



COMHAIRLE CHONTAE LAOISE
LAOIS COUNTY COUNCIL

Áras an Chontae
Portlaoise,
Co Laois
R32 EHP9

Planning Ref. No.
S5.2025/98

REGISTERED POST

An Coimisiún Pleanála.
64 Marlborough Street,
Dublin 1.

22nd January 2026

AN COIMISIÚN PLEANÁLA	
LDG-	066313-26
ACP-	
23 JAN 2026	
Fee: €	110
Type:	PMO
Time:	9:15
By:	reg post

Re: - Section 5 Declaration – Tom McEvoy, Grallow Lodge, Ballymullen
- Quarrying Activities at Ballymullen, Abbeyleix, Co. Laois

A Chara,

In accordance with Section 5(4) of the Planning & Development Act 2000, as amended, Laois County Council is seeking a determination from An Bord Pleanála as to whether the ongoing extraction of sand & gravel shale, or other minerals after the expiry of planning permission PI 95/300 and matters set out in the Section 5 application submitted on the lands at Ballymullen, Abbeyleix, Co. Laois constitute development and if so whether such development is exempted development?

Due to the complexity and wide-ranging scope of the queries raised by the third party, the Planning Authority respectfully requests that the application be adjudicated on by An Coimisiún Pleanála

A copy of the Section 5 application from Tom McEvoy, Grallow Lodge, Ballymullen, Abbeyleix, Co. Laois was received on 18th December 2025 is attached.

I enclose fee, postal order in the amount of €110.00 in relation to this referral.

If you have any further queries in relation to this Section 5(4) referral, please contact Donal Kiely Senior Executive Planner

Is mise le meas,

for **Administrative Officer**
Planning Department

Contact the Planning Section:
Planning Phone: 057 866 4039 – Email: planning@laoiscoco.ie



COMHAIRLE CHONTAE LAOISE
LAOIS COUNTY COUNCIL

Áras an Chontae
Portlaoise,
Co Laois
R32 EHP9

Our Reference: S5/2025/98

File Copy

Tom McEvoy,
Grallow Lodge,
Ballymullen
Abbeyleix
Co. Laois

19/12/2025

Re: Section 5 Declaration – is the ongoing extraction of sand & gravel shale, or other minerals after the expiry of planning permission PI 95/300 and matters set out in the Section 5 application submitted on the lands at Ballymullen, Abbeyleix, Co. Laois constitute development and if so whether such development is exempted development?

A Chara

I wish to acknowledge receipt of your application for a Section 5 Declaration of Exempted Development under the Planning & Development Acts 2000 (as amended).

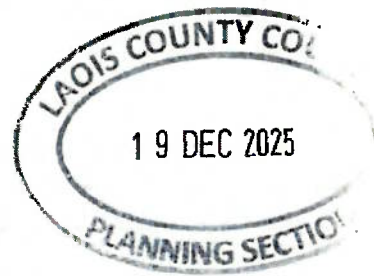
I wish to advise you that a response on this matter will be sent to you on or before the 23/01/2026.

I attach receipt no. L2/0/197063 in respect of the payment of €80.00.

Trusting the above is in order.

Is mise, le meas


Administrative Officer
Planning Department



LAOIS COUNTY COUNCIL
PLANNING DEPARTMENT

SECTION 5 DECLARATION – EXEMPTED DEVELOPMENT
PLANNING & DEVELOPMENT ACTS 2000 (as amended)

1. Applicants Name

Applicants Address

Tom McEvoy
Gratham Lodge Ballynallon
Abbeylara R32 R3C2

Tel: _____

Fax No. _____ E-Mail _____

2. Name & Address of Agent
(if any)

Tel: _____

Fax No. _____ E-Mail _____

* 3. Address for Correspondence:

Gratham Lodge
Ballynallon
Abbeylara R32 R3C2
R32 RD68 Beeths
Abbeylara

4. Location of Proposed
Development:

5. Reference No. of any planning permission which governs the overall development of the site:

PL 95/300

6. Is this a Protected Structure, or within the curtilage of a Protected Structure?

SAC with in 1.7 Km

7. Description of proposed development:

Quarry Development + Concrete Business

8. Applicants' interest in the site:-

Neighbour

9. List of items to accompany this application:-

- a) A fee of €80
- b) 1 x Site Location Map with the site outlined clearly- 1:1000 in urban areas and 1:2500 in rural areas
- c) 1 x Site Layout Plan at a scale of 1:500 showing all existing and proposed structures on site and distances from boundaries
- d) 1 x Floor Plans at a scale of not less than 1:200
- e) 1 x Elevations at a scale of not less than 1:200

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

Signed:

Tom McEvoy

Date:

13 December 2025

NOTES:

PAYMENT OF FEE:

This application will not be accepted and will be returned unless it is accompanied by a fee of €80

LODGEMENT:

This application should be forwarded to:

The Planning Department,
Laois County Council,
County Hall,
Portlaoise,
Co. Laois.

Grallow Lodge,
Ballymullen,
Abbeyleix,
County Laois.

Fiona Shehan,
Planning Section,
Laois County Council,
Áras an Chontae,
JFL Avenue,
Portlaoise,
Co. Laois.

19 December 2025

Re: Request for Declaration under Section 5(1) of the
Planning and Development Act 2000 (as amended),
concerning development at Ballymullen, Abbeyleix, County Laois

Dear Ms Shehan,

I hereby request, pursuant to section 5(1) of the Planning and Development Act 2000 (as amended), that Laois County Council issue a declaration as to whether the matters set out below constitute development and, if so, whether such development is exempted development. This request concerns development carried out by Booth Precast Products Limited on lands at Ballymullen, Abbeyleix, County Laois (Eircode R32 RB68), formerly the subject of planning permission register reference PL95/300.

