

Anthony McNally

From: Miriam Kelly
Sent: Monday 22 April 2024 18:16
To: Appeals2
Subject: Observation on file number 319217 Hudson Brother Ltd
Attachments: Objection to ABP Application 319217.docx

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

Observers: Miriam Kelly David Flanagan Tsalta House Greenmount Rathmore Naas Kildare w91n23X
Christina Kelly Red Bog Naas County Kildare

Please find attached our observation on case number **319217 Hudson brothers Ltd.**

Kindest regards

Miriam kelly
David Flanagan
Christina Kelly

Tsalta House
Greenmount
Rathmore
Naas
Kildare
W91n23X

Date: 21/04/24

Objection to ABP Application - Quarry 319217 Application for Hudson Brothers Limited

David Flanagan and Miriam Kelly Tsalta House Greenmount Rathmore Naas W91n23x
Christina Kelly Red Bog Naas Co Kildare.

Dear Sir/Madam,

Please accept this letter in objection to Hudson Brothers Ltd. We live at the base of the Caureen in the Red Bog area. We strongly oppose the quarry application due to several reasons which we have listed below.

- 1) **Adherence to planning conditions** applied to planning permission 07267 with KCC not adhered to by Hudson Brothers Limited. The applicant has shown disregard to the conditions previously set down by Kildare County Council and the high court agreement that is currently in place. The quarry continued to operate outside the remit of the law and the conditions set down by planning permission 07267. Examples of this are working outside their hours of operation as set down in their planning permission. Not giving residents, the appropriate notice to blast times.
- 2) **Pollution Control:**

County Development Plan states:

6.8.2 Pollution Control – Water, Air, Noise and Light

Noise, which is continuous, repeated, and / or loud can have significant impacts on our quality of life. The Kildare Noise Action Plan 2019-2023, and subsequent next edition, round 4, seeks to avoid, prevent, and reduce where necessary the harmful effects of long-term exposure to environmental noise. It primarily considers the long-term environmental noise impact from 'Major Road' and 'Major Rail' traffic noise.

sources (which are mapped) and sets out an approach to review noise impact levels. Environmental noise from major infrastructure (i.e., roads, railways, and airports) is governed by the EU's Environmental Noise Directive as transposed into Irish Law as S.I. No. 549/2018 – European Communities (Environmental Noise) Regulations 2018.

Noise:

The noise levels of the current quarry can be extremely excessive at times, and this continues to cause stress and nuisance to local animals, wildlife and residents. The quarry often operates outside of its agreed hours of work. Often starting at between 5am and 7 am and working late at night and on bank holidays and Sundays. The repetitive sounds of the rock breakers and machines working can also cause distress and discomfort for individuals in the area with a diagnosis of neurodiversity and the constant noise can have a detrimental affect on their wellbeing.

Dust:

Air Pollution is a huge issue in the area due to the existing quarry. Studies have proven that wind can carry dust particles far beyond the site of the quarry. There are different types of dust that is generated by quarries. These dust particles not only travel through the air, but they can also be deposited along the roads (fugitive admissions). This puts the residents and animals and wildlife health at risk. The air pollution created by the quarry causes issues for the residents of Red Bog, Rathmore and Eadestown residents and there is a creche and primary school near the extended site. These are unnecessary risk factors to children and adults of the area's health.

Water:

Groundwater is an important natural resource in Ireland. The quality of surface water that is used for domestic use can be negatively impacted by quarrying activities. Due to the excessive blasting proposed by the applicant there are serious concerns for residents in the local area who have already had issues with their wells and water supply which was suspected to be directly related to the blasting in the quarry.

It is clear that the applicant has not adhered to the planning conditions from planning permission 07267 and that Hudsons did not comply with a warning notice from KCC issued on the 4th November 2020 namely;

- condition 28 (Ground Water monitoring),
- Condition 32 (Dust assessment) and
- Condition 33 (Noise Assessment).
- Condition 35 (Annual Environmental audit of the site)

There is no evidence that I can find that suggests that the above conditions were adhered to, and no detailed reports have been published a clear noncompliance of planning conditions.

