

Correspondence

File.

October 12, 1998

TO:
M/s P. McCaffrey & Sons,
Ballymagroarty,
Ballintra,
Co. Donegal.

Re: Our Client - Mr. Jim Gorman.

Dear Sirs,

Over the last number of months and years our client has persistently complained to you in relation to the condition of his property which has been affected by the discharges from the Quarry and in particular dust or other particles which are blown from the quarry onto our clients property. Our client has shown us ample evidence which has shown that the discharge of dust from the quarry and has seriously depleted and undermined our clients property and undermined the value thereof.

Our client has put up with this discharge too long and has asked us to write to you on formal terms to ask you to outline proposals which you intend to implement and enforce so as to mitigate the damage emanating from your property and is clearly a nuisance from your property and which is adversely affecting our clients property. Our client does not want to take the matter any further but he is at the end of his tether and will do whatever is necessary at this stage to protect his rights in the matter.

We would advise that you do not underestimate our clients resolve to proceed with this matter and to protect his rights in this matter.

Your earliest reply would be appreciated.

Yours faithfully,

Reid & Sweeney.



phone 073 - 34139

Ballymagroarty,

Ballintra,

Co. Donegal.

25 January 1999.

Dear Ms Maguire,

I would like to officially inform you that McCaffrey's Quarry, Ballymagroarty, Ballintra are in the preparatory stages of opening a new quarry face on their land at Ballymagroarty. This is adjacent to my lands.

Donegal County Council has informed me that no planning permission has been sought or granted for this development. I strongly object to another new quarry. ✓

McCaffrey's Quarry is causing great disturbance to me and is seriously interfering with my farm. They are causing several problems. Despite repeatedly asking the management to address these problems they continue to ignore my complaints.

My complaints are as follows:

1. Flooding of my land
2. Air Pollution
3. The road to and from the quarry.
4. Noise pollution
5. Unsightly environment

1. The water pipe that is carrying the accumulated soiled quarry water from the

quarry base is cracked. This pipe lies in the field adjacent to my land and it is flooding half an acre of my property. The outlet of this pipe discharges into McCaffrey's land, but as it soaks away it enters my land and floods it.

Surface water, owing to the landfill (in front of the quarry garages) has resulted in all of this water flowing directly onto my land.

2. The air quality is very poor.

(i) Dust.

Apart from when it is raining, dust is continually blowing over my land, my home, the cars, trees, shrubs, flowers and crop. Tree and plant growth is stunted and killed with excess lime and tar smuts. Twenty acres of my farmland is directly affected. This is grazing for twenty cattle.

(ii) Tar smuts and dirty smoke which is emitted from the tarmacadam processing plants results in very poor air quality. There is a very strong odour from the tarmacadam plant when in operation.

3. The road to and from the quarry is a concession road between the Lurgan Road

and the old Ballyshannon - Donegal Road. My land lies on both sides of this road to the quarry march. Owing to the volume and weight of vehicles to and from the quarry, and also to the fact that McCaffrey's Quarry have raised and widened the road level the ditches on both sides of the road are now unsuitable for retaining my stock.

I would like a representative from the Planning Department to visit me so that I can show him/her my grievances. I trust that I will hear from you shortly.

Yours sincerely,
C. J. Foxman



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222. Fax: (074) 41205

Our Ref:

P.622/22/8A

Your Ref:

11th February, 1999

Mr Jim Gorman
Ballymagroarty
BALLINTRA

Dear Mr Gorman

I acknowledge receipt of your letter of 25th January, 1999 regarding McCaffrey's quarry at Ballymagroarty, Ballintra. The contents of your letter are noted.

I am to advise that the matter has been referred to the Council's Solicitor for the purposes of carrying out a land ownership search and when the result of same comes to hand the matter of the need or not for planning permission will be adjudicated upon.

I am also to advise that until this information is established the Planning Officer will not be in a position to meet with you.

I trust this clarifies the present position from the Council's point of view but would also advise that there appears to be civil issues involved in this matter in which the Council would not be involved.

* Yours sincerely

Maeve Wagoner
for A/COUNTY SECRETARY

/TC

Ballymagroarty,
Ballintra,
Co. Donegal.
29th January 1999

Dear Mr Kelly,

I would like to draw your attention to the fact that Mc Caffrey's Quarry, Ballymagroarty, Ballintra are causing serious environmental problems.

The quarry lies adjacent to our family farm. I am very concerned at the fact that they are now in the preparatory stages of opening a new quarry, which is about 100 metres from the Ballyshannon - Donegal town National Primary Route, N15. The Council have informed me that Mc Caffrey's Quarry have to date, neither sought nor obtained Planning permission for this, and have been told to stop until they obtain Planning permission. Despite this, Mc Caffrey's Quarry went ahead and blasted today at approximately 4.30 pm.

The pollution levels from Mc Caffrey's Quarry have become very acute in recent years. They are operating a quarry, a tarmacadam processing plant and a concrete making plant at present. Our concerns are as follows:

(1) Air Pollution.

In dry weather, about twenty acres of our land

that lies adjacent to the quarry is completely covered in dust. On home, the family vehicle, the shrubs, the trees and the crop are all affected.

The air is filled with tar smuts and there is a very strong smell of the tarmacadam processing plant.

(2) Water Pollution

There is also a very serious problem with flooding. It appears to me that Mc Caffrey's quarry have no soak pits for their surface run-off water.

Owing to the landfill in front of the quarry garages, their surface run-off water flows directly onto our land.

