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Submission
NO 2

**Submission in relation to Dublin City's
Application for a Waste Licence for a
Civic Amenity Centre in Labre Park,
Ballyfermot, Dublin 10.**

***Prepared by Ballyfermot Travellers Action Project
(BTAP) on Behalf of the Residents of Labre Park
Ballyfermot, Dublin 12.***

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October 14th 2005

This submission outlines the concerns of Ballyfermot Travellers Action Project (BTAP), and the residents of Labre Park in regard to the locating of a proposed civic amenity centre on a site adjacent to Labre Park, Ballyfermot, Dublin 10.

A meeting was held in Ballyfermot Resource Centre on Wednesday February 16 to ascertain the concerns of locals in Ballyfermot, in regard to the development of the proposed civic amenity centre. The meeting was attended by a large number of people, from the travelling community at Labre park and settled residents of the area. At the meeting strenuous objections were voiced by the vast majority of attendants to the proposed development.

This Objection Document outlines the concerns raised by residents on whom the proposed development will impact. The document also raises certain issues, which it was felt, the Environmental Impact Statement dealt with in an insufficient manner.

The primary concerns arise around the location of the proposed civic amenity centre in such close proximity to the residential area of Labre Park. The access road is adjacent to house No. 24 of Labre Park. The proposed civic amenity centre is only 30m from the current housing at Labre Park. The site will be 15m from the proposed new housing at Labre Park. Although the proposed housing at Labre Park is not currently in place, it is going through the local authority planning process and Dublin City Council have stated (to local residents) that the two developments are linked, so it is felt that concerns regarding the impact of the civic amenity centre on this new development need to be addressed.

The proposed activity at this site is listed in the Third Schedule of the Protection of the Environment Act (2003) i.e.

13. Storage prior to submission to any of any activity referred to in a preceding paragraph of this schedule other than temporary storage pending collection on the premises where the waste concerned is produced.

This activity is covered by Best Available Techniques (BAT) under the above mentioned Act (2003) and this activity is listed under Appendix 1 of the Bat Guidance Notes for the Waste Sector: Waste Transfer Activities (EPA, 2003). Section 4.1 of the guidelines refers to the "Site Location". In this section the following is stated:

In selecting a suitable location for the waste transfer facility or MRF the basic requirement is that the facility will not cause environmental pollution, taking into consideration the characteristics of the location, the waste types it will handle, the nature of the facility and the control measures to be employed. To determine the suitability of the location the applicant must

- *Consider the distance from the boundary of the site to residential and recreational areas, waterways, waterbodies and other agricultural or urban sites....*

It is the opinion of the authors of this document that these considerations were not dealt with at all satisfactorily when considering the site for the proposed development.

We consider that the process of locating the proposed site within 15m of proposed housing development at Labre park and within 10m of the canal, with the Galback river running right through the proposed site does not comply with BAT techniques relating to the siting of waste transfer stations. What's more, the EIS does not mention in any way the usage of BAT in the process of choosing a suitable site for the proposed development.

The location of the proposed facility in such close proximity to Labre Park is the main issue of contention in this document. The reasons for concern regarding the proximity of the site to Labre Park are detailed below:

1. Health and safety implications
2. Implications for the travelling community of "segregation" resulting from the complete encircling of Labre Park with "non-residential" development.
3. Traffic
4. Noise
5. Air
6. Flooding

Whilst it is the case that there is overlap between a number of these factors, each factor will be outlined separately in order to fully explain the concerns of BTAP and the residents of Labre Park.

1. Health & Safety

The concerns regarding health and safety pertain particularly to the children of Labre Park, of which there are 149. Section 4.1.1.2 of the EIS states that the percentage of the population in the 0-14 is significantly less than the national average (as devised from the Census 2002). Whilst this may be true for most of the surrounding area this statement does not apply to the Travelling community at Labre park. In the travelling populations (as represented in Labre park), there is a much higher birth rate than that of the settled community and so a much larger population of children. The large proportion of the population that are children means that health issues are of elevated importance.

The main health & safety concerns are as follows:

- Impact of reduced air quality on health considering the sensitivity of children at Labre park.
- Possible risks due to the increased occurrence of "nuisance" at Labre Park, such as flies, rodents etc.
- Safety concerns to children from traffic and machinery.
- Flooding and the resultant health risk.

