

Brendan Smyth
Priestnewtown
Delgany
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January 10th 2017

Ms Dorota' Richards,
Programme Officer,
Environmental Licensing Programme,
Office of Environmental Sustainability,
Environmental Protection Agency,
Co Wexford,
PO Box 3000
Phone: 0539160600

RE: Licence Application NUMBER: W0294-01

W0294-01 Wicklow County Council, Soils Recovery Facility, Townland of Priestsnewtown, County Wicklow

(9 Pages plus Appendices)

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I would also like to request a meeting with the Environmental Licencing Inspector regarding this proposal.

THE PROPOSED WASTE SOILS RECOVERY FACILITY AND ECO-PARK AT PRETTY BUSH,
PRIESTNEWTOWN, DELGANY, BY WICKLOW COUNTY COUNCIL.

REF: EPA WO294-01

I make these observations to the proposal for the following reasons.

The EIA submitted to Wicklow County Council for the above project is considered to be deficient in the following respects, the numbered sections referring to those in the main report Volume 2 of 3:

5. The Need for the Development and Alternatives Considered

5.1 The Need for the Development

This section of the EIS states that the removal of material not re-used in the River Dargle flood defence works should be removed off site to a suitably licensed disposal facility which is required by An Bord Pleannala under the planning permission for those works.

However, remedial and restoration works are normally considered to be an integral part of flood defence works.

Suitable contouring of the spoil material to create land art within a landscaped open space or public parkland has not been considered. This would create the opportunity for the development of a river Dargle eco-park for the benefit of Bray without the need for the destruction of a rich natural habitat at Kilcoole.

It is not considered that the destruction of existing natural habitats with dredged spoil material and calling the result an 'eco-park' is an appropriate approach to either of the issues proposed and goes against definitions of sustainability in national policy.

5.2 Alternatives Considered

No alternatives have been seriously considered.

The original intention was for any excess spoil material to be used on a site in Naas. This was not mentioned in the report nor any reason given as to why this is not being considered other than to save money on fuel. This is not a valid reason to destroy an eco- system.

An opportunity for using the material as a backfill in the coastal erosion protection works at the Murrough has not been considered.

East Coast Transport Limited T/A ECT Sand and Gravel, Licence REF WFP-WW-12-0031-01, Made an offer to take the spoil and recycle all of it. This is not mentioned in the EIS in the alternative section and was never considered by WCC. The current proposal by WCC is not recycling in any real meaningful way. Exhausted quarry sites would be better suited for soil recovery facilities as stated by Brian Meany of the EPA at his meeting with WCC 28.09.15. The proposed site put forward by WCC is not a quarry and never has been, it is bounded by streams which are connected to the killcoole stream which is connected to the Murrough wetlands SAC, SAP. The proposed site is an ancient local area of natural biodiversity. Brian Meany was not made aware of these facts at his meeting in 2015.

10 Human Beings – Noise

10.5 Potential Noise Impacts

Table 10.3 Guidance Note NG4 Recommended Noise Emission Limits gives a recommended daytime upper noise limit of 55dB(A).

The EIS states that a chainsaw produces 76dB(A) and the tracked shredding machine 65 dB(A), thus clearly violating recommended noise emission levels. The report states that these will be used for up to six hours a day for between six to eight weeks. Contrary to the statement in the report, it is suggested that the clearing work, to be undertaken by hand, will take much longer given the impenetrable nature of the vegetation and the steepness of the site. In this type of work the shredder would be used for 100% of the time, quite apart from the other machinery.

The noise will clearly be intolerable for local people for a long period.

11 Flora and Fauna

The high environmental capital of the site was identified in the EIS by the NPWS.

According to Table 11-2, the proposals will have a profound impact on the site. While the site is of local importance, it is the only semi-natural habitat within an area of pastureland and housing. It is just this type of small local site that should be protected lest nature conservation ends up being restricted to a small number of sites of national importance. It is this erosion of local habitats over time that has led to the loss of numbers of so many species, particularly of birds.

11.2.7 Field Study

An independent review of this section by a professional ecologist states that:

Methods: Baseline ecological surveys for this project were carried out on two days in September 2015. This is not an optimum time for botanical, ornithological or bat surveys. Key receptors may have been overlooked due to this constraint.