I enclose the prescribed fee of €80 for this request for a declaration under section 5(1) of the Planning and Development Act 2000 (as amended).

Questions for Determination

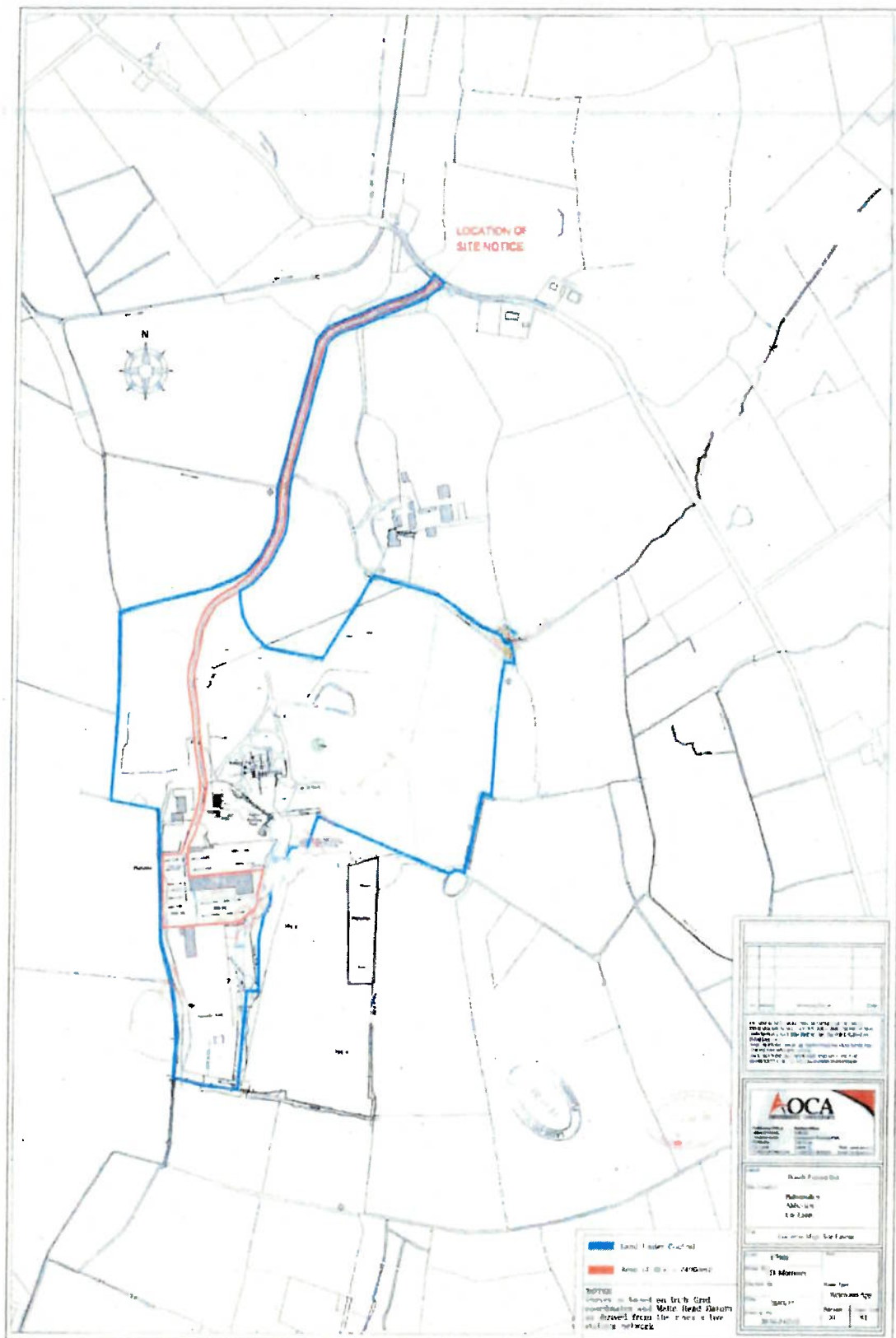
I request a declaration as to whether the following matters constitute development and, if so, whether they are exempt development:

