

AN BORD PLEANÁLA
LDG- 046598-21
ABP- _____
13 DEC 2021
Fee: € 50 Type: PMO
Time: _____ By: PMO Signet

Maplestown,
Rathvilly,
Co. Carlow.
085 7561581

maplestown@gmail.com

09/12/2021

Dear Sir or Madam,

My name is Gerry Osborne of the above address and my house and farmyard is 150m approximately from a Quarry that has been in operation for the last number of years without planning permission. This Quarry is located at Maplestown, Co. Carlow and owned by Mr. Mark Phelan who has submitted a leave to apply for Substitute Consent to An Bord Pleanála. I have read through all the reports that have been carried out and unfortunately my house and business has not been mentioned nor considered.

We operate a 100 acre sheep, beef and equine farm. We run a successful equine breeding enterprise which consists of 20 broodmares, stand 5 stallions at stud and keep a large number of young stock until they are three and four years of age. We also have an equine reproduction specialist vet Susan Salter who provides her services to our mares and outside clients who bring their horses to our farm throughout the summer months. My daughter Aoife was a lecturer in UCD and in 2020 she gave up her good job to come back here to take over the equine part of the farm and to diversify into an equestrian and breeding centre. This was on the assumption that the Quarry at Maplestown would close and that it would be back in agriculture use by 2021 which was agreed in the last planning application. On that assumption she applied on the 13/02/20 for planning permission to Carlow County Council (Planning application reference 2043) to expand the equine business which was granted.

I would like to bring to your attention that there has been a number of enforcement notices served on the land owner of the Quarry over the years with the latest one being served this year on the 12th of August 2021 for no planning permission. The enforcement order stated that there was to be no activity of any sort to be carried out after close of business on the 17th of September 2021 but there was ongoing activity after this period. I notified the County Council by email of the ongoing activity even though the enforcement notice stated that there was to be no activity and they said that they would send out an inspector to check it out. The Quarry activity has only stopped this last week.

On inspectors report ABP-306956-20 carried out by Philip Davis on the 16th of June 2020 for the purpose of making a decision whether to grant leave to apply for substitute consent or not. When he arrived at the Quarry he observed that there was ongoing activity in the Quarry without permission that legally when the Quarry had not ceased activity he could not recommend to the board to give leave to apply for substitute consent. Also in the report he said the only migrating factor was that Mark Phelan told him he purchased the Quarry in 2019 assuming there was planning permission on it. I think if someone was purchasing a Quarry they would check the planning permission before purchase and in addition to this Mark Phelan is

the son of Shelia Corrigan, the previous owner and planning permission applicant, so he would have been fully aware of the timeframe on the planning permission as he was currently farming his mother land during that period. Having searched the land registry there is nothing to say that he purchased the Quarry in 2019 but it states the farm including the Quarry was signed over to Mark Phelan in 2019 from his mother Shelia Corrigan. Mark Phelan would have been liaising with Doyle Concrete, the operators of the Quarry since 2008, so they both would have known there was no planning permission for the Quarry for the last number of years. Shelia Corrigan applied to the board in 2018 for an extension of the planning which was turned down by the board. If they honestly thought that planning was still in place why would they have applied for an extension in 2018?

Going back to my own circumstances here I would like to point out the reasons why I think the board should not grant leave to apply. The last permission was granted with 25 conditions not one of which were carried out some of which I will now mention. There was to be landscaping in which there was to be trees planted all along the boundary of the Quarry to try and keep down noise levels. These were never planted. The mounds of soil were to be seeded with grass to stop soil erosion. This was never done. There was to be a noise assessment, a dust assessment and environmental impact statement lodged in the County Council every January. These were never done. There was to be a bank of soil 3mt high around the Quarry to try and contain the noise and dust. This was only done along the road side. I have been onto Mark Phelan for the last 3 or 4 years about the noise and the dust coming our way from the Quarry. He stood in my yard a few years ago and agreed that the noise was excessive but did nothing to try reduce it. I told him last year that I was going to go to the County Council to complain about the noise and dust. He actually took down the small bank along his boundary between him and me to make it even worse. I can now look straight into the Quarry and can even see the wheels of the graders and the movement of the loaders along with everything else that goes on in the Quarry.

Apart from the noise our biggest issue is with the dust. One of the 25 conditions was that the road way in and out of the Quarry and around the loading and screening area was to be kept watered. This was never done once. Killcarrig Quarry's on the other side of Carlow have jets spraying water all the year round on their road ways and loading areas so it is something that can be easily done. On a summers day when you leave the windows down in your car you come back to a noticeable layer of dust on your dashboard. I have photos of the large dust clouds that can be seen from my farm when trucks enter and leave the Quarry (see enclosed marked A). How can that be good for both our and our animal's respiratory health? I have lived here all my life and my partner moved in with me 25 years ago. We have 4 children and our eldest son Scott has autism and bad asthma. The dust coming from the Quarry has made his life very miserable. My partner and best friend for 25 years has been onto me to get the Quarry closed down or she would have to leave to give our son the quality of life he deserves. I promised her that the Quarry would be closed and the site would be back in agriculture by 2021. When she learned that Mark Phelan had applied for substitute consent to keep the Quarry open she said I was trying to fool her into thinking the Quarry would close and she packed up and left with our son and said she would only return when the Quarry was closed for good. I am devastated and heartbroken that she had to leave over the issues in the Quarry. Our horses are having respiratory problems also. Some of them are failing their vet certs because of wind problems. All of our foals has respiratory problems this summer which our vet said it could be from the dust. This could all have been prevented if they had followed the conditions they were given

and watered the roadways. The peace and quiet we have had here since the Quarry was forced to close is astounding. No loading at 6am in the mornings, no loaders beeping, no screeners making noise, no dust clouds, it is just like we are in a different world after years of hell.

