

Ltd.

Interference Notice

Canalways Ireland Ltd
Spencer Bridge
Rathangan
Co. Kildare

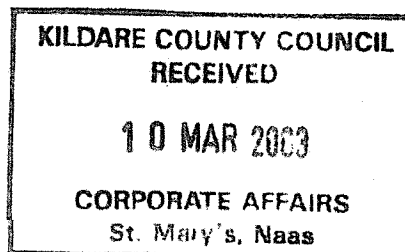
Our ref.: IN 27

(Please quote our reference "IN 27" in all correspondence)

Director of Services/County Secretary,
Kildare Co. Council
St. Marys
Naas
Co. Kildare
04/03/03

Dear Sir/Madam

I as a "navigation authority" under section 21 of the Water Supplies Act 1942 do hereby serve formal, interference notice, under section 21 of the above Act, on Kildare County Council, being the sanitary authority, proposing the taking of water from the River Barrow and other such sources of water, (including but not confined to, the Proposal to Abstract Water from the River Barrow, the Proposal to abstract Groundwater from the North Kildare Aquifer at Robertstown County Kildare, the proposal to abstract Groundwater at Hybla, the proposal to abstract Groundwater at Rathangan, and all proposals and or developments) in any and all, ways, connected to the "Water Strategy for County Kildare" Volume 1 report, which is dated March 1999) for the purposes of a water supply, for the reasons that the taking of water in accordance with such proposal will make the navigation of the relevant navigable water impossible or unreasonably difficult.



Pursuant to Section 21, subsection 2, of No 1 of 1942, Kildare County Council being the sanitary authority, in question, proposing the taking of water from the River Barrow and other such sources of water, are not entitled to take water in such manner, or from such source of water, or of such amount where it will make the navigation of the relevant navigable waters, including but not limited to, the River Barrow and the Grand Canal impossible or unreasonably difficult.

Additional Reasons to the above

1. I Michael Hoey, and Karin Klinkenbergh being a Navigation Authority, on behalf of Canalways Ireland Ltd., say that the taking of water in accordance with such proposal issued to me 17th February 2003 and received 18th February 2003 will make the navigation of such navigable water impossible or unreasonably difficult.

- 1.(a) This is endorsed, to some extent, by Mr John McKeown, Eastern Regional Manager of Waterways Ireland in his submission to An Bord Pleanala in relation to a Barrow River Abstraction Proposal dated 15th January 2002.

Extract from Waterways Ireland submission referred to at 1(a)

"Table 10.9, Page 59 of the Environmental Impact Statement (EIS) notes that the estimated flow depth on Ardreich Weir at Dry Weather Flow (DWF), presently, is 0. 1 3 0 metres. From observations by Waterways Ireland personnel, over many years, there is only a trickle of water going over the weir in DWF. Therefore 'the removal of any supply from the upper reaches of the navigation will have an effect locally but will have detrimental effect to the lower reaches of the navigation. If the navigable depth is reduced below a certain critical figure, for whatever reason, the navigation may have to be closed in the interest of safety.'"

2. We are of the opinion that, abstraction from the River Barrow or any other surface watercourse, well or spring is governed by the Water Supplies Act 1942.
3. We are of the opinion that the Barrow supply project is one of five major initiatives by the Local Authority to boost water supplies for the future growth of the County, and for the benefit of the Greater Dublin Area by increasing, extending and providing a supply of water by augmenting the existing supplies and or intensifying the abstraction and supply of Water for a Supply of water.

4. Therefore the project as a whole should be made subject to the Environmental Impact Assessment Directive 85/337/EEC as amended, particularly in view of the proximity of the highly sensitive Class 1 Habitat of Pollardstown Fen.

5. Public Advertisement is Fundamentally Flawed

With reference to your Notice of proposal to Abstract Water from the River Barrow, your reference section (a)

The source of water is not correct, is disingenuous and is not acceptable. De facto the Curragh Aquifer is now directly connected to the River Barrow by the development of the Kildare By-Pass.

