

Dan Wigglesworth

From: Shaymus Kennedy
Sent: Wednesday 24 April 2024 13:11
To: Appeals2
Subject: Submission to an Board Pleanála ref: QD09.3139218
Attachments: Personal Impact Statement David and Linda Magee (3).docx; Personal Impact Statement Goode, D&S - 2024.pdf; Personal Impact Statement Phil and Paul's objection.docx; Personal Impact Statement Shaymus and Simone Kennedy Individual Letter.docx; Community Submission on Qd09.319218.pdf; Signed HC Agreement.pdf; Personal Impact Statement Lorraine and Pat McNamara.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Madam/Sir

We are a group of concerned residents located in the areas of Athgarret, Philipstown and Eadestown are lodging an objection submission regarding the above section 37L application lodged on behalf of Hudson Brothers Ltd. for quarrying and aggregate extraction on lands located at Redbog and Philipstown, Co. Kildare. An Bord Pleanála reference is: QD09.3139218. As this is an application under section 37L of the Planning and Development Act, being made to An Bord Pleanála, no fee accompanies this submission.

Please can you acknowledge receipt of this submission.

Yours Sincerely,

Shaymus Kennedy

The Secretary

An Bord Pleanála

64 Marlborough Street

Dublin 1

23/04/2024

Submission by local residents in relation to Application under Section 37L of the Planning and Development Act 2000, as amended for quarrying and aggregate extraction on lands located at Redbog and Philipstown, Co. Kildare.

An Boar Pleanála ref: QD09.3139218

Date of lodgement of application 29 February 2024

Dear Sir/Madan,

We are a group of concerned residents located in the areas of Athgarret, Philipstown and Eadestown are making an objection submission regarding the above section 37L application lodged on behalf of Hudson Brothers Ltd. for quarrying and aggregate extraction on lands located at Redbog and Philipstown, Co. Kildare. As this is an application under section 37L of the Planning and Development Act, being made to An Bord Pleanála, no fee accompanies this submission.

This submission is made on behalf of the following residents:

- Lorraine, Patrick, Aidan and Matthew McNamara, Athgarrett, Eadestown, Co Kildare
- Ann McNamara, Athgarrett, Eadestown, Co. Kildare
- Adrian, Michael, Catherine, Andrew, Maria & Isaac Curran, Athgarrett, Eadestown, Co Kildare
- Shaymus & Simone Kennedy, Wolfstown House, Athgarret, Eadestown, Co Kildare
- Phil and Paul Dowling, Athgarret, Eadestown, Naas, Co Kildare
- Patricia O'Connor, Athgarret, Eadestown, Naas, Co Kildare
- Linda and David Magee, Athgarrett, Eadestown, Co Kildare
- Paul Magee, Athgarrett, Eadestown, Co Kildare
- Sara and Declan Goode, Athgarrett, Eadestown, Co Kildare
- Paul and Deirdre Woods, Athgarrett, Eadestown, Co Kildare
- Susan Dunne, Athgarrett, Eadestown, Co Kildare

This application is made concurrently with an application for substitute consent made by the same applicants under An Bord Pleanála Ref. QD09.319217. We are also members of the Save Kildare Uplands Group which has made separate submissions via our Technical Expert Marston Planning Consultancy regarding these planning applications.

Grounds of Objection:

We would like to make an objection submission on ABP Application 318918 on several grounds namely:

1. Refusal warranted on applicants past failures to comply . The historical and current behaviors of the Quarry operator Hudson Brothers towards our community and the systemic noncompliance to previously agreed conditions. This includes lack of compliance with the strict conditions on an agreed High Court Agreement (which they omitted to mention in their applications) between the local community and Hudson Brothers in place since 2022.
2. Negative Impact on a highly sensitive environment and the designated Special Area of Conservations (SAC) Redbog and Rath Torc monument in Glending forest.
3. Negative impact on the visual and residential amenity to residents which we believe has been improperly and noncumulatively assessed.
4. Poorly prepared assessment documentation e.g. Naturita Impact Assessment or absent documentation e.g. Archeology assessment
5. Clear contravention of the spirit, objectives, and planning policies of the Kildare County Development Plan 2023 v- 2027
6. Personal impact on our lives as residents of this community.

The Kildare Development plan highlights that one of the key objectives of the Regional Spatial and Economic Strategy (RSES) is to promote people's quality of life through the creation of healthy and attractive places to live... We strongly believe that based on the arguments that we will put forward that our area will no longer be an attractive tranquil place to live in nor will it be an attractive environment to raise our families in, farming on or will we be able to avail of the opportunity to work from our homes.

As a result we respectfully submit that based on the arguments provided that ABP refuse the extension application

Background:

The Kildare Uplands have been long associated with planning controversies. Glending Wood and quarrying by other quarry companies were a subject of the Mahon Tribunal in the 1990's. Today we have two Special Areas of Conservation (SAC's) in the Kildare Upland Areas (Reg Bog and the Rath Torc monument in Glending forest). Despite designations as protected areas planning applications for heavy industrial sites have been approved over the years with little or no monitoring of these SAC's and their soundness by state bodies. In this area covering Eadestown and Blessington, there are a number of quarries operating in the area. Hudson Brothers Limited, Carnegies (Roadstone) and Shillelagh Quarries. Hudson Brothers has currently lodged 2 applications with An Bord Pleanála for 1) Substitute Consent to regularise their unauthorised quarrying since their planning permission expired in 2020 and 2) a proposal to extend the quarry by a further 30 hectares. This expansion will significantly impact the visual landscape and ridges of the existing countryside making the quarry much more visible from Eadestown village, from the main Eadestown to Blessington road plus from the various scenic points across North Kildare and West Wicklow, including Glending and the proposed Greenway extension, Cureen Hill, Butter Mountain, it should be noted that Hudson Brothers continue to quarry in the current site without planning permission since 2024 and exit the material on trucks through a location on the N81 outside Blessington in County Wicklow before then travelling back onto the secondary "R" and "L" roads in our community area.

Behaviour of the Quarry operator

As residents we have long suffered from the appalling behaviour of Hudson Brothers. Their disregard for our local community despite our numerous attempts over the years to engage positively with them, including the continuing operation and expansion of the existing quarry with no planning permission since 2020 has continued to negatively affect us in ways that have significantly degraded our quality of life, impacted our mental health, scarred our visual landscape including ridge lines and made our roads more dangerous. We have also been let down by Kildare County Council who has persistently failed to actively monitor Hudson Brothers for compliance to agreed planning conditions

Planning Applications History , Noncompliance with conditions and High Court Agreement:

Hudson's 2007 planning application- Ref: 07/267 was for the:

"continuation of aggregate extraction and processing at Philipstown and Redbog, by mechanical means, blasting, aggregate processing, washing, screening, crushing, power house, control rooms, office building etc"

This was approved by KCC with approx. 59 conditions in 2009 including financial conditions applied to the planning permission. Hudson Brothers appealed the financial conditions with ABP and were granted a lesser levies amount. Eadestown Community group submitted a FOI request to check the compliance of the conditions to the planning application and it was found that Hudson Brothers had not complied with any of the planning permissions that were laid out by KCC in the planning approval. The community further could not evidence any engagement by KCC in the 10 years of this planning duration with Hudson's on their non-compliance of their planning conditions.

A 2019 application- Ref 19/1230 was made for:

"A single storey truck and plant maintenance shed of ca. 432m² G.F.A. that includes staff welfare facilities of a shower and W.C.; an underbody truck wash located on the concrete apron surrounding the shed; proprietary wastewater treatment system; interceptor; soakaway; and all ancillary works. Revised by significant further information consisting of; a new water purification system to welfare facilities"

This was approved by Kildare County Council however a local resident Paul Woods, took the approval to ABP and the decision was overturned. It was overturned as the application was for a site that was operating unauthorised and thus ABP considered inappropriate to grant the planning permission to ABP. Kildare County Council did not pursue this refusal further to ensure that the plant elements included in this planning were removed from site and re-instated as before. The elements contained in this planning application are still on site to this day.

Another application to continue quarrying was made in 2020 - Ref 20/532. This application requested;

"The continuation of aggregate extraction and processing as permitted under Reg. Ref. 07/267 that arose following S.261 registration of the extraction operation under reference No. QR42. (B) The lateral extension of the permitted extraction activities in westerly and northerly directions. Over a combined area of approx. 13.8 ha to match existing extraction depth that is above watertable. The proposed

western extension is for the extraction of sand and gravel, and rock over an area of approx. 10.7 ha. The proposed northern extension is primarily for the extraction of sand and gravel over an area of approx. 3.1 ha. The extension areas are proposed to be extracted on a phased basis that incorporate into the existing extraction and restoration plans. The proposed lateral extension areas of sand and gravel, and rock will be processed using existing site processing facilities and are intended to maintain the extraction and aggregate production capabilities of the existing construction aggregate production operation. The proposed extension areas will include ancillary development in the form of landscaped screening bunds. (C) The replacement of existing wastewater holding system for the existing canteen/office with proprietary wastewater treatment system. (D) Ancillary site works. The application site area under reg. Ref. 07/267 was 57.9 ha. The proposed lateral extraction extension areas will increase the overall extraction area to approx. 54.3 ha. The total application area is approx. 75.0 ha and includes the ancillary processing plant and welfare facilities. The application site excludes an area of 0.23 ha that is the subject of a current planning application for retention of a maintenance shed under Reg. Ref. 19/1230. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared to accompany the planning application that include the existence of this maintenance shed in the assessment study areas. The planning application is accompanied by an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), for development

This application was for the continuation of their quarry, and an expansion and a number of other elements of the site. This application was submitted in May 2020 without any engagement with the community. Hudson's claimed this was due to Covid restrictions, however they had employed professional planners who would have advised Hudson Brothers that they needed to engage with the community and that the submission of a planning application of this magnitude would be need to be submitted to the local authority 18 months prior to the expiry of their existing planning. This was not done and Hudson Brothers had 4 months to obtain full planning approvals both for their existing operations and an expansion of their quarry.

