayed once, and signage erected stating do not cut. One stand was next to further excavation works carried out by the wind farm contractors, the other stand disappeared when further digging took place by the contractors.

As part of a previous Planning Application by the applicant to Cork County Council ref 14/0616, it was commented that should the application be refused, then none of the mitigation measures

outlined will take place. The applicant also knew that Knotweed was noted on the site and at the junction with the L4621 during an inspection on 13th October 2015 as part of Planning Ref No ABP 245174.

The applicant has employed a contractor to cut the Japanese Knotweed on the corner of the L4621 and their paved roadway several years on the run, the applicant cannot say they did not know that Knotweed existed. They cannot blame the contractor if the signs are taken away. See photograph 1.

Every year the applicant hosts a Farm Plastic Recycling event, where farmers can bring their plastic and have it collected. The tractors and trailers first visit the weighbridge before passing behind the big shed and up to the spoil area, passing a stand of Knotweed as they go.

NOISE

On Saturday the 5th of April 2025 we had to complain the Garda about the continuing anti-social behaviour, carrying on in the shed at the rear end of the quarry/tarmacadam plant, from early afternoon and up until 8pm, and which had happened the previous week Saturday and Sunday afternoons also. We believe this is called Drifting, a style which a car spins up the back wheels and takes tight turns, and produces black smoke and a squealing noise. We thought this was becoming too frequent and a step too far. I telephoned Noel Murray and the answer I got was that they were allowed to work to 8pm on a Saturday, I said I had informed the guards. Whilst the cars then hurriedly exited the quarry, an apology would have been nice.

We had heard similar activity a few years ago around Christmas time but did not complain. This is not acceptable when we have never complained about noise from the tarmacadam plant or the smell of tar drifting over to our house. We can clearly hear which vehicle is moving about in the quarry, we also have less tree cover after ESB crews thinned the trees which acted act as a natural sound barrier.

The drifting was happening in a partially enclosed building in the tarmacadam plant area, which acts like an acoustic shell, sound waves bounced off the walls preventing sound from dispersing. The blackening of the cars exiting the quarry entrance were probably from unburned hydrocarbons (soot) that shoots out of the exhaust and coats the rear bumper. We believe noise could be in the range of 100-135 dB plus, one car performed this once for my benefit outside the applicant's main gate as I walked on the L4621.

HYDROLOGY

Appendix 7.2A and 7.3 21 Ardacahan Quarry rEIAR, Water Chapter photo 2 and 3 show a clearer view of the **new** surface water discharge ditch coming from the site area before crossing under the road and adjoining the local stream. This pipe opens up another pathway to the Boundary stream.

Photo 4 Pipe on the left on the applicant's entrance road next to the crash barrier. Another potential pathway for water to enter the Bandon River. 4th June witnessed that the entrance to the pipe had been made larger.

Photo 5 This pipe was observed with some water running from new dug ditch

Photo 6 This is the **new** ditch left of the applicant's main gate. Note iron seepage. This is another pathway for silt or hydrocarbons to enter the boundary stream and the Bandon River.

VSCB

Photo 7 Spill on paved road to the applicant's main gate, in several places.

Photo 8 Spillage as above has entered the ditch left of the applicant's paved road. Draining into 'council pipe'.

Photo 9 Silt in the boundary stream (no cows present) this is only one photo taken of silty water seen in the boundary stream, we have witnessed silty runoff in the boundary stream much worse than this, but did not take photos.

Photo 10 Silty run off in the Boundary Stream.

It is clear that there are several pathways for pollution to be transported via the Boundary Stream to the Bandon River SAC from the Applicant's paved road.

For several years now the local farmers have been restricted in how they let their cattle graze in the fields near the Bandon River SAC.

PHOTOS 11 to 14 Some Photos of when the Keel Energy Ltd Contractors worked in the applicants site, we regularly witnessed mud and dirt on the applicant's paved road and L4621.

In the Remedial NIS Section 11.2.1 Lagoon Silt Pond, and Washing Facility; it says "The proposed site layout will need to make provision for a clean water lagoon(s), located on the quarry floor. This may involve blasting to form a lake. The whole site would drain into this lagoon(s) and so would require a controlled overflow for times of heavy rainfall. This would require a new discharge point to the CAHA Stream and will require monitoring as well as possible discharge license". **This must be a mistake, perhaps they mean the Bandon River.**

HOUSE PRICES

A couple stopped me on the road L4621 and were going to view a bungalow up the hill, and asked about the quarry; I told them that Murray Brothers had ceased the quarry operations due to a High Court Order. Online advice says it would be sensible to take extreme caution when looking to buy a property near an active quarry. The decision would depend upon your tolerance to noise, wind patterns and dust. Noise from explosives, blasting, rock crushers and heavy machinery on site during working hours, vibration, heavy traffic (HGV) which wear down local roads and cause noise pollution.