1. Habitats: The habitat survey in 11.3.4 is flawed in that significant tree species including regenerating elms and also holly, of which there are at least 25 specimens, have not been noted.
2. Streams: Only streams and watercourses shown on the OS Discovery maps were examined. The streams within the site are not shown on Sheet 56. The EIS contains no habitat description of the streams in the site although it is stated that there will be adverse impacts on these (see appendix 1).
3. Designated Natura 2000 sites: Only those Natura 2000 sites within 10km of the study area are described in section 11.3.2 although the methods state that all sites within 15km of the study area were assessed.
4. Hydrological impacts: Impacts on Natura 2000 sites downstream of the study area include increased siltation within the watercourses. This is not adequately addressed in the EIS of the NIS. No provision for (Groundwater protection) has been made in the EIS(See appendix 1)

5. Bird Surveys: Bird surveys were undertaken outside the breeding season (September to November) so are unlikely to have recorded sensitive species that are dependent on the habitats on the site.
6. Impacts on Otter: Culverting of 241m of the streams on site will cause significant loss of habitat for Otter, bats and lamprey species. The EIS contains no habitat description of the streams to allow adequate assessment of their importance for these species.
7. Mammals: The claim that affected mammals may move to other locations in the wider area until disturbance has ceased after two years is flawed as the habitats of these species will be largely destroyed. There is no assessment of whether habitats in this wider area are suitable for these species or whether they are already occupied by territorial groups of the same species. Long-term adverse impacts on mammals are certain as a result of the proposed development.
8. Badgers: Protected under the Wildlife Act 1976/2000 Bern Convention Appendix III. Destruction of five badger setts within the site will entail complete exclusion of a territorial group of badgers from both breeding area and foraging areas (note that bait marking showed that the territory was confined to within 150m of the main sett). The EU habitat directive identifies: *Derogation licences should only be issued "provided there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned"*. No evidence is presented in the EIS that the surrounding land does not already have other territorial groups of badgers that would prevent successful translocation of the group from the site. A derogation licence should never have been permitted on the basis of such a poor quality survey. The collapse of the resident population is almost certain. The displacement of badgers may cause bovine TB outbreaks in cattle herds, which would be detrimental to cattle farming in the surrounding area. This is also not assessed in the EIS.
9. Bats: Foraging habitat for bats within the site will be lost completely as the surveys show that the mainly feed along the streams. This will be a significant long-term impact. (See appendix2)
10. Birds: Yellowhammers nest primarily on scrub habitats such as those on the site. No survey was carried out in the breeding season so it is not possible to assess if this species breeds on the site and will be affected by the proposed development. Removal of at least 69% of the scrub within the site may have long-term impacts on this species and there is no likelihood that the species will return as any replacement scrub would take at least 10 years to attain a suitable height and density.
11. Birds: Owls forage in semi-darkness so would not have been detected in daytime visits to the site. They frequently hunt along linear features such as the streams. The loss of 241m of streams on the site would destroy this habitat type on the site and displace Owls from the site, a long eared owl is known to inhabit the proposed site also woodcock birds.(See appendix2)
12. Invasive species: There is a high probability that invasive species such as Giant Hogweed and Japanese Knotweed will be transferred to the proposed Pretty Bush site with sand and gravel excavated from the River Dargle scheme. Giant Hogweed spreads by dispersal of seed in the water. Spreading these species is an offence under the European Communities (Birds and Natural Habitats) Regulations 2011. **Section 49(2) of these Regulations states:** *"Save in accordance with a licence granted under paragraph (7), for any person who plants, disperses, allows or causes to disperse, spreads or otherwise causes to grow in any place specified in relation to such plant in the third column of Part 1 of the Third Schedule, any plant which is included in Part 1 of the Third Schedule, shall be guilty of an offence"*.

14. Natura Impact Statement: Appendix 3 of the EIS: Section 4.4.3 shows that pollution from the proposed development could result in significant adverse impacts on Natura 2000 sites. Mitigation measures proposed cannot reduce all risk of sediment run-off or pollutants reaching Kilcoole marsh which is part of the Murrough Wetlands SAC and the Murrough SPA.