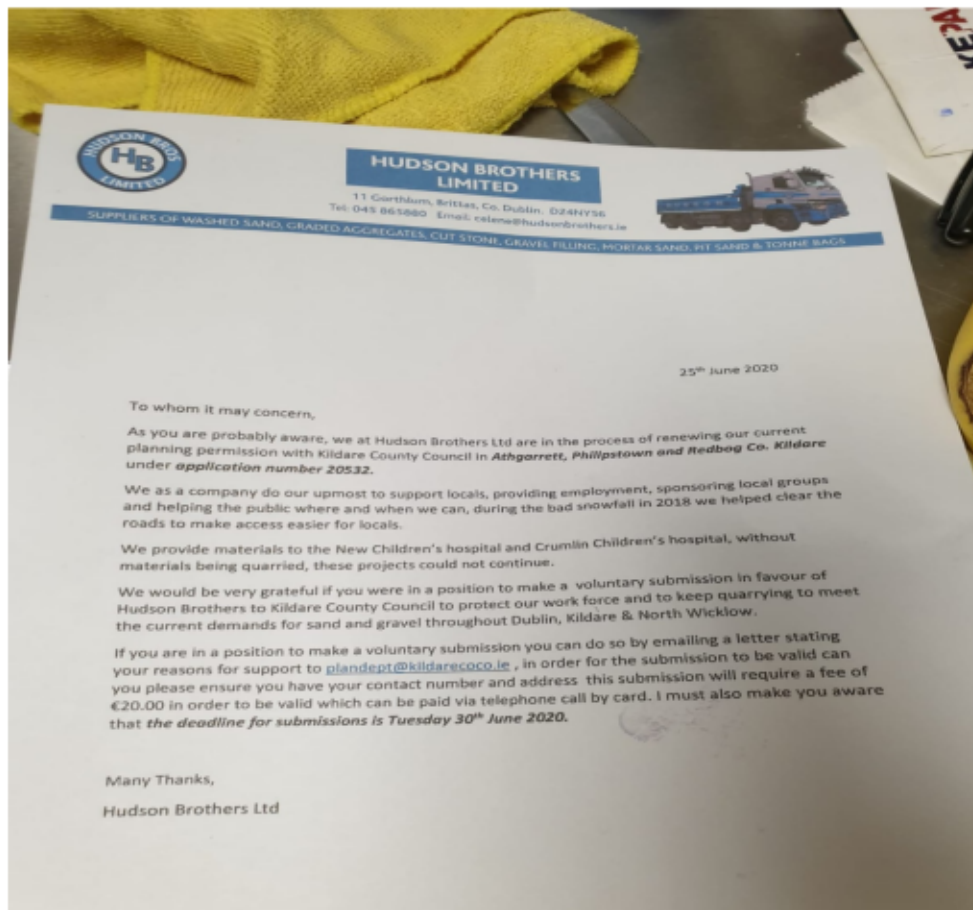
The Save the Kildare Upland's Community group was formed and examined the planning application and employed the services of a competent and experienced planner Mr Peter Thompson. Peter submitted an objection on behalf of the community and members of the community submitted their own personal objections to KCC. The community were all shocked to learn that Hudson Brothers had not completed the environmental elements of their previous planning permission 07267 which has led to a breakdown in trust that Hudson is capable of operating as a reputable and trustworthy quarry operator. As the community came together, numerous residents advised of very bad experiences when raising issues with Hudson Brothers Limited. Indeed one resident was confronted aggressively by Hudson Brothers when they learned of her intention to lodge a planning objection with the council. Others advised that they repeatedly asked Hudson Brothers for blast monitors to be placed on their properties for planned blasts but were always told there was none available.

In addition, those who did obtain blast monitors had difficulty in getting the results in a timely manner and those results when they did arrive were questioned by experts hired by the community. In a review of their planning application 20532, the planner questioned their blast impact results highlighting that it was near impossible to have the exact same blast readings for every blast. Residents have all experienced issues with blasting and this is an area of major concern for the residents. Below are some photos of cracks in walls as a result of the vibrations caused by blasting. Again the condition of controlled and monitored blasting was not monitored by KCC and Hudson Brothers were free to blast when and how they liked for the 10 years of the planning duration.

In addition to the obvious issues, Hudson Brothers did not abide by the planning conditions whereby significant notices must be given to residents with regards to blasting. From the example below they sent out a text to some local residents 1HR and 40 mins prior to the blast actually occurring.



For Planning application 20532, significant amounts of objection letters were lodged by Eadestown, Red Bog and Killeel residents as you will see from the previous planning file. Hudson Brothers went on the offensive and issued the letter below to all local businesses in Blessington and surrounding areas. As you can read, Hudson Brothers neglected to advise the local Blessington community that Hudson's were in breach of almost all of their planning conditions for planning application 20532. Several businesses and individuals sent letters of support for Hudson Brothers Limited and only found out after the fact, the full facts of their planning adherence or lack of. Their mention of clearing up after the large snowfall in 2018 was written with the intention to be interpreted as a goodwill gesture failed to mention that they invoiced and were paid a substantial sum by KCC to clear the snow. It should be noted that no local community members have supported current application and all letters of support accompanying their current applications come from employees of or suppliers to Hudson Brothers.



Numerous unauthorised activity notifications were submitted to KCC who issued a warning letter to Hudson Brothers Limited. KCC finally advised that they were precluded from making a decision on their planning application due to the fact that they had evidenced unauthorised activity on site

and that their existing planning duration had expired. However no enforcement notice was issued to ensure Hudson Brothers stopped quarrying activities until planning had been regularised. Hudson Brothers continued to quarry after this letter was issued by KCC to them. Residents sent more Unauthorised Activity notifications to KCC however these were not acted upon.

2020 – Kildare County Council Warning Letter to Hudson’s Brothers

On 4th November 2020, Kildare County Council issued a warning letter to Hudson’s Brothers (Appendix 3). Kildare County Council detailed the lack of compliance with the conditions set out in the 2007. As previously stated Hudson Brothers had not met the 2007 conditions.

Kildare County council referenced the following in their warning letter issued to Hudson Brothers Limited.

- Operation of a quarry without the benefit of planning permission. There is not active planning permission under which the extraction and processing is permitted on the lands.
- Non-Compliance with the requirements of conditions as follows:
 - o Condition 1- The development shall be carried out and completed in accordance with drawings submitted to the planning authority on 18-07-2007 **(CONDITION NOT COMPLIED WITH)**
 - o Condition 2- The development shall be carried out, completed and maintained in accordance with the undertakings of measures to mitigate its impacts as given in the Environmental Impact Statement lodged with the planning authority on the 04/06/2008 and any additional measures subsequently, except where altered by the conditions of this permissions. **(CONDITION NOT COMPLIED WITH-** the council mention that there is no indication that the development has been carried out or completed in accordance with the EIS as a result of the absence of submission of information including noise and dust reports along with an EMS.)
 - o Condition 4: The development shall be carried out, completed, and maintained in accordance with the undertakings for measures to mitigate its impacts as given in the EIS lodged with the planning authority on the 04/06/2008 and any additional measures contained in revised documentation, except where altered by the conditions of this permission.
(CONDITION NOT COMPLIED WITH- the council advises that no evidence of benches on the site, no evidence of any onsite restoration, no evidence of annual air, noise and water quality data submitted, EMS not submitted annually to the planning authority.)
 - o Condition 5: This permission is for a period of 10 years from the date of this permission unless at the end of the period a further permission has been granted for its continuance on site.
(CONDITION NOT COMPLIED WITH- the council advised that the permission expired on the 18/09/2020 and they evidenced unauthorised activity on site as per the planners report for 20532 (Appendix 2)

- Condition 6: A detailed restoration Scheme of the site according to the broad principles indicated in the Environmental Impact Statement and as amended by the details received by the planning authority on the 12th October 2007 shall be carried out immediately following the cessation of excavation as referred to in Condition 5.
(CONDITION NOT COMPLIED WITH- the council comments that “the final details of the restoration, which shall be carried out on a phased basis shall be agreed in writing with the planning authority within 3 months of the date of this permission” was not submitted as required by the details of this submission)

- Condition No 11: Within 6 months from the granting of this permission the developer shall submit to the planning authority for written agreement with the Heritage officer of KCC, a detailed report assessing the impact of the quarry in relation to Red Bog (SAC) in accordance with the Habitats Directive. Prior to the preparation of this report the applicant shall liaise with the Heritage officer to agree a framework for the study)

(CONDITION NOT COMPLIED WITH- KCC Comments that no evidence on file to evidence that the required information was ever submitted to KCC)
- Condition No 15: Within 3 months of this permission, or such other time period as agreed with the Planning Authority, the applicant shall submit details of all existing and proposed signage, located to or to be located at the site entrance. These details shall also provide for a sign indicating the name of the quarry operator, contact telephone number of the quarry, the permitted working hours of the quarry the name of the planning Authority and the planning register number of the development)
(CONDITION NOT COMPLIED WITH – KCC advised that there is no evidence on file that the required information was ever submitted to KCC.

- Condition No 21: Within 3 months of the date of this permission, the operator shall lodge with the planning authority a bond of an insurance company, a cash deposit or other security as agreed to secure the provision and satisfactory completion and restoration of the site)
(CONDITION NOT COMPLIED WITH- No evidence on record of any bond having being lodged)

- Condition No 25: Within 6 months of the date of this decision, or such other time period as agreed with the planning Authority, the quarry operator shall submit for the written approval of the Planning Authority an EMS system for the site. The EMS system shall provide for a review of the EMS plan after 5 years and the proposed review shall be submitted to the Planning Authority for its written approval.
(CONDITION NOT COMPLIED WITH- The council comments that there is no record of an EMS system ever have been submitted to the planning authority as required by this condition)

- Condition No 26: The details of the EMS system shall be in accordance with the conditions contained in this decision.
(CONDITION NOT COMPLIED WITH- the council advises that there is no record of an EMS ever having been submitted to the planning authority as required by this decision.

