

Mary Fanning

Quinnsboro,

Monasterevin, Co. Kildare

W34Y432

20/08/2025

Case Number: ABP -322432-25

**RE: Application for substitute consent under Section 177 E for quarry, Coolsickikn,
Quinnsboro, Monasterevin.**

Attention Derek Kelly, Executive Office, ACP

Dear Mr Kelly,

**Kindly find my 32-page response to the Kildare County Council report dated August 8th of
this year.**

**I am sending my response by registered post and would like an acknowledgement by
return, please.**

**I have had difficulty in the recent past with ACP, where a registered letter marked received
could not be found by staff after a query from me.**

**Eventually, Mary Hunter from ACP found the letter, attached it to the file of case nos:
322722 and an acknowledgement was forwarded to me.**

**As a journalist, I found this concerning and would be most appreciative of a written
acknowledgement of the enclosed file.**

Thanking you for your time and help.

Mary Fanning.

Mary Fanning

AN COIMISIÚN PLEANÁLA	
LDG-	_____
ACP-	_____
21 AUG 2025	
Fee: €	Type: _____
Time: 9.15	By: reg post

ABP no. 322432 -25

Mary Fanning

Quinnsboro

Monasterevin,

Co.Kildare.

W34Y432

19/08/2025

**Observations re Kildare County Council's
report for substitute consent, Bison Quarries
LTD, Ballykelly, Co.Kildare (ABP no. 322432),
in response to an invitation by An Coimisiún
Pleanála.**

Attention, Derek Kelly – Executive Officer.

In response to Kildare County Council's report, August 8th, 2025, on planning application/applications 322432-25 concurrently with 37L of Bison Quarries application of substitute consent FDO9 322722

The report's content, I allege, is both factual and historically incorrect, as well as misleading and inaccurate; the insertions cited are contradictory. Parts of the Built Heritage section are ten years out of date. KCC's response to An Coimisiún Pleanála fails on all counts.

- Historical evidence as presented in my report of water table stripping and illegal water expulsion onto canal banks and into landowners' land without permission by previous operators.
- Gross negligence with regard to domestic wells at huge cost to householders.
- Gross negligence with regard to pollution of natural habitats.
- Evidence of E. coli and Coliform as presented in this report in the quarry void as recorded on July 8th of THIS YEAR.
- Kildare County Council states this quarry lies on top of one of the most important aquifers in the county, and the Ecoli and Coliform elements, as presented in this report, therefore pose a risk of contamination of the entire water system of Monasterevin and the surrounding areas.

I respectfully suggest THE evidence-based facts IN MY REPORT, omissions, lack of facts and references to historical events. renders Kildare County Council's report pursuant to Section 1771 (1) of the Planning and Development Act, invalid. The report is not numbered. I will refer to the pages, as I have counted, and the sections relevant to my response.

On page 1, Section 1. Under the heading: Description of development and background information. It states: 'Bison Quarries Ltd has **not undertaken and do not intend to undertake extraction activities.**'

The subject quarry was operated illegally from 2000 to 2009 and was closed by KCC with a court order and an enforcement order in 2006(**enforcement orders below page 3.**)

In their response to the substitute consent application of ACP, KCC concludes on **page 19**. Under section 5, they support, in principle, the proposed development and quote the County Development Plan for **Mineral extraction.**

On page 18, section, The Planning Authority's opinion: KCC points out that a current application under section 37L is at present under consideration by An Coimisiún Pleanála to further develop the site as a quarry.

This is in complete contradiction to Kildare County Council's report, which clearly states on page 1 that 'Bison Quarries has not undertaken and does not intend to undertake extraction activities at the application site.

Legally, this, I allege, renders KCC's report null and void as its content is disingenuous, untrue, not factual and erratic in its content. If Bison Quarries, as stated, **have no plans for the extraction act**, why are there:

- **eleven extraction references/guidelines in the KCC response to ACP?**
- **a conclusion recommending the substitute consent in line with Kildare County Council's Development plan for mineral extraction and a clear intention to seek full permission to operate as a quarry with a section 37 L application.**

(KCC cites and quotes regulations for mineral extraction ELEVEN times in its report.)

Page 9 cites table 13.3 of the Kildare County Development plan, where the report quotes 'It indicates that sand and rock extraction as a use which has a high compatibility with the landscape character'.

Page 12. Section 3. Relevant Policy/Guidelines Provisions.

Page 14: under the heading Kildare County Development plan 2023-2025 Chapter – Our Rural Economy section 9.9.

Page 15: it cites 'Extractive Industry can have damaging environmental effects and permission will only be granted where the council is satisfied that the residential and natural amenities will be protected and pollution will be prevented and aquifers and groundwater safeguarded.' Council policy under RD P8, RD 042, RD 044,

Page 16, RDO48, RD 049, RDO50,

Page 17, Chapter 13- Landscape objective of council, LRO8.)

On page 2 of section 1, the report states: 'There is limited data available with regard to specifics of the operational life of the quarry.' (That is inaccurate and completely contradicts Kildare County Council's actions in 2006 -2008.)

- **In 2006, an enforcement order from Kildare County Council dated 27th January ordered the operators, Roadfill Ltd, to immediately cease unauthorised operations.**
- **(see below) Kildare County Council Enforcement order page 3.**
- **Roadfill Ltd were the rogue operators of the subject quarry owned then by Michael Byrne of Grove House, Quinnsboro and sold to Ray Grehan of Bison Quarries in 2022.**

27th January 2004

Order ref: LFD-42019

REDAEMED PAUL.
William Caudron,
Director,
Roadkill Ltd.

RE: Enforcement Notice

Draw $\text{SiO}_2(s)$

Attached is an Enforcement Notice, which is being served on you by Kilbarr County Council, the Planning Authority for County Kilbarr.

Please be advised that if the Eminent Domain Notice is not completed with in full within the time stated, Holders County Council will refer the unauthorized development to our solicitors for legal action, without further notice to you. This must then be liable for any associated costs.

If you wish to make a submission or observation in response to this Notice, please do so in writing to Kildare County Council, Planning Enforcement Section at the above address.