3.3.6 Construction Phase - Pretty Bush Eco-Park Development

This section has been assessed by a professional landscape architect:

It is clear from this section that the landscape plan is inadequate to restore any significant ecological value or biodiversity to the site post construction. As it is written it suggests that no relevant professional input was consulted – either as an ecologist, landscape architect or horticulturalist with practical experience of this type of ecological restoration work. The brevity and lack of detail of this section also suggests that the proposal for an eco-park is very much an afterthought to waste disposal. The post construction maintenance is as critical to the establishment of an eco-park as that required for any other landscape scheme. The suggested do nothing approach of Wicklow County Council, based on a lack of expertise and manpower will have predictable results.

In particular, the location of topsoil has not been identified nor is there any specification for topsoil.

Given the lack of construction activity at present, the supply of the volume of topsoil required may be limited and expensive on this scale, as in most developments topsoil is re-used on site but this is not quantified.

Top soiling to a depth of 200mm is suggested over the whole site, including for the 10,000m² of Planting Mix 3 Wildflowers. The standard practice for establishing wildflower areas is to use no topsoil, as it is too fertile and has a seed bank of weed species. A wildflower mix should normally include a proportion of appropriate grasses and the type of wildflower mix has not been specified.

EPA: 10.5.3 INERT LANDFILL CAPPING SYSTEM. The capping system for an inert landfill should consist of: • top soil and subsoil, thickness dependent on after use but to a minimum of 0.5m.

The ecological dynamics of the site have been ignored. The centre of the site which is now gorse covered was open grassland less than 30 years ago. It is suggested that this area should receive planting mix 1 to include gorse. If this is done then it is inevitable that the gorse will take over the site and may well seed into the site naturally given the open nature of the spoil material.

Tree planting is suggested of seven oak and 27 other species, with no specification, although it is suggested that these may be large trees. Trees large enough to require staking are normally not used in this type of scheme where maintenance, despite the recommendations of the report, are likely to be minimal in practice. Experience suggests that such larger trees seldom survive compared with smaller sized specimens.

In short what is proposed is a public recreational park planted with a limited range of native species which can in no sense be described as an 'eco-park'. It is very unlikely that there has been sufficient before/after study of any site in Ireland to be able to measure ecological richness to permit assessment of the impacts of such gross habitat change. It is highly unlikely that equivalent complex ecosystems can be "created" in less than a century.

TRAFFIC AND OTHER DISRUPTIONS:

The proposed works at the Rocks Valley involving large trucks carrying huge weights of spoil will cause severe traffic disruption on the main road into Kilcoole (R761), not to speak of the smaller road involved (L5542). A truck will be entering and leaving the site every 3 to 4 minutes during the spoil importation stage, over a period of 18-24 months, with 12 hour working days envisaged during week days. The mass movement of trucks will pose a serious danger to the children in the area especially in the winter months.

Traffic Congestion:

Local roadways will be **congested** and dirtied (especially when there is rain) over a period of 18-24 months. Traffic on the road, Even a temporary stoppage of traffic on the main Kilcoole road (R761)- for example, when hedge cutting is in progress - currently causes big delays and disruption due to the great increase in the population of Kilcoole, Greystones, Delgany and Kilquade in recent years. Recent minor roadworks by WCC on the narrow (R761) in September and October 2016 resulted in 35 minute delay's to traffic at normal peak times. Traffic trailed back to the Eden Gate Roundabout snarling flow on the R774 and blocking the free flow of traffic from the N11 through to Greystones/Charlesland (See appendix3). The traffic flow on the (R761) has greatly increased in the years since the proposal for an inert facility in the east valley by Nolan ref 98/9635. This was refused by WCC and one of the reasons cited was the "Serious Traffic Hazard" that would be caused from the development. The traffic assessment provided in the EIS is deficient.

For an Independent Traffic Assessment. (See appendix4)

LAP: According to, **2.3 Local Policy Context of the EIS:** *The proposed development is relevant to a number of areas addressed within the Greystones-Delgany & Kilcoole Local Area Plan (LAP) 2013 – 2019. While not located directly within the curtilage of the LAP area, the proposed development directly borders the LAP boundary and so it is considered that the objectives of the LAP are relevant, given its proximity.*

The proposed site is not part of the LAP so this information given in the EIS is not relevant and is misleading.

