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Sent: Monday 22 September 2025 13:46
To: Appeals2
Subject: An Comisiun Pleanála Case ref. SU09 322432
Attachments: NEHS Submission re EIAR Bison Quarries Ltd Co. Kildare 220925.pdf

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Please find attached submission from the National Environmental Health Service

Kind Regards
Margaret Byrne
Senior Environmental Health Officer

#**dia duit** Is mise....

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#**hello** my name is...

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**HSE Submission Report
Environmental Health Service Consultation Report
(as a Statutory Consultee (Planning and Development Acts
2000) and Regulations made thereunder)**

Date: 22/09/2025

EHIS reference: 5167

Applicant: Bison Quarries Ltd

Location: Coolsickin or Quinsborough, Monasterevin, Co. Kildare

Report to: An Coimisiún Pleanála

Type of consultation: rEiAR

Planning reference: SU09.322432

Introduction

The following HSE Departments were notified of the consultation request for the Planning EiAR Application on the 06/08/2025:

- Emergency Planning – Brendan Lawlor
- National Capital Estates Office – Regional AND
- Director of National Health Protection
- REO Dublin and Midlands

This report only comments on Environmental Health impacts of the development as outlined in the rEIAR and the adequacy of the rEIAR from the Environmental Health viewpoint. The National Environmental Health Service has made observations and submissions on the following specific environmental health areas.

Proposed development:

An application for substitute consent under section 177E of the Planning and Development Act 2000 as amended [PDA] on behalf of Bison Quarries Limited ('BQL') for a disused quarry located in the townland of coolsicken or quinsborough, Co. Kildare. BQL are seeking to regularise the Development that has taken place prior to their purchase of the lands at the Application site in 2022. It is noted that BQL were not the operator of Ballykelly Quarry during its operational lifetime (c. 2000-2006), and all extraction and associated works within the quarry had ceased prior to BQL purchasing of the lands at the Application Site. BQL has not undertaken, and do not intend to undertake, extraction activities at the Application Site.

The development consists of a quarry over an area of 7.87 ha. with a quarry void space of approximately 2.3 ha, and a final floor of approximately 55 mOD.

The Project Lands were acquired by Bison Quarries Ltd in 2022 with the aim stated in the eEAIR of '*returning the lands to agricultural use and make safe the quarry pond at the Site*'. Information pertaining to the Project is limited as it was not subject to a valid planning permission.

The reserve consisted of sand and gravel which was extracted by mechanical means, and limestone rock which was extracted by blasting and mechanical means. Crushing, grading and processing was carried out by mobile plant. The development included: • Grading and processing of excavated sand and gravel, • Crushing, grading and processing of blast rock, • Stockpiling of sand, gravel and rock, • Export of sand, gravel and aggregate (limestone) to market via the lands under the control of a third-party quarry located to the east of the subject quarry, and, • Pumping of collected waters from the quarry void and subsequent discharge to ground.

The quarry was in use between 2000- 2006 and has been disused since 2006. The Site has been registered under Section 261A of the Planning & Development Act 2000 with Kildare County Council and assigned quarry registration number QRA-21-002. Development of the lands has previously been the subject of three planning applications deemed to be incomplete or invalid by Kildare County Council (planning application references: 06/741, 06/855, and 06/1155).

This substitute consent application is made concurrent with an application to restore the disused quarry to agricultural lands through importation of clean, uncontaminated soil and stone at this location under Section 37L of the of the Planning and Development Act 2000, as amended.

Assessment of the principle and description of the project

The National Environmental Health Service (EHS) is satisfied that the rEIAR provides an adequate description of the proposed project.

The proposed development being applied for under this planning application comprises of:

Assessment of Public Consultation and the Non-Technical Summary

The National Environmental Health Service found the local newspaper advertisement as part of public consultation. The NEHS emphasises the need for early and meaningful public consultation in the development process even in the case of extension of an existing site.

Assessment of Consideration of Alternatives

'Description of Alternatives' in chapter 3 of the rEIAR provides a description of the alternatives considered which included

- Alternative locations
- Alternative designs
- Alternative layouts
- Alternative processes
- Do Nothing option

Assessment of Description of the Physical Environment

The Project Site is accessed off the L7049 which runs southwest to east. The L7049 joins the R414 to the northeast and the R424 in the southwest. The R414 is a regional road linking Monasterevin and Rathangan and the R424, also a regional road, linking Monasterevin to Portarlinton.