Yours faithfully,

ppdunlop
Mr. Gerald Perry,
Senior Executive Officer

Kildare County Council, Aras Chill Dara, Greysteel Park, Naas, Co. Kildare.
T 045 306100 • F 045 700340 • E janet@kildarecouncil.ie • www.kildarecouncil.ie

Kildare
County Council
Cathairle Contae
Chill Dara

**ENFORCEMENT NOTICE
KILDEAR COUNTY COUNCIL
PLANNING & DEVELOPMENT ACT, 2000 TO 2010**

SECTION 14. A BILL PLACING A DEVELOPMENT ACT, 2002 TO 2003

Whereas the County Council of the County of Elbert (hereinafter called "The Council") is the Planning Authority for the County of Elbert (including the Urban Districts in and County) AND WHEREAS in the said area of the jurisdiction of the Council is situated as hereon:

Ballyrally,
Monasterevin,
Co. Kildare.

RoadMill Ltd., developer

AND WHEREAS the said land has been developed without permission as required by Part XI of the Planning & Development Act, 2000 comprising of a rock quarry

AND WHEREAS having considered only the proper planning and development of its area including the protection and improvement of the recreation thereof engaged herein, but in the premises of its Development Plan, the Council has decided that it is expedient to give up you the (developer) of the said development this notice in accordance with the provisions of Sections 154 and 155 of the Planning and Development Act 2000.

NOW the Council is Planning Antitrust as a standard, pursuant to Section 154 of the Act requires you to take NOTICE that you are required, upon receipt of this notice, to:

K) Cease all unauthorized extraction of materials from the lands upon receipt of this Enforcement Notice and in accordance with Section 154(7)(a)(i) of the Planning and Development Act, 2000.

- b) Remove all extraction and processing machinery from the beds within four weeks of the date of this Enforcement Notice;
- c) Not to recommence any extraction or other unauthorized activity until such time as a valid planning permission has been obtained for the retention and completion of the development.

Kildare County Council, Arps Hill Data, Dewey Park, Naas, Co. Kildare.
T 045 700000 • F 045 700040 • E enquiries@kildare.ie • www.kildare.ie

Kildare
(County Council)
Cahirine Centre
Chill Dara

d) To acknowledge the site only and return upon receipt of this Enforcement Notice.

and that if the steps required by Paragraphs (a), (b), (c), (d) and (e) are not adhered to the Planning Authority may enter on the land and take such steps, including the removal, demolition or obliteration of any structures and any expenses any expenses reasonably incurred by them in that behalf and

to recover to the Planning Authority the costs and expenses reasonably incurred by the Planning Authority in relation to this investigation, detection and issue of the enforcement notice and any warning letter, including costs incurred in respect of the investigation and other expenses of employees, consultants and advisers, and the Planning Authority may recover these costs and expenses incurred by it in that behalf and

that if within the specified period, the steps specified in this notice be taken or not taken, you may be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,200 AND if after a person is convicted it is deemed that person does not act as soon as practicable to do everything in his/her power to secure compliance with this Enforcement Notice such person shall be guilty of a further offence and shall be liable on summary conviction to a fine and not exceeding £400 for each day following the date of the Breaching conviction and on which any of the requirements of this Notice remain uncomplied with.

Section 171 of the Planning and Development Act 2000 provides that any person who has control **over** or is **carrying out** unauthorised development shall be guilty of an offence. Section 154 of the Planning and Development Act 2000 provides that any person on whom an enforcement notice is served who fails to comply with the requirements of the notice within the specified period or within such extended time as the Planning Authority may allow, not exceeding **14 weeks**, shall be guilty of an offence. A person who is guilty of an offence under Section 151 and/or 154 shall be liable to a fine or to a term of imprisonment or both.

The possible penalties involved where there is an offence are as follows:

Fines of up to £ 32,697,300.00 on indictment, or 2 years imprisonment, or both.

Or

KIDDER COUNTY COUNCIL, ARRA CHIEF DEPT. DUMP PARK, WASH. CO. KIDDER
TOLL 903266 • FAX 903269 • E recorder@kiddercountynv.com • www.kidder-county.com

Kildare
County Council
Gambhiria Cantas
Chill Dara

Up to \$ 100.01 on summary conviction or 6 months imprisonment, or

Dated this 27th day of June 2001

Signed Byron Perry

Section 2

RECENTLY PUBLISHED
William Cambren,

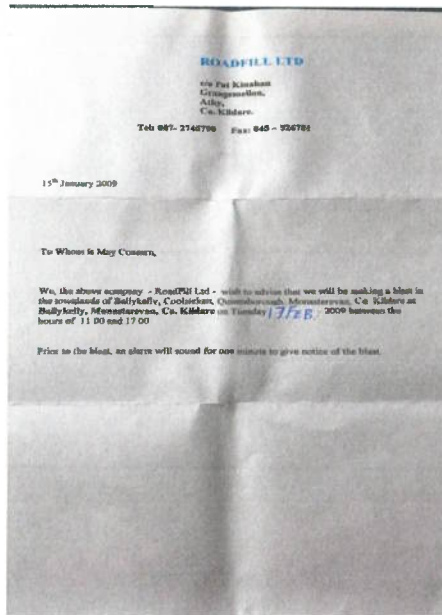
- In 2008, Kildare County Council issued legal proceedings against Roadfill Ltd, the quarry operator and the landowner, Michael Byrne, in the Circuit Court held on April 17th, before His Honour Judge McDonagh.
- I have collated a summary of that court order, as the original PDF cannot be attached due to the GDPR laws for Court Cases before 2018. However, my collating is 100% accurate.
- The first named Respondent, Roadfill Ltd, was ordered to cease the unauthorised development being carried out on the property known as Ballykelly, Monasterevin, Co. Kildare (the 'lands').
- They were further ordered to remove all extraction and processing machinery, plant, equipment, materials and other machinery used in connection with the unauthorised development.

In Section 1. Page 2. KCC states the quarry operated between 2000 and 2006 (That is inaccurate.)2.

- The quarry functioned in 2009 as evidenced by the attached blasting warning notice and invoice (see page 5 below). Further evidence of operation in 2007 is the newspaper reports about the illegal expulsion of water in the local media (see pages 19 /20 below).

Appendix C

er sent to local resident notifying of blasting (Dated January 2009).



Appendix D

ement of account from quarry operator sent to local businessman (dated November 9).

ROADFILL LTD

STATEMENT
Date 25th November 2009
Vat no. 6566212A

c/o Pat Kiernan,
Grangemallan,
Adhy,
Co. Kildare.
Tel: 087-2146700
Fax: 045-936781

Client:
Clonmel,
Monasterevan,
Co. Kildare.

