

**THE COURT OF APPEAL**  
**Civil**

**Record Number: 2023 / 7**  
**High Court Record Number: 2011 11095 P**

**BETWEEN/**

**MICHAEL HOEY**

**APPELLANT / PLAINTIFF**

**-AND-**

**WATERWAYS IRELAND**

**RESPONDENT / DEFENDANT**

*EXHIBIT*  
**Appendix "MH 2023 3"**

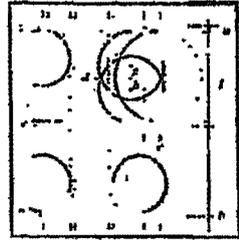
**To be known as exhibit MH 3 C**

**To accompany the affidavit of Michael Hoey sworn on the 27<sup>th</sup> April 2023**

*Michael Hoey*

"M H25(C)

An Bord Pleanála



Michael Hory  
Spencer Bridge  
Rathangan  
Co. Kildare

26<sup>th</sup> September, 2002

Dear Sir,

I refer to your letters of 25<sup>th</sup> September 2002.

The purchasing of environmental impact statements is open to the individual and is not a matter to be determined by the Board. In addition, the status of an environmental impact statement which is withdrawn is not a matter to be determined by the Board.

With regard to your query re: Water Supplies Act, 1942, please note that there is no legislative provision in the Water Supplies Act, 1942 for the Board to determine the matters raised. The Boards powers under the Water Supplies Act 1942 are as set out in section 9 of the said Act and relate to making of a Provisional Order application by the sanitary authority to the Board for consent to take a supply of water from a source for the purpose of providing water supply.

Yours faithfully,

*Ellen Moran*  
Ellen Moran  
Senior Executive Officer

*Michael Hory*

64 Sirihí Mhaoldúiríde,  
Bailé Átha Cliath 1.

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64 Marlborough Street,  
Dublin 1.

Ref: Barrow. No -3  
(Please quote our reference in all correspondence)

Spencer Bridge  
Rathangan  
Co. Kildare

Saturday, 29 November 2003

☐ An Bord Pleanála  
64 Marlborough Street  
Dublin 1

Att : Eileen Morrin  
Executive Officer

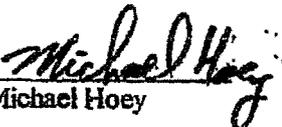
Further to your communication of 2<sup>nd</sup> and 16<sup>th</sup> September 2002.

With reference to No 1 of 1942, Water supplies Act 1942

Would the Board please determine: -

1. whether the taking of water from the Curragh Aquifer at the deep in cut section of the Kildare By-Pass and discharging the same water to the River Barrow at Monasterevin should be considered an ancillary operation in regard to any Water Abstraction proposal for the purpose of increasing, extending, or providing a supply of water, in the catchment of the Curragh-Mid Kildare Aquifer and or the Allenwood Formation.
2. that the source of water for any proposed River Barrow abstraction for the purpose of increasing, extending, or providing a supply of water, directly and indirectly includes the waters from the Curragh Aquifer.

Yours Sincerely

  
Michael Hoey