- Condition No 28: Within 6 months of the date of this decision or such other time period as agreed with the planning authority, full details of the ground monitoring programme shall be submitted for the written agreement of the planning authority and this programme shall ensure that the existing ground water sources servicing local residents and farms in the vicinity of the site are unaffected by the development.
(CONDITION NOT COMPLIED WITH- There is no record on file of the required information having been submitted)
- Condition No 32: Dust assessment shall be carried out by the site by a competent Environmental consultant within 3 months of commencement of on-site operations and continuously thereafter. Locations of the dust monitoring to be agreed with the planning authority. Dust monitoring reports shall be submitted to the planning authority on a quarterly basis.
(CONDITION NOT COMPLIED WITH- There is no evidence on file that this condition has been complied with.)
- Condition No 33: (A)The noise level attributable to all on site operations associated with the proposed development shall not exceed 55 dB (A) over a continuous one hour period between 0800 Hours and 1800 Hours Monday to Friday inclusive (Excluding bank holidays) and between 0800 and 1300 hours on Saturdays. B) A noise assessment shall be carried out on the site by a competent noise consultant within 1 month of commencement of onsite operations and at 6 monthly intervals thereafter or at any other time specified by the planning authority.
(CONDITION NOT COMPLIED WITH- The council advises that there is no evidence that noise assessments were submitted to KCC as required in part A and B of Condition No 33)
- Condition No 35: (A) an environmental audit of the site operations shall be carried out annually by the end of January on behalf of the developer by a competent environmental consultant. Details of the monitoring arrangements, including locations and frequency of monitoring shall be submitted to the Planning Authority within 3 months of the commencement of the planning decision...
(CONDITION NOT COMPLIED WITH- No evidence that any environmental audit was ever undertaken and /or the results of same ever submitted to the planning authority as required by this condition.
- Condition No 36: Within 3 months from the granting of this permission, the developer shall submit to the planning authority for written agreement a proposal for an EMS system prepared to the guidelines of Section C of the 2006 EPA Publication "Environmental Management Guidelines in the Extractive Industry"
(CONDITION NOT COMPLIED WITH- The council comments that No evidence that the required EMS report was undertaken and/ or results of same ever submitted to the Planning Authority as required by this condition)
- Condition No 37: Within 6 months of the grant of this permission, detailed design of the entrance shall be submitted to the Planning authority as required by this condition.

(CONDITION NOT COMPLIED WITH – No record of the required information ever having been submitted to the Planning Authority as required by this condition.

- Condition No 48: A wheel wash unit shall be maintained on the site and used by vehicles exiting the site. No mud or other debris shall be deposited on the roads outside of the site.

(CONDITION NOT COMPLIED WITH- No record of the required information having been submitted to the Planning Authority.

- Condition No 56: Having Completed the work, the archaeologist shall submit a written report to the planning authority and to the department of the environment heritage and local government for consideration.

(CONDITION NOT COMPLIED WITH- The required report was not submitted to the Planning Authority for consideration.

2020 - Judicial Review Application by Hudson Brothers Limited against KCC

Hudson Brothers took a Judicial review case against KCC regarding the issuing of that warning letter to Hudson Brothers. The case was adjourned indefinitely. We the community do not have full details as to what happened in that JR case despite asking KCC but we can only assume that there was an agreement to leave Hudson Brothers operate and they were to submit a leave for substitute consent.

2022 - Leave to apply for Substitute Consent with ABP

Hudson Brothers submitted a leave for Substitute consent in 2022 to ABP. ABP reached out to KCC and asked for all documents relating to the case and also a planners report. An Bord Pleanála approved the Leave to apply for substitute consent based on the information that was supplied by Hudson Brothers and KCC. The community were very disappointed by this approval as we were precluded from making a submission on this application and evidence inaccurate information in the application by Hudson Brothers Limited. Peter Thompson our Planning Consultant sent a letter to Kildare County Council 13/01/22 on behalf of ourselves, members of the Save Kildare Uplands Group outlining our concerns with the leave for the Substitute consent application. The letter was subsequently returned 21/01/2022 stating there is no provision in current legislation for observation submissions to be made to the board regarding an application for leave of consent. We submit that this statement is incorrect because it prejudices public participation which is against current EU law.

Section 160 Application taken by the Eadestown Community against Hudson Brothers Limited.

Hudson Brothers have continued to quarry the existing site with no planning permission. This has included the further expansion of the Hudson Brothers quarry site with an expansion of the quarry, removal and disposal of topsoil without necessary licences and the creation of new roadways in authorised areas of the quarry. For the local community this has meant increased noise and dust pollution, including outside normal business hours, large volumes (50 plus per hour) of uncovered trucks travelling at speed on secondary roads, the onboarding of independent contractors and equipment at the site

The lack of engagement by Hudson's with us the local community and their unwillingness to meet previously agreed conditions, meant we were left in the unfortunate position to have no choice to take a Section 160 application against Hudson Brothers Limited in 2022 and have them bound to a series of conditions. This process was costly to this community both in time consumed and financially. The interim result of this high court case was an agreement that Hudson Brothers Limited was to comply with their 2007 planning conditions and they were to engage with an environmental consultant on their environmental testing (sound, dust etc). These are set out in Appendix 3 of this submission. Even after this agreement was put in place, Hudson's have continued with their egregious behaviours and have failed to comply to these The agreement came into effect in November 2022 and as of Jan 2024, no meaningful information has come from Hudson's. Only in November 2023, did they finally allow the environmental consultant on site. She asked for a significant amount of information from Hudson's that was only received recently. It is clear from data supplied by Hudson that they are in breach of the high court agreement. (See enclosed report Appendix 2 from TMS Environment Ltd). We note in both applications by Hudson Brothers they deliberately omit any reference to this existing high court agreement as we can only presume they did not want to bring its existence to the notice of ABP.

We are now in the position that we are returning to the high court to bring an action against Hudson Brothers Limited, having not adhered to the terms of the signed high court agreement.



Figure 1: View of quarry when planning permission expired



Figure 2: View Quarry in 2024 where unauthorised quarrying has continued including unauthorised expansion into triangular area and creation of new unauthorised roadway to access triangular area



Figure 3: showing extent of unauthorised quarrying since 2020 including the quarrying deeper into the floor of the quarry since 2020.

Communication to Community regarding Proposed Extension Application

Newspaper Notice

The newspaper notice was placed in the Irish daily star rather than a local paper such as the Wicklow people and the Leinster Leader which most local residents would read. In previous planning applications, HBL had their newspaper notices in the following newspapers as follows:

KCC Planning Application 07267- The Irish Times

KCC Planning Application 191230- Leinster Leader

KCC Planning Application 20532- Leinster Leader

The latest An Bord Pleanála Applications are in the Irish Daily star. The readership of the Irish Daily Star is just 20000 per day whereas the Leinster Leader is 195000 per week, The Wicklow People 112000 and the Irish Times is 251000 daily readers. This would suggest that Hudson Brothers Limited deliberately chose a newspaper with significantly declining readership to publish their planning notices. This would impact the general public's knowledge of the significant planning applications that have been lodged.

According to the [Audit Bureau of Circulations](#), Ireland, the average daily circulation of the *Irish Daily Star*.

Year (period)	Average circulation per issue
2003 (January to December) ^[11]	110,000
2005 (January to June) ^[12]	108,221
2006 (January to June) ^[13]	102,884
2007 (January to June) ^[14]	80,349
2012 (January to June) ^[15]	75,293
2012 (November) ^[16]	69,017
2012 (December) ^[17]	66,941
2013 (April) ^[18]	60,715
2017 (July) ^[19]	49,100
2017 (December) ^[20]	48,686
2018 (July to December) ^[21]	44,233
2019 (January to June) ^[22]	41,648
2019 (July to December) ^[23]	38,341
2020 (January) ^[24]	35,947
2020 (May) ^[25]	32,168
2023 (February) ^[26]	22,490
2023 (May) ^[27]	21,940
2023 (June) ^[28]	21,407
2023 (November) ^[29]	20,492
2023 (December) ^[30]	20,101

Lack of public consultation with community

At no time in this current application process has the directors of Hudson Brothers reached out to the Community to engage with us through a public meeting or a via a media campaign to explain what they were proposing to do and the steps they would take to mitigate any negative impact on the community.

We respectfully submit that Hudson Brothers long term decision to consider themselves above the law by thier deliberate noncompliance to planning conditions even when compelled to through a High Court Agreement is further representation of a long pattern of wilful disregard for the needs and well-being of the community by Hudson's brothers. It also demonstrates that they cannot be trusted to meet any future conditions set by ABP. Further it show the complete lack of respect for both the planning laws in Ireland (evidenced by their lack of compliance to their 07267 planning conditions with KCC) and their lack of respect to the High Court in Ireland and the judges therein. Neither can we trust KCC to act as our protectors to proactively monitor Hudson Brothers and hold them to account if they were found to be noncompliant.

In addition their unwillingness to engage with the local community further evidenced by choosing a low circulation paper to publish their planning notice add further evidence to this lack of respect for our well-being.

As a result we request the ABP cannot ethically approve Hudson Brothers planning application knowing their total disregard in complying with the Law.

Environmental Impact

We are lucky to live in a location, East Kildare Uplands, recognised in the Kildare development plan 2023 – 2027 as an area of high Amenity because of its outstanding natural beauty and unique interest value. We are surrounded by a magic tapestry of breeding birds, frogs, insects and wildlife, a wild herd of deer, native trees and plants and a variety of agricultural livestock and horses.

Section 13.4.12 of the Kildare Development Plan defines the Eastern Uplands as follows:

"The Eastern Uplands are located in the east of the county and are part of the Wicklow Mountain complex. The topography rises from the lowland plains, through undulating terrain to the highest point of 379m above sea level (O. D.) at Cupidstownhill, east of Killeel. The elevated nature of this area provides a defined skyline with scenic views over the central plains of Kildare and the neighbouring Wicklow Mountain which further define the skyline and the extent of visibility. The East Kildare Uplands are rural in character with a number of scenic views from elevated vantage points. The general land use on the uplands is pasture, with some tillage, quarrying and forestry.