Invoice No.	Date	Amount
1309	20th January 2009	€ 6,460.00 ✓
1335	24th February 2009	€ 4,912.00 ✓
1342	31st March 2009	€ 3,142.00 ✓
1363	22nd April 2009	€ 4,028.00 ✓
1368	20th May 2009	€ 975.00 ✓
1385	23rd June 2009	€ 1,697.00 ✓
1387	8th July 2009	€ 750.00 ✓
	less paid 18.02.09.	€ 3,489.00
	less paid 09.07.09.	€ 17,798.00
		€ 10,000.00
	Amount Due	€ 12,798.00
	paid 01.12.09	€ 990
		€ 11,808.00

Please make arrangements to meet Pat Kiernan in relation to the above.

On the same page and under section 1. KCC states that 'pumping of collected waters from the quarry void and subsequent discharge to the ground. (That is inaccurate.) 3

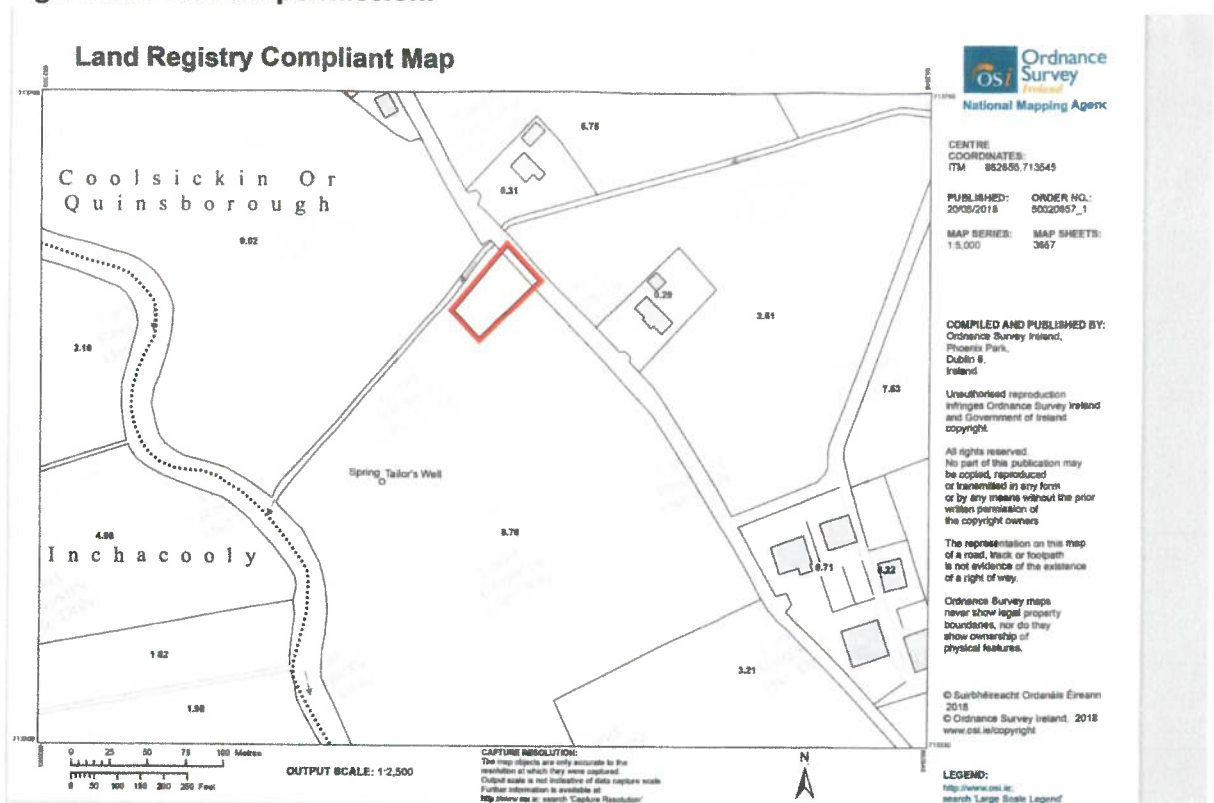
There is a historical record of rogue operations at BallyKelly quarries in 2007, when millions of gallons of water were discharged from two quarries, including the one for which Bison Quarries has applied for in their substitute consent. This water mass was flushed onto the canal path, which is the property of Waterways Ireland and now part of the Blueway, sent up to a culvert stream under the canal, fed onto the land of Michael McCormack and eventually onto Larry and Mary McCormack's land at Quinnsboro, without permission, into the Figile River, a tributary of the Barrow, SAC. As shown in the aerial images below.

The previous extraction damaged wildlife habitats and utilised streams running under the canal as a dumping point, ultimately feeding into the Figile River through our land. This application outlines, in a circumstantial manner, that the operator intends to use the same method without permission from Kildare County Council, Waterways Ireland, or us, the landowners, who were the last source of discharge into the Figile River.





Our land (map below) at Quinnsboro was the final expulsion source from which the previous operators of the quarries illegally flushed water from the quarry into the Figle River. without permission.



- The expulsion and extraction of water from the quarry was illegally pumped, thousands of gallons every day, onto the Grand Canal bank and destroyed habitats, which still have not been restored and certainly have done nothing for biodiversity.

- This was widely reported on in the national and local press. (see press reports from 2007 page 19/20.)

• This area is now the Barrow Blueway!!!!

This is the quarry photograph taken on July 8th 2025. And the second photograph is the quarry in 2007 with the discharge pipes visible. The water was not as stated in the KCC report, discharged to the ground!

In 2007, blasting the water table 10 meters down exposed a fresh water spring source, which currently serves as the nine million gallons water source in the quarry void and depleted all domestic wells in the area—full report of damage done further down in this observation report.



Page 6 Built Heritage (inaccurate and out of date)4.

The reference to the listed structures is out of date.

- Ballykelly Malthouse Mill NIA:11902103, is now the Church of Oak Distillery. A 60-million-euro tourist investment owned by rockstar Bono, a project in which KCC is invested and uses the spring water to make their whiskey?



- The Small Wonder Cottage NIAH:11902105 is now an expanded family home. Photo below.