(3) Red Bog- An SAC / Glending

The county Development Plan states:

"It is an objective of the Council to ensure that development for aggregate extraction, processing and associated concrete production does not significantly impact the following:

- Special Areas of Conservation (SACs)*
 - Special Protection Areas (SPAs)*
 - Natural Heritage Areas (NHAs)*
 - Other areas of importance for the conservation of flora and fauna.*
 - Zones of Archaeological Potential.*
 - The vicinity of a recorded monument.*
 - Sensitive landscape areas as identified in Chapter 13 of this Plan.*
 - Scenic views and prospects.*
 - Protected Structures.*
 - Established rights of way and walking routes.*
 - Potential World Heritage Sites in Kildare on the UNESCO Tentative List, Ireland.*
- Council needs to consult with the Geological Survey of Ireland (GSI), with regard to any developments likely to have an impact on sites of Geological Importance listed in Chapter 12 of this Plan."*

AND

"While siting is based on resource locations, the Council will protect high amenity / special / unique sensitivity areas and limit new and / or extending existing extractive industries in these areas."

The site is of close proximity to the Glending Forest. This is an area of geological and historical importance and significance to the local area so much so there has been huge investment in providing a walkway to this amenity from the town of Blessington alongside a new state of the art park and newly proposed sports facilities. This is a key area of interest for wildlife and residents. Clear guidelines are set out for planning authorities from the Department of the Environment, Heritage and Local Government in April 2004 these include:

The preservation of the character of the landscape where and to the extent that, in the opinion of the planning authority, the proper planning and sustainable development of the area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest.

Glending Forrest has been identified as a geological interest from the Quaternary period and this area needs to be protected from further damage and destruction which it was subjected to in the past by other quarry companies. The quarry will have detrimental impacts on the Forrest and the animals that live there. Quarrying will impact on KCC's desire to encourage use of forests, greenways for recreational and amenity use. According to the Kildare Development Plan this application contravenes the integrity of Natural sites.

Red Bog Special Areas of Conservation (SAC)

Under Article 6(3) of the habitats directive the application site is subject to appropriate and timely assessment by law. This directive objective is to maintain and restore populations of species as well as certain habitats. The habitats directive in conjunction with the bird's directive focus on around 2000 animal and plant species that require protection and states positive management measures must be in place to prevent their reduction or extinction. The proposed site of work is in close proximity to the Red Bog (SAC) and extensive and long-term extraction of materials will inevitably have a negative impact on the surrounding natural area which has been deemed protected by law. Past NIS reports have found that the area is home to species of special interest these include, the mute swan, Mallard, tufted duck and the black headed gull these are only a few examples. The quarry produces dust and noise pollution with no regard for the surrounding areas and wildlife. The noise pollution from machines and blasting can cause damage to the health of these animals and cause undue stress and trauma. As part of the leave application, ABP called out that approving the leave to apply application for Hudson Brothers it would allow them to complete an NIS. In the application itself, the NIS was not provided as Hudsons team concluded that there was no hydrological link between Red Bog and Hudsons. This expert evidence has not been provided. Therefore, the application should be refused by ABP. The biggest threat to Red Bog is the draining of the bog. Excessive quarrying without any adherence to planning conditions and monitoring may have damaged the bog. If you look at planning number (081179 Miriam Kelly and David Flanagan) KCC requested that we provide an ecological report to prove that our domestic home would not have any impact on the SAC if this report had stated that we did pose a threat to the area our planning application would have been rejected and we would not have been allowed to build our home. But the quarry did not provide any of these documents and continue to quarry in a much closer proximity to the SAC then our home was.

(4) Traffic

Traffic levels in the area are already high and the approval of this application will only lead to a significant increase of HGV trucks on the N81 and surrounding link roads. The elevated level of existing traffic has had a huge negative impact on the local area and community. The road connecting the Cross Chapel to Eadestown has such an elevated level of traffic residents are no longer able to walk on the road and children are not safe to cycle to local schools and sporting venues. There is also the issue of road pollution muck and dirt from the lorries is transferred to the roads leaving cars destroyed with muck and again it hinders the ability of the local community to walk directly to Blessington as there is a large part of the N81 with no footpath. The dirt and muck at times can also have an impact on visibility of road markings and reflectors on the road. Traffic is already a huge issue in the area and the approval of this application will only bring more issues to the area. The planned work that will exit onto n81 directly contradicts the KDP commitment to reduce the counties carbon footprint. Planning application contravenes the KDP Green infrastructure strategy including impacts to the East Kildare Uplands Corridor

(5) Health and Safety

The quarry operates in extremely close proximity to the gas line domestic homes with a greater distance to the gasoline have been refused planning permission in case they have a negative impact on the pipe so therefore we need to ensure that rock blasting using explosives and machines is not permitted for the health and safety of the local community and area.

The health and safety at the site in no way meets the requirements and standards set out in the planning conditions.