Impact of reduced air quality

Increases in pollutants such as Nitrogen Dioxide, Sulphur Dioxide, Carbon Monoxide, Benzene and PM₁₀ arising due to increased traffic levels and generated dust are of

concern to residents. Concern also exist regarding the impacts of increased levels of bioaerosols arising from the composting unit. Details of these specific concerns will be dealt with later in the section on Air, however these issues are of very real concern due to the fact that many of the children at Labre park are prone to respiratory related problems. A number of reports on Traveller health have highlighted the precedence of respiratory illness in Traveller children.

Elevated levels of bioaerosols already exist in the area, as stated in the Environmental Impact Statement. The consultant states that *high background levels may be due to “the location of the canal, the presence of high (tension) power lines and due to the fact that the proposed site is located in a highly industrialised area.* The impact of increased dust levels and particularly of increased bioaerosol levels at Labre park will have a further negative impact on the particularly sensitive residents.

Reasonably elevated levels of NO₂ were also recorded on the Kylemore Rd during a monitoring programme over a six-week period in 2004. Elevated levels of NO₂ have been linked with respiratory illness and generally arise due to emissions from motor vehicles.

Possible risks due to the increased occurrence of “nuisance”

There is currently a problem at Labre Park due to the existence of a considerable population of vermin at the site. This population arises due to the close proximity of the canal to Labre Park, and also due to the occurrence of “fly tipping” at the site. It is felt that the location of the proposed development will exasperate this situation. The increased levels of “rubbish” being deposited at the proposed site may result in an increased in the vermin population. 4.1.2.5 of the EIS states that Labre Park has been subjected to large scale illegal dumping. It also states that the location of the civic amenity site will reduce the incidence of “fly tipping”. It is the contention of the authors of this document that the opposite is likely to occur, and as the costs of waste disposal increase the problem of “fly tipping” will be exasperated, particularly at Labre Park, which will become a focus of waste disposal due to the development of the site. This, it is surmised will lead to increased levels of nuisance including an increased population of vermin at Labre park. The occurrence of increased nuisance will lead to an increased health risk including an increased risk of Weils disease.

Safety concerns to children from traffic and machinery.

There is concern among residents of Labre park that the increased traffic levels, particularly on the access road to the proposed development and on the development site itself will lead to a risk of injury to children from Labre Park. The location of such a development beside a residential area with no recreational facilities for children will result in the likelihood that children will enter the proposed site and may be at a safety risk as a result due to traffic and machinery.

Flooding and the resultant health risk.

There is a history of flooding occurring at Labre park originating from the Galback stream (Camac catchment). It is considered that the proposed development will lead to further flooding at Labre park. This issue is discussed in more detail in the flooding section later in this document. There are a number of health concerns relating to this issue, the most important of which is Weils disease.

2. Implications for the travelling community of “segregation”

Under the 1999 Dublin Development Plan, which is still operational the land on which the proposed facility is to be located is zoned “Z7” which designates the land for industrial use. Thus, it is clear that the land in question is in compliance with the development plans for the area. However the Environmental Impact statement (EIS) does not mention the zoning “Z1” for Labre Park, which is adjacent to the proposed site. It is considered that this is an oversight, and that some consideration of this should be included in the EIS.

- Areas designated as Zone 1 aim to “protect, provide and improve residential amenities”.

The proposed development will have a negative impact on the functioning of Labre Park as a residential area. The designation of the Labre Park as a Zone 1 area will be negated by the development of the civic amenity centre in close proximity to it. The consequences of this development is that Labre Park will be surrounded on three sides by industrial development, which is not compatible with *the aim to protect, provide and improve residential amenities*, as cited in the Dublin City Development Plan.”

Labre park is a small “community” and once it is surrounded by industrial developments it will be “isolated” from other residential and community amenities. This development would contravene Part v of the Planning and Development Act 2000, which specifies, “*housing strategy should counteract undue segregation in housing between persons of social backgrounds*”.

The isolation of a small traveller settlement in the middle of an industrial area could be viewed as “segregation”

Policy R12 of the Dublin City Development plan, under the heading “protection of residential area/communities states that *“it is the policy of Dublin Corporation (City Council) to protect and enhance the general environmental health of areas occupied by residential communities and to protect them from commercial and speculative pressure, however the corporation (city council) also recognizes the need to accommodate employment opportunities which are compatible with the policy of protection of residential amenity”*”.

The development of the civic amenity centre in such close proximity to the Labre park residential area and proposed extension of this area may not comply with Dublin City Council Development Plan Policy R12 as stated above.