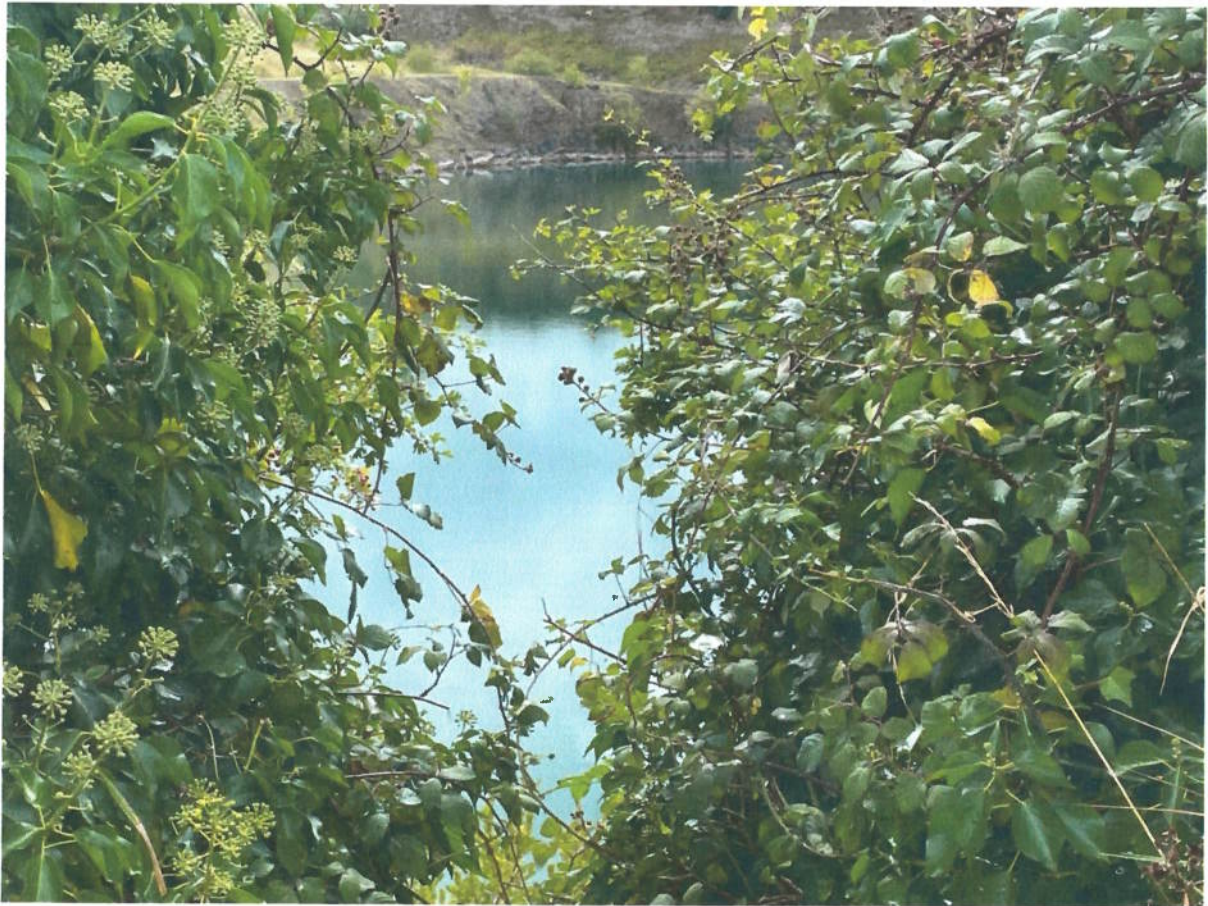
Page 8. Regarding the Barrow Blueway, the information is (inaccurate) 5.

KCC's report states that the Barrow Blueway is 60 m to 940m from the edge of the site; this is untrue. That measurement relates to the front entrance of the Quarry site on the Ballykelly Road and not the canal bank, now the Barrow Blueway.

The accurate distance measure is 9 meters. There is a clear view of the quarry when the trees have shed their leaves.



Please see the photographs below, taken on 14/08/2025, of the view from the Barrow Blueway and July 8th/2025, showing the dog at the edge of the Blueway.



Groundwater. Page 9.

A recent water testing carried out by the CLG, 'Friends of the Barrow Blueway', in the interest of public health and safety and given the historical damage and depletion of domestic wells as a direct result of the quarry operations in 2007, which I will deal with later in this observation, was carried out on July 8th, 2025. This showed significant levels of contamination with E. coli and Coliform. This is particularly concerning given that, and I quote KCC, 'It is understood that the main hydrogeological unit underlies the site, preample limestone of the Allenwood Formation – Regionally important Acquirer-Karstified.

THIS HAS THE POTENTIAL TO POISON THE ENTIRE WATER SYSTEM OF MONASTEREVIN AND SURROUNDING AREAS, GIVEN THE QUARRY'S LOCATION ON A MAJOR ACQUIFER. IF THIS HAPPENS, THIS BECOMES A MAJOR NATIONAL MEDIA STORY.

CERTIFICATE OF ANALYSIS



ALS Life Sciences Ltd.,
Carrigeen Business Park Clonmel Co. Tipperary E91 PF63 Ireland
Telephone: +353 (0) 52 617 8100
www.alsglobal.ie

Page 1 of 1

Mary McCormack
Mary McCormack
Quinnsboro Stud
Monasterevin, Co. Kildare
W34Y432
Ireland

Certificate Number: CLN070564-1 Final
Date Reported: 09/07/2025
Date Analysis Started: 08/07/2025

Lab Ref.	Sample Details	Method Number	Test	Result	Units	Flag
CLN235279	Prod: Order No: PIA €630.79 Cheque Rcvd Dt: 08/07/2025 Start Testing: 08/07/2025 Description: 08.07.25 Water 09:00 Mary McCormack Quinnsboro Studs, Monasterevin, Kildare Spt: Water Microbiology Sample Type: Potable Water Sample Date: 08/07/2025 09:00	SP196	Coliforms	153	MPN/100ml	O
		SP196	Escherichia coli	121	MPN/100ml	O

Certificate approved and electronically signed on 09/07/25 16:43
By Olwen Maher, Deputy Microbiology Manager

For and on Behalf of ALS Life Sciences Ltd

Method ID	Method Descriptions
SP196	Based on ISO 9308-2:2012 and the IDEXX Colilert 18 test kit

Disclaimers:

The testing results in this certificate relate only to the samples described above.
Unless otherwise stated, all results are expressed on an as received basis.
Statement of conformity made against the result does not take into account the uncertainty of measurement associated to the method.
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KCC is incorrect in stating that water levels are seasonal; the quarry is continuously fed by the exposed water table, which was blasted back during the time of the rogue operators' presence. Given that KCC served Circuit Court and Closure Enforcement orders to the illegal operators who were flushing thousands of gallons of water onto the canal, it is beyond belief that they claim, in this report, that there is limited data during the operational life of the quarry.