SECURITY 1.1: No provision is mentioned in the EIS for security of the facility during the spoil importation stage or the after use stage or at any stage. The site itself has many access points already and is only bounded by hedge rows which you can just jump over and enter the site. There is no fence on the eastern boundary of the site and the land to the west has an old sheep fence 1 meter high that you can just walk over. No security has been provided for the properties surrounding the proposed site. Children in the area will enter the site due to its open access to play and see what's going on, explore, and look at the machines as kids do. (The Wicklow County Play Policy) states in, objective 2.1 Access/choice: The diversity of environments within the neighbourhood and the available access to them are the most important factors for child development. "Children will play everywhere and with anything" (Colin Ward, 1978).

1.2: EPA guidelines for security: 4.8 SECURITY The landfill design should incorporate security provisions which may include the following: Perimeter fencing should be provided at all sites. The fencing should be to an adequate standard (chain link, palisade) and sufficient height (approximately 2.3m) to prevent unauthorised access. No Security fencing has been provided in the in EIS to secure the facility.

1.3 No security has been provided for the surrounding properties once the eco-park has opened. It is stated in the EIS that there will be 24/7 open access to the park and no lighting will be provided. It would be hard to feel safe *either* in the park or living in the properties surrounding it, especially at night.

Pollution: Noise, dust.

Appendix 4 of the EIS, Section 4, Page 12 of 19 states: Dust deposition at the existing site is expected to be low, given the agricultural nature of the immediate surroundings.

This is not consistent with Wicklow county councils own view in the past, WCC refused permission to a private development, Nolan 98/9635 for 150.000 tonnes of inert waste material to be deposited on the east side of the valley which was less than the current amount proposed by WCC 200.000 tonnes and one of the reasons cited "the dust generated would be harmful to public health".

There are new born children living in some of the properties adjacent to the proposed site. The noise and dust created by the landfill will not be a healthy environment for them. One of the residents in the Priestnewtown cottages is currently using a nebuliser to help with her breathing as a result of Emphysema and Lung Cancer. The dust generated from this landfill due to its close proximity to her property and the dusts particles prolonged presence in the air as a result of the long operational hours predicted will have a profound effect on her quality of life. She will basically be a prisoner in her own home for 12 hours of every weekday.

SET BACK DISTANCE.

The proposed development is too close to the surrounding properties and this is not acceptable. According to the EPAs (BAT) document, a new (Greenfield) site requires a 200 meter set back distance from surrounding properties. Even on a site specific basis the EPA must concede that the 10 meter set back distance proposed in the EIS on the west side and 15 meters on the east side is not be acceptable. This flaunts the 200meter requirement specified in the EPAs (BAT) document.

ADDITIONAL INFORMATION:

(A)The EIS states in section4, page81- 82 of 114: 4.2.4 D.2.4 eco-park post construction phase, the objective is to allow the eco-park to develop in "Wild Status" in order to maintain as close a similarity to the existing (Pretty Bush site). If the pretty bush is considered important enough by WCC to **try** and "recreate" after it has been "destroyed" then its destruction should not be permitted in the first place.

(B)WCC refused permission to a previous proposal for an inert facility on the east side of the valley Ref 98/9635 stating it would be contrary to the proper planning and development of the area. Because it would destroy and local natural habitat and because it's streams are linked to the Murrough wetlands, Now WCC refuses to accept its own reasoning in order to do the same and also refuses to even to acknowledge its own **CDP**. (See appendix 5)

COUNTY DEVELOPMEN PLAN:

The proposed site (Pretty Bush) is a protected area of natural biodiversity, Zoning Objective NH13 which prohibits development of the land. The EPA must not issue a waste licence that would destroy a protected area of natural biodiversity. To do so would go against all the core principles of the EPA and it would destroy the EPAs credibility as an organisation which only exists to protect the natural environment.

Conclusion:

This proposal by WCC is flawed. The Proposal is destructive to the natural environment. The proposal is Dangerous to the public for the reasons stated. The proposal is contrary to the proper planning of the area as stated by WCC in the past. The Proposal contravenes the CDP. The proposal is against the communities wishes.