Water is piped by Mc Caffrey's from the quarry into Mc Caffrey's land, but as it soaks away it floods onto our land. About $\frac{1}{2}$ acre is affected by this at present.

(3) Safety measures.

The lack of safety measures around the quarry is appalling. There are no perimeter walls or fencing around the quarries. There are no signs on the Lurgan Road to warn motorists that there is a great drop on both sides of the road.

Mc Caffrey's have tarred a section of the Lurgan Road and there is a bump on the road. This is very dangerous for motorists who are not

familiar with it.

(4) The condition of the road leading to the quarry. The road that leads to the quarry from the N15 is a concession road. On land lies on both sides to the quarry mouth. Mc Caffrey's have raised the road level to such an extent that our drystone ditches have been pushed back and are ready to fall. They are unsuitable for retaining our stock.

(5) Visual pollution.

The whole area is an eye-sore and no landscaping has taken place around it.

I am very alarmed at their blasting to open a new quarry, despite having been told by Donegal County Council that they were not to do so. I strongly object to the blast that took place today and I object to any planning permission that they may seek. They are causing great disturbance to us and despite our repeated complaints and a solicitors letter they continue to flood our land, cover our fields in dust and refuse to fix our ditches.

This new quarry will present a great danger to the general public. Being only about 100 metres from the N15 stones may fly during blasts as far as the road and cause accidents.

Our land is used for grazing and it would be impossible to graze animals there with blasting going on in the next fields. Only ten minutes notice was given to us before the blast on Friday evening.

I would like to know if Mc Caffrey's Quarry have complied with the conditions of their existing Planning Permissions or indeed if they have obtained Planning Permissions for the operations and buildings that are there at present.

I trust that you will give this very serious matter your attention. I would like a meeting with you in Lifford to discuss these problems in person. I would also like to know what action will be taken against Mc Caffrey's Quarry for blasting without seeking Planning Permission.

I look forward to hearing from you.

Yours sincerely,

Helen O'Gorman.



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222. Fax: (074) 41205

Our Ref:

P.622/22/8A

Your Ref:

11th February, 1999

M/S Helen O'Gorman
Ballymagroarty
BALLINTRA

Dear Ms O'Gorman

I acknowledge receipt of your letter of 29th January, 1999 regarding McCaffrey's quarry at Ballymagroarty, Ballintra. The contents of your letter are noted and it has also been copied to the Environment and Roads Sections of the Council.

From a planning point of view I am to advise that the matter has been referred to the Council's Solicitors for the purposes of carrying out a land ownership search. When the result of same comes to hand the matter of the need or not for planning permission will be adjudicated upon.

Mr Denis Kelly, Executive Planner, has therefore indicated that until this is first established he would not be in a position to meet with you.

I trust this clarifies the present position from the Council's point of view but would also advise that there appears to be civil issues involved in this matter in which the Council would not be involved.

Yours sincerely

Maeve Magee
for A/COUNTY SECRETARY

/TC

//



Mary Coughlan, T.D.
Cranny, Inver, Co. Donegal.

Tel : (01) 6183291. (Dail)
(073) 36511 (Home)
(073) 36002. (Office)
(073) 36333. (Fax)

DÁIL ÉIREANN
BAILE ÁTHA CLIATH, 2.
(Dublin, 2).

Mr. Jim Gorman,
Ballymagroarty,
Ballintra.
Co. Donegal.

29th January 1999

Dear Jim,

I received your message with regard to the on-going problems you have in the vicinity of McCafferty's quarry. I did mention this to the Planning Officer and the Roads Engineer. They are investigating this matter, in particular with regard to work on a new quarry face. I hope to obtain a report with regard to this matter in the very near future and I shall be in touch with you. If there is anything further please do not hesitate to get in touch with my office.

Kind regards.

Yours sincerely,

MARY COUGHLAN, T.D.

Ballymagroarty,
Ballintra,
Co. Donegal.
10/2/99

Dear Ms Maguire,

I would be most grateful if you could forward me a copy of the planning permissions sought and received by Mc Caffrey's Quarry for the following:
Planning permission for:

1. The tarmacadam processing plant
2. The concrete making plant
3. The two quarries that are now quarried.
4. The new quarry that Mc Caffrey's are attempting to open at present.
5. The office buildings.
6. The garages.
7. The landfill in front of the garages.
8. The stone breaker.
9. The Septic tank.

I will gladly forward a cheque on receipt of same.

If Mc Caffrey's Quarry have been and are operating without planning permission for same I would be most grateful if you could inform me of this in writing.

I look forward to hearing from you.

Yours sincerely,
Helen O'Forman

Ballymagroarty,
Ballintra,
Co. Donegal.
10/2/99

Dear Mr Kelly,

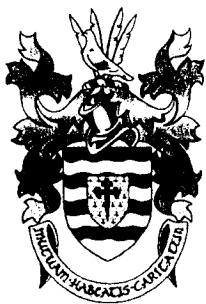
I contacted Ms. Maguire yesterday to ask for an appointment time of a meeting I requested with you.

I was very disappointed to be told that you did not see the necessity of a meeting at present.

I am seriously concerned about the environmental problems arising from the quarrying, the concrete making plant, and the tarmacadam processing plant that are operating at present at Mc Caffrey's Quarry, Ballymagroarty, Ballintra. They are also causing great damage to our family farm as I have outlined to you in my previous letter. Family members have repeatedly asked them to repair the damage and to refrain from further pollution. Despite having sent two solicitor's letters they continue to ignore all requests.