Resale value: because living near a quarry can lower the pool of potential buyers and reduce resale value, the purchase price should reflect liability.

CLARITY REQUIRED

- The Application says there will be a likely need for a new bored well, pump house, access roads, weighbridge, septic tank, office, canteen and W C. The case has not been made as to where they would be situated and why they are needed when such facilities are already available next to the Tarmacadam Plant. Furthermore, they will need electricity, and there are no details of the route as the direct route is to be quarried away.
- We have had many a power cut due to strong winds, accompanied by some heavy rain overnight, sometimes no power for days, staff will have to be on alert 24/7 to make sure there is no overflow from the settlement ponds.
- We have observed spoil /stone delivered into the applicants quarry at various times in the past, and then being exported by others for land refill. There is nothing the matter with using this spoil/ stone, but there is no record of where it comes from and we think the applicant should have a license.

VSTR

- Questions our local authorities must consider adopting. a more rigorous approach of monitoring quarries. Subject to quality checks by EPA and / or GSI. mining and quarrying already affects 32% of our protected species.
- Recorded on the new survey work for this application is a patch of Field Horse tail it is native to Ireland and as invasive as Japanese Knotweed.
- The wind sock seems to be put up on the Tarmacadam plant and then is taken down again, perhaps it is a sign they are to be inspected.
- Noted on survey on paved roadway up to the applicant's gate, Winter Heliotrope and /or Coltsfoot. Winter Heliotrope is invasive and non-native, this seems to have appeared after the new ditch was dug and then new berm was put down.

CONCLUSIONS

- The tarmacadam Plant does not have Planning Permission under ref 98/284.
- The quarry does not have Planning Permission under ref 98/294.
- The grounds under which might Substitute Consent be given have not been met.
- The Application for reactivation of the quarry is riddled with inaccuracies.
- The Applicant cannot prove beyond reasonable scientific doubt that damage will not be done to the surrounding Ecosystem including the Bandon River SAC.
- Quarrying will destroy two Annex 1 habitats.
- The quarry would be inappropriate development within the County Council Green Belt.
- We believe the proposed buffer zone around the Peregrine Falcon nest area is insufficient.
- We believe the Mastic Block Manufacture should have separate Planning Permission and is a pollution risk.
- We demand the prohibition of quarry traffic on the 'hospital road' should be re-enforced.
- The Japanese Knotweed on site should be exterminated forthwith.
- All anti-social behaviour with cars should be prohibited.
- We do not want any further quarrying, but we think that remediation methods to prevent all forms of pollution getting into the Bandon River SAC must be completed.
- We recommend refusal as the value of our property would be adversely affected, as well as our quality of life.
- Recycling aggregates will form a role in achieving a circular economy which will play an important part in reducing global carbon impact and improving Biodiversity.

Kathleen S Baker K. S. Baker

Timothy R Baker

Site Notice

1 of 3

SITE NOTICE

N TO AN COIMISIÚN PLEANÁLA FOR PERMISSION OPMENT OF LAND UNDER SECTION 37L OF THE ACT

ers Tarmacadam Ltd., intend to apply for a 20 year permission under section 37L nd Development Act 2000 (as amended) for development at this site at Ardcahan, manway, Co. Cork

ent consists of the further quarrying of rock by blasting and processing to thin an extraction area of c. 5.01 hectares to a ground level (quarry floor) of 75 nce Datum (mOD). Aggregate processing includes crushing, screening, washing and d equipment and water recycling area, hard-standing and stockpiling area, drainage water management (including an interceptor, settlement ponds, and wetland area), e and associated kiosk, along with all associated site development works, including stockpiling of topsoil/quarried material, within an overall site area of 10.4 hectares. hares an access with the adjacent macadam production plant which was granted permission by Cork County Council under Planning Reg No. 98/284. The proposed ment includes a regeneration plan, which includes vegetation and woodland /management areas.

plication is accompanied by an Environmental Impact Assessment Report and Natura t Statement.

nissions or observations may be made on the application, to An Coimisiún Pleanála, 64 lborough Street, Dublin 1, D01V902 (www.pleanala.ie) free of charge. Submissions or observations st be in writing and made within the period of 8 weeks beginning on the date of receipt of the plication by An Coimisiún Pleanála and such submissions and observations will be considered by An oimisiún Pleanála in making a decision on the application. An Coimisiún Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

The application for permission may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Coimisiún Pleanála, or the relevant planning authority during its public opening hours. Any enquiries relating to the application process should be directed to An Coimisiún Pleanála (Tel. 01-8588100).