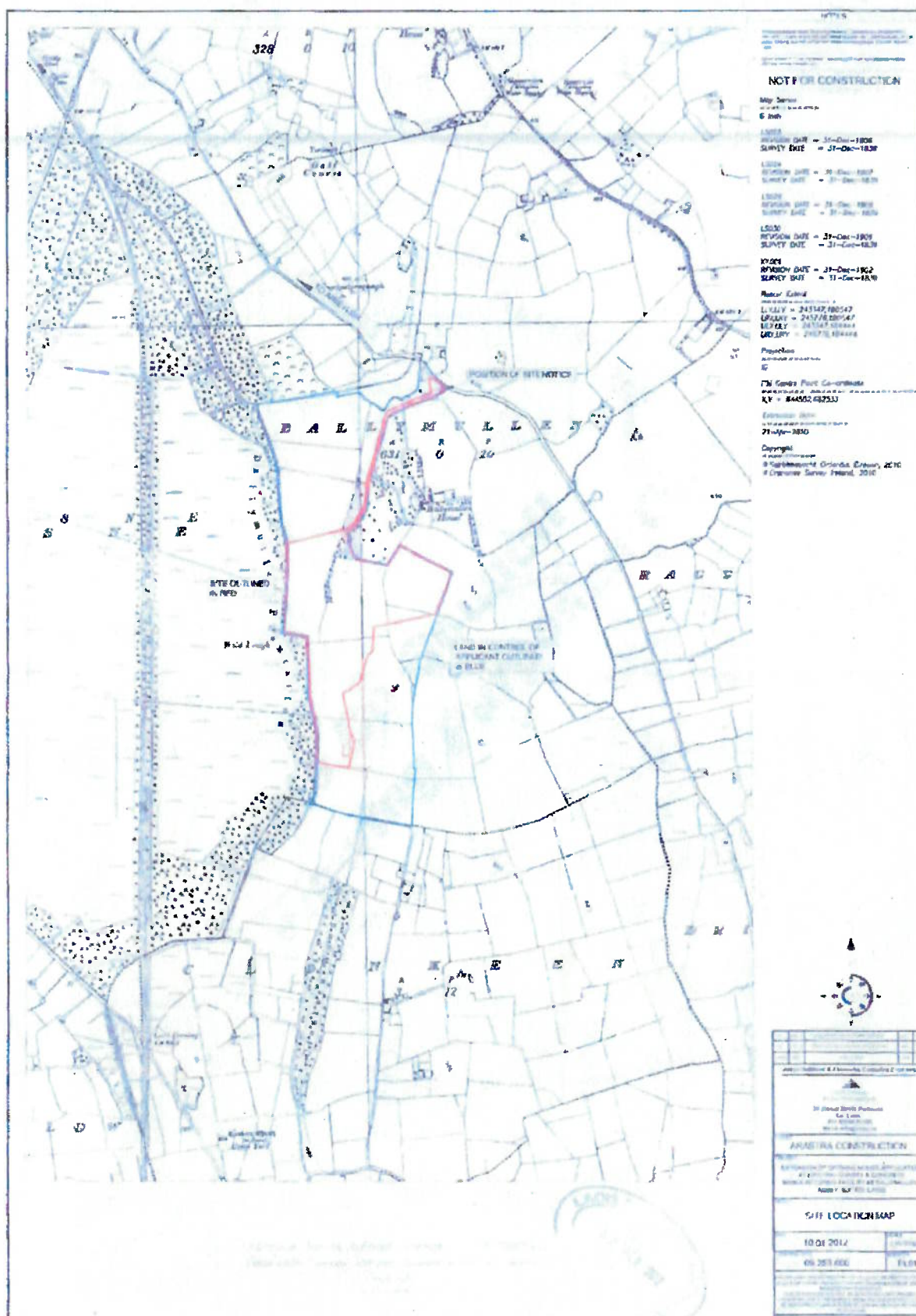
1. Whether the ongoing extraction of sand, gravel, shale, or other minerals on the land after the expiry of planning permission PL95/300 in 2001 constitutes development requiring planning permission;
2. Whether the opening and operation of multiple quarry excavations across the lands, including separate quarry areas outside the footprint of the original authorised development, constitute development requiring planning permission;

3. Whether extraction carried out below the natural groundwater table, including the creation of flooded quarry voids and groundwater lagoons, constitutes development requiring planning permission;
4. Whether the abstraction and use of groundwater from quarry voids or excavated areas for the washing and processing of sand and gravel constitutes development requiring planning permission and/or is exempted development;
5. Whether the importation of sand, gravel, or other quarried materials from multiple quarry sites, including from unauthorised quarry excavations, for processing, washing, batching, or manufacture on the lands constitutes development requiring planning permission and/or a material change of use;
6. Whether the erection and operation of a new concrete batching plant, along with the installation and use of two silos for storing and mixing fly ash, as well as the processing or incorporation of fly ash and imported sand and gravel into concrete, blocks, or other manufactured products, constitute development requiring planning permission and/or a material change of use, where such works were not authorised under PL95/300;
7. Whether the deposit, storage, recovery, treatment, or disposal of waste materials within quarry voids or excavated areas, including concrete waste, cementitious sludge, concrete wash-out, construction and demolition waste, and other industrial waste, constitutes development requiring planning permission and/or is exempted development, including when such waste involves waste concrete and concrete sludge (EWC Code 10 13 14);
8. Whether the use of quarry excavations or lagoons for the containment, settlement, or discharge of liquid or semi-liquid waste, contaminated run-off, leachate, or waste-derived effluent into ground, surface water, or artificial drainage channels constitutes development that requires planning permission;
9. Whether any of the quarrying, processing, importation, or waste-related activities outlined above may lawfully be carried out without a valid and subsisting planning permission, having regard to the expiry of PL95/300, the absence of any extension or subsequent permission, and the absence of screening for Environmental Impact Assessment or Appropriate Assessment in accordance with relevant legislation