I would like to meet you not only to discuss the new quarry face that Mc Caffrey's Quarry are now attempting to open, but to discuss all the other problems they are responsible for.

I would like to find out from you what Mc Caffrey's Quarry have planning permission for and to find out if they are complying with the regulations



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref:

Your Ref:

24th February, 1999

Ref. No. P622/22/8A

TO: Ms Helen O'Gorman
Ballymagroarty
BALLINTRA

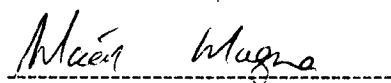
Dear Ms O'Gorman,

I acknowledge receipt of your letters of 10th February, 1999 regarding development by McCaffrey's at Ballymagroarty, Ballintra. Regarding copies of the planning permissions for Messrs McCaffrey's developments I wish to advise that no planning permissions exist for the lands in question. As previously advised the Council's Solicitors are carrying out a Land Ownership Search at present to determine ownership and the length of time that McCaffrey's have owned these lands. When same comes to hand the need for planning permission will be examined.

I am also to advise that Mr Denis Kelly, Executive Planner, and myself will meet you when the necessary information comes to land.

I trust this is satisfactory.

Yours sincerely,



for A/COUNTY SECRETARY

MM/MC

**Ballymagroarty
Ballintra
Co. Donegal
19 March 1999**

**Ms. Mairead Maguire
Donegal County Council
County House
Lifford
Co. Donegal**

Dear Ms. Maguire,

Thank you for your letter of 24th February advising me that no planning permission exists for Messrs. Mc Caffrey's developments at Ballymagroarty, Ballintra. I am very concerned that a major development on this scale can elude planning permission of any description and continue to operate causing serious environmental problems and irreparable damage to the land.

I note that the Council's solicitors are carrying out a Land Ownership Search and I look forward to a speedy conclusion of same. In the meantime, I wish to advise that work is continuing on the new quarry by Messrs. Mc Caffrey's. The site is on land that was owned by Mr. Frank Mulharta (deceased), Ballymagroarty, Ballintra and was sold by his niece, Mrs. Mary Mc Grane, Money more, Ballintra after his death. This land was originally purchased in 1983/'84 by one of the Mc Caffrey brothers and has been used since then for agricultural purposes. It is not part of the lands Messrs. Mc Caffrey's originally purchased and it is believed locally that it is in private ownership and not part of the quarry developments.

As I said to you in our telephone conversation of 24th February, I spoke to Superintendent Keane of An Garda Síochána, Ballyshannon division after the blast at five o' clock on 23rd February. He informed me that his only responsibility lies in the renewing an annual permit for Messrs. Mc Caffrey's to blast in the townland of Ballymagroarty. He felt that the Council, in writing to him, to suspend the permit to blast had put him in a difficult position as he has to live in this community. He said that Donegal County Council could obtain a High Court Injunction to stop further work at this quarry, rather than requesting the Gardaí to suspend the permit to blast. I presume that the Superintendent has written to you regarding same.

To further my queries into Messrs. Mc Caffrey's unauthorised developments I would like to know what planning permission Roadstone Provinces Ltd., formerly Leydon's, Ballinacarrick, Ballintra have obtained from Donegal County Council for their developments. Roadstone operate a quarry and process ground limestone about one mile from Messrs. Mc Caffrey's, also along the N15. Please forward me a copy of all planing permissions that exists for developments on these lands and any conditions of operations that apply to this quarry. I will gladly forward a cheque on receipt of same.

I look forward to hearing you.

Yours sincerely,

Helen O' Gorman.

**Ballymagroarty
Ballintra
Co. Donegal
25 May 1999**

**Ms. Mairead Maguire
Donegal County Council
County House
Lifford
Co. Donegal**

Dear Ms. Maguire,

I refer to previous correspondence of 19th March (copy enclosed) relating to issues at Messrs. Mc Caffrey's developments at Ballymagroarty, Ballintra.

Despite contacting your office by telephone on 14th May and 21st May I am still awaiting a reply.

I would appreciate a reply or an indication of when a reply is likely as the situation at this development, as outlined in previous letters, remains unchanged.

Yours sincerely,

Helen O'Gorman
Helen O' Gorman.



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref: P 622/22/8A Your Ref:

24 May, 1999

Ms Helen O'Gorman
Ballymagroarty
Ballintra

RE: MC CAFFERY'S QUARRIES, BALLINTRIA, CO DONEGAL

Dear Ms O'Gorman

I refer to your letter of 19th March 1999 and I apologise for the delay in replying to same. Messrs McCaffrey's Architects have been in contact with the Planning Office and are preparing the necessary documentation to submit a planning application in relation to the new quarry. In this regard I understand that an Environmental Impact Statement has been commissioned. These normally take a considerable length of time to complete, so it will be quite some time before a planning application is submitted and processed.

In the meantime all works have ceased on this new area of quarry. In relation to existing works the Planning Authority is precluded from taking any action as these works have been on going in ~~the~~ excess of five years.

In relation to your query about Roadstone Provinces Ltd. no planning permission exists for this quarry.

I trust this clarifies the position.

Yours sincerely

Maurice Maguire
For ACTING COUNTY SECRETARY

MMG/MEMB

Environmental Protection Agency
Regional Inspectorate
Pool Road
Castlebar
Co. Mayo

Tel. (094) 21588
Fax (094) 21934

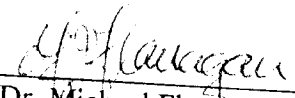
April 8th 1999

Dear Pearse,

Dr. Matt Crowe based at EPA Headquarters, P.O. Box 3000, Johnstown Castle Estate, Wexford deals with letters of enquiry or complaints forwarded to the EPA.