Quarry problems mount

Special Report by Conor Ganly

A LAOIS-based quarry owner is at the centre of a dispute over the unlicensed disposal of huge quantities of water into a river near Monasterevin which it is feared is polluting and damaging the water supply.

While an estimated 12,000 gallons every 30 minutes has been pumped out of quarries near the town since Easter, local people now believe that their wells have run dry because of blasting in a quarry operated by Abbeyteix-based Humphrey Dowling. But while they are running out of water, the residents claim that the operator has been forced into pumping out water because of damage to the underground water courses during excavations.

There are also fears that the local Figle River, which is a tributary of the Barrow, may have been polluted as a result of the pumping of vast amounts of untreated water by both Mr Dowling and the

operators of an adjacent but separately-run, unused quarry.

The unused quarry is understood to have been shut down because it was operating without a

licence.

Both quarries are located in Ballykelly, Monasterevin. Both are located on farmland which is adjacent to the Grand Canal.

Local residents say that since Easter water pipes have been gushing water out of the quarries unchecked into a ditch which runs parallel to the canal. The two industrial size pipes which are about 10 inches in diameter run from the base of the deep quarries to the ditch.

The water then flows along the publicly owned land into a stream which runs under the canal. This water then travels nearly a mile until it enters the Figle. It is not clear if the canal or river has been polluted but local people are convinced that pollution has occurred. There is some evidence of fuel in the water while the man made river contains pools of a cloudy green coloured water.

Besides pollution fears, residents are now concerned that their water supply may have been irreversibly damaged as a result of continuous blasting over the past two years on Mr Dowling's site. Several households in the vicinity, which rely on wells for their supply, are now running out of water.

The resident sat that Mr Dowling has quarried so deep that he has undermined the water table. They also believe that the problems with the water supply has resulted from a damaged a spring which runs through the quarry, and has now been compromised. Well-known RTÉ broadcaster Mary Fanning McCormack and her husband Larry McCormack operate a

stud farm and also farm cattle and sheep on land which borders the canal and affected river. While thousands of gallons are pumped from the quarries within a mile of their home their water has run dry.

Ms Fanning dubs the quarries as "the lakes of Killyarney" such was the amount of water that it contained. She says supply to their house has run dry and the family are now relying on a farmyard pipe.

Both are outraged by the turn of events and are prepared to fight to protect the area and their water supply from further damage.

"I'm not the Erin Brockovich type but I'm going to fight this," says Mary. "We are not putting up with it and that is it," she says.

Larry McCormack fears for the future of his farm. He has sheep, cattle and thoroughbred mares with young foals on the farm. He fears that there will be no water during the summer.

Because the water level has dropped and the quarrying, the couple do not see any point in digging a new well because it too may run out.

The Foster family also rely on a well for supply and their coach business has also been affected. The family have stopped washing their buses because of the supply. The Council was contacted about the supply and cracks in the houses structure which they claim is due to the blasting.

"It's a disgrace," says



"Lakes of Killyarney" is how locals have dubbed one of the quarries at the centre of Monasterevin row.

**Your Fine Gael Team in Laois/Offaly is
Molly Buckley, Olwyn Enright and Charlie Flanagan**



Cllr. Molly Buckley

087 2914302
mollybuckley@eircom.net



Olwyn Enright TD

057 9122326, 9329870
olwyn.enright@olreachtas.ie



Charlie Flanagan

057 8620232, 8660707
charlie.flanagan@finegael.ie

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Water pipes climb steep cliffs at Dowling quarry

in Monasterevin

Angelina Foster. "Someone was supposed to get back but never did."

She also pointed out the area is popular with tourists during the summer but many will be shocked when they see the level of quarrying that has occurred so close to the canal. Her sister Edwina is preparing for a dry summer.

"It supposed to be a hot summer but what if the well dries up altogether then what is it going to be like during the summer," she said.

Tony Finlay is a local angler who is aware of the situation and is set to alert other anglers in the area as to what has gone on. He has seen the flow first hand and estimates that up to 12,000 gallons every half hour could be flowing into the river.



Public warned about dangerous water depth at one of the quarries.

A thatcher working in the area had to use canal water when thatching a newly renovated cottage for a young couple who are planning to move into the area. Mary Fanning believes this family will not even have a water supply when they move in.

Michael Byrne owns the land on which the unused quarry is located. An application has been lodged in to begin quarrying on the site again. He claims that any pumping of water is the responsibility of Roadfill. He also claims that any damage to water supplies is the result of blasting and quarrying by Mr Dowling but said his supply has not been affected. Roadfill did not have a telephone listing at their company address and could not be contacted.

Mr John Behan owns the land where Mr Dowling is operating. He lives across the road from the quarry but says his supply was not affected either but he said he would be concerned if neighbours were having problems. He was aware that water was being

discharged and but believed that Mr Dowling had permission to do so.

Through his company Abbeyfeix Sand and Gravel, Mr Dowling has applied for a 15-year licence to continue excavations. No decision has been reached on the application which includes blasting. One local resident confirmed that up to nine householders had signed a petition opposing the granting of a licence because of the blasting. Their objection has been lodged with Kildare County Council.

Despite several requests, Mr Dowling declined to comment to the Leinster Express.

Waterways Ireland and Kildare County Council moved this week to inspect the discharge site. A spokesperson for Waterways Ireland confirmed that it had not licensed and work on its land.

She said they would be writing to the operators of the site but could not confirm what action could be taken. Water samples have been taken for testing.



Quarry water gushes from 10 inch pipe into canal land.