Signed:

Tom Halley

Tom Halley
McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, Cork
(on behalf of Murray Brothers Tarmacadam Ltd.)

Date of erection of site notice: 6th May 2026

APPLICATION TO AN COIMISIÚN PLEANÁLA FOR SUBSTITUTE CONSENT

SITE NOTICE

Murray Brothers Tarmacadam Ltd., intend to apply for substitute consent for development at this si Ardcahan, (townland), Dunmanway, Co. Cork.

The development consists of the quarrying of rock that took place between February 1990 an October 2014, along with all associated site development works. The overall site boundary for this substitute consent application includes lands measuring c.19.1 hectares, including an extraction area of c.5.2 hectares and adjoining areas which were used for ancillary purposes such as access roads, drainage (including settlement ponds) and stockpiling of topsoil/quarried material. The site shares an access with the adjacent macadam production plant which was granted planning permission by Cork County Council under Planning Reg No. 98/284 (the macadam production plant is not included within the substitute consent application). The application includes a remediation plan which includes vegetation and woodland management areas.

The application is accompanied by a remedial Environmental Impact Assessment Report and remedial Natura Impact Statement.

Submissions or observations may be made on the application, to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 (www.pleanala.ie) without charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Coimisiún Pleanála and such submissions and observations will be considered by An Coimisiún Pleanála in making a decision on the application. An Coimisiún Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

The application for consent may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Coimisiún Pleanála, or the relevant planning authority during its public opening hours. Any enquiries relating to the application process should be directed to An Coimisiún Pleanála (Tel. 01-8588100).

Signed:

Tom Halley

Tom Halley
McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, Cork
(on behalf of Murray Brothers Tarmacadam Ltd.)

Date of erection of site notice: 6th May 2026

Murrays recently Japanese Knotweed cutting

KCTB

Photo 1

Photo 2
New ditch dug
left of main gate

KS TRG

Photo 3

New pipe going across the road to the stream

Keith

Photo 4

Pipe another pathway to the Bandon River.
half way (left) on entrance road

KS.TR

Photo 5

This pipe had some water running through to ditch.
left of Murray's road.

KSCB

KSTB

KETB

Photo 7

Spillage

Murrays road towards main gate.

All along to main gate

Photo 8

Spillage left ditch Murray road.

Entered ditch

This also has a pipe that crossed the L4621 to stream heading to the Bandon river.

KCTR

Gaeilge

+

−

Property Details

> Back

Folio Number	CK36391
Title Level	Freehold
Plan Number	16
Property Number	1
Area of selected plans	20.71 hectares.
Number of Plans on this folio:	1
Address	Knockduff, Dunmanway, Co. Cork, P47 PF72

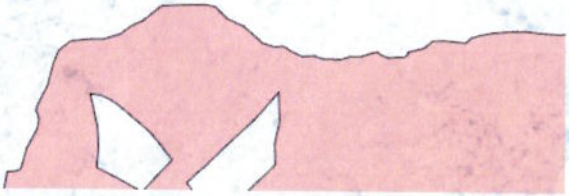
Add to Basket Create Alert

*Tailte Éireann Registration Boundaries and Plan Area **are not conclusive**. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

View Basket

Print Current View

Help



XY	525157, 555939
Scale	1 : 5000
Townland	Ardcahan
Barony	Carbery East (West Division)
County	Cork

Do not blame this silt on the farmers cows as they were not in the field at the time.

Photo 9 Sat June 10th 2023

KcTB

August 2024

Silt by Bridge
From Murray's

Photo 10

KSTB

Photo 11 Stream at Ardacan Bridge

Murray's paved road

VSP


Photo 12 Unnamed
contractors pipe Stream
Ardacahan
Stream on Murrays
paved road.

Photo 13

Murrays paved Rd.

Contractors Left Hydrolic Fluid container

KS.T6

Photo14 Contractors worked here.

Contractors Still clearing the site

KS.TB