I have sent a copy of your letter regarding your local quarry to Dr. Crowe. He will investigate your concerns and will contact you directly.

Yours sincerely,


Dr. Michael Flanagan,
Regional Manager/Chemist

An Ghníomhaireacht um Chaomhnú Comhshaoil

Mr. Pearse O'Gorman
Ballymagroarty
Ballintra
Co. Donegal



PO Box 3000
Johnstown Castle Estate
County Wexford
Ireland

Tel.: +353 53 60600
Fax: +353 53 60699
Website: www.epa.ie

Date:
19 April 1999

Our ref.

Your ref.

Dear Mr. O'Gorman

In reply to your letter dated 31 March received by the Agency on the 13 April 1999 regarding the control of a local quarry/macadam plant. In answer to your questions:

New macadam plants can be licensed under the Air Pollution Act, 1987 as it is an industrial process listed under the Third Schedule to the Act, (No. 26 "**The production of tar or bitumen and the manufacture of products containing them.**"). Under the existing licensing regulations, new plant is licensable. No regulations for existing plant have been issued. In relation to the Air Pollution Act, the definition of existing plant is having obtained full planning permission before 1 February 1989. All plants obtaining planning permission after that date, without planning permission or which have carried out major changes to their operations after that date can be considered new for the purposes of air emissions licensing.

The body responsible for licensing of these activities is the relevant local authority; in your case this is Donegal County Council. If an air discharge licence is granted, it is the local authority that ensures compliance with the conditions of the licence. In the event that the plant does not require a licence under the Air Pollution Act, local authorities also have powers under the Act to deal with any incident of air pollution in their functional areas. These powers can therefore be used in relation to the control of air emissions from both the plant and the quarry and any incidents of air pollution arising from the activities.

In relation to your problem, I advise that you contact Donegal County Council, preferably in writing, specifying the location of the quarry, its operating body and the concerns that you have stated in your letter to the Agency. You may also wish to enclose a copy of this letter for information to the local authority.

Yours sincerely

Andy Fanning
Scientific Officer
Environmental Management and Planning

Ballymagroarty
Ballintra
Co. Donegal

30th May 1999

County Secretary
Donegal County Council
Lifford
Co. Donegal

Dear Sir,

I am writing to you about air pollution from a local industry, McCaffrey's Quarry, located in Ballymagroarty, Ballintra.

This quarry operates what appears to be two separate macadam/asphalt plants. The acrid pungent emissions from these plants seriously degrade the quality of breathable air downwind leading to unpleasant and undesirable living conditions. Frequently the intensity of the fumes at my home is such that I have suffered from a stinging sensation in my eyes, which causes them to water, and an irritation of the throat and air passages that results in severe coughing. I am very concerned about the short- and long-term effect of this pollution not only on my health but also on the elderly and the very young. The local visual environment and the general quality of life in the locality have also been detrimentally affected.

Therefore, in light of the accompanying letter from the Environmental Protection Agency clarifying the relevant sections of the Air Pollution Act (1987), I would be grateful if you would advise me on the following;

1. When did Donegal County Council issue the air discharge licence to McCaffrey's Quarry?
2. What conditions are attached to the licence?
3. What emissions are measured and how frequently is the monitoring conducted?
4. The level of compliance with the limits and conditions set.

Thank you for your help in this matter and I look forward to hearing from you.

Yours faithfully,

PD O'Gorman

cc A Fanning, Environmental Protection Agency

Ballymagroarty
Ballintra
Co. Donegal

25th June 1999

Mr Dan Crowley
Public Health Department
North Western Health Board
Ballybofey
Co. Donegal

Dear Mr. Crowley,

I am writing to you about an issue relating to public health that is giving me great cause for concern. I am very worried about air pollution originating from Messrs. McCaffrey's Quarry at Ballymagroarty, Ballintra.

The emissions appear to comprise in the main smoke/fumes from macadam or asphalt plants and dust. The fumes have a pungent acrid odour and cause me eye and throat irritation. The effects have included uncontrolled coughing and eye discharge. The fine dust is also carried over a wide area. Recently agricultural contractors have had to leave our fields for respite on account of this pollution.

I am attaching a copy of my letter to Donegal County Council relating to these matters, to which I have not yet had a reply. Mr. Michael Neary, Environmental Health Officer, will be familiar with the situation and has visited the site on a number of occasions.

Apart from my own health I am very concerned about the effects on the elderly and very young. Our farm animals have also to live and graze under these conditions. Could you please assure me that these emissions pose no risk or hazard to human and animal health.

Thank you for your assistance and time.

Yours sincerely,

Pearse O'Gorman



Mary Coughlan, T.D.
Cranny, Inver, Co. Donegal.

Tel : (01) 6183291. (Dail)
(073) 36511 (Home)
(073) 36002. (Office)
(073) 36333. (Fax)

DÁIL ÉIREANN
BAILE ÁTHA CLIATH, 2.
(Dublin, 2).

Ms. Mary Cosgrove,
7, Cornelscourt Hill,
Foxrock,
Dublin 18.