It is certainly the case that an increase in vehicular traffic that will occur on the proposed site as well as increases in noise levels and emissions to air could be considered to contravene the intention of Dublin City Council as outlined in the policy statement *“to protect and enhance the general environmental health of areas occupied by residential communities”*.

Policy R19 of the Dublin City Development plan states *that Dublin Corporation (City Council) recognizes the separate identities, cultural tradition and history of the*

travelling peopleIt is the policy of Dublin Corporation (City Council) to seek to reduce the level of disadvantage that travellers experience and to provide a range of accommodation options for the travellers who normally reside in the county borough and who wish to have such accommodation.

Whilst it is recognized that the extension of the Labre Park traveller accommodation is a welcome development, the “joint” development” of the Labre Park site and the civic amenity centre is not compatible with Policy R19 as stated above. It is considered that this development increases the level of “disadvantage that travellers experience”.

The travelling community has also used the site of the proposed civic amenity centre for a considerable length of time for the purposes of grazing horses. The development of this facility will remove this important amenity from the travelling community and no alternatives have been included in the proposed development to ameliorate this important “cultural ‘issue”.

Another important issue which has come to the attention of BTAP and residents only recently is the impact this development will have on the existing community centre. In the EIS Dublin City Council plan to take over this facility and use it as a depot for the Civic Amenity Centre. While there is plans in the redevelopment of the site to build a new community centre the community are still losing a facility that they could have used for i.e. youth club, training centre etc. Also at an Oral Hearing on DCC application to Board Pleanala Dublin City Council outlined the timeframe for the development of the facility outlining that they hope to be up and operating by 2007. The new community centre however will not be completed until 2008 as it will be part of the last phase. This will mean that residents will be without a community facility for a year. The impact on the parents lives, and services, Barnardos, Exchange House. There are actually 151 children under the age of 18 living in Labre.

It is the opinion of the authors of this document that the policies of Dublin City Council, as outlined above in regard to the protection of residential areas and the reduction in segregation between communities would be contravened by the proposed development at Labre park. It is also the case that any future development of the community at Labre Park will be completely restricted if this development is allowed to proceed.

An alternative use for this site which would allow for the “sustainable development” of the Labre Park residential area, would to re-zone the proposed site area as a Z9, which would allow for the development of the site so as “*Topreserve, provide and improve recreational amenity and open space*”. The proper management of such a site would allow for recreational space for the use of both the travelling community and the settled community. **As** it currently stands no such facility exists in this locality.

3. Traffic

A traffic survey was carried out as part of the EIS on Wednesday 8 December 2004 at access junctions surrounding the proposed site. The traffic survey states that the current traffic levels at the surrounding junctions are well within capacity for these roads (Section 5.4.1.7).

The consultants carried out a very limited traffic assessment at these surrounding junctions, where a 'morning peak' survey was carried out between 08.00 and 09.30 and an 'evening peak', survey was carried out between the hours of 16.30 and 18.00. This data was then used to develop Annual Average Daily Flows (AADT) using the NRA's RT201 document "Expansion Factors for Short Period Traffic Counts". However the calculations used for devising the "peak traffic flows" were incorrect, because the traffic flow patterns in the Ballyfermot area do not show morning and evening peak traffic flows. In fact the "average hourly *traffic* volumes passing through Ballyfermot peak between 12pm and 1pm and start dropping *off* at 4pm. This is different from the average *traffic* flows for the whole of the Dublin City region." (Ballyfermot Air Quality and Noise Assessment, D.C.C (October 2004).

It is considered that the traffic modelling approach used in the EIS is not the most effective approach as actual measured traffic flow measurements are carried out by Dublin City Council using their SCAT traffic management system. It is considered that using these figures would give a better estimate of traffic flows on surrounding roads than the faulty traffic modelling approach used in the EIS.

The consultants also used PICADY software to estimate the traffic saturation at junctions surrounding the proposed development. The modelling exercise for the design year (2014) stated that evening peak hour traffic at the Kylemore Park North, and Killeen Rd would have surpassed their capacity by 2014 and that the other junctions in the immediate area would be within their capacity for the year 2014. However it is considered that the use of the year 2024 would have been a more suitable design year for this analysis.

The EIS states that there are expected to be an estimated evening peak trip generation of 61 arrivals on to the proposed site and 65 departures. Of these 11 vehicles will be trucks and street cleaning vehicles. It is considered that this number of vehicles in such close proximity to Labre **Park** will have a considerable negative impact on Labre **Park** in terms of noise and emissions generation.