The current access route to the gravel pit is by means of a laneway/gravel road running adjacent to a stretch of agricultural land owned by the applicant. During the period of operation, the quarry was accessed through the adjoining quarry which is also accessed off the L7049 approximately 270 m north of the existing access.

The primary changes within the site included change of agricultural land to quarry pit, increase in depth of the quarry floor along with removal of some hedgerows and stockpiling at the site perimeter. At the wider landscape level, the key characteristics of the study area remained unchanged, with no fundamental alteration to its overall topography or rural setting. The area continued to function as a working rural landscape, characterised by agricultural fields, quarrying activity, peat extraction, and woodlands.

Population and Human Health

The specific legislation relevant to human health protection is set out within the technical rEIA chapters relevant to each pathway (noise, air, soil, water, etc).

A total of 25 No. existing third-party residential dwellings are located within 500 m of the rEIA boundary, of these 13 No. residential dwellings are located within 250 m of the rEIA boundary.

Ultimately, all of the effects of a development on the environment impinge upon human beings. Direct effects relate to matters such as land, water and air quality, noise, and changes to landscape character. Indirect effects relate to such matters as flora and fauna.

The initial phase of operations, which required construction work and soil stripping, has the potential to generate dust and noise, which could potentially cause nuisance. During the operational stage, the potential impacts on air, noise, landscape and traffic would have included the following:

- The generation of noise by the operation of machinery;
- The generation of dust, particularly during period of dry weather, through the removal and storage of overburden and the extraction of sand and gravel;
- Ongoing changes to visual amenity as overburden is removed and stockpiled and sand and gravel is extracted and stockpiled;
- The generation of traffic by the export of sand and gravel from the site

Noise and Vibration

Baseline noise data was not collected either before or during operations at the quarry. Baseline conditions at the closest residential receptors to the quarry have therefore been characterised using monitoring data collected after quarry operations ceased, during 2024.

It's not clear whether this is a 'Residual' noise impact, i.e. after noise mitigation is in place, or the background noise without the facility operating. The chapter does not clearly show the change in the noise environment by operation of the facility, even if the change is not then considered significant, which is the main purpose of rEIA. A comparison against an absolute noise level criteria is only part of the assessment as to the effects operation of the facility has had over the operating period with regards to noise.

Air

The application site and surrounding area falls into Air Quality Zone D, categorised as rural Ireland. The air quality in each zone is assessed and classified with respect to upper and lower assessment thresholds based on measurements over the previous five years. Upper and lower assessment thresholds are prescribed in legislation for each pollutant. The number of monitoring locations required is dependent on population size and whether ambient air quality concentrations exceed the upper assessment threshold, are between the upper and lower assessment thresholds, or are below the lower assessment threshold.

The Government's policy on air quality within Ireland is set out in the Air Quality Standards (AQS) Regulations 2011. The CAFE (Clean Air for Europe) Directive was transposed into Irish legislation by the Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011). It replaces the Air Quality Standards Regulations 2002 (S.I. No. 271 of 2002), the Ozone in Ambient Air Regulations 2004 (S.I. No. 53 of 2004) and the EPA Act 1992 (Ambient Air Quality Assessment and Management) Regulations 1999 (S.I. No. 33 of 1999). The 4th Daughter Directive was transposed by the Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in

It is understood that no boundary dust monitoring was taken at the Project lands during quarry operation. However, boundary dust monitoring was undertaken at the Project Lands on a monthly basis by BHP laboratories from

24 May 2024 to 23 August 2024 at a total of three locations which are described in rEIAR Table 7-8 and shown in Figure 7-4.

Interactions between the Project and the adjacent existing quarry to the northeast may have the potential to cumulatively effect the local air quality, in particular both activities are expected to be sources of mineral dust, NO_x, PM₁₀ and PM_{2.5} and the two quarries are understood to have shared an access route.

There is variability in the deposition rates recorded across the monitoring months and locations. Furthermore, all monitoring was completed after quarrying activities ceased. As such, the quarry's contribution of recorded deposited dust is not represented within the monitoring data.