21st April 1999

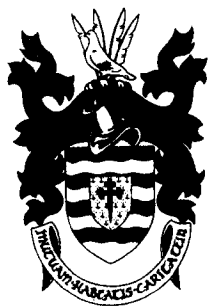
Dear Mary,

Thank you for your further letter of 6th April with regard to McCafferty's Quarry. The quarry has been in existence for a number of years. There has been some planning difficulties with the quarry whereby Donegal County Council have contacted the quarry owners advising of an 'Unauthorised Development', matters will have to be regularised. I will certainly contact the Council with regard to your concerns. I shall be in touch with you as soon as possible.

Kind regards.

Yours sincerely,

Mary Coughlan
MARY COUGHLAN, T.D.



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref: P 622/22/8A Your Ref:

24 May, 1999

Ms Mary Coughlan T.D.
Cranny Lower
Inver

RE: MC CAFFERY'S QUARRIES, BALLINTRA, CO DONEGAL

Dear Deputy

I acknowledge receipt of your representations on behalf of Mary Cosgrove, 7 Cornelscourt Hill, Foxrock, Dublin 18.

The position at present is that an Environmental Impact Statement has been commissioned in respect of the new area of quarry. When same has been prepared a planning application will be submitted for this area. A warning letter has issued from the Councils Solicitors to McCaffrey's and works have ceased on this new area.

I trust this clarifies the position.

Yours sincerely

Máire Maguire
For ACTING COUNTY SECRETARY

MMG/MEMB

Ballymagroarty
Ballintra
Co. Donegal

30th June 1999

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Dear Sir/Madam,

Thank you for your letter of 24th May from Ms. Máiread Maguire, Planning Department, relating to Messrs. McCaffrey's quarry.

You had said in a previous letter that the County Council was conducting a Land Ownership Search. Now that planning permission for the quarry has been deemed necessary I would like to arrange the meeting with Mr. Denis Kelly, Executive Planner, and Ms. Máiread Maguire as promised.

I look forward to hearing from you soon,

Yours faithfully,

Helen O'Gorman



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref:

Your Ref:

5TH July, 1999

Ref. No. P622/22/8A

TO: Ms Helen O'Gorman
Ballymagroarty
BALLINTRA

Dear Ms O'Gorman,

I acknowledge receipt of your letter of 30th June, 1999 regarding McCaffrey's quarry.

I wish to advise that Mr Denis Kelly, Executive Planner is presently on annual leave and will not be returning for three weeks. I will discuss the matter of the meeting with him then and revert to you. I trust this is satisfactory.

Yours sincerely,

Máire Mague

for A/COUNTY SECRETARY

MM/MC

35 Marsham Court,
Stillorgan,
Co. Dublin
Ph: 01-2885749
3 July, 1999

Re: Site at Ballymagrorty/Ballintra and McCaffreys quarry

To the Co Secretary,

Dear Sir/Madam,

First of all I want to strongly object to any new development by the quarry behind my site and their intending Retention of the works which I only found out by accident. When this application for retention goes to the Council I want to be informed of such so that I can object to it on the grounds of reasons I am outlining below.

I bought my site in Ballymagrorty beside McCaffreys quarry seven years ago and have received planning permission to build a house on it but I have been delaying such a move due to the condition of the immediate area around my site. As Co Council records will show I bought the site for myself and my family to retire to in the future. It was not bought as a holiday home or as an investment. I always wanted to retire to the country. When I took possession of this site the quarry was only a small operation and seemed at the time to be of no significance whatsoever. But I am afraid this is not the case today. My site has been desecrated with dust and smoke pollution to the point of the place being worthless. I cannot believe any local authority would sanction such a development within the precincts of dwelling houses (or intended dwelling houses) i.e. blasting, dust, smoke, lorries, damage to the environment etc. You name it and it seems to be here.

This summer, as in other years, myself and my wife decided to spend my fortnight's holidays in Ballymagrorty. Up to now this year we have been going there at weekends only because my job only allows me weekends off and when we would go up there we could see the degeneration of the land and surrounding area due to the dust but we never experienced anything as disgusting as it was this year when we went up on the 20th June beginning our fortnightly holidays and we were there during the working hours of the quarry.

How in God's name could any local authority allow the pollution that is there to go on? I am sure if any environmental or health/safety agency were to visit this area they would emphatically oppose the destruction of the countryside and wonder how planning permissions were given for such excavations and also the fact that the Co. Council were getting road materials from such an excavation. As I am not on the ground up there, as it were, I would have not been aware of any planning permission notices in the local papers or placed on any of the quarry property and I probably would have missed them but I would like to see the records of the Co. Council concerning the planning permissions given to the quarry for all the different excavations on the site and who were the original owners of the quarry. Maybe you could furnish me with this information.

The noise and smell of tarmacadam coming from the quarry is not what you would expect from any country area. Its disgusting. There seems to be no control from anyone. If the wind is coming from the direction of the quarry I cannot walk my field in dry weather as when I come back I am covered in white dust. Surely I have a right not to have dust coming onto my land from outside sources no matter how much gravel is needed for new roads. Do I or my neighbours who have property not count? It certainly seems to be the case.

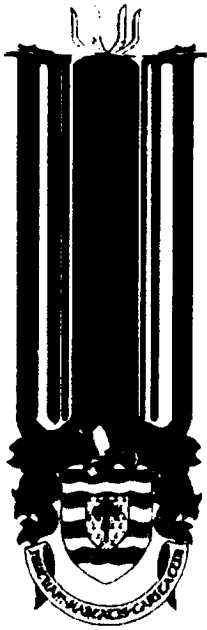
It would not be worth my while even putting my property up for sale as any prospective purchaser would run a mile due to the dirt of the place. As can be seen the main road from Ballyshannon to Donegal is white from dust from all the lorries coming and going from the quarry. Spraying the roads with water is not the answer you would need to spray the whole works as well.

