

An Bord Pleanála,
Marlborough Street,
Dublin 1.
22nd April 2024

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
24 APR 2024	
Fee: €	Type: _____
Time: <u>9:00</u>	By: <u>Post</u>

Section 261A application for substitute consent reference 319217 which seeks to retain the quarry operated by Hudson Brothers Limited

The proposal is for a substitute consent. A planning permission was given by Kildare County Council under Reference 07267. The duration of the permission was for 10 years, yet, the owners continued to quarry beyond that time without planning permission. Kildare County Council advised them in writing of the expiry date on a number of occasions. Subsequently KCC were unable to consider the application Ref: 20532 partly because it related to an unauthorised development.

This proposal now seeks to significantly expand the quarry at Redbog & Philipstown Co. Kildare. The subject site is located in the east uplands of Kildare. This area is designated high amenity. The slopes adjoining Red Bog and Eadestown provide a scenic view over the plains of Kildare but also the Blessington Lakes and the Wicklow Mountains. The Kildare County Development Plan protects the ridgeways around Glen Ding and Red Bog, it appears that encroachment by the quarry have already occurred here. In considering this application the provisions of the County Development Plan as it relates to this area needs to be carefully considered.

Leave to apply for a substitute consent, by virtue of its location in close proximity to Red Bog, I believe requires the applicant to complete an NIS which they have not done. The activities in the quarry are impacting on Red Bog, which is effectively being drained, the consequences of that can be seen from the flora and fauna which are dying. A Biodiversity plan seems an essential component of any consent.

This application lacks the kind of detail I would have expected to see, particularly given the problems with blasting highlighted below. A continuation of the pattern of blasting without considering mitigating measures and adequate notice in advance would just not be acceptable.

The scale of the expansion would mean approximately 50 lorries every hour for the duration of the planning permission. The adequacy of the N81 and particularly the suitability of the R410 is a key issue that requires a traffic impact study in advance of any consideration of this file.

An archaeological study also needs to be carried out by the applicant. Cairn Homes were required to do a major dig in the Blessington area in advance of receipt of a planning permission. The old famine walls are still in evidence, Rath Turtle Moate in Glen Ding and a Lime Kiln type structure is also visible.

Dáil Éireann
Leinster House,
Kildare Street,
Dublin D02 A272
Phone: (01) 618 3099

Constituency Office
Unit 4, The Post House,
Leixlip Shopping Mall,
Main Street,
Leixlip W23 E9V6,
Co. Kildare
Phone: (01) 615 6625

catherine.murphy@oireachtas.ie
www.catherinemurphy.ie
[@CathMurphyTD](#)



Some neighbouring properties rely on water from wells, the proximity of the Quarry which includes approximately a 5 acre water pool has the potential to damage water quality and compromise public health. A study of this needs to be provided in advance of any consideration of a substitute consent.

The applicant has also sought approval for a pond in a neighbouring quarry which would seem to me to require a separate planning application, it may currently be unauthorised.

Non compliance with planning conditions;

The previous planning history on this site and the non compliance with planning conditions caused such grave concerns locally that necessitated the local residents taking High Court Action. Strict conditions were imposed by the Court on Hudson Brothers, however, these have not been complied with despite the High Court ruling.

When Planning permission under reference 07267 was granted by Kildare County Council Hudson Brothers were permitted an extension for 10 years to continue to extract gravel. There were more than 30 conditions imposed. An Environmental Impact Statement was provided and mitigation measures were identified and were to be complied with.

The community, using FOI, found that Kildare County Council had not monitored the conditions they themselves had imposed.

In considering this application An Bord Pleanála need to consider if the Local Authority have the ability to monitor any conditions that might be imposed, if not the longstanding behaviour of the applicant towards planning conditions demonstrates this cannot be left to self regulation.

The current operation does not have the benefit of planning permission, KCC granted a ten year extension under reference 07267. The decision on this application was made on the 26th April 2010 with the financial conditions were successfully appealed to ABP. The applicants did not ensure there was sufficient time to apply and complete the planning process to ensure the operation continued with planning permission, this in itself shows further disregard for planning laws..

Expanding the quarry in the context of such egregious noncompliance with planning laws is not acceptable and for that reason alone I am seeking a rejection of this permission.

I also question if a Nature impact statement has been provided given the location of the subject site and its proximity to Red Bog and the Rath Torc monument in Glen Ding forest both of which are SAC area's.

The proximity of a major gas pipeline installed in 1984 needs vary consideration. Continuing and expanding the type of development proposed. Bord Gáis need to be consulted in this context.

Specific consideration of noise and dust needs to be given and a report on mitigating measures should be sought from the proposers of this substitute consent.

Road damage and Haulage Routes:

The use of local roads, for example, as haulage routes where planning conditions specified they should not be used is highly damaging given the type and weight of materials being transported. The successful appeal of the planning levies also meant a deficit in income to KCC to carry out repairs. The type and number of vehicles also interfered with the safety of other road users. Increasing the size of the quarry, as this application seeks to do, would increase the number of vehicles including those exiting on to the N81 outside Blessington.

Blasting – Dust - Noise - Vibration.

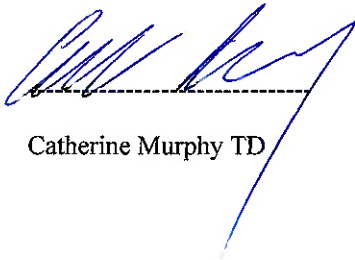
1st – Noise and Vibration were all issues considered and conditioned under planning reference 07267. Given the long term nature of quarrying the impacts are so much greater than permissions that are time limited such as housing or industrial developments. All of these issues have a consequence of the quality of life and health of the local communities and in the case of blasting on the fabric of buildings.

The impact blasting has had and will continue to have , if this permission is granted, on housing and agriculture but also the potential impact on a high speed gas line with runs through the quarry extension is of major concern. Past experience again shows a pattern that should be considered alongside this application.

Blast monitors were requested but not provided to some residents who sought for them to be to be placed on their properties. In the absence of such monitoring it is impossible to be sure if damage to buildings is from blasting, however, damage is evident without another obvious explanation. When such monitoring did occur, it prompted questions about the similarity of the results. I refer to planning application 20532 where the planner observed this pattern.

It is understandable that the residents in this area feel very badly let down by the lack of enforcement with planning permission by the Local Authority. This necessitated the community taking a case to the High Court, the fact that high court directions have also been ignored suggest a pattern of behaviour that will only expand if the quarry is expanded.

Given the absence of essential information and the non adherence to the terms of the previous planning permission I am seeking for this application to be refused.

A handwritten signature in blue ink, appearing to read 'Catherine Murphy', is written over a horizontal dashed line. The signature is fluid and cursive.

Catherine Murphy TD