

Wolfstown
Rathmore
Naas
Co Kildare
W91 PD81

22 April 2024

Objection to Planning Application 319217

An Bord Pleanála, 64 Marlborough St, Dublin 1

File Number: 319217

Description: Application for substitute consent for quarry

Case type: Quarry Application

Date Received: 29/2/2024

Submissions by: 24/4/2024

Due Date: 03/7/2024

Applicant Name: Hudson Brothers Limited.

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

Development Description

APPLICATION TO AN BOARD PLEANÁLA FOR SUBSTITUTE CONSENT FOR A QUARRY UNDER SECTION 261A OF THE ACT We, Hudson Brothers Limited, intend to apply for substitute consent under section 261A of the Planning and Development Act 2000, as amended, for development at this site at New Paddocks, Blessington, Co Wicklow W91 CH68 within the townlands of Athgarrett, Philipstown and Redbog, Co Kildare. The development consists of a quarry over an area of 71.9 ha. with a final floor of approximately 188 mAOD. The reserve consists of sand and gravel which is extracted by mechanical means, and sandstone (greywacke) which is extracted by mechanical means. The excavated sand and gravel is transported to a plant area for washing, grading and processing. The excavated rock material is crushed and graded at the working face by mobile plant. The quarry has an existing processing plant and maintenance area of approximately 5 ha. that currently holds 1 no. maintenance shed (including underbody truck wash on a concrete apron surrounding the shed, staff welfare facilities [shower and toilet], proprietary wastewater treatment system and percolation area, interceptor and soakaway), 1 no. generator/power house (within a shipping container), 1 no. control room, 1 no. office and canteen, a water recycling plant, an aggregate processing plant (washing, crushing, and screening), 1 no. bunded fuel tank and generator room, 1 no. storage shed, 1 no. shipping container storage structure, and 1 no. shipping container. Within this plant/maintenance shed area is a fuel storage and refuelling area. The quarry is located predominantly in Co. Kildare but accessed via a shared laneway connecting to a single location on the N81 which is located within Co. Wicklow. Other items not specified in this application will be the subject of a separate planning application and the requisite statutory process of consultation and determination. The existing operational quarry has been in use since the early 1950's and has been registered under S.261 of the Planning & Development Act 2000 with Kildare County Council under Quarry Ref. No. QR/42 and with Wicklow County Council under Quarry Ref. No. QY/43. Subsequent planning permission for continuance of quarrying operations was granted by the Wicklow County Council under Reg. Ref. 06/6932 in October 2009 for a period of 25 years and by Kildare County Council under

Reg. Ref. 07/267 in April 2010, and subsequently by An Bord Pleanála under their Reg. Ref. PL09.235502 for a period of 10 years, which expired on 18th September 2020 after which quarrying stopped for a period.

Upon invalidation of a planning application under Kildare County Council Reg. Ref. 20/532 for continuance of the production of construction aggregate beyond 18th September 2020 and to extend the extraction area by just over 13 ha., the applicant sought leave to apply for substitute consent on 8th October 2021, which was granted by the Board on 1st August 2023 under An Board Pleanála Reg. Ref. 311622. This substitute consent application is made concurrent with an application to further develop the quarry at this location under section 37L of the Planning and Development Act 2000 as amended.

This substitute consent application is accompanied by a remedial Environmental Impact Assessment Report (rEiAR) and remedial Stage 1 Appropriate Assessment Screening Report. The rEiAR is for an EIA project unit over 95.8 ha. that encompasses the area of the substitute consent application (71.9 ha.), the concurrent further development of the quarry application under S.37L, and the quarry as permitted under Planning Reg. Ref. 07/267 and PL09.235502.

Dear Sir or Madam

I, John Slattery, write to lodge an objection with An Bord Pleanála to the above proposed development described in file number 319217 and wish to make an observation on the above planning application.

- I have several concerns regarding the proposed development and the manner in which it will negatively impact on the environment and destroy our natural heritage, biodiversity and the habitats of local species of small wild animals, birds, butterflies, bees, insects, flora and fauna including hares and peregrine falcons all of which are visible from my land and homestead.
- As a local farmer and landowner, my life, my livelihood and my future will be irreparably damaged by the scale of this proposed development. The farm has been in our family for generations and I continue to engage in agriculture, rearing cattle and sheep, as were my ancestors, on the lands adjoining the northern extension of the proposed Site. My dwelling house, farmyard and outbuildings are within 200m of the proposed Site - described as:
"Receptor within 200m of EIA Boundary" (ref remedial Environmental Impact Assessment Report Air Quality Figure 7-5 - Location of receptors within 500 m of the Site (including Application Site Boundary) and prevailing wind direction; and identified as R1 in remedial Environmental Impact Assessment Report Noise Figure 9-1: Location of the Site (EIA site boundary) with NSRs identified).
- Described as The Kildare Eastern Uplands, this part of Kildare is regarded as an area of exceptional beauty and is a valued tourist trail leading up into Blessington and on to the lakes, the granite village of Ballyknockan and on to Glendalough. The proposed development will destroy forever and deprive future generations of their heritage of the Kildare Eastern Uplands - an area of High Amenity and High Sensitivity as described in the 2004 Kildare County Landscape Character Assessment, and Kildare County Development Plans 2017 – 2023 and 2023 – 2029. Instead of retaining our beautiful green fields and our "natural heritage and biodiversity" as heralded by the County Kildare Biodiversity Vision Statement which professed that "Kildare becomes a national leader in the management, protection and enhancement of its natural heritage and biodiversity", the proposed development would leave a scar on the landscape

comprising a gaping crater (or void as described in the planning application) of circa 71.9ha, posing an unacceptable and entirely avoidable risk to the lives of our people, our children, our animals, our natural heritage and biodiversity.