Yours faithfully,

Thomas McEvoy...
Thomas McEvoy





Site Location Map

Tailte
Éireann

CENTRE
COORDINATES:
ITM 644281.682435

PUBLISHED:
23/10/2025

ORDER NO.:
50495269_1

MAP SERIES:
6 Inch Raster
5 Inch Raster
3 Inch Raster

MAP SHEETS:
KK001
LS029
LS030

Drawing Ref:
25-41-P02-001

Map Prepared by:
DB Design Studio
Parkhill, Ballyadams, Co Laois

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F8E4

www.tailte.ie

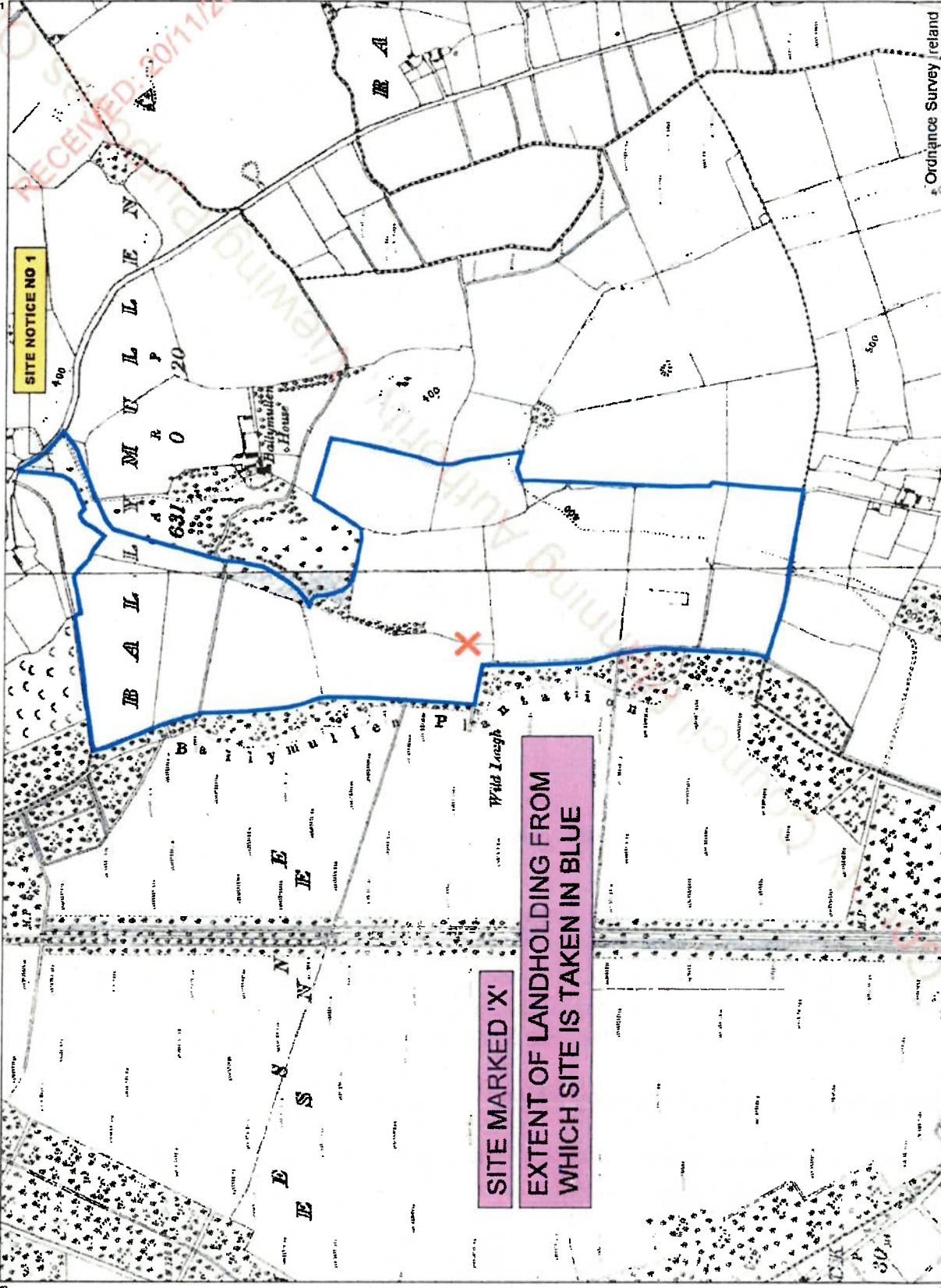
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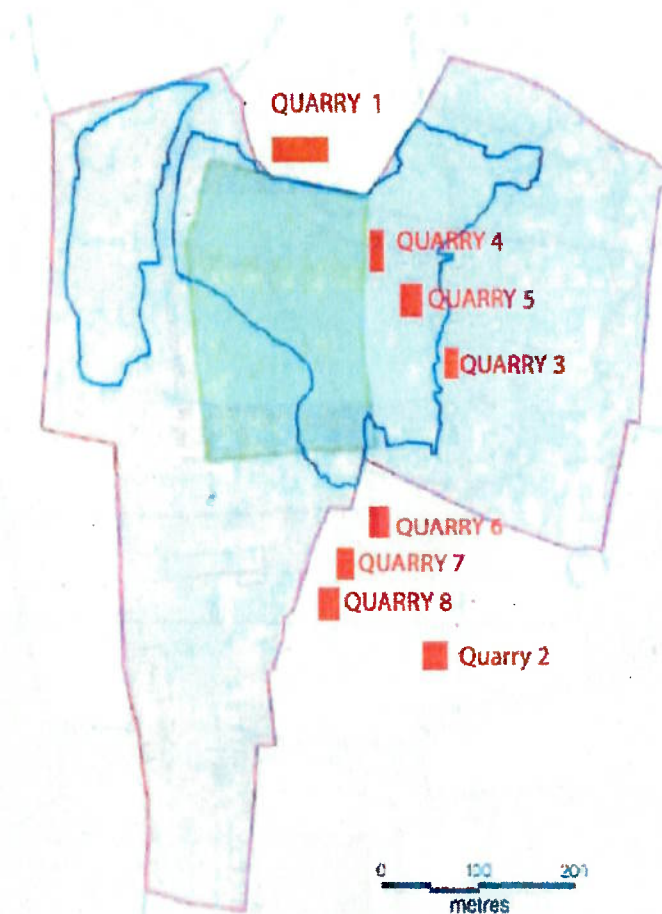
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Annex A – Background Information (Provided for Context Only)

The following information is provided for contextual background only and is not relied upon for the determination sought under section 5(1).