Along a number of roads, which cross the upper and lower slopes of the uplands, there are long-distance views towards the Kildare lowlands and the Chair of Kildare. The sloping land provides this area with its distinctive character and intensifies the visual prominence and potential adverse impact

of any feature over greater distances. Slope also provides an increased potential for development to penetrate primary and secondary ridgelines when viewed from lower areas. In the Eastern Kildare Uplands, nearly all ridgelines are secondary when viewed from the lowland areas, as the Wicklow Mountains to the east define the skyline (i.e. form primary ridgelines). Gently undulating topography and shelter vegetation provided by conifer and woodland plantation can provide a shielding of built form. Views of the River Liffey Valley as well as of the Poulaphouca Reservoir are available from the hilltops and high points on some of the local roads”.

Inadequacy of Assessments

Supported by the expert testimony and submissions of TMS Environment LTD and Martson Planning Consultancy, we respectfully would severely question the correctness and robustness of the Assessments provided by Hudson Brothers to support their application. We respectfully would therefore also severely question the correctness and adequacy of the Environmental Impact Assessment Report in this instance. The proposed development has failed to have adequate regard to EIA Directives (2011/92/EU and 2014/52/EU), European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (the bulk of which came into operation in September 2018), the European Communities (Environmental Impact Assessment) Regulations 1989-2006, Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001-2023. The cumulative impact of the proposal has not, in our considered opinion, been adequately assessed. We also feel an insufficient assessment has occurred given the sites proximity to protected Natura 2000 sites. There is clearly a hydrological link between the quarry and its extension and the Red Bog SAC. This link also applies to dust particles from the quarry. We believe that Hudson Brothers submission lacks of the comprehensiveness of the Environmental Impact Assessment Report (EIR); inadequacy of the Appropriate Assessment Screening Report (AA) as well as being contrary to a number of policies and objectives of the County Development Plan as they relate to landscape, visuality, nature and wildlife.

We also contend that there is an absence of additional assessments that should have been conducted including but not limited to

- An Archeology Assessment due to the high heritage and historical significance of the location. The recent Archaeological assessment carried out at the Sorrell Woods residential development in Blessington found substantial evidence of archaeological interest.
- Heritage Assessment
- Detailed restoration scheme
- Detailed impact Analysis of quarry on Redbog SAC which is 200m from Quarry boundary

Visual Landscape, Ridge Lines and Special Area of Conservation:

The Kildare development plan states that Landscape sensitivity will be an important factor in determining development (Objective LR O1). We note the Development plan Policy LR P1 seeks to:

“Protect and enhance the county’s landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.”

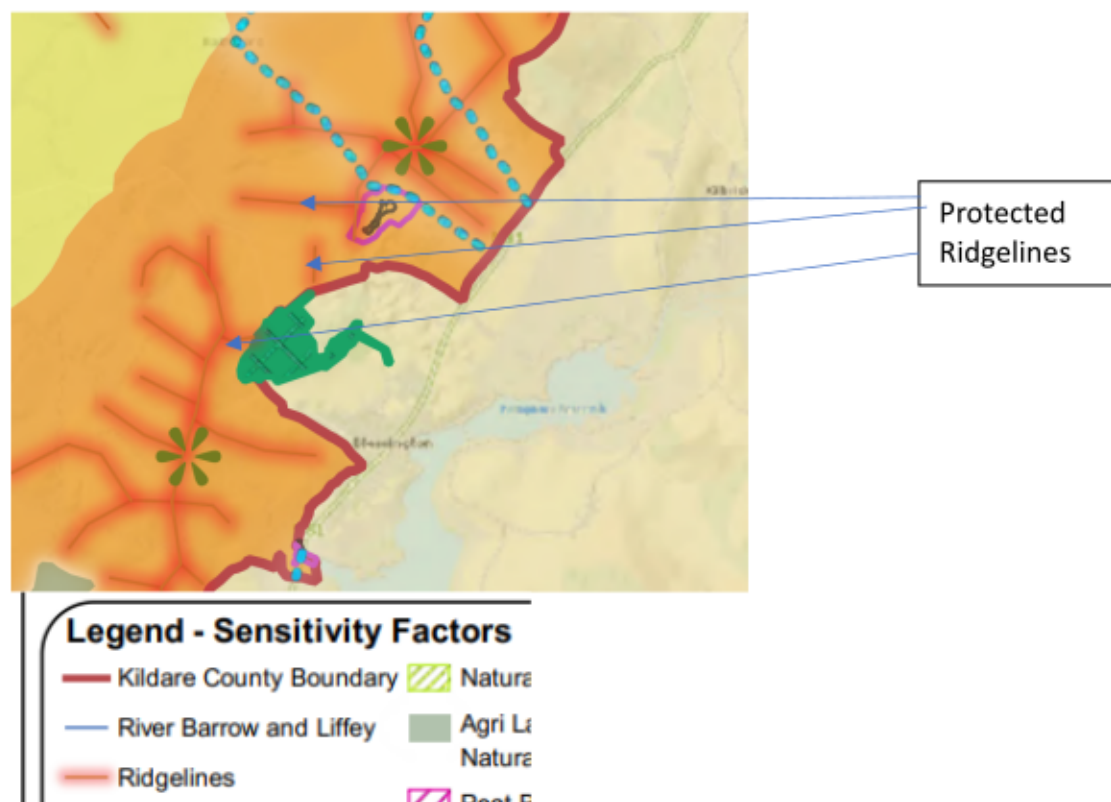
The continuous quarrying over many years in this area of Kildare has led to severe scarring of the landscape that is viewable from many vantage points in the surrounding countryside in both Kildare and Wicklow. Further the failure of other quarries including Hudson’s to have implemented restoration plans leaves this sensitive landscape scarred and void of vegetation. The proposed expansion will greatly expand the level of scarring on the land and contrary to the County Development Plan

1. Eastern Kildare Uplands

Hudson Brothers Limited quarry is located in an area which the Kildare County Development Plan describes as being part of the “Eastern Uplands” which the plan considers as having a “High Sensitivity” under table 13.2 below. The designation in the county development plan as having the Eastern uplands as unsuitable for extraction (Circled below in red). This essentially means that An Bord Pleanála cannot approve the new works application as it would directly contradict the proper planning processes of the Kildare County Development Plan 2023-2029.

Proximity within 300m of Principal Landscape Sensitivity Factors.	Agriculture and I		Housing		Urbanisation		Infrastructure		Extraction	
	Agriculture	Forestry	Rural Housing	Urban Expansion	Industrial Projects	Tourism Projects	Major Powerlines	Land and Gravel	Risk	
Major Rivers and Water bodies	5	5	2	2	2	3		1	0	
Canals	5	5	2	2	2	3		1	0	
Ridgelines	5	5	1	1	1	1		0	0	

Table 13.2 - Likely compatibility between a range of land-uses and proximity to Principal Landscape Sensitivity Factors



In addition to the sensitive area, we would like to draw An Bord Pleanála’s attention to Chapter 13 of the Kildare County Development Plan which defines the landscape as “Landscape embraces all that is visible when one looks across an area of land. As well as being an important part of people’s lives, giving individuals a sense of identity and belonging, landscape is the context in which all changes take place.”

Under section 13.3.1, the Kildare Eastern Uplands are designated as category Class 3, “Areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.”

From the above map, the protected Ridgelines protected under Chapter 13 of the Kildare County Development Plan are shown. It is clear that the extension if approved will and will include the destruction of the existing protected ridge line visible from R410 (Eadestown to Blessington Road) as shown below in Figure 4 and the ridge line visible from Eadestown Church again on the R410 (Figure 5) which is a view 2km from the actual quarry.

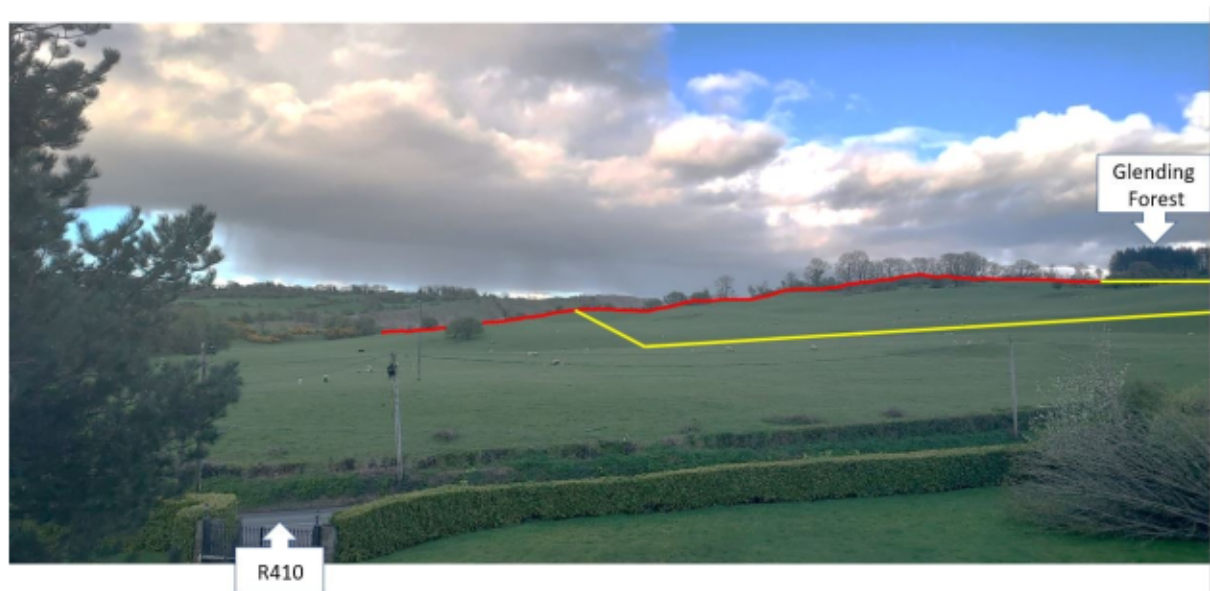


Figure 4 – View from R410 of affected ridge landscape. The Red line denotes the ridgeline that Hudson Brothers Limited wish to quarry through and the yellow line denotes the proposed expansion area of the quarry.



Figure 5 – view from R410 and Eadestown Church of existing quarry and ridge to the right that will be removed if planning is approved. Picture taken 20/04/2004 from a distance of 2km.