- As commuters and workers will testify, the local roads are already heavily burdened with traffic. The nearest major road being the N81 and although plans have been mooted for realignment of the N81 nothing is likely to happen for many years to come and the level of traffic on that road is already at breaking point.

For me personally I have concerns for my health and wellbeing, and that of my animals from a sixfold perspective.

1. The proposed development shall have a negative impact on Air Quality. Due to an underlying health condition, I work outdoors on the land for the majority of the year breathing clean fresh air in a natural and pollution free environment. The proposed development will cause a deterioration of the air quality due to dust generation and deposition which will impact on the quality of my life and that of my neighbours and their children. It will also affect the grass quality for feeding my animals and ultimately, my livelihood.
2. The proposed development shall negatively impact on the Quality of Drinking Water used by me (serviced from a groundwater well) and by my livestock whose winter supply of drinking water emanates from the same well. Discharges (albeit accidental) but nevertheless likely by the proposed development into the underlying groundwater will interfere with and pollute my groundwater well which is an unacceptable risk to my health and that of my neighbours, the health of my livestock, and biodiversity.
Viable farm enterprise of the type carried out by my family for generations will be impossible to continue if this development is given approval. Studies of air and water standards undertaken by experts in the course of developments of a similar scale quite clearly indicate extremely negative detrimental effects on livestock. It is no exaggeration to say that I feel this would be the death knell to beef farming in the area.
3. Noise from proposed operation of the development shall be a cause of stress to my cattle and sheep and will affect their weight gain and future fertility. At present there is incessant noise from reversing alarms and general plant and machinery – noise would worsen significantly for all residents, animals and biodiversity in the locality by the proposed development of excavation as it would insidiously expand creating a negative impact on all of our health and mental health.
4. I am concerned for the safety of my homestead, outbuildings and farmyard which are situated within 200m of the proposed application boundary, and those of my neighbours. We have invested our lives' work in our homes and in my case in my farm, outbuildings and livestock and I resent the ramifications for all residents, for me and for my livestock and the resultant stress and ill-health which would be foisted upon us by this proposed development.
As a result of studying similar excavations, I am worried that the proposed development will seriously encroach on my boundary fencing. There is a real fear that my boundary will be under threat and from past experience I am perturbed about the difficulties in enforcing boundaries and have a genuine worry that my headlands will collapse due to the proposed extraction.

5. The Gas Transmission Pipeline from Cork to Dublin passes through my land and the adjoining land, the subject of the proposed development. Since the Pipeline's construction, over forty years ago, the landowners from whom Wayleaves are held are restricted from reclamation/digging in close proximity to the pipeline.

I am concerned that excavation of sand and gravel could cause subsidence or movement, albeit accidental, leading to a fracture in the pipeline with detrimental results for the community and wider environment and therefore not fully comply with Gas Networks Ireland's "Code of Practice for Working in the Vicinity of the Transmission Network" and in particular to the paragraphs numbered as follows:

- 8 Design Considerations for Proposed Works
- 9 General Considerations for Proposed Works
- 10 Preliminary Works – Demarcation and Surface stripping
- 11 Excavations
- 12 Backfilling
- 14 Specific Activities.

The concept of a quarry being operated close along the Gas Transmission Pipeline and the implications of excavation cause me great concern for its continued safety and that of the community.

6. I am concerned for the survival of **Red Bog** – A Special Area of Conservation (SAC 000397) and located in close proximity to the proposed Site and also close to my farm.

Red Bog is one of twenty-three designated Natural Heritage Areas (NHAs), within the County and one of only Eight Natura 2000 sites in County Kildare as described in the Kildare County Development Plan. Breeding birds recorded from the site include Mute Swan, Mallard, Tufted Duck, Coot, Moorhen, Snipe and Black-headed Gull.

The proposed development would have a detrimental impact on **Red Bog** and in particular on the biodiversity by way of insidious encroachment and destruction of habitats resulting in species mortality, decimation of flora and fauna as a result of the impacts of dust, noise, and water pollution caused by the potential development ultimately resulting in Kildare County contravening the Convention on Biological Diversity, the Convention on the Conservation of European Wildlife and Natural Habitats (Bern), the Convention on Wetlands of International Importance (Ramsar), EU Birds Directive (Directive 2009/147 EC on the Conservation of Wild Birds), The EU Birds Directive (Council Directive 79/409/EEC) and the EU Habitats Directive (European Directive 92/43/EEC).

For all of the aforementioned reasons and concerns I object to the proposed development.



Signed John Slattery

Enclosures (1) – Final Site Notice dated 29/02/2024.

SITE NOTICE

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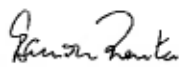
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Submissions or observations may be made on the application, to An Bord Pleanála, Marlborough Street, Dublin 1, free of charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Bord Pleanála and such submissions and observations will be considered by An Bord Pleanála in making a decision on the application. An Bord 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 Bord Pleanála, 64 Marlborough Street, Dublin 1, or Kildare County Council, Devoy Park, Naas, Co Kildare, W91 X77F during their public opening hours.

Any enquiries relating to the application process should be directed to An Bord Pleanála (Tel. 01-8588100).

Signed: 

Agent: Eamonn Prenter, Cunnane Stratton Reynolds, Gainsboro House, 24 Suffolk Street, Dublin 2, D02 KF65

Date of erection of site notice: 29/02/2024