Quarrying at Ballymullen Site after Expiry of PL 95/300



Quarry QY5/76/1 Registration Area

The Quarry Map clearly shows eight separate quarry extraction areas established after the expiration of permission PL95/300. It also indicates that Quarries 3, 4, and 5 are within the area previously registered under section 261 of the Planning and Development Act 2000. While Quarries 1, 2, 6, 7, and 8 are located outside the registered zone, the sand and gravel extracted are transported into the area formerly covered by planning permission PL95/300.

Sand and gravel are imported from the following unauthorised quarries:

- Pascal Lawlor Site, Shrahane, Camross, Portlaoise, Co. Laois – Enforcement Notice UD 16/19 issued on 29 February 2016;

- BDL Agricultural Enterprises Ltd, Meelick, Portlaoise, Co. Laois – Enforcement Notice UD 20/12 issued on 31 May 2022;
- Site operated by Laurence Bergin, Legaun, Ballacolla, Co. Laois – Enforcement Notice UD 24/102 issued on 4 November 2024;
- Connahy Site, Ballyraggett, Co. Kilkenny – Enforcement Notice UD ENF23020 issued on 25 April 2023;
- Ballymaddock Quarry, Abbeyleix, Co. Laois – Enforcement Notice UD 10/105 issued on 28 October 2010.

A second concrete batching plant and two fly ash silos have been erected following the expiry of planning permission PL95/300.

On 24 October 2025, I registered a complaint with Laois County Council and the EPA concerning numerous unauthorised waste activities occurring at the Ballymullen site. (copy complaint attached)

Grallow Lodge,
Ballymullen,
Abbeyleix,
County Laois.

Environmental Protection Agency,
PO Box 3000,
Johnstown Castle Estate,
Wexford.

24 October 2025

Re: Unauthorised Waste Activities at Ballymullen Site,
Abbeyleix County Laois

Introduction

This complaint pertains to ongoing unauthorised waste disposal and industrial activities at Ballymullen, Abbeyleix, County Laois, operated by Booth Precast Products Ltd. The site, previously used for quarrying, has turned into an unregulated waste disposal site involving large-scale deposition of construction, demolition, and industrial waste materials, the release of contaminated leachate, and open burning of waste. The accompanying photographic record (Photographs 1 to 30) provides apparent, significant breaches of EU environmental law and failures of national enforcement.

The activities documented constitute ongoing infringements of:

Waste Framework Directive 2008/98/EC, in particular Article 4 (waste hierarchy and prevention of adverse impacts on health and the environment), Article 13 (requirement that waste management be carried out without endangering human health or the environment), and Article 23 (requirement for authorisation of waste operations);

The Water Framework Directive 2000/60/EC, particularly Article 4(1)(a) and (b), which obliges Member States to prevent the deterioration of surface water and groundwater quality, is being breached by the uncontrolled release of leachate, silage effluent, and chemical residues from lagoons and surface drains.

The EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU, through the failure to subject waste disposal operations, quarrying, and lagoon construction to environmental impact assessment and public participation procedures under Articles 2(1), 3, and 6.

The Industrial Emissions Directive 2010/75/EU, by conducting unauthorised activities likely to cause emissions of pollutants, including alkaline sludge, combustion residues, and airborne particulates, contrary to Articles 3(3), 11, and Annex II.

The Habitats Directive 92/43/EEC, by permitting the discharge of contaminated water and concrete residues within the hydrological catchment of the River Nore Special Area of

Conservation (Site Code 002162) without the required screening or Appropriate Assessment, in breach of Article 6(3).

Treaty on the Functioning of the European Union (TFEU) under Article 191(2), requiring preventive and precautionary environmental protection measures, Article 288, which makes EU directives legally binding on Member States and Articles 258 and 260, concerning continued non-compliance with judgments of the Court of Justice of the European Union.

The unauthorised waste activities depicted in Photographs 1 to 30 illustrate the systemic failures condemned by the CJEU in Case C-494/01 (Commission v Ireland), where Ireland was found to have failed to fulfil its obligations under Articles 4, 8, and 9 of Directive 75/442/EEC by permitting uncontrolled waste disposal and neglecting enforcement responsibilities. The activities of Booth Precast Products Ltd, as outlined in this complaint, directly reflect the unregulated waste practices that the Court found to breach EU law in paragraphs 72–94 of that judgment.

Accordingly, this complaint is submitted to the Environmental Protection Agency to demand urgent enforcement action to halt ongoing illegal waste activities, ensure remediation of the site, and bring Booth Precast Products Ltd and the competent authorities into full compliance with the requirements of EU environmental law and the binding obligations arising from the judgment in Case C-494/01.

Illegal disposal of Waste in Lagoon



Photograph 1



Photograph 2

Photograph 1 depicts the downstream lagoon formed by the unauthorised quarry excavation. This unauthorised quarry development was formally reported to Laois County Council on 3rd February 2020. In response, the Council issued an unauthorised development notice under reference UD Ref: 20/11 (copy attached).

Photograph 2 depicts an articulated dump truck depositing waste into a lagoon that is clearly filled with water. The presence of standing water indicates that the lagoon lacks sufficient containment or drainage controls, increasing the risk of leachate formation and uncontrolled release into nearby land or groundwater. This activity also highlights illegal waste disposal at the Ballymullen site, breaching the Waste Management Act 1996 and relevant EU waste legislation, which require permits, environmental safeguards, and pollution prevention measures.