In addition, there is a significant visual impact from the Caureen which is a protected Hill Top as per the Kildare County Development Plan. No effort has been made by Hudson Brothers to assess the visual damage caused by their operation. In addition, no effort has been made to restore the quarry throughout their quarrying history in the area.

An Bord Pleanála are once again asked to refuse this planning application based both on the proximity to these ridgelines but also the visual impact to the area.

2. Red Bog SAC:

Chapter 14 of the Kildare county development plans aims to *“To provide for the protection, management and enhancement of the landscape of the county and to ensure that development does not disproportionately impact on the landscape character areas, scenic routes, or protected views through the implementation of appropriate policies and objectives to ensure the proper planning and sustainable development of the area”*.

Hudson Brothers Limited operate in the much protected Kildare Uplands which *“lies at the foothills of the Wicklow and Dublin Mountains”*. Red Bog SAC is within 240 metres of the site and the proposed expansion and 1000m’s from Poulaphuca Reservoir SAC.

As part of Hudson Brothers planning permission 07267 with Kildare County Council, the council imposed a condition (Condition number 11) which stated that *“within 6 months from granting of this permission, the developer shall submit to the planning authority for written agreement with the heritage officer of Kildare county council, a detailed report assessing the impact of the quarry in relation to Red Bog SAC, in accordance with the Habitats directive. Prior to the preparation of this report the applicant shall liaise with the Heritage officer to agree a framework for the study”* with the

reason to *"In order to assess the impact of the quarry and the restoration scheme on Red Bog, a Special Area of Conservation."*

This was not completed in the 10 years of the planning period. Roger Goodwillie completed a study in 1972 and concluded that Red Bog is probably one of the most important SAC's in his study. Since then, no new studies have been completed and it is therefore imperative that An Bord Pleanála refuse the substitute consent application and the accompanying new works application as the applicant has not complied with Condition 11 of their 07267 planning permission in 23 years and yet still propose to complete a study after their planning applications have been approved. This is not an acceptable position.

The community would like to draw An Bord Pleanála to TMS Environments submission to ABP for this application. Dr Shanahan points out that the basis of analysis provided by Hudson Brothers Limited is flawed and there is evidence to suggest that there is a potential Hydrological link between the quarry and Red Bog.

With the lack of any credible information supplied by Hudson Brothers with regards to Red Bog and the deliberate absence of a full analysis as to their quarry's impact on Red Bog SAC, it is respectfully requested that An Bord Pleanála refuse this substitute consent application.

Restoration Plan:

As a community we feel the effort put into the proposed restoration plan. The restoration plan is more of a concept rather than a plan and does not explain the rationale behind their chosen concept. The lack of detail provided and the absence of a phased restoration plan is another example of Hudson Brothers ongoing disregard for the local Community and their lack of commitment to protecting the local environment. It also has to be noted that Hudson Brothers did not complete any restoration of the quarry in contravention of their 2007 planning.

It also has to be noted that Hudson Brothers Limited made no effort to screen the quarry as per Objective RD 044 of the county development plan. Although not a protected view, The view from Eadestown church shown above (figure 5) clearly demonstrates their lack of screening.

Traffic: Inadequacy of local road network

We further object to the proposed development on traffic grounds due to the traffic hazard created by the quarry lorries have and will have. Residents and tourist lives are today blighted by the traffic created coming to and from the unauthorised quarrying at the Hudson Brothers site. The commitment to use only N roads (insert condition ref.) for distribution of materials has never been adhered to. Traffic is composed of both Hudson trucks and trucks driven by Independent contractors employed under contract by Hudson brothers. Trucks will travel these secondary roads at speed and with uncovered loads. There have been a number of complaints lodged with Kildare County Council concerning laden quarry trucks travelling along the public roads with uncovered loads, yet the practice continues. Amongst the proposed mitigation measures outlined in the current application is for loads to continue to be covered. However, as covering all loads leaving the quarry was a requirement of Planning Ref: 07/267 which was continually breached, there is no reason to believe practices will change if permission is granted on this occasion. Additionally during the negotiations around the high court agreement Hudson's Brothers repeatedly stated they could not be responsible for the compliance of independent contractors working for them to cover their lorries. Hudson brothers in their application have stated they will keep future employment numbers at current

levels so in order to extract the suggested volumes they will need to increase contractors numbers significantly. Unwillingness to take responsibility the behaviour of contractors we feel is not an acceptable approach from an company least of all a quarry operator and we respectfully suggest should again be grounds for rejecting this application.

R410 - The majority of traffic from the quarry travels the R410 from Blessington to Naas with a significant percentage then turning in Eadestown village to go onto the L2021 . This is a narrow road, poorly aligned in places with many dangerous bends and has been the scene of numerous accidents over the years. It is also used extensively by cyclists from the surrounding tons and further afield and there is significant danger to them by the presence of the quarry trucks. The road depending on the time of year can be worn at the edges and marked with potholes of varying size and danger. The volume of trucks on this road make it impossible to walk safely on these road sand very dangerous for all drivers but especially learners the senior members of our community to exit their houses and there has been a number of near misses in the past few years.

Traffic Volumes

Hudson brothers application proposes to extract 13.2 million Tons of sand, gravel and to be extracted over 15 years. We believe this will increase Quarry trip volumes to an unsustainable level over the coming years for our roads network. Based on assumptions that:

- The quarry works 65 hours working week for 50 weeks a year.
- Uses lorries that can carry individually 20 tonnes of load.
- Will have to entry t pick up a load as well as leaving.

This equates to

- 88000 lorry journeys per annum
- 1760 lorry journeys a week.
- 28 lorry journeys an hour or a lorry exiting and entering via the N81 every 2 minutes.

Even allowing for some volume reduction by the use of some larger trucks which in itself brings additional issues we believe that no proper assessment has been conducted in this application to understand the impact of these volumes on our road network, on road users and on the health and wellbeing of residents living on these routes We also would also suggest that the assumption in the planning that the existing infrastructure, e.g. truck washes will suffice is incorrect. With Hudson brothers track record of using of secondary roads and noncompliance we suggest that ABP cannot approve the planning application due to lack of appropriately conducted assessments

Dust:

We as local residents have experienced dust issues arise from the quarrying operations, the processing of quarried material and the transportation of quarried material off site for many years.

It is noted in the section of the EIAR dealing with dust, that the two sampling locations (D1K and D2K) closest to the properties to the east (Red Bog) were discounted due to the locations being deemed to be poor locations. These were relocated to the west of the site. The findings of a third sampling

location (DK4), also towards the east of the quarry, was not included in some 2019 returns as the sampling jar went missing.

We submit that the samples have shown that the dust levels arising from quarry operations and processing on site are excessive and causing significant health and safety issues for residents in the vicinity of the site. This must be partly due to the applicant's failure to restore areas that have already been quarried out, as required by the terms and conditions of previous permission.

With no apparent plans for immediate restoration of areas already quarried and further quarrying operations proposed to the west and north, it can be expected all residents surrounding the quarry will have to endure the dust health and safety and amenity issues that residents living in the Red Bog area have had to endure for the last number of years.

While dust from the movement of HGVs within the site is identified by the applicant as a major contributor to dust levels, dust levels arising from the transportation of quarried material is only assessed within 350m of the existing main entrance road onto the N81.

No evaluation of dust nuisance has been undertaken beyond 350m from main entrance onto the N81. This appears to reflect the expectation that all vehicles exiting the quarry undergo wheel washing and that loads in quarry are covered.

It is not the experience of members of the Group that all loads are covered. They regularly witness significant levels of dust being blown from laden quarry truck wagons travelling along the public roads in the area.

There have been a number of complaints lodged with Kildare County Council concerning laden quarry trucks travelling along the public roads with uncovered loads, yet the practice continues.

Amongst the proposed mitigation measures outlined in the current application is for loads to continue to be covered. However, as covering all loads leaving the quarry was a requirement of Planning Ref: 07/267 which was continually breached, there is no reason to believe practices will change if permission is granted on this occasion.



Figure 6 – Example of Hudson Truck uncovered travelling along R10. Picture taken 26/06/2024



Figure 7 – Example of Hudson Truck uncovered entering Naas town on R410. Picture taken 26/06/2024



Figure 8 – Example of Hudson Truck uncovered on L2021 Rathmore Road. Picture taken 07/09/2023



Figure 9 – Example of Hudson Truck uncovered on L2021 Rathmore Road. Picture taken 07/09/2023



Figure 10 – Example of Hudson Truck uncovered on L2021 Rathmore Road. Picture taken 07/09/2023

Blasting:

The application contains a proposal to restart blasting. Our house and pictures on walls would shake when the previous blasting was occurring. We have seen in other houses at present closer to the blasting the structural damage they have incurred. Our houses also reside on the common rockface where the proposed blasting will take place/ of the blasting request. This application will bring the quarry boundary and blasting much closer to our houses. In some cases, it will be as close as 180 Metres. Up to 2020, when blasting ceased, the closest blasting point was at least double this distance (on 10th June 2020). If blasting that is less than half the previous distance from or houses. Under the Inverse Square Law, halving the distance increases the energy by a factor of four. When we built our bought our houses, we had not planned for such a dramatic amount of seismic energy being caused so close to our houses and farmyards.

High Pressure Gas Line:

The Cork-Dublin high pressure gas line runs through an adjoining neighbouring farms to the quarry and directly through the area of the proposed quarry expansion and as such rock blasting focal points will be closer. The plan acknowledges that 'fractures in the gas-line could result in gas leaks and an explosion – but that acceptable monitoring will prevent that'. We are concerned and do not accept that the current application meets a basic criterion for having sufficient data to assume that further blasting closer to the pipeline will not represent a serious concern, and that monitoring programmes are sufficiently in place to prevent this risk. This is also based on past experience and behaviour of Hudson brothers as a trusted party to comply to set conditions as referred to previously in this document. Damage to the pipeline could result in serious health, safety, and environmental concerns for residents and indeed road users on the R410. Recent natural gas pipeline accidents in highly regulated countries (eg in Canada in 2018 in Prince George, BC or in the US in 2019 in Lincoln County, KY) show that great care needs to be taken near natural gas pipeline. This does not seem to be compatible with expanding quarrying and rock blasting on lands the pipeline goes right through. In addition, an issue to the line would also negatively impact the energy supply down-stream and have major economic consequences.