EU Council Directive on waste 75/442/EEC: Article 4, Member states shall take the necessary measures to ensure that waste is disposed of without endangering human health and without harming the environment, and in particular without risk to water, air, soil, and plants and animals. Without causing a nuisance through noise and odours, without adversely affecting the countryside or places of "special interest". The valley is a protected site of natural biodiversity.

Article 4 basically means chose your site carefully. WCC have not done this. If WCC had taken Brian Meaney's advice/ guidance on board in 2015 they would have not chosen this site and would have looked at exhausted quarries which were the examples given to them.

If the proposal by WCC has integrity we should have sight of a report on the development of an ECO Park in County Wicklow with a public request for contributions from all interested stakeholders and proposals for alternative sites. So what other sites have WCC considered for 'making' an Eco Park and where is the report to justify their decision? There is none.

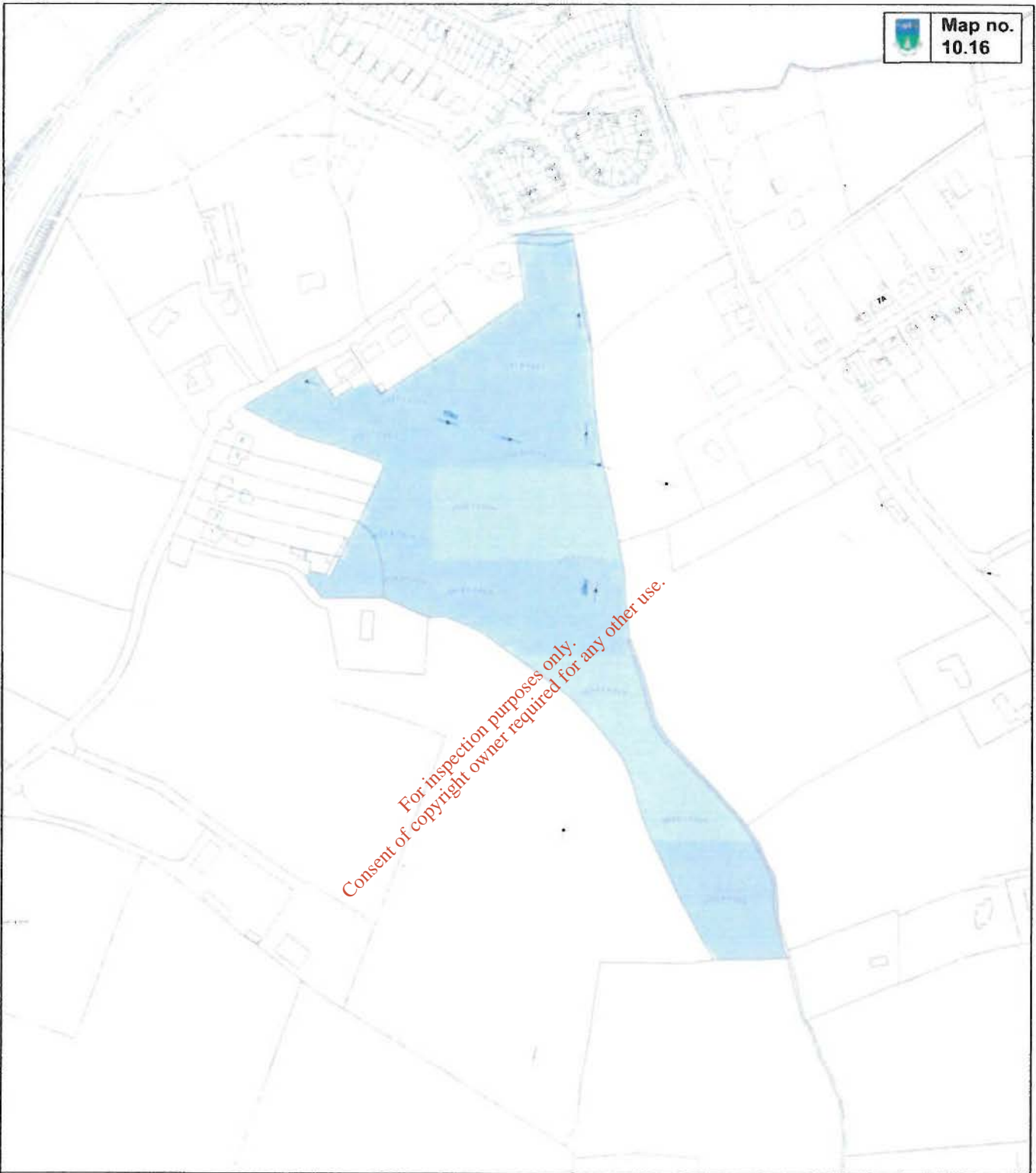
The Priestnewtown (Pretty Bush) site is already a Natural Eco Park hence the name given to it centuries ago "THE *PRETTY BUSH*". No reasonable person would suggest that one should create a new Eco-Park by dumping 200,000 tons of spoil on top of an existing Eco-Park created by nature over the millennia. This licence application should fail and fail permanently for this reason alone.