I am appealing to the board not to give leave to apply for substitute consent for the reasons presented above. Also I feel that both Mark Phelan and Denis Doyle think they are a law all to themselves and think that they can do what they like regardless of how it affects their neighbours. I have inspected the file in connection with the Quarry in Carlow County Council and I can state that the area of the Quarry now is double what was on the original map and also I have read the report of Carlow County Councils chief engineer which is a damning report on the Quarry and its activities. It should be read by the board and taken into consideration. See enclosed document marked B. Outlined in red is my home and farm which shows our proximity to the Quarry.

After 17 years I think me, my family and this community should get our share of the peace and tranquillity of the rural area that we live in. I don't want to think, as I am now 68, that the last thing I hear before I close my eyes for the last time is the noise from the Quarry.

Yours sincerely,

Gerry Osborne



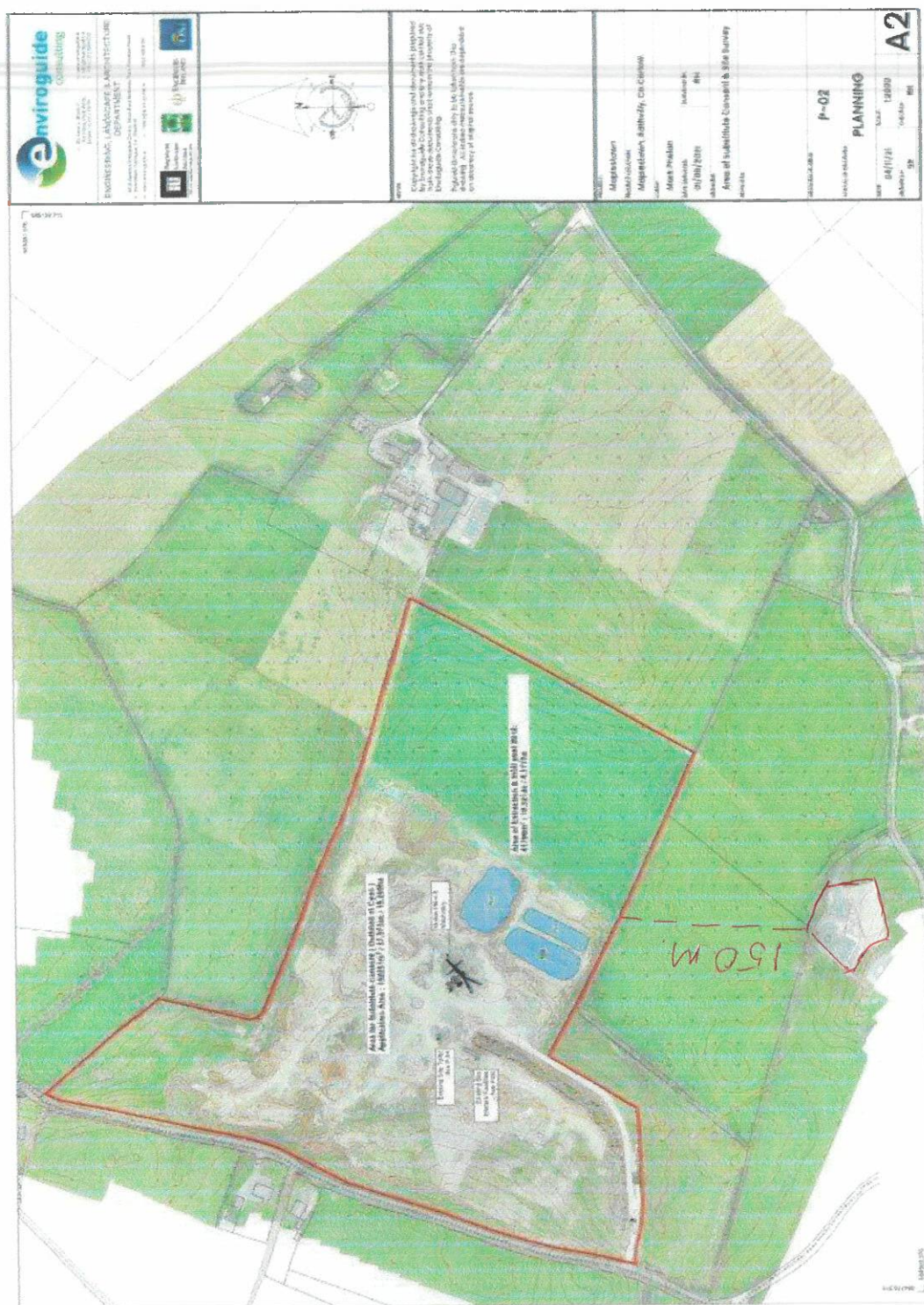


FIGURE 4. AREA REQUIRING SUBSTITUTE CONSENT