Roll 'n Bowl, Portlaoise Entertainment Centre
 Clonminagh Business Park, Portlaoise, Co. Laois.
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 Web: bowlingireland.com

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That illegal pumping was extensively covered in the local press from the subject quarry, in the Leinster Express report by Conor Ganly, April 18th 2007, where the previous owner, Michael Byrne, freely admits his tenants, Roadfill Ltd. were responsible for releasing the illegal amounts of water on to the canal bank, the property of Waterways Irl., feeding it up the canal bank, now the Blueway under the canal, into the farm Michael Mc Cormack and on to Larry and Mary McCormack's farm, eventually releasing into the Figile River without permission of stakeholders.

On page 15, under the headline from page 14- Our Rural Economy.

The KCC report clearly states: 'The Extractive industry can have damaging effects, and permission will only be granted where the council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and groundwater safeguarded.

- Groundwater will not and has not been safeguarded, there is a nine-million mass of highly contaminated water in the void., *'It is understood that the main hydrogeological unit underlies the site, preample limestone of the Allenwood Formation – Regionally important Acquirer-*

- Previous operations at the quarry have had a direct bearing on wells in the area, and Mary and Larry McCormack have had ongoing problems for 19 years with water on their farm and home as a direct result of the blasting of the water table. We are on our second well now, and there is a massive amount of Manganese in the water, which requires a filtration system.

Below (PAGE 22) is Ned Nagle's consultant report, which contains costs for new wells in 2008, and his report where he clearly states: 'if and when the water is pumped out, problems with these two wells will occur again.'

Nagle Agricultural Consultants

Agricultural Consultants & Valuers

Jonestown,
Edenderry,
Co. Offaly.

Phone/Fax: 046 9731207
087-258 38 95
E-mail: nagleconsultants@eircom.net

Denis Boland,
Patrick V. Boland & Son Solicitors,
Main Street,
Newbridge,
Co. Kildare.

Re: Larry Mc Cormack & Mary Fanning Mc Cormack V. John Behan &
Humphrey Dowling Trading as Abbeyleix Sand & Gravel

Dear Denis,

The following are the answers to the queries raised.

1. Cost of well drilling (see attached invoice)	1,475.00
2. Pumping & treatment system (see attached invoice)	1,050.00
3. Pumping & treatment system (see attached invoice)	448.91
4. Replacement costs of	
(a) Tarmac estimated at	2,000.00 -- F
(b) Trees and shrubs estimated at	150.00 -- F
(c) Concrete to be lifted up & re laid estimated at	500.00 -- F
5. The loss income from letting of the cottage is	
Estimated at €3600 for 6 months April to end Sept	3,600.00 <i>social welfare payment</i>
6. Owners time; This is estimated at €1000	1,000.00
(Larry Mc Cormack will outline what he had to do	
Because of the problems that arose with his water	<i>photo enclosed</i>
Supply)	
7. There are two other wells present and their was	
A problem with these wells and it is estimated that	
2 new wells together with pumps and fitting will have	
To be put in place. The estimated cost of these including	6,000.00
Owners time, fittings, fixtures etc. is put at	
8. Incidental costs are per attached copy invoices to	247.55
Date (i.e. photos etc.)	
Total	€16,471.46

Director: EJ Nagle M. Agr. Sc. VAT No. IE 489125P

Note; (a) The figures for items 4 (a), 4 (b), 4 (c) are estimated and evidence will be deducted at the hearing to support this claim.
(b) the figures for income loss from the cottage will similarly be deducted as will Larry Mc Cormack and Mary Fanning Mc Cormack outline what they had to do because of the problem.
(c) In relation to No 8 an estimate is put in for two extra wells to replace 2 existing wells that are causing trouble because of the works carried out on the quarry.

It should be noted that these two wells are still in operation however this is only because of the fact that as there is no works going on in the quarry the water has been let build up in the quarry and this has stabilized the water table. If and when this water is pumped out the problem with these two wells will occur again.

(d) Enclosed please find copy of relevant invoices.

Yours sincerely,

Ned Nagle

Ned Nagle,
Agr. Consultant/Valuer.

Dated: 12/11/06.

In addition, please find a report from O' Neill Water Engineering with full and comprehensive reports on how households were affected by blasting the water table in 2006 -2008. (page 25.)

Cc Abbeyfields Sands & Gravel Ltd

Friday 13th July 2007

RE STATEMENT OF FACTS REGARDING WELL SURVEY CARRIED OUT ON BEHALF OF ARMITAGE SANDS & GRAVELS
BALLYRILEY, MOUNTAINVIEW, CO. KILDARE

Dear Patrick, Roland & Son,

Q'Neill Ground Water Engineering Ltd. (QGE) was commissioned on behalf of Abbeylets Sands & Gravel to compile and submit an Environmental Impact Assessment for a quarry at Bullyhealy, Monasterevin, Co. Kildare. This Environmental Impact Assessment was submitted to Kildare County Council (ref: 06/2727). Kildare County Council subsequently issued a Request for Further Information (dated 9th February 2007) to clarify certain key items. One such item of further information was an assessment of all wells within the vicinity of the site.

A survey of domestic wells within a 1km radius of the quarry was conducted on-foot on Monday 30th April 2007 by myself. On the day of the site visit a total of 14 houses were visited and information regarding the domestic water supply in each case was gathered. In cases where the homeowners were absent, a letter was posted detailing the purpose of the visit (see copy enclosed). Where contact details were requested, or as necessary, an OGE business card was presented and left with homeowners.

The houses in question, those of the Foster family, Larry and Mary McCormack, and Jim O'Loughlin were visited at approximately midday. The information gathered from these households is presented as follows:

Unit 17, *MP Business* pack, Newhall, Warr
T: 01924 450000 F: 01924 450000 E: 01924 450000

© 1993 Sande & Gravels Well Group.

Page 2 of 3

Project No. T407011

Statement of facts

July 2007

Faster flows, filthy belly The house has a single domestic well which is used to serve the house and wash-basins (family business). The well is positioned approximately 5m from the back door of the house, in 35 ft deep and 40 years old. The well is covered with concrete so a water level could not be obtained. Problems with the water supply were noticed on around 19th April 2007 and continuous bleeding of pipes has been required since. Since then there has only been enough water for a drinking water supply. Household washing must be done at a relatives house 2 miles away and the house cannot be washed.