It is now rumoured that more property has either been sold or is in the process of being sold adjacent to the quarry and if this is true then it will mean more blasting, more noise - and what's the use in me building a house there if it is going to be rocked by blasting and I am objecting to any new development that is going on there at the moment. Is there no law protecting people in the immediate area of a quarry. I never envisaged this quarry becoming so big and the local authority allowing it get so big and if the council was going to let them get so big why did they not tell me this when they were giving me planning permission. Surely the Co. Council knew of the intending spread of excavations on the quarry. The surrounding area has become an elephants' graveyard for old trucks and machinery and now dumping old machinery into the second quarry up the road from me has started. I wonder have you visited the road up from my site. Have a look where they cross the road joining the two quarries and look at it from the safety point of view. I certainly could not let any children come to my place to stay as it is too dangerous. I am afraid that I am not the only one who is objecting to this pollution, most of the neighbours in the area are doing so as well.

I could not stay in the place for my second weeks holiday. We spent one or two mornings working on the field beside my mobile home and had to leave because of the dust. I came home to Dublin for the fresh air (and that's saying something!) and I must say that I am truly disappointed and saddened by this whole affair.

Just a small note of irony to finish off. When I looked for retention of my mobile home on my site the Council requested me to put up a row of trees along the boundary wire facing the Ballyshannon/Donegal Road to block off the view of my mobile home. It is virtually impossible to grow these trees because of the dust coming from the quarry. I am afraid its not my mobile home that is unsightly from the main road! I am sure tourists are very impressed with the view of the quarry.

Yours faithfully,
Ed Doyle



Comhairle Chontae Donegal

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref: P.622/22/8a Your Ref:

30 July, 1999

Mr Hugh O'Gorman
Comeragh Vet
Main Street
Kilmacthomas
Co Waterford

Dear Mr O'Gorman

I acknowledge receipt of your letter of 4th July 1999 regarding the operation of a quarry by Messrs McCaffrey's at Ballymacgroarty, Ballintra. I wish to advise that in relation to the quarry operations which have been in existence for a long number of years the Council is precluded from taking any action under the Planning Acts. However, I have referred a copy of your letter to the Environment Section for their attention.

In relation to quarrying activities which commenced in a new area of land earlier this year, I wish to advise that the Council has succeeded in having work in this area stopped and it is our understanding that Messrs McCaffrey intend to submit a Planning Application to quarry another area and to restore the area which they opened earlier this year. However the application has not come to hand as yet.

I trust this clarifies the situation.

Yours sincerely

Masís Magee
For ACTING COUNTY SECRETARY

Ballymagroarty
Ballintra
Co. Donegal

15th February 2000

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Dear Sir/Madam,

Messrs. McCaffrey's Quarry, Ballymagroarty, Ballintra attempted to open a third quarry in January 1999. They blasted this quarry on 29th January 1999 and again on 23rd February 1999. Donegal County Council ordered work stopped in this unauthorised development until McCaffrey's applied for planning permission and provided an Environmental Impact Statement.

Ms. Máiread Maguire, Planning Department, Donegal County Council rang me on 26th July 1999. Ms. Maguire informed me that McCaffrey's Quarry were not now applying for planning permission for this quarry and that it would be fully restored to its original state.

McCaffrey's Quarry have not restored same. They are using it as a machinery yard and works area (see photographs overleaf).

In effect, this quarry is still in existence and is an unauthorised development.

Pursuant to proper planning and development I would be grateful if Donegal County Council would act to enforce the planning regulations.

I look forward to a reply at your earliest convenience.

Yours faithfully,

Helen O'Gorman



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref: **P622/22/8A** Your Ref:

30th March, 2000

Helen O'Gorman
Ballymagroarty
Ballintra

Dear Ms O'Gorman

I acknowledge your letter received on 29th February, 2000 and wish to advise that Messrs McCaffrey have been put on notice that the Council intend to serve an Enforcement Notice to cease the use of the lands in question as a storage area for vehicles/plant and machinery and to have same restored to their original condition.

I trust this clarifies the up to date position.

Your sincerely

FOR A/COUNTY SECRETARY

**This matter is being dealt with by Mairead Maguire or Sarah Mc Gee.
Tel: (074) 72288**

/CS

Ballymagroarty
Ballintra
Co. Donegal

16th February 2000

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Dear Sir/Madam,

I refer to my letter of 30th May 1999 to you relating to air pollution originating from McCaffrey's Quarry at Ballymagroarty, Ballintra to which you have not yet replied.

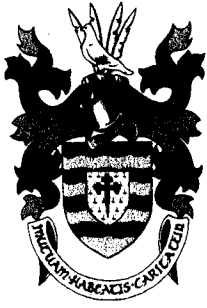
I would be most grateful if you would give this matter your fullest attention. I have attached a copy of my original correspondence for your convenience.

I look forward to hearing from you.

Yours faithfully,

PD O'Gorman

cc A Fanning, Environmental Protection Agency.



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref: ENV/A.P.GEN Your Ref:
FEB00/LET122

24th February 2000

Mr. Pearse O'Gorman
Ballymagroarty,
Ballintra,
Co. Donegal

Re: McCaffrey's Quarry, Ballymagroarty, Ballintra

A Chara,

I refer to your letter dated 16th February 2000 regarding the above.

I wish to advise that a copy of your letter has been forwarded to our Executive Chemist for investigation and a full reply will issue in due course..