It is our opinion that An Bord Pleanála should not grant permission for quarry expansion until they are fully sure and have evidence to demonstrate that extending the quarry closer to the gas line brings no risk to the community.

Personal Impact Statements:

Accompanying this submission (Appendix 2) are a number of individual letters from local residents outlining the personal impact the current quarrying has on our lives and what we feel it means for us if the quarry extension is approved.

Conclusion:

We thank the board for their consideration of our submission. For the reasons stated in this submission we would respectfully ask An Bord Pleanála to reject this application. We have for years been dealing with the negative effects of a quarry operator who considers themselves above the law. Their disregard for our local community despite our numerous attempts over the years to engage positively with them, including continuing the operation and expansion of the existing quarry with no planning permission since 2020 has continued to negatively affect us in ways that have significantly degraded our quality of life, impacted our mental health, scarred our visual landscape including ridge lines and made our roads more dangerous.

This application has been made concurrently with an application for Substitute Consent by the same applicant under An Bord Pleanála Ref QD09.319217. We submit that this new works/extension application must be considered as premature if the this substitute consent application is refused.

As residents of areas in close proximity Hudson Brothers quarry we feel strongly that this application needs to be opposed in the strongest terms so as to protect resident quality of life and retain this our area as a healthy and attractive place to live. What's happens in this area is a huge expression of our sense of place.

Attachments

Appendix 1	Individual Resident Statements
Appendix 2	Hight Court Agreement 2022

Declan and Sara Goode
Athgarrett, Eadestown
Naas, Co Kildare
W91KC9E
T:
E:

23/04/2024

Dear Sir, Madam

We wish to lodge an official objection to 'An Bord Pleanála' against the following planning applications:

Planning References: QD09.319217:

Applicant: Hudson Brothers Limited.

Description of Development: Application for substitute consent for quarry in the townlands of Philipstown and Redbog, Co. Kildare.

Planning Reference: QD09.319218:

Applicant: Hudson Brothers Limited.

Description of Development: Further development under 37L , In the townlands of Athgarrett, Philipstown and Redbog, Co Kildare;

We are in strong objection to the above planning applications.

Introducing Ourselves:

We are a local young family living in the townland of Athgarrett and in very close proximity to the proposed planning applications.

Our home is located on the R410 roadside in the townland of Athgarrett on the western side of the existing quarry, Eircode W91KC9E, and as shown on the adjoining map (Figure 1). Today we are 500m at the closest point from the existing quarry. The proposed extension of the quarry into the field on the western side of the existing quarry, would bring this operation within 250m of our property. Furthermore, our house is at an elevation of 215m. The proposal is that that the quarry excavation is brought to 200m. Thus, our house will be at a higher level than the proposed quarry extension in the field of view from our house.



Fig 1. Location of proposed extension to existing quarry and our home.

For the following reasons, we have very serious concerns over the proposed extension of the existing quarry.

Our Objection to the Proposed Planning:

Granting permission to this substitute consent and plan for further development:

- Increases the potential of damage to the nearby high-pressure gas line, which could have catastrophic effects on the local community, and Gas Networks Ireland customers
- Increases the risk of private well-water contamination, and structural damage to our homes
- Impacts negatively on the community, notably the visual and residential appeal of the area in terms of noise pollution, dust pollution, increased traffic, and irreparable landscape damage, and concomitant effect to property values
- Influences negatively on Red Bog SAC, its conservation as SAC, as well as the species habitat and ecology of the area and surroundings.
- Concedes authorisation to the applicant for this substitute consent / further development of the quarry, who has failed to operate within the parameters established in the original planning application to Kildare County Council (07267); and has not complied with the agreement achieved in High Court in recent years. This has been a recurrent issue within the community, increasing our unease and mistrust towards the operator of the quarry, as well as generating stress and anxiety within our family

The planning submission also contravenes the aims and objectives expressed in the 'Kildare County Development Plan 2023-2029'.

In more detail:

High Pressure Gas Line:

The Cork-Dublin high pressure gas line runs through an adjoining neighbouring farm immediately to the right-side of our property, and then crosses into the field where the quarry is proposed to extend. According to the plan, the quarry will be extended closer to the existing gas line, and as such rock blasting focal points will be closer. The plan acknowledges that *'fractures in the gas-line could result in gas leaks and an explosion – but that acceptable monitoring will prevent that'*. We are concerned and do not accept that the current application meets a basic criterion for having sufficient data to assume that further blasting closer to the pipeline will not represent a serious concern, and that monitoring programmes are sufficiently in place to prevent this risk.

We are aware that reparation work has taken place in recent times on the gas line directly in Athgarrett, in the farm adjacent to our property home and approximately 250m from the proposed quarry extension. We understand that this reparation work was due to a stuck Gas Pipeline PIG (Gas Pipeline Inspection Gauge) in the line. It is not fully clear to us as to the reason for this issue and whether the issue has been resolved. Considering its very close proximity to the existing quarry, it is concerning though, when one questions if there might be a relationship between this issue and former quarry blasts causing possible subsidence. Damage to the pipeline could result in serious health, safety, and environmental concerns for residents and indeed road users on the R410. In addition, an issue to the line would also negatively impact the energy supply down-stream and have major economic consequences. It is our opinion that An Bord Pleanála should not grant permission for quarry expansion until they are fully sure and have evidence to demonstrate that extending the quarry closer to the gas line brings no risk to the community.

Private Well Water and Structural Damages to Homes

We have our own private water well, and we are cognizant that there are many dwellings in close proximity to the quarry extension that also rely on private wells for drinking water. We are concerned that further quarrying in the direction of our homes, and closer to our homes, could have a negative impact on water levels and pollution. We see no data related to proving that no further extraction or blasting of rock would change watercourses and impact well water supplies. In our opinion, should this risk be materialized, it would contravene the Kildare County Development plan (2023 – 2029) Objective IN011 that promotes the protection of private water sources.

Furthermore, dwellings in proximity to the existing quarry have experienced considerable and very noticeable vibrations in our homes when blasting was formerly carried out in the current quarry up to September 2020. Cracks on walls and ceilings were noted. Our major concern is that, if further excavation of the land comes closer to our homes then there is a strong and very real possibility that we will experience further damage to our dwellings.

Noise and Dust Pollution, Impact to the Natural Beauty of the Surrounding Landscape

Today we are lucky to have a beautiful green field in full visibility in front of our home. If the proposed development proceeds, a part of the natural green environment will be destroyed and lost to existing and next generations. This area is of unique beauty and forms a unique landscape of the East Kildare / West Wicklow orography, and we strongly believe that it should be preserved. We are also observant of the very evident change that the extension of the quarry will pose to the existing ridgeline, within our view of

the field opposite our property and across the R410 road (Figure 2). To our understanding, this ridgeline is highlighted in the Kildare County Development Plan as an object subject of preservation to further “protect and enhance the county’s landscape”. The aforementioned development plan also states the incompatibility of sand, gravel and rock extraction with the identified ridgelines.



Fig. 2. View of existing ridgeline (in red) and the proposed extension of the existing quarry and its potential impact to the visual from our property.

As a results of the potential extension of the quarry closer to us, we are concerned about further noise pollution which will be heightened much more than what we experience and have to tolerate today. We should point out that today we can hear the sand and gravel movements from the existing quarry. It is very reasonable to expect that these noise disturbances will be considerably elevated if the quarry is allowed to extend closer to our location.

We are concerned and expect that the closer proximity of the quarry would result in increased levels of pollutants, such as dust and dirt. The applicants EIAR report states *'The assessment has considered the potential emissions to air and impacts from particulates, and demonstrates that the potential impact on Air Quality from the continued operation and extension of the Site will be no greater than slight, and therefore are considered to be not significant'*. However, as local users of the surrounding roads, we can attest that dust and dirt are very visible on the South-Eastern side of the quarry, in the roads adjoining the N81, where hedgerows, roadways and local housing, have been negatively impacted by the quarry for many years already. Our impression is that it shows a lack of respect and accountability that in our opinion quarry developers should have for local residents who are negatively impacted by their commercial activities. Our fear is that this will just continue, and increase due to the foreseen volume of extraction from the proposed quarry extension and the associated volume of traffic increase. As many of these trucks also use the R410 on the routes, this will only become a greater issue to us and our neighbours.

Having another 15 years of new quarrying activity with heightened traffic to and from the site, represents further pollution for those living in vicinity to the quarrying activities. Bringing the quarry closer to roadways such as the R410 will increase dust also on this road, which is used by many cyclists, some of

which are from clubs in neighbouring towns (Naas Cycling Club, Blessington Reservoir Cogs) but also from other towns taking the opportunity to enjoy the landscape of East Kildare / West Wicklow. The risk of the heightened physical pollution and quarrying traffic can negatively affect the appeal of the area for engaging in physical activities. All of these activities are supportive of the objectives of public health policy, such as Healthy Ireland and the National Physical Activity Plan.

Our family use the local area for recreation and we are regular walkers in the neighbouring Glending Forest, which is adjacent to the existing quarry. It is positive to hear of the development of a walkway directly from Blessington into the Glending forest, thus connecting by walking or cycling to the future Blessington Greenway around the Poulaphouca reservoir, and greenway route to Russborough. We can already see the significant negative impact that the existing quarry has had on the forest, and in our opinion very little planning or real thought has gone in terms of restoration after the excavation of land in the forest and surrounding areas, since we are living here. There are many very accessible high cliffs close to walkways which pose a significant safety concern to walkers and mountain bikers using the forest, which is used by lots of local people in the greater Blessington and Naas areas and represents a very valuable resource for existing and future generations. It is such a pity to see how close the quarry has been allowed to come to the Office of Public Works – *Rath Turtle Moat*, which is a prominent impressive Viking fort with spectacular views over the Blessington Lake and the Wicklow Mountains. Further excavation of the land close to the forest just heightens further destruction of the forest, and introduces additional safety concerns.