In conclusion there is considerable concern among residents in regard to possible negative traffic impacts resulting from this development and it is felt that the E.I.S has not dealt with the issue of traffic sufficiently as outlined above.

4. Noise

The World Health Organisation (WHO) states that an LAeq in excess of 55 will cause serious annoyance in outdoor living during the day and evening. This value has also been adopted by the EPA as a limit at noise sensitive locations. Moderate annoyance will be caused by noise levels in excess of LAeq 50.

School' classrooms and pre-schools should not have noise levels in excess of 35 LAeq. Any levels in excess of this cause "disturbance of information extraction and message communication (WHO).

During the construction of the site noise levels will be at levels greater than those mentioned above, i.e. greater than 55 LAeq. Levels at the location of the proposed housing for Labre Park will be 63dBA and at house number 23 they will be 58dBA, as stated in the EIS. These levels will cause "serious annoyance in outdoor living during the day and evening" (WHO).

In the E.I.S the consultants determine the predicted noise levels during the operational phase. They base their predicted on traffic noise levels (from on-site vehicles) on 20 light vehicles per hour and 10 heavy vehicles per hour (Section 6.8.1.2) however in the traffic section of the EIS, predicted traffic figures of 61-65 traffic movements per hour were used (peak hour traffic). It is felt therefore that this noise assessment underestimates the noise levels generated from on-site traffic.

There will be occasions when noise levels emanating from the site as identified in table 6.5 (pp90) of the EIS will exceed 58 dB (A) LAeq at the northern boundary of the site, i.e. area close to proposed new housing and the new community centre/pre-school building. It is felt that these noise levels would be very intrusive to the local populations at Labre Park and would impact in the operation of pre school and afterschool services at the new community centre where levels will be far in excess of 35dBA LAeq, above which the "disturbance of information extraction and message communication" (WHO) would be expected.

A report entitled Ballyfermot Air and Noise Report (DCC, 2004) stated that just over 5% of the population of Ballyfermot are exposed to high noise levels. This level is 1% higher than for the rest of Dublin City. The report states that the properties mainly affected by noise are along the Ballyfermot and Kylemore Roads. The noise contour map contained within the above-mentioned report clearly shows the negative noise impact of the Kylemore rd on Labre Park. In the conclusions of the above-mentioned report the authors state that ***no further negative impacts on noise levels should be accepted on the Ballyfermot and Kylemore roads.*** The development of the proposed civic amenity centre would clearly lead to an increased negative impact on noise environment on the Kylemore road.

Finally, a number of the residents in the Labre Park live in "trailers" and the proposed future housing development at Labre park, also includes some caravan bays, whereby residents will live in "trailers". These types of residential units do not have the same capacity as brick built housing to reduce noise impacts from the proposed development. However this issue was not addressed in any way in the E.I.S.

Overall it is considered that the noise levels at this site are already elevated and that the proposed development will cause further deterioration in the noise environment. The negative impact will be exacerbated because of the proximity of the proposed development to the Labre Park residents, to the proposed community centre/pre-school area and due to the poor "sound proofing" capacity of the caravans in which a number of the residents live.

5. Air.

Air pollution is one of the issues of particular concern to many of the residents at Labre Park, due to the fact that there are a large number of children on this site who suffer from respiratory problems. It is felt that any increase in levels of air pollution from a site in such close proximity to Labre Park will have a detrimental impact on health (as discussed previously).

The main concerns relate to the operational period of the proposed development, whereby it is envisaged that emissions from vehicles, dust generation, odours and bioaerosols will have a negative impact.

Traffic emission assessment carried out in the EIS was carried out for receptors at Labre Park and Le Fanu Park arising from junctions in the surrounding area. In section 9.4.1.3 of the EIS the consultants state that *“the residences situated closest to the entrance of the proposed development are not considered to be the receptors that will experience the greatest impacts of traffic derived emissions as the existing traffic flows are not as considerable as those located elsewhere in the environment.”*

As a result of this conclusion, the consultants assessed the emissions arising from junctions removed from the proposed site and determined the impact of emissions from these junctions on sensitive receptors at Labre Park and Le Fanu park.

There was no modelling/assessment of future traffic emissions arising from the proposed site itself or from the access road to this site (4m from no. 23 Labre Park) contained within the EIS. No modelling was undertaken to assess the impact of the activity of vehicles including HGV's on the proposed site itself. For this reason the authors of this document feel that the air quality assessment carried out in the EIS was completely inadequate.