This lagoon existence highlights environmental degradation at the site, which should have undergone appropriate screening, licensing, and regulatory oversight under both the Planning and Development Act 2000 and the Waste Management Act 1996, in line with CJEU jurisprudence and national case law (e.g., *Harte Peat Ltd v EPA* [2022] IEHC 148 and *An Taisce v McTigue Quarries Ltd* [2018] IESC 54).



Photograph 3



Photograph 4



Photograph 5



Photograph 6

Photograph 3 depicts a large mound of illegally dumped waste, including soil, roots, vegetation, and mixed construction debris such as bricks. This material is situated beside the large, unauthorised lagoon at the Ballinderry quarry site. The waste's nature and composition fall within specific categories of the European Waste Catalogue (EWC), namely: EWC Code 17 05 04 Soil and stones (non-hazardous). This code covers excavated soil and inert stones from construction and demolition works, provided they are not contaminated with hazardous substances.

Depositing such mixed waste without proper authorisation or waste facility licensing clearly breaches EU waste legislation, including the Waste Framework Directive 2008/98/EC. This directive mandates that all waste must be treated or disposed of at authorised facilities and that its movement and classification are properly documented and managed to prevent environmental damage.

Photograph 4 shows a large industrial lagoon, estimated to cover more than 3 acres, containing extensive deposits of yellowish cementitious sludge. The visual and physical characteristics of the material identify it as a by-product of concrete batching activities, specifically waste concrete sludge generated during the washout of concrete mixers, trucks, and other equipment.

This waste is classified under EWC Code 10 13 14, Waste concrete sludge from concrete production. It refers to high-pH, cement-laden slurries that are typically alkaline and caustic, containing fine suspended solids, unreacted cement, and other residues.

Such sludge is regarded as environmentally hazardous because of its high alkalinity (often pH >11), which can cause serious ecological damage to soils and surface water bodies. Its tendency to harden can potentially alter land drainage and affect water infiltration.

The risk of leachate contaminating nearby groundwater or farmland under both EU and Irish waste laws, including the Water Framework Directive 2000/60/EC and the Industrial Emissions Directive 2010/75/EU where applicable, necessitates that waste is properly contained in lined, impermeable lagoons and managed under a valid waste licence or permit issued by the competent authority (in this case, the EPA).

The presence of this waste without planning permission or an EPA-issued licence or screening strongly indicates unauthorised waste disposal in breach of section 39(1) of the Waste Management Act 1996 and relevant provisions of the Planning and Development Act 2000, as amended.

Photograph 5 depicts an excavator and several articulated dump trucks (commonly known as “moxies”) actively removing sludge from a settling pond. This sludge was transported directly from the concrete batching plant and disposed of in an unauthorised lagoon.

This activity involves the unauthorised transfer and disposal of concrete production waste without proper containment, treatment, and licensing. The waste falls under the European Waste Catalogue (EWC) Code 10 13 14 – Waste concrete sludge from concrete production. This material contains highly alkaline, fine cement particles and is regarded as environmentally hazardous under EU law if not correctly managed.

Under Waste Framework Directive 2008/98/EC and the Industrial Emissions Directive 2010/75/EU, such waste may only be handled, stored, or disposed of in EPA-licensed facilities equipped with appropriate environmental protections, including impermeable liners, leachate collection systems, and environmental monitoring. The disposal observed here appears to breach these requirements.

Photograph 6 shows the dried surface of the same lagoon, where the cementitious sludge has settled and hardened into widespread crusted deposits. The light-yellow colour and cracked surface texture are typical signs of concrete washout residues, containing lime and other high-pH substances.

Once dried, such sludge continues to pose risks of airborne particulate emissions and can remobilise during stormwater events, creating additional threats to surrounding land and water bodies.

These images clearly show improper handling and disposal of industrial waste, as well as the use of unauthorised land for waste storage. Failing to meet EPA licensing requirements greatly increases the risk of environmental pollution, impacting soil, groundwater, and nearby Natura 2000 sites.

Taken together, these actions breach section 39(1) of the Waste Management Act 1996, which prohibits the disposal or recovery of waste without a valid waste licence issued by the EPA. The unauthorised deposition of cementitious sludge and other construction-related waste in the lagoon at the former Ballinderry quarry site clearly falls within this statutory prohibition.

Furthermore, these actions breach the principles set out under EU waste law, especially as interpreted by the Court of Justice of the European Union (CJEU) in Case C-494/01 (Commission v Ireland). In that case, the Court determined that the unregulated disposal of waste without authorisation and the neglect of national authorities to enforce permit and inspection requirements constituted a systemic violation of Articles 4 and 9 of Directive 75/442/EEC (now replaced by Directive 2008/98/EC).

Paragraphs 70, 74, and 102 of the judgment confirm that such unauthorised waste activities pose serious risks to the environment and human health, and that Member States are legally obliged to prevent and address such breaches through effective enforcement. These activities also directly conflict with the EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU, and the public participation requirements outlined in CJEU Case C-50/09 (Commission v Ireland).

That judgment confirmed that developments likely to have significant environmental effects, such as waste-disposal operations, must undergo prior environmental assessment and be subject to meaningful public participation before any decision is made. Bypassing these requirements not only breaches EU environmental law but also undermines the fundamental rights enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, including the right to adequate judicial protection in environmental matters.

