

An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902.

23<sup>rd</sup> April 2024

**RE: Application for substitute consent for a quarry under Section 261A of the Planning and Development Act 2000, as amended, for development at New Paddocks, Blessington, Co Wicklow W91 CH68 within the townlands of Athgarrett, Philipstown and Redbog, Co Kildare.**

**An Bord Pleanála Ref. 319217**

Dear Sir/Madam,

We, Emma and Paul McLoughlin of Red Bog, Blessington, Co. Kildare, W91 DW6D and Mary Sargent of Red, Bog, Blessington, Co. Kildare W91 XF34 wish to comment on an application made under Section 261A of the Planning and Development Act 2000, as amended, (hereafter, 'the Act') by Hudson Brothers Limited (hereafter, 'the Applicant') for a further extension to the existing quarry (ABP Ref. 319217).

We welcome the opportunity to comment and wish to formally object to the proposed continuation of the existing quarry based on a significant number of planning concerns including our residential amenity, significant effects on the natural landscape, ecological effects and safety concerns based on the existing site conditions.

#### **Development Plan**

The local planning policy document pertaining to the subject site is the Kildare County Development Plan 2023-2029 (hereafter, 'Development Plan'). The subject site is located on unzoned lands.

Regarding Mineral Resources & Extractive Industry the Development Plan states that:

*"The industry can have damaging environmental effects and permission will only be granted where the council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and ground water safeguarded."*

Taking the above into consideration and as outlined below, it is considered that the proposed development is not in compliance with the above and does not accord with the Development Plan. The applicant has not compliance with their previous permission, as such, permission should be refused.

#### **Existing Site Conditions**

It is considered that a refusal is warranted given the applicant's blatant disregard to the terms of their previous planning permission. A concurrent application under Ref. 319218 has been lodged requesting the extension of the existing quarry.

Regarding their previous permission, KCC Reg. Ref. 07/267, the applicant states in their cover letter that they 'genuinely' believed that they could continue their operations beyond the 18<sup>th</sup> September 2020

(expiry date for permission) with a planning application presented to Kildare County Council and live well before that date.

Furthermore, the applicant states:

*"Given that no application for 'normal' planning permission was possible, it was no longer financially viable for the suspension of extraction operations on the KCC lands to continue. Accordingly, business and extraction recommenced in the south west within the 07/267 boundary where there was, and remains, economic reserve. As indicated previously, there is no alternative available other than seeking substitute consent in light of the rejection of 20/532."*

The above is considered wholly unacceptable and presents a clear blatant disregard for planning laws by the applicant. The applicant knowingly carried out authorised works and knew as soon as their previous Final Grant was issued by Kildare County Council, the expiry date of same.

Permission should be refused based on the applicant's history of non-compliance with their previous permissions. Under KCC Reg. Ref. 07/267 a Warning Letter was issued by the Local Authority for non-compliance with Conditions nos. 1, 2, 4, 5, 6, 11, 15, 16, 21, 22, 25, 26, 28(b), 32 (b), 33(a) & b, 35, 36, 37, 48 & 56.

Of particular importance to us is Condition No. 20 which requires:

*"A stock and trespass proof fence shall be erected around the full perimeter of the site."*

Although not highlighted within the Local Authority's Warning Letter, it can be confirmed that the applicant is not in compliance with same. We refer the Board to Figures 1 & 2 which presents inadequate fencing of the site perimeter.



**Figure 1:** Lack of adequate fencing as required under Condition No. 20 of Reg. Ref. 07/267.



**Figure 2:** Lack of adequate fencing as required under Condition No. 20 of Reg. Ref. 07/267.

### Silt Pond

We refer the Board to Figure 3, a silt pond is located to the north of the subject site. The silt pond has been a long-standing issue between the applicant and residents, presenting a significant danger to the public and wildlife. As the applicant created this danger, it is their responsibility to ensure the public's safety which they have had complete disregard for.

Figure 3 presents the inadequate fencing around the silt pond. We consider this neglect a significant absence of duty from the applicant and as such, permission should not be granted (given the applicant's history) we fear something similar will occur.



**Figure 3:** Inadequate fencing around the silt pond.

Lack of Previous Quarry Restoration

There has been no attempt by the applicant to restore the existing quarry, which was a requirement under KCC Reg. Ref. 07/267, instead, the applicant has made the site further inhabitable for wildlife and future agricultural purposes i.e. silt pond. Instead, it is likely that the silt pond will continue to expand and further destroy the surrounding area due to the clear carelessness and lack of regard from the applicant. Furthermore, the silt pond may interact with the Red Bog SAC.

Should permission be granted by the Board, these lands will be further damaged and neglected by the applicant.

**Conclusion**

In light of the above, it is considered that the granting of planning permission will result in the applicant further neglecting the subject site and creating dangers to the surrounding residents.

We would request the Board to take into consideration the applicant's previous disregard for the planning system and non-compliance with their previous permission.

We trust that the points raised in this submission will be considered by An Bord Pleanála in the assessment of this application. Should you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,





**Emma & Paul McLoughlin,**



**Mary Sargent,**

**Red Bog Residents.**