The drawdown of water at the deep in cut section of the Kildare By-Pass which is referred to in page iv of the Kildare Water Strategy cites that :-

“.....the Strategy treats the development of the Curragh Aquifer as a parallel strand to the main proposals on groundwater, the River Barrow and the River Liffey.”,

however this is clearly not the case as the original, By-Pass design 1.8 Metre Diameter carrier drainage pipe is partly in place, directly connecting the Curragh Aquifer waters with the River Barrow. In the interim, while the above is under construction, the developer is pumping Curragh Aquifer water to the River Barrow via the Tully stream and other similar conduits.

Consequently, the intent and the facts are quiet clear, in spite of the conflict of facts, and referring you to Page 10 /8 of the Kildare Water Strategy (written in 1999) ... 5 megalitres/day... as part of the By-Pass drainage design...

(While a volume of 17Mega Litres/Day is detailed as the road cutting discharge at the Kildare By-Pass on Page 8/13 of the Kildare Water Strategy)

Reference to page 10/8 of Kildare Water Strategy Extract
Extract from page 10/8 of KWS.

“Any proposed groundwater abstraction from the Curragh gravels should take account of Pollardstown Fen and be integrated into the drainage aspects of the By-Pass. A 12 month period should be adequate to satisfactorily address the stated ecological concerns of Duchas regarding the Fen and to integrate the proposed wellfield into the road drainage design.

In summary, groundwater supplies in the order of 5 megalitres/d are readily available from the Curragh gravels by pumping from a standard wellfield either as a stand alone operation or as part of the By-Pass drainage design."

6. **Proposed/unauthorised Wellfield, at the Kildare By-Pass is a project in the Kildare. WATER STRATEGY**

I say the "proposed wellfield" above was never proposed in accordance with the Water Supplies Act 1942.

I say that, no water abstraction or drainage proposal which would effect the Navigation of any relevant Navigable waters that are inextricably interlinked to the Curragh Aquifer and associated with the Kildare By-Pass, whether such abstraction was executed or not, - occurred in accordance with the Statutorily required implementation of the 1942 Water Supplies Act.

Reference No1 of 1942

"Definitions.

1.—(1) In this Act—

the expression "source of water" means any lake, river, stream, well, or spring;
the expression "ancillary operations" means any of the following operations, that is to say, the embanking, damming, dredging, deepening, widening, straightening, diverting, altering the level of, or otherwise affecting a source of water or any lake, pond, river, canal, or other water connected directly or indirectly with a source of water;"

Therefore by Ancillary operations the water in the Curragh Aquifer is being connected directly to the River Barrow.

7. Item (e) of the Notice is applicable.

Signed Michael Hoey Michael Hoey, For and on behalf of Canalways Ireland Ltd.

Signed Karin Klinkenbergh Karin Klinkenbergh, For and on behalf of Canalways Ireland Ltd.

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1. Page iv of Kildare Water Strategy.

Extract

"The Curragh Aquifer clearly emerges as a groundwater resource of great potential. It is not included in Strategic Planning Proposals at this stage however because any major water extraction development would require an extensive Environmental Impact Statement in view of the proximity of the highly sensitive Class 1 Habitat of the Pollardstown Wetlands. While acknowledging its considerable potential therefore, the Strategy treats the development of the

Curragh Aquifer as a parallel strand to the main proposals on groundwater, the River Barrow and the River Liffey. These latter elements -can, and must, be developed on the timetable outlined in Section 9 if source capacity is to match demand growth in the short and medium term.

The precise extent to which the Curragh Aquifer may contribute as a water resource must yet be defined, and must be so in a careful balancing of the needs of fragile ecosystems which themselves depend on groundwater flows in this aquifer. If an environmentally sustainable abstraction from the Curragh gravels becomes possible, it will

permit a flexibility in timing, and in dependence on any one source, which will greatly benefit the Strategy,