Is mise le meas,

A handwritten signature in black ink, appearing to read 'Liam Mc Carron', written over a horizontal line.

LIAM MC CARRON
A/STAFF OFFICER
ENVIRONMENT

/SH

Ballymagroarty
Ballintra
Co. Donegal

27th April 2000

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Your Ref; ENV/A.P.GEN
 FEB 00/LET122

Dear Sir/Madam,

Thank you for your letter of 24th February from Mr Liam McCarron, Staff Officer, Environment indicating that pollution from Messrs. McCaffrey's Quarry at Ballymagroarty, Ballintra would be investigated and fully reported on by the Executive Chemist.

I would like to advise you that Donegal County Council is welcome to establish monitoring stations on our adjacent lands.

It may interest you to learn that what appears to be yet another unregulated tar/asphalt plant has just been installed by McCaffreys. On Saturday 7th April, soon after its commissioning, its pungent fumes were unfortunately all too noticeable at a distance of over 500m.

I look forward to hearing from you in due course.

Yours faithfully,

PD O'Gorman

Ballymagroarty
Ballintra
Co. Donegal

20th April 2000

Daniel J. Crowley
Environmental Health Service
Public Health Department
Community Care Office
North Western Health Board
Ballybofey
Co. Donegal

Dear Sir/Madam,

I refer to my letter of 28th June 1999 to you relating to air pollution originating from McCaffrey's Quarry at Ballymagroarty, Ballintra to which I have not yet received a reply.

I would be most grateful if you would give this matter your fullest attention. I have attached a copy of my original letter for your convenience.

I look forward to hearing from you at your earliest convenience.

Yours faithfully,

Pearse O'Gorman

Ballymagroarty
Ballintra
Co. Donegal

2nd May 2000

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Dear Sir/Madam,

re: Planning Regulations

I have previously written to Mr Liam McCarron, Environment, about pollution originating from McCaffrey's Quarry at Ballymagroarty, Ballintra. Your Executive Chemist has been asked for a full report.

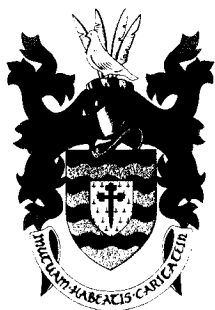
In April 2000 it appears that Messrs. McCaffrey have constructed and commissioned a new asphalt plant. I am concerned that this is yet another unauthorised development on this site.

I would be grateful if you would clarify whether or not this development requires planning permission and regulation. If it does require planning permission, can you please confirm that no planning permission has been granted by Donegal County Council.

I look forward to hearing from you at your earliest convenience.

Yours faithfully,

PD O'Gorman



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222. Fax: (074) 41205

Our Ref:

Your Ref:

9th June, 2000

TO: Mr Jim Gorman
Ballymagroarty
BALLINTRA

Dear Mr Gorman,

I refer to your letter of 27th May, 2000 and wish to advise that no planning applications have been lodged with Donegal Co. Council to quarry lands at Ballymagroarty, Glasbolie or Lurgan, Ballintra.

I trust this is the information you require.

Yours sincerely,

for A/COUNTY SECRETARY

**This matter is being dealt with by Mairead Maguire
or Sarah McGee Planning Tel: 074 72288**

Ballymagroarty
Ballintra
Co. Donegal

Your Ref: R622/22/8A

19th June 2000

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Dear Sir/Madam,

Thank you for your letter of March 30th.

I wish to advise that, to date, Messrs McCaffrey have not restored the lands in question to their original state.

I would be grateful if you would let me know of the up-to-date position in regard to the serving of the Enforcement Notice.

I look forward to a reply at your earliest convenience.

Yours faithfully,

Helen O'Gorman



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref:

Your Ref:

19TH September, 2000

Ref. No. P622/22/8A

TO: Miss Helen O'Gorman
Ballymagroarty
BALLINTRA

Dear Ms O'Gorman,

I acknowledge receipt of your letter of 19th June, 2000 regarding Messrs McCaffrey's quarry at Ballymagroarty, Ballintra.

I understand that the Environmental Impact Study is now about complete in respect of the lands they intend applying for permission for. In relation to the lands on which they commenced quarrying in early 1999, they have been requested to submit proposals and timescale for restoration of same.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Mairead Maguire', written over a horizontal line.

for A/COUNTY SECRETARY

**This matter is being dealt with by Mairead Maguire or Darran Nash
Planning (Tel: 074 72288).**

file copy

Ballymagroarty
Ballintra
Co. Donegal

4th September 2000

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Dear Sir/Madam,

I refer to my letter dated 2nd May 2000 to your Planning Department concerning what appears to be further unauthorised developments at Messrs McCaffrey's quarry to which I have not received a reply.

I would be most grateful if you would give this matter your fullest attention. I have attached a copy of my original correspondence for your convenience.

Yours faithfully,

PD O'Gorman



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222 . Fax: (074) 41205

Our Ref:

Your Ref:

19th September, 2000

Ref. No. P622/22/8A

TO: Mr Pearse O'Gorman
Ballymagroarty
BALLINTRA

RE: McCaffrey's Quarry at Ballymagroarty, Ballintra

Dear Mr O'Gorman,

I acknowledge receipt of your correspondence of 2nd May, 2000 and 4th September, 2000 regarding the above matter.

I wish to advise that the matters raised are receiving attention and will be followed up when the necessary reports come to hand.

I regret the delay in replying to your correspondence.