A number of chemicals arise from the internal combustion used in motor vehicles and these include Carbon Monoxide, Benzene, Nitrogen Dioxide, PM₁₀ and Sulphur Dioxide (not covered in EIS). A recent report entitled Ballyfennot Air and Noise Report (DCC, 2004) identified elevated levels of No₂ (Nitrogen Dioxide) in Ballyfermot, including with particular reference to the Killeen rd. This pollutant has been identified with increased respiratory difficulties, particularly with children. Whilst the levels measured were in compliance with air quality standard regulations, they were measured at a value of 31.8ug/m³ on the Killeen Rd, which is at a high level. (The limit value is 40ug/m³) and extra development such as the proposed civic amenity centre may only exacerbate the existing problem. This point is particularly pertinent when the “sensitivity” of the population at Labre Park is taken into account as discussed earlier.

Bioaerosols are also of concern with elevated levels of *Aspegillus Fumigatus* and *Mesophillic* bacteria occurring at one of the sites monitored as part of the EIS. The issue of bioaerosols is an important issue considering the fact that composting activities are an important source of bioaerosols.

In conclusion the impacts on the community at Labre Park in terms of air contamination arising from the proposed development has not been properly addressed within the EIS. This is an area of great concern to many residents and as levels of some contaminants are elevated already in the area it is felt that this facility will only add to an already existing problem.

6. Flooding

There have been ongoing flooding events at Labre Park arising due to debris blocking the Galback stream, as it is culverted under the Kylemore road. These events have resulted in water levels rising considerably at Labre Park. On a number of occasions the water levels have risen to an extent that has blocked access to the lower part of Labre Park. There is a concern that the development of the proposed site will exacerbate the flooding problem, due to the fact that the proposed site will cover an area that would have previously acted as a "sponge" removing floodwaters from Labre Park. However the covering of this area with impermeable surfaces will exacerbate this problem by adding to flood waters arriving at the culvert, due to the increased level of runoff from the proposed hardcover surfaces.

Another related concern of residents in Labre park is the fact that flood water resulting from the proposed site, may back up into Labre park, with the result that residues from the proposed site, such as hydrocarbons and composting residue will be deposited at Labre park. Residents are concerned due to health risks arising from this issue.

Dublin City council have so far not managed to deal with the problem of flooding at Labre Park due to the culverts blocking and there is no reason to consider anything will change in this regard.

In conclusion, flooding has been an ongoing problem at Labre Park and residents are concerned that the proposed development would exacerbate the problem.

Conclusions

Whilst the term "not in my back yard" is used as a derogatory term in terms of members of the public not wanting development occurring next to them, it rarely actually occurs that a development is effectively occurring in ones back yard as is the case here. It is felt that there is a strong case to stop this proposed development (as outlined in this document) due to the considerable impacts that it will have on the travelling community in Labre Park, which is located in very close proximity to the proposed development.

Submission to Labre Park

7. Loss of Amenity to residents of Labre Park.

It is assumed throughout the EIS that there is currently no amenity value attached to the proposed site for development. Although there are several references to horses grazing on the land, no context is placed on this activity, therefore leading to the erroneous assumption that it is of no significance in planning and environmental terms. In fact the keeping of horses is an activity closely associated with Labre Park, and is, in effect, an extension of the Traveller Community's occupation of housing and temporary dwellings in the vicinity, to the point that it is impossible to separate one from the other.

Travellers first came to Labre Park in the 1950s. The original dwellers occupied camps and wagons, which necessitated the keeping of horses, in order to maintain mobility. The local authority began to provide accommodation in the 1960s, in line with government policy to "settle itinerants". Labre Park was one of the first Traveller developments of its kind in the country. Although many of the Travellers who lived in Labre Park ceased to be nomadic, this did not result in them ceasing to keep horses. Horse husbandry on Labre Park has continued uninterrupted since the first Traveller families arrived in the 1950s to the present day. Until very recently there was a blacksmith's forge located in the residential section of Labre Park. The population of horses on the land fluctuates on a seasonal basis, but averages around five, but often increases during summer months.

Plates 2.3 and 4.1 of the EIS which shows the pylons on the site, also incidentally shows a number of those horses grazing on the land.

Under the section Socio- Economic Context, the EIS refers to the impact of the development on the Human population of the area. However it completely ignores the significance of horses in Traveller culture, and in particular how this impacts on the residents of Labre Park.

