

Dan Wigglesworth

From: Lorraine McNamara
Sent: Wednesday 24 April 2024 16:50
To: Appeals2
Subject: Objection to Hudson Brothers Quarry QD09.319217 and QD09.319218
Attachments: Hudson Quarry Personal Submission Lorraine and Patrick McNamara.docx

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Dear Team,

Please find attached my objection to both applications QD09.319217 and QD09.319218.

This application is an application under Section 37L of the Planning and Development Act 2000 therefore no fee is applicable.

Please confirm your receipt and acceptance of this objection by COB 24/04/2024

Many Thanks,
Lorraine McNamara

Glenfort House,
Athgarrett,
Eadestown,
Naas,
Co. Kildare
W91E8CC

Objection to Hudson Brothers Quarry QD09.319217 and QD09.319218

Re: Planning and Development Act, 2000 (as amended) and the Statutory Regulations thereunder- Third party submission by local residents in relation to application under Section 37L of the Planning and Development Act 2000, as amended for Substitute Consent for quarrying and aggregate extraction on lands located at Red Bog and Philipstown, Co Kildare.

Dear Sir/Madam,

We wish to lodge objections to the planning references mentioned above.

Firstly, if we may, we would like to give some context to An Bord Pleanala as to what our experience has been living beside Hudson Brothers quarry and our experience of the planning issues Hudson's have caused in the past 20 plus years by the own doing.

We had mentioned in previous planning objections with Kildare County Council that in one sense we were rather blinkered with regards to the quarry. We went to work before 6am each morning and returned late at night. It was the arrival of our children which obviously meant we were at home a lot more that opened our eyes to what was happening in the quarry and the wider area.

Our objection cannot be seen as NIMBY'ism. No one would choose to live beside a quarry but we in the local area accepted that quarries are necessary for building etc however it is a non-negotiable expectation that these quarries are run correctly and professionally and that their operations do not impact the wider community, the local environment, and protected areas in which they operate in. More importantly it is expected that these quarries do not impact on the quality and availability of clean water to the wider community and impact on SAC's such as Red Bog SAC and Poulaphuca Reservoir SAC.

Our communities experience with Hudson Brothers Limited

Our experience of Hudson Brothers Limited unfortunately has been nothing but negative throughout this whole planning debacle. It is unfortunate for Hudson's that their lack of

adherence to planning conditions, treatment of the local community etc has had the opposite effect they desired. Their lack of adherence to planning regulations has brought the whole community of Eadestown, Red Bog, Philipstown, Athgarrett, Wolfestown and the wider communities in Blessington together.

The community were genuinely shocked and upset to uncover the deliberate damage that Hudson Brothers limited have done to the protected Kildare Uplands and their lack of adherence to their planning conditions set out in their 2007 application and indeed their lack of adherence to their High Court Agreement. This shows without any shadow of a doubt that Hudson Brothers Limited does not have respect for the planning laws of this country nor the Judicial and High Court systems in Ireland. Why is that?? One could assume that if they did comply to these conditions that they may have to put their hands up to admit to potential damage to Red Bog, excessive dust and noise levels, damage to local dwellings from blasting. It does not make sense that a company who tout themselves as a quality operator who support jobs, the local community etc would show a blatant disregard to the actual local community they operate in.

In 2020, Hudson Brothers Limited sent out a letter to their suppliers and local businesses. In this letter, they portrayed themselves to be a company who should be put up on a pedestal with regards their operations in the community. It was interesting to note that those who replied with letters of support were only their suppliers, staff, and customers (bar a GAA club who they sponsor, and a local lady whose family are applying for a landfill in an adjoining piece of land to Hudson's). In this letter, there was no mention that Hudson Brothers Limited did not comply to approx. 30 of their conditions laid down by KCC which were designed to protect the community and Red Bog SAC. They said they helped their community wherever they could like in the best from the east which was incorrect as they invoiced KCC heavily for this work as a freedom of information request showed. One would wonder whether any of those who did reply feel they were in some ways that they were Gaslit?

Non-Compliance with previous planning conditions in planning application 07267

We are angry with the whole situation and how Hudson Brothers were allowed to get this far. It further infuriating how Hudson Brothers Limited believe they should be awarded another period of planning permission and an expansion to their existing quarry making them one of the biggest quarries in the country. A reward for non-compliance to almost all their planning conditions and continuing to quarry without planning permission in Co Kildare perhaps? A reward for not complying with the terms of a High Court Agreement?