Yours sincerely,

Mairead Maguire

for A/COUNTY SECRETARY

**This matter is being dealt with by Mairead Maguire or Darran Nash
Planning (Tel: 074 72288).**

Ballymagroarty,
Ballintra,
Co. Donegal
27-October-2000

Planning Department,
Donegal County Council,
Lifford,
Co. Donegal.

Re : Quarry Developments at Messrs Mc Caffreys',
Ballymagroarty, Ballintra.

Dear Sir / Madam,

I refer to recent advertisements concerning intention to apply for permission / retention at the above development. I wish to object to any permission / retention on the grounds of the history of serious nuisance and environmental problems arising from the existing works over the past thirty years.

Could you please confirm whether or not, any person or company has lodged an application for permission / retention in Ballymagroarty or surrounding townlands, for quarrying or such related activities.

I would be grateful for a reply by return.

Yours faithfully,

Kieran O'Gorman
for James Gorman

Ballymagroarty
Ballintra
Co. Donegal

26th November 2000

Ms. Mairead Maguire
Donegal County Council
County House
Lifford
Co. Donegal

Dear Ms Maguire,

I refer to your letter of 19th September 2000 concerning Messrs. Mc Caffrey's Quarry at Ballymagroarty, Ballintra.

Regarding Messrs. Mc Caffrey's intention to apply for planning permission, notices were recently placed in the "Donegal Democrat". However, as far as I am aware, no application was subsequently lodged. Can you confirm if this is correct?

In relation to your request to Messrs. Mc Caffrey to submit proposals and a timeframe for the restoration of the third quarry, where work commenced in January 1999, no such restoration has been undertaken to date. Surface water runoff and contaminants from the original quarry developments are now being discharged onto the ground in the area of the third quarry. (see photograph enclosed). Could you please let me know when Messrs. Mc Caffrey's intend to restore this area as per your request?

I look forward to hearing from you.

Yours sincerely,

Helen O'Gorman.

Ballymagroarty
Ballintra
Co. Donegal

14th December 2000

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Your Ref; ENV/A.P.GEN
 FEB 00/LET122

Dear Sir/Madam,

I refer to my letters to you dated 16th February 2000 and 27th April 2000 in relation to pollution from macadam/asphalt plants at Messrs. McCaffrey's quarry at Ballymagroarty, Ballintra. You indicated in your letter of 24th February 2000 from Liam Mc Carron, Environment, that the Executive Chemist would be undertaking an investigation. I was wondering if this report is now available or when a reply might be forthcoming.

I am also interested to know what monitoring is being conducted by the County Council in regard to,

- (i) blast levels,
- (ii) depth of excavation

at the quarry.

I look forward to hearing from you.

Yours faithfully,

PD O'Gorman

COMP 1

Ballymagroarty,
Ballintra,
Co. Donegal
27-October-2000

Planning Department,
Donegal County Council,
Lifford,
Co. Donegal.

Re : Quarry Developments at Messrs Mc Caffreys',
Ballymagroarty, Ballintra.

Dear Sir / Madam,

I refer to recent advertisements concerning intention to apply for permission / retention at the above development. I wish to object to any permission / retention on the grounds of the history of serious nuisance and environmental problems arising from the existing works over the past thirty years.

Could you please confirm whether or not, any person or company has lodged an application for permission / retention in Ballymagroarty or surrounding townlands, for quarrying or such related activities.

I would be grateful for a reply by return.

Yours faithfully,

Kieran O'Gorman
for James Gorman

Ballymagroarty,
Ballintra,
Co. Donegal.
18-12-00

Planning Department,
Donegal County Council,
Lifford,
Co. Donegal.

**Re : Quarry Developments at Messrs Mc Caffreys',
Ballymagroarty, Ballintra.**

Dear Sir/Madam,

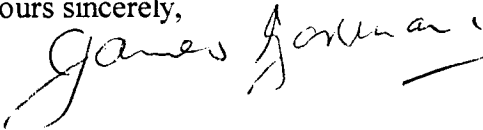
I refer to previous correspondence of 27-October-2000, copy attached. To date I have not received a reply.

I would be grateful for:

1. An acknowledgement of the objection submitted
2. Confirmation of whether or not, any person or company has lodged an application for permission / retention in Ballymagroarty or surrounding town lands, for quarrying or such related activities.

Trusting this in order.

Yours sincerely,



James Gorman



Comhairle Chontae Dhún na nGall

Donegal County Council

Tel: (074) 72222. Fax: (074) 41205

Our Ref:

Your Ref:

Misc./Obj.

21st December 2000,

James Gorman,
Ballymagroarty,
BALLINTRA,
Co. Donegal.

**Re: Proposed application by Messrs. McCaffreys' for Quarry
Developments at Ballymagroarty, Ballintra.**

A Chara,

I refer to your recent letter of objection to the above proposal and am to advise that there is no current planning application before this Council for consideration at present.

Mise le meas,

a mella
For ACTING COUNTY SECRETARY.

AM/MMcE.

Ballymagroarty
Ballintra
Co. Donegal

16th February 2001

your ref: P622/22/8A

County Secretary
Donegal County Council
County House
Lifford
Co. Donegal

Dear Sir/Madam,

I refer to my letters to you on 2nd May 2000 and 4th September 2000 relating to developments at McCaffrey's Quarry at Ballymagroarty, Ballintra. In your reply of 19th September 2000 you stated that these matters were receiving attention.

I was wondering if the necessary reports are now to hand. I would be most grateful if you would advise me of the outcome.

I look forward to hearing from you.

Yours faithfully,

PD O'Gorman