The most important climatological parameters governing the atmospheric dispersion of particles are as follows:

- wind direction: determines the broad transport of the emission and the sector of the compass into which the emission is dispersed; and
- wind speed would have an affect ground level emissions by increasing the initial dilution of particles in the emission. It will also affect the potential for dust entrainment.

For the rEIA, the baseline environment is not therefore as per the original green field agricultural site but is the baseline environment after years of unauthorised activities. The baseline air quality in 2000 is potentially different to that of the presented data from 2024. The baseline at the start of the unauthorised activities was the original air quality together with any contribution from the 6 years of quarry activity, together with any cumulative activity from the neighbouring quarry was not assessed prior to this development.

Hydrology and Hydrogeology

Given the proximity of the historic quarry site to the Grand Canal, impacts from quarry operations cannot be ruled out due to the buffer zone being thin with potentially reduced efficacy as a result. This is exacerbated by the reference to 212 metres of hedgerow being lost to facilitate the development, reducing any buffering effects even further. With regard to groundwater, we submit that close consideration should be given to the potential for the Grand Canal and the subject site to be hydrologically linked, with implications for environmental impact as a result of historic quarrying operations.

The groundwater quality should have been monitored whilst the quarry was in operation in the boreholes at the site to determine if there is a deterioration in quality as a result of construction related activities, if so and depending on the nature of the results then additional measures to protect groundwater quality will be implemented. There is no details showing a full monitoring system historically while this quarry was in operation. The effectiveness of the additional mitigation should have been verified through a sampling programme.

Any settlement lagoons should have been maintained and monitored carefully and should be constructed from the clayey subsoil that is present directly underneath the residual peat over much of the site and will operate as sealed lagoons. There is no detail on the construction or management of lagoons throughout the operational phase of this quarry. This mitigation measure prevents a loss of water through the base of the lagoons and will prevent any silt fines from the lagoon(s) going to groundwater.

The earliest publicly available aerial imagery following the cessation of extraction activities, shows that the quarry void had filled with water. It is most likely that this is groundwater from the bedrock limestone aquifer beneath the Site. This groundwater is likely to have been encountered over the period during the extraction of limestone rock and would likely have required to be dewatered to some degree. However, there is no information on the rate of dewatering, the pump specification or the location of discharge at the Site. There are some details from 3rd parties on file and photographs which are alleging and illegal release of water.

Restoration of the Proposed Quarry

In the case *Fowler V Keegan* it was deemed that the large water bodies left behind were a health and safety water hazard. A large body of water has been left in this case.

Cumulative impacts

The National Environmental Health Service notes the assessment of cumulative impacts throughout the EIAR and is not satisfied that the projects listed in the rEIAR were assessed for the potential to give rise to cumulative impacts.

Conclusions

The rEIAR states that in the non- technical summary that:

'During the Assessment Period- The extraction activities at the Site have been assessed to have not caused any significant adverse effects to the human environment surrounding the Site during the assessment period of 1 January 2000 to 31 December 2006'.

The rEIAR relies on predictive methodology and no EIA had been undertaken prior to/during operation between 2000 -2006. If it is the case that i.e. there was no monitoring of dust, noise or surface and ground water during the quarrying activities, then the NEHS considers this a significant issue with regard to the protection of Public Health. If the planning process had been complied with, then the results of the monitoring are relevant and pertinent to the rEIA. If there are monitoring results from the operational period of this quarry, then their omission in the rEIA is a significant omission for the validity of the process.

Authorised development is subject to public participation and mitigation based on stakeholder consultation. Potential nuisance aspects of development can be less significant if there is a fixed time span (in this case 6 years).

Unauthorised development is not subject to this. Therefore, the environmental impacts are likely to be more significant, particularly around the public health areas of noise exposure and dust nuisance. The rEIAR has not demonstrated that Quarrying activities were within the predicted limits to protect health with regard to dust or noise or protection of ground and surface water and therefore has not demonstrated that the unauthorised development operated within the health protection standards. The rEIAR relies on predictive methodology that has not been validated through monitoring whilst the quarry was operational.

The conclusion that Air, noise and water emissions did not cause a nuisance at sensitive receptors is not supported by any evidence and is contradicted by several 3rd Party submission on the planning file.



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