Uncontrolled Leachate



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12

Photographs 7 to 12 show cementitious waste sludge, originating from concrete production activities, flowing through unlined surface channels and an artificial stream system across the site. These constructed or altered drainage pathways offer no effective containment, treatment, or monitoring, allowing the waste material to migrate freely towards a larger man-made drainage course.

Notably, this area is allegedly used to wash out concrete trucks with acidic solutions to remove residual concrete and slurry. This process produces highly alkaline sludge combined with acidic neutralisation residues, forming a hazardous waste stream with fluctuating pH and a considerable pollutant load, including suspended solids, metals, and chemical residues.

The use of acid in an open, unlined area without containment, bunding, or suitable chemical handling measures constitutes a serious breach of environmental management obligations and heightens the risk of soil and groundwater contamination.

The visible flow of high-pH, sediment-laden wastewater indicates a lack of pollution control infrastructure, such as lined containment ponds, neutralisation tanks, or settlement basins. These activities raise serious concerns under:

- Section 39 of the Waste Management Act 1996, which bans unauthorised disposal or recovery of waste;
- Section 3 of the Local Government (Water Pollution) Act 1977, which prohibits the discharge of polluting matter into waters without a licence;

- The Water Framework Directive 2000/60/EC, which obliges Member States to safeguard water bodies and prevent their deterioration;
- The Industrial Emissions Directive 2010/75/EU, where applicable, requires the use of Best Available Techniques (BAT) to prevent or reduce emissions to water.

This polluted waste stream is shown entering a constructed drain that ultimately flows into the River Nore, which is a designated Special Area of Conservation (SAC) under the EU Habitats Directive (Site Code: 002162). The discharge of untreated, chemically altered wastewater near or into a Natura 2000 site without screening or assessment constitutes a direct breach of Article 6(3) of the Habitats Directive (92/43/EEC), as interpreted by the CJEU in cases such as:

- Case C-323/17 (People Over Wind and Sweetman), which held that mitigation measures cannot be considered at the screening stage for Appropriate Assessment;
- Case C-127/02 (Waddenzee), which clarified that projects likely to have a significant effect on an SAC require prior, robust assessment;
- Obligations under Article 191(2) TFEU, which require the EU and its Member States to uphold the precautionary and preventative principles in environmental protection.

These photographs demonstrate a systematic failure to manage industrial waste, with activities that pose an ongoing risk of environmental harm, pollution of surface waters, and potential impact on protected ecological sites. The use of acid in concrete truck washout operations, combined with the lack of treatment or licensing, further aggravates the seriousness of the breaches under both national legislation and binding provisions of EU environmental law.

Illegal Disposal of Concrete



Photograph 13



Photograph 14



Photograph 15



Photograph 16



Photograph 17



Photograph 18



Photograph 19



Photograph 20



Photograph 21



Photograph 22

Photograph 13 shows concrete waste being disposed of into the lagoon, posing a serious risk of contamination to surface and groundwater. Photographs 14 to 20 also display multiple piles of broken concrete blocks, cement residues, and other construction and demolition waste deposited without containment, while Photographs 21 and 22 depict chimney-stack waste and refractory materials stored openly.

These photographs show ongoing and illegal waste disposal practices that breach Articles 4, 13, and 23 of the Waste Framework Directive 2008/98/EC as well as Articles 2(1) and 4(1) of the EIA Directive 2011/92/EU, as amended and Article 4 of the Water Framework Directive 2000/60/EC.

These practices have been carried out without the necessary authorisation, environmental impact assessment, or mitigation measures. Such actions have jeopardised human health and the environment, contravening EU environmental law principles and the Member State's obligation under Article 288 TFEU to fully implement EU directives and CJEU rulings.

The identified materials fall within the scope of the European Waste Catalogue (EWC) under the following codes: 17 01 01 – Concrete; 17 01 02 – Bricks; 17 01 03 – Tiles and ceramics; 17 01 06 – Mixtures of, or separate fractions containing, concrete, bricks, tiles, and ceramics other than those mentioned in 17 01 06*; 10 09 03 – Furnace slag and chimney-stack residues from the cement and lime manufacturing process; 10 09 10 – Refractory materials from non-ferrous metal or combustion processes containing hazardous substances.

These unauthorised waste activities are consistent with the findings of the CJEU in Case C-494/01 (Commission v Ireland), where the Court ruled that Ireland failed to fulfil its obligations under Articles 4, 8, and 9 of Directive 75/442/EEC by permitting uncontrolled waste sites and neglecting adequate supervision and enforcement.

Specifically:

- Paragraphs 72–79 of the judgment confirm that Ireland's failure to prevent unauthorised waste disposal activities constituted a breach of Article 4 of the Directive;
- Paragraphs 82–89 found that Ireland had not established an effective system of inspection and supervision, allowing widespread illegal dumping to continue; and
- Paragraphs 90–94 determined that these failures amounted to a systemic breach of the obligation to ensure that waste management does not endanger human health or harm the environment.

Accordingly, the ongoing waste activities constitute a persistent breach of EU law due to unlawful waste disposal and regulatory failures condemned by the CJEU in Case C-494/01, and therefore violate Articles 258 and 260 TFEU.

Other Illegally Disposed Waste



Photograph 23



Photograph 24



Photograph 25



Photograph 26



Photograph 27



Photograph 28



Photograph 29



Photograph 30

Photographs 23 to 30 depict further illegal and hazardous waste storage and disposal activities within the site boundary. Photograph 23 shows the accumulation of waste tyres stored alongside concrete blocks without containment or licensing measures, while Photograph 24 displays decomposing silage and organic material deposited on open ground near a watercourse.