It has been left up to the local community at significant cost, effort and time to enforce compliance to conditions set out in 2007 via a High Court Order. Hudson Brothers Limited believe that they are even above a High Court Agreement and just ignore the conditions set down in that agreement. It's also bizarre how in both applications, that Hudson Brothers Limited did not even mention the High Court Agreement even once. Surely their expert planning, environmental and legal teams might have suggested that it was a good idea that they put their hands up to being brought by the local community to one of the highest courts in the land?

Quality and Information provided in both applications

It should also be mentioned that the quality of information of both applications is very poor in our opinion. This has meant that we have had to hire experts at significant costs to ourselves to decipher various reports contained in both applications. The site notice for example does not seem to correspond to what is actually contained in both applications. So, looking at the site

notice, one could assume a very different planning application than what is actually in both applications. We would ask An Bord Pleanála to carefully review the site notice and refuse both applications based on the vagueness and misleading descriptions of both applications.

Lack of quality and robust dust & noise monitoring

With regards to dust, noise etc, I would request that An Bord Pleanála carefully review the expert opinions of Dr Imelda Shanahan et al, and also Marsten Planning and refuse based on the their findings.

An Bord Pleanála should be advised that we do work from home most days. The noise coming from the quarry on some days is very excessive and starts earlier than the permitted times allowed in their planning permission. We have a legal right to work from home. When questioned by Dr Shanahan on this, the directors just advised it was a miscommunication (to 20 year old planning conditions and a High court agreement). The noise especially in summer does wake up our small children and we do believe this impacts their overall health as laid out in the UN Human rights charter. We have a right to have our windows open when ever we wish, and our children should not be woken at 5am from quarry operations.

We are specifically concerned regarding the dust coming from the quarries. Members of our family have suffered ill health due to lung issues (who have since passed due to these issues). We need Hudson Brothers Limited to prove beyond reasonable and scientific doubt that their quarry operations does not impact our health and that of the wider community. As you will evidence from Dr Shanahan's report, this is not the case, and their method of analysis is flawed across the board.

Impact to our family farm business.

We operate a Bord Bia approved beef farm in Athgarrett which will be just over 200m's from the quarry should Hudson Brothers Limited be granted planning permission. Our livelihoods depend on the farm. We are firmly of the belief that our farm enterprise will be compromised should the expansion be granted. We believe that the dust, noise, and general quarry operations will have a negative impact on the animals on the farm. We are actively working with Bord Bia to become a visiting farm and believe that the expanded quarry will have a significant impact on our application. In the Kildare County Development plan, it provides protection to existing enterprises and that a new enterprise should not impact on existing neighbouring enterprises. We believe that Hudson Brothers Limited Operations will significantly impact all neighbouring farms negatively and therefore we ask An Bord Pleanála to refuse both applications.

Red Bog SAC

We also ask the Bord to carefully look at Red Bog as an SAC. In the substitute consent application, Hudson Brothers Limited descoped Red Bog for some bizarre reason when they operate within 250 metres of the SAC site. But then have a comment in their new works application that should they be granted planning they will do a study on Red Bog. This is non sensical. They cannot say that there is no impact from their previous work in their substitute consent application and then say there may be an impact in their new works application for work going forward. Dr Shanahan has indicated that there is a hydrological link between the sites, so it is incumbent that An Bord Pleanála refuse both planning applications to protect Red Bog.

Concerns regarding our water supply

My family and I remain very concerned around the impacts arising from the improper management by the Applicant of polluting matter arising from the many lagoons, ponds and water retention within the proposed site. It is well known that the water table in the general area is very high and for instance our family well is declining a substantial amount of water at 15 meters in depth.

The application for substituted consent does not identify how this water is being treated and/or discharged and given the very high water table locally it is the case and must be the case that the lagoons and ponds discharge into the ground water assimilating with the ground water in the local area and ultimately being transferred into the Poulaphouca Reservoir SAC and the River Liffey. I have examined the WFD Cycle 2 catchment Liffey and Dublin Bay sub catchment document 20 December 2018 (sub catchment Liffey_SC_O20). It is apparent from that document that the sub catchment flowing into the Liffey _040 is at risk. It is also evident from that document that the ecological status for the Poulaphouca Reservoir has been downgraded to moderate. It appears to me and my family that the Applicant has not considered the impacts of the proposed development in the context of the Water Framework Directive 2000/60/EC and given this failure, **I am advised by my solicitor that the Board is precluded from granting permission on the basis of the recent juris prudence of the European Courts and Irish Courts.**

We would be grateful if An Bord Pleanála review both applications carefully and refuse both planning applications. Hudson Brothers Limited past performance indicates their future performance and as evidenced throughout the whole community's submissions; their past performance has been woefully and deliberately inadequate.

Yours Sincerely,

Lorraine O'Brien & Patrick McNamara

(via Email)