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

The existing site is not safe or secure and is an extreme hazard to those who live around it the quarry is easily accessible from several access points due to substandard fencing and a wooden gate with no lock which gives unrestricted access to the silt pond which is also a major cause for concern at the minute. The size of the pond has dramatically increased in the last few years and is a clear health and safety issue again another accident waiting to happen,

There are serious safety concerns regards young children and livestock being able to gain access to the site. An accident could easily happen, and the right measures have clearly not been put in place by the applicants to meet the conditions previously set down in past planning application approvals please see below photos. There are also unanswered questions as to who exactly owns the land the silt pond is located there needs to be more clarity on this issue.

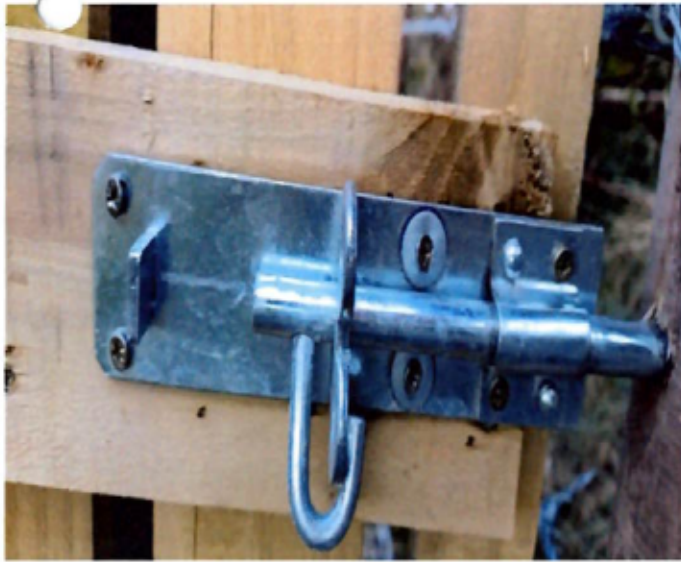
Photographs taken on the 23/03/2024.



The fence at this gate is less than 4 feet in places the wooden gate has no proper lock and once opened gives unrestricted access to the silt pond so children or animals could easily walk in.



This is the gate that gives unrestricted access to the silt pond there is no lock on it, and it is less than 5foot tall.



This is the security measure the applicant has put in place to stop access to the silt pond as you can see no lock so unrestricted access.



Another gate and access point to the applicant's site with unrestricted access



Huge gaps in the fencing at ground level to let livestock or children through.



Access can be gained from under the fence and by climbing up the side.



Another access point that does not meet the conditions set down in the planning conditions.





Fencing is not secure and not what was set down in previous planning conditions.



There are numerous access points that are not secure and in this picture evidence of large slabs of concrete discarded.



Silt pond is the highest here I've ever seen in it in the last thirty years.



It looks as if it may burst its banks in places which could cause detrimental damage to local farmland stock and homes.



Low lying cables can be seen here touching the top of the bank these can be easily accessed via the unlocked wooden gate at the entrance to the silt pond.



Arrow indicates where the Quarry can be seen from base of the Caureen and the proximity to our home this picture was taken in 2020 the quarry has grown since then.

(6) Negative impact on local housing and farms.

Houses in the area have unexplained structural and cosmetic damage which is suspected to have been caused by the excessive blasting over the years. This damage includes cracks in floors walls windows, Homes physically shake when the blasting takes place in some instances pictures have even fallen of the wall. The quarry is close to home and many more in the Eadestown Rathmore area. KDP clearly states that the council will protect residential and natural amenities and prevent ground water pollution this application has not produced required reports or engaged with appropriate bodies. There are also concerns that quarry may cause a decrease in property values in the area. We have made several phone calls to the applicant with concerns about blasting and the damage to our home but there has been no follow up in line with planning grievance policies. In the planning conditions it states that residents must be given at least three days' notice you will see screenshots of previous messages and emails that we submitted in our original objection back in 2020 that shows that in some cases less then 24 hours notice was given again a clear noncompliance with planning conditions. You will also see copies of emails sent that requested monitors on our home that were never acknowledged again submitted with our original objection to KCC in 2020.

Planning Permission submitted:

With regards to the planning permission submitted there are more questions to be answered by the applicant that have not been included or do not include enough information.

- There are several houses and septic tanks not showing on the map both existing homes and ones that have been newly granted planning permission.