Photographs 25, 26, and 27 show leaking chemical drums, tanks, and containers discharging liquids and residues directly onto the ground, while Photograph 28 depicts concrete waste and slurry deposited in a lagoon area. Photograph 29 illustrates discarded batteries and electrical components abandoned within vegetated land, and Photograph 30 displays the remains of burnt mixed waste, including metal, plastic, and timber residues.

I say that the materials identified fall within the following categories of the European Waste Catalogue (EWC):

- 16 01 03 – End-of-life tyres;
- 02 01 06 – Silage effluent and biodegradable agricultural residues;
- 15 01 10* – Packaging containing residues of hazardous substances;
- 13 02 08* – Other engine, gear and lubricating oils;
- 11 01 09* – Sludges and solid wastes containing heavy metals;
- 07 02 08* – Other still bottoms and reaction residues;
- 17 01 01 – Concrete;
- 17 09 04 – Mixed construction and demolition waste;
- 16 06 01* – Lead batteries;
- 16 02 13* – Discarded electrical and electronic equipment containing hazardous components;
- 20 03 01 – Mixed municipal waste.

The activities described in this complaint involve multiple ongoing breaches of Articles 4, 13, and 23 of Directive 2008/98/EC (Waste Framework Directive), by permitting waste storage and disposal operations to occur without authorisation, in a manner that likely jeopardises human health and damages the environment.

The occurrence of chemical leaks and surface runoff also breaches Article 4 of Directive 2000/60/EC (Water Framework Directive), while the uncontrolled burning of waste breaches Article 3(3) and Annex II of Directive 2010/75/EU (Industrial Emissions Directive).

The conditions described reflect the same systemic failures condemned by the CJEU in Case C-494/01 (Commission v Ireland), where the Court ruled that Ireland had violated its obligations under Articles 4, 8, and 9 of Directive 75/442/EEC by permitting uncontrolled and unregulated waste sites.

Specifically, paragraphs 72–79 highlight Ireland’s failure to prevent unauthorised waste disposal; paragraphs 82–89 describe the lack of an effective inspection and enforcement system; and paragraphs 90–94 confirm that these failures constituted a persistent and systemic breach of Article 4 by endangering human health and the environment.

Consequently, I assert and believe that the circumstances demonstrated in Exhibit [Y] constitute ongoing infringements of EU environmental law under Articles 258 and 260 TFEU, showing continued non-compliance with the Waste Framework Directive, the Water Framework Directive, and the principles established by the Court in Case C-494/01.

Conclusion and Requested Actions

Given the evidence presented in this complaint and the extensive photographic record (Photographs 1 to 30), the complainant respectfully asks the Environmental Protection Agency to exercise its statutory and supervisory powers under the Waste Management Act 1996, the Environmental Protection Agency Act 1992, and related legislation to take immediate and appropriate enforcement action against Booth Precast Products Ltd regarding the unauthorised activities occurring at Ballymullen, Abbeyleix, County Laois.

The complainant specifically requests that the Agency:

1. Conduct an urgent site inspection at Ballymullen to confirm the presence of unauthorised waste and assess risks to soil, groundwater, and surface water, particularly given the site’s proximity to the River Nore Special Area of Conservation (SAC 002162);
2. Issue an immediate Direction or Enforcement Notice under Section 57 of the Waste Management Act 1996, requiring Booth Precast Products Ltd to cease all unauthorised waste activities, remove all illegally deposited materials, prevent further contamination or leachate release and undertake remediation of affected areas to EPA-approved standards.
3. Require the company to submit a Remediation and Environmental Management Plan demonstrating compliance with the Waste Framework Directive 2008/98/EC and the Water Framework Directive 2000/60/EC;
4. Initiate, where appropriate, prosecution proceedings under Section 39(1) of the Waste Management Act 1996 for unauthorised disposal and recovery of waste;
5. Determine whether the unauthorised development breaches the Environmental Impact Assessment Directive (Directive 2011/92/EU, as amended by Directive 2014/52/EU) and refer the matter to the relevant planning authority under Article 10 of the Waste Management (Licensing) Regulations 2004.

The evidence in this complaint clearly shows that Booth Precast Products Ltd's operations continue to breach Articles 4, 13, and 23 of the Waste Framework Directive, as well as national legislation implementing it. These activities threaten human health, pollute groundwater and surface water, and undermine the integrity of EU environmental law.

I therefore urge the EPA to take immediate enforcement action to prevent further environmental damage, recover the affected lands, and ensure the State's compliance with the binding obligations arising under European Union law and the CJEU judgment in Case C-494/01.

Should the Environmental Protection Agency require any further information, clarification, or supporting documentation regarding this complaint, I will be pleased to provide it without delay. I may be contacted at the email address provided above, at the postal address stated herein, or by telephone at 087 150 4747.

Signed: Thomas McEvoy
Thomas McEvoy



Laois County Council
Planning Dept Cash Office
Aras An Chontae
Portlaoise
Co. Laois

19/12/2025 15:17:19

Receipt No. L2/O/197063
***** REPRINT *****

TOM MCEVOY
GRALLOW LODGE
BALLYMULLEN
ABBEYLEIX

Other Receipts-Dev Incent&Con 80 00
GOODS 80.00
VAT Exempt/Non-vatable
SECTION 5

Total . 80.00 EUR

Tendered .
Credit Card 80 00
VISA DEBIT
6600
0629

Change 0 00

Issued By Planning Cashier
From Planning Lodgement Area
Vat reg No.0506615J