Moreover, we are cognizant of the proximity of Red Bog, a designated SAC (000397) to the existing quarry, and so to the proposed extension. We are concerned that if the quarrying activity continues in its vicinity, there is very high risk to irreversibly damage this area. Only looking at the publicly available Conservation Objection Series for Red Bog, it indicates that “the SAC is fed by rainwater percolating through the ridges of permeable gravel surrounding the SAC”, and this should raise further concerns about the quarrying activity and its potential to affect these ridges and ultimately the water flows that allows the maintenance of this unique eco-system.

Fear for the Future of Local Wildlife

We are also concerned for the local wildlife that currently inhabit the aforementioned field opposite our home. We currently count ourselves as fortunate to have daily sightings of herds of local deer and their young roaming through the proposed extension on their way in and out of the Glending forestry. Extension of the quarry into their habitat will have consequences to their daily movements and will result in them having to follow routes closer to the roadway. This will potentially increase the risk of entering the roadway (R410) and cause danger for road-users in addition to themselves.

Increased Traffic, and Safety for Locals

We are concerned about the impact that increased activity in the quarry will have, regarding heightened heavy vehicle traffic on our roadways, and the R410 particularly. The road is unusable for walkers and it is becoming more dangerous to use by cyclists (due to the higher volume of vehicles, including quarry trucks) but certainly is not safe for children and teenagers. We regularly come across serious car accidents on the roadway (R410) between Blessington and Naas, thus our fear is that any increase in heavy vehicle traffic may heighten the occurrence of such accidents. It is also important to note that the R410 is a road

servicing school traffic to the local primary school (e.g. Rathmore N.S.) but also on route for student transport to secondary schools in Naas and Blessington.

We hope that you consider our genuine concerns, and do not grant these application.

Sincerely,

Declan & Sara Goode

Wolftown House
Athgarrett
Eadestown
Co. Kildare
23/4/24

Dear Sir/Madam,

We wish to object to planning applications ref: 319217 for substitute Consent and ref: 319218 for new works from Hudson Brothers lodged on 29th February.

We are lucky to live in a location, East Kildare Uplands, recognised in the Kildare development plan 2023 – 2027 as an area of high Amenity because of its outstanding natural beauty and unique interest value. We are surrounded by a magic tapestry of breeding birds, frogs, insects and wildlife, a wild herd of deer, native trees and plants and a variety of agricultural livestock and horses.

The current quarry expansion will come within 180M of our property. This will have a devastating impact on our lives and surrounding environment. The Kildare Development plan highlights that one of the key objectives of the Regional Spatial and Economic Strategy (RSES) is to promote people's quality of life through the creation of healthy and attractive places to live... If these quarry applications are not refused our area will longer offer us a quality of life nor remain a health and attractive place to live.

We are deeply concerned that no engagement from Hudson Brothers with ourselves and our community regarding the impact of the proposed planning and there has been insufficient technical and expert assessment conducted to understand the environment, health and structural impacts on ourselves. Some of our areas of concern include:

The application contains a proposal to restart blasting. Our house and pictures on walls would shake when the previous blasting was occurring. With the quarry now much closer to us no assessment has been done to understand the risks of structural damage to our home and to the underlying rock base that runs underneath our house due to the increased seismic energy and what impact the increased noise levels will have on our mental health. We both have the flexibility in our jobs to work from home, but this will become impossible with a quarry working and blasting less than 200M from our house.

Our home and neighbours' homes are supplied water from our own private wells? Based on the evidence included in the technical reports submitted on our behalf in objection to these planning applications are very concerned that our well (approximately 180M from the proposed new quarry boundary) will be damaged and any remediation if even possible will have to be borne by ourselves. This would be in contravention of the Kildare County Development plan (2023 – 2029) Objective IN011 that promotes the protection of private water sources.

The new application proposes to destroy the existing ridgeline both visible from our home and the Eadestown to Blessington road R410 running adjacent to our house. This is in contravention of the Kildare Development Plan (2023 – 2029) table 13.4 which shows that quarrying on this protected ridge line is very unlikely to be compatible with this sensitive landscape feature.

Our lives are today negatively impacted by the levels of quarry related traffic coming to and from the unauthorized quarrying at the Hudson Brothers site. The commitment to use only N roads (2007

planning) for distribution of materials has never been adhered to. Our road is a narrow road, poorly aligned in places with many dangerous bends and has been the scene of numerous accidents and near misses over the years. With the suggested material volumes that Hudson Brothers are proposing to take out of the quarry traffic volumes of trucks will increase dramatically. It is already unsafe to walk the road, but these increased volumes will significantly heighten the risk to school children getting on and off buses, learner drivers and the senior members of our community when exiting their houses. The risk of injury or death is also greatly increased for the many cyclists who use the R410.

We also have to contend with significant dust volumes due to the quarry works and the number of uncovered trucks on the R10. Hudson's employs several independent contractors whose trucks are also never covered. Our house cars, garden furniture, garage and ground are often covered in layers of dust especially in dry periods and when the wind is blowing in from the direction of the quarry. We believe this will only get worse if planning is granted.

We are living today with the consequences of a Quarry operator that consider themselves above the law in being deliberate and systemic in noncompliance with planning conditions even after succeeding in putting a high court backed agreement in place. For the reasons outlined above and in support of the Kildare development plan we hope that you will reject this application.

Yours sincerely,

Simone & Shaymus Kennedy

Athgarrett
Eadestown
Naas
Co. Kildare
23/4/24

Dear Bord Pleanala,

We wish to object to planning application 319218 from Hudson Brothers.

Our house is supplied by our own private well and we have a certified waste treatment system near our house. The well is 360m from the proposed works. We are concerned that Hudson's continued quarrying will damage our private water source. This would be in contravention of the Kildare County Development plan (2023 – 2029) Objective IN011 that promotes the protection of private water sources.

We are concerned that blasting will resume and this might damage our house. Up to 2020, when blasting ceased, the closest blasting point was 767m from us (on 10th June 2020). If blasting occurs 360m from our house, that is less than half the distance. Under the Inverse Square Law, halving the distance increases the energy by a factor of four. In 2008, when we built our house, we had not planned for such a dramatic amount of seismic energy being caused so close to our house.

We are concerned that the quarrying on a protected ridge line visible from our house and from the R410



road will permanently damage the visual amenity of this area. The area indicated by the red line is approximately the ridge that will be removed under this application. This is in contravention of the Kildare Development Plan (2023 – 2029) table 13.4 which shows that quarrying on this protected ridge line is very unlikely to be compatible with this sensitive landscape feature. The road, the R410, is a popular cycling touring route connecting Kildare to the Wicklow mountains and the planned Blessington Lakes Greenway.

We are concerned at the increased volume of heavy lorries that will be using the R410 if this quarry expansion proceeds. We are engaged in farming activities and must drive slow machinery on this road between 2 parcels of land. The extra volume of heavy lorries will make use of the road more difficult and dangerous. This is a road that is already notorious for crashes especially the part between Glen Ding Wood and Eadestown Graveyard.

Dust and noise from the existing quarry have adverse effects on us at present. The sound of rockbreakers and crushers starts very early in the morning. The dust from these activities blows onto our house, cars and livestock. In times of easterly winds, these conditions are predominately associated with dry weather and the east wind blows the dust from the quarry onto us. We are concerned that the increased levels of noise and dust will make farming and living here more difficult.

We often use the Glen Ding Wood amenity. Part of this wood is adjacent to quarrying sites. The proposed application will bring more quarrying right up to the very wall of this wood. This wood contains a protected structure – the Rath Turtle Moat. We are concerned that the proposed quarrying would cause irreparable damage to this ancient structure and to the wood itself.

We are proud to live beside the Red Bog Special Area of Conservation and often see wild fowl on our lands that are known to make use of the Red Bog area. We are concerned that this proposed development will cause damage to this internationally recognised jewel in Kildare's natural heritage.

We live near a natural gas transmission line that goes right through the proposed area for quarrying. We are concerned that not enough examination has been done regarding the effects of this quarry expansion on the gas pipeline. Recent natural gas pipeline accidents in highly regulated countries (eg in Canada in 2018 in Prince George, BC or in the US in 2019 in Lincoln County, KY) show that great care needs to be taken near natural gas pipelines – this does not seem to be compatible with expanding quarrying and rock blasting on lands the pipeline goes right through.

For these reasons, we hope that you will reject this application.

Yours sincerely,

Phil and Paul Dowling

David Magee & Linda Kane
Epona Lodge
Wolfestown
Eadestown
Naas
Co.Kildare
W91ACW9

23rd April 2024

Re: Hudson Brothers Limited Planning Ref 319218

Dear An Bord Pleanála:

We wish to object to planning reference 319218 on the following grounds.

This is a large development with absolutely no community consultation process followed. The quarry is operating without planning, and without regard for residents. We have complained continuously but have got nowhere. It impacts negatively on us due to noise, dust, traffic and on our visual and residential amenity.

We live within 500mtrs of the quarry and we are very worried about the effects or further scaled up development and in particular impacts of blasting to the high pressure gas line with potential for a local disaster. Blasting has negatively impacted us, our house vibrates and plaster has fallen from the ceiling. The noise and dust coming from quarry operations and uncovered lorries passing our house is also of great concern.

We believe that the quarry is operating below the water table and in time will impact our private well which we rely on for all our water needs.

With the scale of the extension, intensified quarrying and increased traffic volumes, these current issues will be exasperated. History of the developer complying to past planning conditions has been a major issue. This developer has not complied with any past planning conditions imposed by Kildare County Council. They are untrustworthy and there is no reason to believe they will ever comply with any planning conditions in the future.

Yours sincerely,

David Magee & Linda Kane

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

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

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 Pleanála 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.

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 beast 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?

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?

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 Pleanala to review carefully the site notice and refuse both application based on the vagueness of the wording.

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

An Bord Pleanala 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.

We operate a 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. 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 Pleanala to refuse both applications.

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 Pleanala refuse both planning applications to protect Red Bog.