- With regards to the buffer zone: Requirement of a buffer zone around natural ecosystems and to protect them there is not enough information facts or reports to determine the buffer zone and what impact the quarry and its workings will have on the local area.
- It does not appear to show the full scale of the gas pipe and exactly where it is located throughout the whole proposed site this an extremely crucial element and there can be no room for error and little proof of engagement with the appropriate state body in relation to this or indebt investigations or reports.
- Adverse effects of Blasting. There are no reports or investigations into the adverse effects of blasting on the local community, residential homes and livestock. More information is needed on the impact of blasting the applicant in the past has placed monitors on homes in the area and no data was released to homeowners no information was given as to the results of these monitors.
- Impact on tillage, beef and sheep production and other forms of agriculture No application can directly impact any business in its proximity there is not enough information on how the quarry and blasting will affect the farms and their livelihood right beside the quarry.
- There has been no engagement with Wicklow County Council despite the entrance to the quarry entering and exiting in county Wicklow directly on to the n81.
- There has been no Archaeological impact assessment conducted and this is required to ensure we protect our historical heritage.
- There has been no NIS report carried out
- This application has severe impact on ridge lines, defined skyline and scenic views from hills you can clearly see the quarry and the effects it has had on the landscape from the surrounding area this can also lead to impact a person's sense of identity and belonging in the area and residents and business may be forced to leave their homes and business due to the actions of the quarry.
- Failure to give adequate notice to residents about blasting and ignoring requests to have homes monitored.
- Failure to comply with previous planning conditions and a high court order that is currently in place is a huge issue that needs to be addressed and the impact this noncompliance has had on the community. The applicant states it was not aware that it was operating without permission, but they were engaged with professionals at this time preparing these documents that have been submitted so it is not possible they were unaware they were breaking the law.

The following application should under no circumstances be granted. There is no benefit to the local community. The area does not have the infrastructure in place to deal with the extra traffic and pollution this proposed extension will cause. It is also clear that from previous planning permission granted to the applicants have not kept to the conditions set out by the council to operate within the law and safely. This is incredibly alarming and disheartening and the board making this decision has a duty of care to uphold these standards set out by law and it must reflect on the fact that in the past the applicants have felt they do not need to adhere to the conditions that were clearly set down for the quarry to operate.

The community will be negatively impacted, and local areas of preservation and leisure will be lost for ever and destroyed. There are no positives to granting permission to this development the stakes are too high for the local community, livestock and rare species that call this area their home. Those who carry the burden of making the decision on this application must follow the guidelines set out by the Department of the Environment, Heritage, and local government. They must refuse this application for the future of the local community and an area of such natural beauty and historical significance.

Regards,

David Flanagan Miriam Kelly

Christina Kelly.

Screenshots of text messages sent that do not give the appropriate notice as set down in conditions.

7:

12:42 PM

most are from the union's giving residents 1 day notice

4:40

< Hudsons Blast

📞 🔍 ⋮

10:00 - 10:00 AM

H Hudson Brothers Ltd wish to inform you of a blast that is due to take place on Friday 20th March between approximately 12-4pm Kind regards Hudson Brothers Ltd.

10:00 AM

10:00 - 10:00 AM

H Hudson Brothers Ltd wish to inform you of a blast that is due to take place on Wednesday 8th April between 12-2pm approximately Kind Regards Hudson Brothers Ltd.

10:00 AM

10:00 - 10:00 AM

H Hudson Brothers Ltd wish to inform you of a blast that is due to take place on Wednesday 10th June between approximately 12-2pm Kind Regards Hudson Brothers Ltd.

10:00 AM



10:00

10:00

10:00

Please note the message sent on the 20th of March giving notice to a blast on the same day.

Screenshots from showing requests to have homes monitored ignored.

60% 7:19 PM



miriam kelly

To:

Wed 08/04/2020 14:17

Good afternoon I rang the office on Monday to express concerns over the blasting after i recieved a text message as we both normally work full time so are never home when the blasts take place and we have serious concerns about potential damage.

I requested a monitor be put on our home address

Tsalia house greenmount rathmore naas co kildare w91n23x and I was told that this would be followed up.

The blast just took place and there was no communication from and no monitor placed on my home

Can somebody please contact us as soon as possible.

Regards
Miriam Kelly

please see above emails requesting a monitor be fitted on our home. We also made several phone calls

✕ Outlook



Monitor to be placed on our home for
blasting



miriam kelly



To: [redacted] + 1

Fri 04/06/2020 12:00 View more

Good afternoon

We just recieved a text message today to say
there will be a blast tomorrow the 10th of June
between 12-2

We would like to request a monitor is placed on
our home before the blast takes place. Our
address is Tsalta house greenmount rathmore
naas kildare.

Regards

Miriam Kelly David Flanagan



over the last few years with regards to noise complaints and requesting monitors on our home

Google Maps Time Lapse photographs and the impact it has had on the surrounding area