Larry McCormack, Quionsborough: Larry McCormack reported significant water supply problems and pumped three 150mm diameter wells for domestic and farm use (a) 6m deep, dry; (b) 7.2m deep, water level 4.8m below surface but out of use due to insufficient yield since (c) 8.7m deep, water level 4.1m below surface, active for drinking water but has already had to replace one pump on 28/04/07 (when well went dry). The wells are 40 years old and no previous problems had been reported until Easter 2007. Water quality has historically been excellent.

Jim O'Loughlin, Quiverbrook: Single domestic well located approximately 10m in front of house behind front garden wall. Well is 7 years old, 150mm diameter, 7.5m deep; water level 3m below surface. Since Easter, the well has to be primed each evening prior to use.

When visiting households as part of a well survey any standard introduction is "I am working for a company named as New Council (I) Well Ground Water Engineering and am carrying out a well survey as part of a report for the *Kildare County Council*." The common response from a household is "Why?" It then explains why, in this case on behalf of *Abbeyleix Sands & Gravel* due to recent water supply problems in the area. I spoke openly with the Foster family, Jimmy (I) Loughlin and Larry and Mary McCormack on the day of the site visit. I cannot remember the exact course of these conversations as I visited many other houses that day, but I would be surprised if not one of these people asked who I worked for, where I am based, and what kind of work I typically do. It took approximately 2 hours to survey the wells of these three houses.

I have not previously, and do not presently, work for Kildare County Council. I have no secondary interest in Abbeylands & Gravel. I assist Hearsphere/Dunbar briefly for the first, and only time, on the morning of the wall survey. I have no interest, nor is it of any benefit to me, to act fraudulently on his behalf. OGE are employed frequently to carry out this type of work independently and it is in my own interest, and that of the company by whom I am employed, to maintain integrity and impartiality at all times. It serves as no advantage to present myself as working for Kildare County Council. If a homeowner does not wish for their wall to be surveyed I simply record the facts and move on to the next house. The purpose of the wall survey is to compile an assessment of wall information and ground water levels on a single date, for the construction of ground

Large Sands & Gravels Wall Surveys

Page 3 of 3

Shelagh N. Gardner

Statements of facts

July 2007

water contour maps and to which future reference can be made. This report was not presented to Abbeyley: Sands & Gravelle for approval.

On this particular well surveyed a noticeable amount of homeowners asked could they receive a copy of the report that I would be compiling. I explained freely that my report would be submitted to Kildare County Council and from there it would enter the public domain. I stated that we would not be sending a copy of the report to local homeowners and that it is not standard practice for CGE to do so. This information is then placed in the public domain by Kildare County Council. This ensures that information gathered is presented as plain in any report.

Yours Sincerely

the only

Colin O'Reilly Ph.D.

In 2007, thousands of gallons of water were pumped illegally onto the canal banks. Part of the planning granted to Humphrey Dowling's quarry, THE DIRECT NEIGHBOUR TO THE SUBJECT QUARRY, by KCC in 2008, contained 61 conditions, including restoring habitats, not blasting below 1 m, and contaminated water shall be contained on the site and not discharged into any drain or watercourse. (see page 27.)

IT BEGGARS BELIEF THAT KILDARE COUNTY COUNCIL'S RESPONSE TO THE BISON QUARRIES LTD APPLICATION TO ACP, ON AUGUST 8TH OF THIS YEAR, ACCEPTS THAT NINE MILLION GALLONS OF WATER IN A QUARRY VOID WILL BE DISCHARGED INTO THE GROUND IN COMPLETE CONTRADICTION TO THEIR PLANNING COMPLIANCE NOTICE IN 2008 FOR THE NEIGHBOURING QUARRY. John Behan of Ballykelly. IT ALSO BEGGS BELIEF THAT PLANNING FOR SAID QUARRY backfill WAS REFUSED BY KCC, AND THEY SUPPORT THE PRESENT APPLICATION OF THE NEIGHBOURING PROPOSED BISON QUARRY APPLICATION.

In addition, Kildare County Council did not enforce its restoration orders for the canal banks, and the stakeholders were allowed to walk away. (see the photographs below of stagnant water taken in 2007.) Dowling's never opened again.

Date: 3rd September, 2008
Our Ref: 06/2729

REGISTERED POST

Humphreys Dowling T/A Abbeylax Sand & Gravel
Env Efficiency Consultants Ltd
Parnell House
19 Quinsboro Road
Bray
Co. Wicklow

RE: Planning Permission is sought for continued use of an existing stone quarry on a site totalling 9.83ha in the townland of Ballykelly, Coolsicken/Quinsborough, Monasterevin, Co. Kildare. The application includes the continuation of extraction of rock by means of blasting, and all associated site works including mobile crushing, screening and washing plant, settlement lagoons, the construction of a new wheel wash, improved site entrance, car parking area, temporary site office portacabins, and all other associated operational works. The application also includes the provision of all on-site development works including landscaping topsoil/overburden storage areas and screening berms on-site. The application is sought for a period of 15 years. The total area of the site is 9.83 ha. An Environmental Impact Statement (EIS) accompanies the application -

Abbeylax Sand & Gravel - 06/2729

Dear Sir,

I refer to the above application for planning permission and the Notification of the Council's Decision to GRANT a Permission made on the 03/09/08, and I am now to inform you that the requirements of the Environmental Health Officer (as set out hereunder) must also be complied with:

Vibration

Complaints have been received from neighbouring residents about the effect of blasting on animals at stud. These must be addressed and adequate written notice must be given to all interested parties. Compliance with the Environmental Protection Agency Guidance Note for noise in relation to Schedule Activities 2nd Edition.

Noise

Compliance with the Environmental Protection Agency Guidance Note for noise in relation to Scheduled Activities 2nd Edition.

Dust

The total dust emission arising from the on-site operations associated with the development shall not exceed 130 milligrams per square metre per day averaged over a continuous period of 30 days when measured as deposition of insoluble particulate matter at any positions along the boundary of the site. No stripping of topsoil or overburden shall be carried out in periods of dry weather. An adequate hose capacity shall be maintained on site to damp down stockpiles, waste piles and equipment during dry windy weather to prevent the emission of fugitive dust. A wheel wash should be established and maintained at the facility. Drainage from the wheel wash

A fixed sprinkler system shall be installed at the exit gate to damp down any dry load before it leaves the site.

Protection of Groundwater

Contaminated surface water arising on site shall be contained on site and shall not be allowed discharge to any drain or watercourse.

Excavation shall not take place below a level of at least one metre above the water table at the point of excavation.