The majority of families living in Labre Park, are in some way involved in activities associated with the horses grazing on the land. The principal activities that they engage in are:

1. Breeding horses
2. Trading horses
3. Sulky racing
4. Horse riding

Horses represent an economic, social, recreational, and cultural outlet for the residents of Labre Park. It is one of the means by which Travellers identify themselves and preserve their distinct identity and culture. Activities based around the horses provide cohesion within the community, a means of economic engagement outside the

community, and is part of the Traveller heritage, as well as being part of the broader history of the Ballyfennot area, and Irish heritage in general.

It is stated in the EIS that the development of the site will involve the removal of all green areas, and so inevitably will necessitate the removal of the horses from the land.

It is further stated that the horses will have to be relocated. However it is nowhere mentioned where the horses are to be moved to, and how this unique aspect of life on Labre Park is to be accommodated. It is submitted therefore that DCC have no intention of making any accommodation for horses anywhere near Labre Park, and in effect the development will see the end of over half a century of equine activity in Ballyfermot.

It is submitted that in fact the EIS is based on the assumption that the horse grazing is an activity equated with waste ground, and not a valid consideration in the overall development of the area. It is noted that the site has become degraded by illegal dumping over the years, and so provides poor pasture. No consideration is given to how the quality of the land could be improved, or other measures that might be taken to improve the quality and amenity of the site. It is submitted that this is a fundamental flaw in the EIS, which ignores the heritage value of Traveller culture, and the importance of preserving the positive aspects of Traveller identity for future generations of both the general population and Travellers specifically, and more importantly the immediate effect on the residents of Labre Park of completely taking away a valuable grazing area.

In this regard it is clear that DCC have not taken into account the provisions of the Article 8 of the European Convention on Human Rights, which states:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health and morals, or for the protection of the rights and freedoms of others.

Section 3(1) of the European Convention of Human Rights Act 2003 states:

“Subject to any statutory provision (other than this Act) or rule of law, every organ of the State shall perform its functions in a manner compatible with the State’s obligations under the Convention provisions.”

DCC have completely failed to consider the private, family life, and homes of the residents of Labre Park. As mentioned earlier in this submission if the development goes ahead on the present scale and intensity, then the Traveller tenants of DCC will become cut off from the wider hinterland of Ballyfermot, isolated in an industrial area, and segregated from the rest of the community. This further demonstrates the lack of respect accorded to the Article 8 rights of the Traveller residents by DCC. The failure to recognise and make provision for the maintenance of horses by the residents

of Labre Park, is again a lack of recognition and respect for Traveller identity and heritage. It is noted that the development of further housing and halting site bays is considered part of the overall development of the Labre Park area. The number of young children living in the relatively confined residential area of Labre Park was referred to earlier in this submission. However nowhere is there any evidence of an intention by DCC to make provision for recreational areas for the residents, and more particularly play areas for the children.

In section 11 of the EIS the visual impact of the site is not considered from the aspect of the residential development in Labre Park because DCC have referred to high screening walls between the site and the residential development. In fact no such wall exists, there is presently a palisade fence dividing the residential section from the proposed site. Those families living in temporary trailers most immediately adjacent to the site have an open panoramic view to the canal on the opposite side of the site, and so the development will fundamentally alter the visual amenity of those residents. Again the failure to consider the visual impact from the Traveller accommodation section of Labre Park, and the reference to views from the north being completely screened, demonstrates that the EIS is fundamentally flawed in this respect.

It is noted that a number of locations were considered for the development of the facilities identified for the site. While it was determined by DCC that none of the other locations had sufficient room to accommodate such a large development, it is remarkable that all the locations considered are adjacent to, or in the vicinity of Traveller accommodation. It is submitted that DCC appears to consider pre existing Traveller accommodation as suitable locations for future industrial development. It should be questioned why DCC is treating Traveller accommodation and industrial development as compatible and how this influenced its decision to develop the waste processing centre near Labre Park. It is submitted that proper planning and development of residential areas would naturally dictate against heavy industrial development in such close and immediate proximity to permanent living space.

It is submitted that these factors taken all together, lead to the conclusion that the development proposed for the site is a breach of the Article 8 rights of the residents of Labre Park, and should not be consented to in its present form.

It is noted for the avoidance of doubt that An Bord Pleanála is an organ of the State for the purposes of the European Convention on Human Rights Act 2003, and as such is bound to take into account the terms of that Act in its decision making process.

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