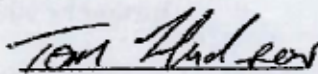
We would be grateful if An Bord Pleanala review both applications carefully and refuse both planning applications. Hudson Brothers Limited past performance indicates their future performance and as evidenced throughout the whole communities submissions, their past performance has been woefully inadequate.

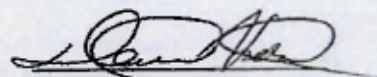
Yours Sincerely,

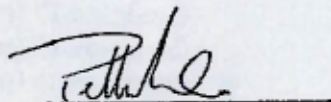
Patrick & Lorraine McNamara

(via Email)

Present when the Common Seal of
Hudson Brothers Limited was affixed hereto


Director

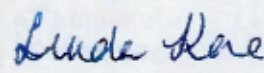

Director/Secretary

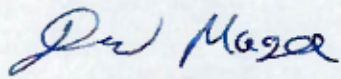

Director

Signed by Linda Kane

In the presence of

Sign here —

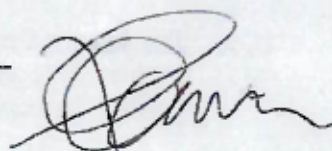

LINDA KANE


WOLFESTOWN
NAAS
CO KILNARE

Signed by Francis Cummins

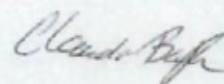
In the presence of

Sign here —


FRANCIS CUMMINS.

CLAUDIA BOYLE.
16 DUNEMER PLACE
LUSK
CO DUBLIN.

ACCOUNTS ASSISTANT
OFFICE MANAGER.



THE HIGH COURT
RECORD NO. 2021/78 MCA
IN THE MATTER OF S.160 OF THE PLANNING AND DEVELOPMENT ACT 2000
(AS AMENDED) AND IN THE MATTER OF AN APPLICATION

BETWEEN

LINDA KANE AND FRANCIS CUMMINS

Applicants

AND

HUDSON BROTHERS LIMITED

Respondent

HEADS OF AGREEMENT

- A. The above-entitled proceedings shall be adjourned generally with liberty to re-enter with the intention that the proceedings be re-entered on completion of the substitute consent process and any consequential application for planning permission or prior to the completion of such process if required for enforcement of the following terms.
- B. The Parties shall consent to an Order that the Respondent comply with the following measures/conditions pending the final determination of the proceedings:

DEFINITIONS;

"2010 Permission" shall mean the reference the planning permission with register reference 07/267, County Kildare;

"Quarry Site" shall mean the lands contained within the boundary of the planning permission with register reference 07/267, County Kildare;

"Quarry Operations" shall mean the operations of the Respondent at the Quarry Site;

"The Parties" shall mean the Applicants and the Respondent;

"Substitute Consent Process" shall mean the current application for leave to seek substituted consent, any application for substituted consent or any similar subsequent applications

1. Any further extraction of material within the Quarry Site within the duration of this Agreement shall be limited to the levels of the 2010 permission and shall be contained within the area edged green on Plan 1 attached hereto and shall not be extracted by means of blasting; whether by explosives, gas pressure blasting pyrotechnics or any other form of blasting. There shall be no extraction of material carried out below a level one metre above the existing water table.
2. Within two months, a digital survey of the agreed extraction area shall be carried out by the Respondent's land surveyor and the survey furnished to the Applicants and the Applicant's solicitor after which the Applicants can have it assessed by their own independent and qualified land surveyor to demonstrate all levels and current quarry faces and gradients. The cost of the survey will be borne by the Respondent.
3. Blasting, whether by explosives, gas pressure blasting pyrotechnics or any other form of blasting, will not be carried out under any circumstances.
4. Operational access to and from the quarry site by the Respondent shall only be from the existing main quarry access road off the N81. No quarry access shall be permitted along the cul de sac 380 meters to the northeast of the main quarry road entrance save for the personal usage by members of the Hudson family.
5. The operation of the quarry shall be restricted to the Respondent and no quarrying activities shall be leased, sub-let or contracted out to any other business or company of the Applicants, save for such contracts or agreements in place as of the 3rd of May, 2022. This is strictly on the proviso that commercial relations continue with the sub-contractors in place as of the 3rd May 2022 ("the Existing Sub-Contractors"). If for any reasons commercial relations with the Existing Sub-Contractors break down, the Respondent shall be entitled to appoint a new sub-contractor in place of the Existing Sub-contractors in order to continue with its commercial activity. The Respondent shall notify the Applicants of any changes to the Existing Sub-Contractors. The Respondent acknowledges and accepts that the purpose of this clause is to ensure that there is no intensification of use during the currency of this Agreement.
6. Hours of operation at the quarry shall be restricted on the basis indicated at Condition 14 of the grant of planning permission (planning ref. no. 07/267).
7.
 - (a) No extraction of material shall be carried out below a level one metre above the existing water table.
 - (b) Within 1 month hereof, full details of a groundwater monitoring programme shall be presented to the Applicants. The programme shall ensure that the existing groundwater sources serving residents and farms in the vicinity of the site are unaffected by the quarrying operations, and the Respondent shall comply with the provisions thereof.

(c) The ground watering programme will include for monitoring of surface water and groundwater in the vicinity of the site and include information on groundwater levels AOD, water quality, monitoring locations, sampling procedures, frequency of sampling, and a suite of water quality parameters to be tested.

(d) Monitoring shall commence immediately.

(e) Where any water source within the affected area is compromised by the quarry operations, the Respondent shall take whatever measures are necessary to rectify or replace the compromised water supply within 1 week.

(f) The Respondent shall provide the consultant retained by the Applicants with the results of the monitoring (quality and levels) of all wells and boreholes within a 500m radius of the Quarry Site on a quarterly basis starting from the date of the groundwater monitoring Agreement.

(g) The Respondent will be responsible for all costs associated with compliance hereof.

8. All loads of excavated and processed material transported to and from the Quarry Site by the Respondent's vehicles shall be covered to prevent dust pollution, and every vehicle carrying fine material shall be covered in accordance with the EIS submitted as part of the 2010 permission application.

9. (a) Within 2 months hereof, the Respondent shall furnish the Applicants with a report from the Respondent's environmental consultants assessing dust emissions from all quarrying activities, and including a dust monitoring programme with agreed dust monitoring stations to include along the boundaries of the site, the nearest dwelling houses and the Red Bog SAC. Dust deposition shall not exceed a limit of 350mg/m²-day, as averaged over 28 days, when measured using Bergerhoff dust deposition gauges in accordance with VDI Method 2119.

(b) Dust monitoring reports based on sampling shall be submitted quarterly to the Applicants.

(c) If dust emissions from the Quarry Operations exceed the limits, the Respondent shall put in place such measures as required to remedy such exceedance.

(d) The Respondent shall be responsible for all costs associated with the foregoing.

10. (a) Within 2 months hereof, the Respondent shall furnish the consultant retained by the Applicants with a report from the Respondent's environmental consultants assessing noise emissions from the Quarry Operations. The report will include a noise monitoring programme specifying the location of the noise monitoring points to include points

within the vicinity of the nearest dwellinghouses to the site and any other noise-sensitive location.

(b) The report will provide that noise levels attributable to all on-site operations associated with the proposed development shall not exceed 55 dB(A) (Leq) over a continuous one hour period while the quarry is operational during the permitted hours of operation as set out in Clause 6 of this Agreement, when measured outside any of the noise-sensitive monitoring points.

(c) A noise monitoring report based on survey findings will be submitted to the Applicants within two weeks of the date hereof, and thereafter such noise monitoring reports shall be furnished to the Applicants on a two monthly basis (i.e. once every two months).

(d) If noise levels are found to exceed 55 dB(A) (Leq), the Respondent shall put in place such measures as required to prevent such exceedance.

(e) The Respondent shall be responsible for all costs associated herewith.

11. Within 1 month hereof, the Respondent will provide the Applicants with an inventory of all existing plant, machinery and buildings required for the operation of The Quarry at the date of the signing of this agreement and a map showing the location of each. Save for replacement plant, machinery and equipment, no further plant, machinery and equipment shall be brought into the quarry site and no further buildings will be erected to ensure there is no intensification. For reference, the latest inventory of existing plant, machinery and buildings within the processing area of the quarry, as listed in the current application for Leave for Substitute Consent ref: ABP LS09. 311622, is as follows:

- Canteen and welfare facilities;
- Power House
- Control Rooms (2 no)
- Maintenance shed (with storage for oils) and welfare facilities;
- Aggregate processing plant (with recycling facilities);
- Water recycling plant; and
- Fuel Tanks.

12. The Respondent shall ensure that a stock and trespass resistant fence is in place around the full perimeter of the quarry Site within 3 months hereof with appropriate interim safety and security measures put in place by the Respondent to prevent unauthorised access to the quarry.

13. The Respondent shall bear the reasonable costs of the Applicants towards their employing competent environmental consultants as provided for at conditions 7, 9 & 10 hereof to include the initial inspection of the site and

the review of the monitoring data by that consultant. The consultant shall further be entitled to inspect on notification to the Respondent.

14. The Respondent shall comply with the terms of the following conditions of planning permission 07/267 with immediate effect:

Condition 7 (wheel cleaning);
Condition 8 (disused plant, machinery and scrap)
Condition 13 (light spillage and pollution outside the site).
Condition 17 (maintaining roads in the vicinity of the site)
Condition 18 (safe site access arrangements from the public road)
Condition 19 (prohibition on landfill)
Condition 24 (management of contaminated surface water)
Condition 29 (surface water interceptors)
Condition 30 (oil, grease etc interceptors)
Condition 31 (bundling)
Condition 34 (Waste management)
Condition 40 (record of traffic movements)
Condition 44 (surface water)
Condition 46 (haul routes)

- C. The Respondent hereby contracts with the Applicants to secure the performance of the matters set out at B above until the proposed Order is discharged and to bind its successors and assigns to that contract.
- D. The Respondent shall discharge the costs of the Applicants in the above entitled proceedings to date measured in the amount of €100,000.00 plus VAT within two weeks hereof.
- E. The Respondent confirms that the provisions of the Environmental (Miscellaneous Provisions) Act 2011 applies to these proceedings.

D. H.
November

Dated this day of September, 2022.