All fixed fuel and oil supply tanks shall be surrounded by bund wall of sufficient height to contain contents of the tank. The floors and walls of the bund must be impervious to water.

Wastewater Treatment

The applicant shall maintain a wastewater treatment plant at the facility for the treatment of wastewater. The use of any percolation area shall satisfy the criteria set out in the waste water treatment manual, treatment systems for single houses, published by the Environmental Protection Agency.

Staff Facilities

Sufficient potable drinking water points must be provided on site for the staff working at the facility.

Compliance with all health and safety at work legislation.

Yours sincerely

Senior Executive Officer



KCC has entirely ignored the disregard for environmental issues by stakeholders in the past and suggested that the volumes of water contained in the subject quarry application are nonsense. The historical facts cannot be disputed.



Page 15 under the heading County Development Plan in Kildare County Council's response clearly states: *'Extractive industry can have damaging environmental effects and PERMISSION WILL ONLY BE GRANTED where the council is satisfied that RESIDENTIAL and NATURAL AMENITIES WILL BE PROTECTED, POLLUTION PREVENTED AND ACQUIFERS AND GROUND WATER SAFEGUARDED.'*

There is a damning history that previous operators of the quarry failed in this regard and historical evidence from Nagle Consultants that the water retraction will be a problem for local wells.

We are on our second set of wells, water depletion and manganese page 31.



ALS Life Sciences Ltd trading as ALS
Carrigreen Business Park, Clonmel, Co. Tipperary
Telephone: +353 (0) 52 617 8100



Report No: M_LMC-682180624
Document No: EF0011

CERTIFICATE OF ANALYSIS

Date Submitted: 19/05/2024
Date Reported: 01/07/2024
Order Number: PACHQ

Sample Type: Water
Client ID: 18/05/2024 12 15pm Well Water Sample - Larry McCormack
Date Tested: 18/05/2024
ALS ID: 6190158

Test	Result	Unit	Method
Hardness	350	mg/l CaCO ₃	P213
pH	7.3	pH units	P233
Turbidity	0.48	NTU	P238
Chloride	23.8	mg/l Cl	P281
Ammonia	0.03	mg/l NH ₄	P281
Nitrite	0.06	mg/l NO ₂	P281
Nitrate	27.5	mg/l NO ₃	P281
Total Dissolved Nitrogen	6.24	mg/L N	P281
Conductivity @ 25°C	641	µS/cm	P284
Total Arsenic	<5	ug/l	SUBCOM*
Total Copper	0.0601	mg/l	SUBCOM*
Total Iron	66.1	ug/l	SUBCOM*
Total Lead	<0.0	ug/l	SUBCOM*
Total Manganese	372	ug/l	SUBCOM*
Sodium	11.8	mg/l	SUBCOM*

Report Authorised by

Page 2 of 2

Rosemary Thomas
Environmental Chemistry Manager



ALS Life Sciences Ltd trading as ALS
Carrigreen Business Park, Clonmel, Co. Tipperary
Telephone: +353 (0) 52 617 8100



Report No: M_LMC-288030724
Document No: EFD011

CERTIFICATE OF ANALYSIS

Date Submitted: 03/07/2024
Date Reported: 04/07/2024
Order Number: FOC

Sample Type: Water
Client ID: 3.7.24 Kitchen Tap Larry McCormack Dunneboro Monasterevin Co. Kildare
Date Tested: 03/07/2024
ALS ID: 6215095

Test	Result	Unit	Method
Coliforms	0	MPN/100ml	SP 196 Based on ISO 9308-2 (2012)
Escherichia coli	0	MPN/100ml	SP 196 Based on ISO 9308-2 (2012)

Report Authorised by

Page 2 of 2

Murad Gilmore
Microbiology Manager

8/19/25, 2:58 PM

Gmail - RE: Larry McCormack Well Grant_2024-06



Mary Fanning <maryfanning90@gmail.com>

RE: Larry McCormack Well Grant_2024-06

Ruralwater <Ruralwater@kildarecoco.ie>
 To: Mary Fanning <maryfanning90@gmail.com>

Tue, Jul 9, 2024 at 4:18 PM

Evening Mary / Larry,

Following my brief telephone conversation this evening with Larry, I wish to recap/advise on the following:

The water sample results that you submitted via email on the 04/07/2024 as part of your well grant application (Ref: 2024 – 06), have been received. As mentioned, Micheal is out of the office and is due back next week. In his absence I have reviewed the file and the latest water samples provided.

It is noted that the latest water sample has recorded an out of specification result for Manganese @ **272ug/l** (Max parametric value re Manganese = 50ug/l). Turbidity level is also elevated but this would be due to the level of Manganese within the water supply. Based on these latest water sample results, a Manganese Filter will be required to bring the water quality of this supply into compliance.

It is advisable that you now contact reputable water treatment companies and seek further advice on suitable treatment systems and costings for same, based on the latest water quality results. **Please obtain and provide 3 quotations** for the installation of necessary water treatment equipment, to resolve the water quality issue as outlined in the attached results. Once the quotations are received by KCC Rural Water, we will then be in a position to provide confirmation of eligibility for the additional €1,000 towards the costs of such equipment, on top of the €5000(maximum) towards the installation of the new well. **Please do not proceed to install any new treatment equipment until such time that you have received written confirmation of additional grant allowance for treatment equipment**, and as part of your well grant application.

Any questions, please get in contact with this office.

Regards,

This application fails on all counts - Kildare's County Development plan.

- **Historical evidence as presented in this report of water table stripping and illegal water expulsion onto canal banks and into landowners' land without permission.**
- **Gross negligence with regard to domestic wells at huge cost to householders.**
- **Gross negligence with regard to pollution of natural habitats.**
- **Evidence of E. coli and coliform as presented in this report in the quarry void.**

- **Kildare County Council state this quarry lies on top of one of the most important aquifers in the country and poses a risk of contamination of the entire water system of Monasterevin and the surrounding areas.**

Conclusion.

While the Kildare County Development plan states that the nature of the extractive industry is such that the industry must be developed where the resource occurs.

I reiterate that the first paragraph of KCC's response to ACP states: 'BQL has not and does not intend to undertake extraction activities at the application site, and as outlined in my report, contradicts this statement eleven times.

Therefore, this report cannot be taken into account and would fail on a legal basis.