Yours Sincerely



Brendan Smyth

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Special Zoning Objective NH13

WICKLOW COUNTY DEVELOPMENT PLAN 2016-2022



Special Zoning - Objective NH13

To preserve lands at 'The Rocks', Kilcoole in its existing state; to allow no development of these lands; to protect the lands as a natural habitat and biodiversity area; to protect the open nature and landscape quality of the lands.



Wicklow County Council
Planning Department

Maps Not To Scale

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Assessment of Soils, Geology and Hydrogeology Section (12) of the WCC EIS (October 2016)

The Geology and Hydrogeology section of the EIS (Section 12) does not present a comprehensive assessment of these aspects of the environment. There are a number of technical points that could be raised but the following issues are considered to be the most critical matters to which the EPA should have regard. The most substantive point relates to a lack of protection included in the proposed scheme for the underlying groundwater and surface watercourses and the potential adverse impact on the Murrough Wetlands SAC and Murrough SPA and pNHA designated sites which are hydrologically linked to the subject site.

Groundwater Vulnerability

The assessment of the Vulnerability rating of the site is inaccurate at page 190 of the EIS in Section 12.2.5. This section states that *"The GSI distribution of vulnerability for the area is predominantly 'Extreme' due to shallow bedrock with a small area of 'High' vulnerability at the southern end of the site"*. This is incorrect. The GSI online mapping facility (which is actually reproduced in Figure 12.4 of the EIS) shows that the site is in fact classified as the category 'X (Rock Near Surface or Karst)' with a small area of 'Extreme' vulnerability at the southern end of the site. Category 'X' is a more vulnerable classification than 'Extreme'.

The EIS then incorrectly applies the GSI Vulnerability Mapping Guidelines to the site in Table 12.5. These are designed as guidelines for mapping over regional areas and are not intended for designating vulnerability ratings at a local scale at specific sites. Therefore, the designation of 'Extreme' vulnerability to the site based on findings from the desk study, site investigation works (3 boreholes in corners of the site and not representative of general conditions across the site) and visual assessment is inaccurate and the site is more correctly classified as 'Rock Near Surface' in accordance with the GSI official designation. On this basis, the following statement included at page 190 of the EIS is considered to be misleading and an incorrect assumption – *"The overburden deposits of till have generally moderate permeability and may therefore act as a confining layer (where present), preventing the free movement of surface water to the underlying aquifer within the bedrock"*. There is in fact little or no soil cover across the site to protect the underlying groundwater from contamination.

Lack of protection to groundwater and surface water

The proposal does not provide for a liner system to protect the underlying groundwater from any contaminants that could be imported to the site or that may arise during the construction phase. As acknowledged in the Environmental Risk Assessment presented at Appendix 18, a potential groundwater migration pathway is present at the site. This pathway would facilitate the percolation of contaminants vertically downwards into the substrata. This would undergo very little, if any, attenuation as the subsoil thickness across most of the site is thin or absent in places. Upon reaching the watertable the contaminant plume would migrate laterally in the direction of groundwater flow which is from west to east, towards the stream which runs from north to south along the eastern boundary of the site. The EIS and ERA state that the rate of groundwater flow through the bedrock is relatively quick. However, there is no discussion of structural geology in the EIS which is important to the understanding of the hydrogeological environment and the movement of groundwater.

Given the underlying hydrogeological characteristics it is likely that groundwater discharges to the stream that flows along the eastern boundary which creates the potential for any contamination to enter the stream as baseflow. This stream joins the Kilcoole Stream downstream of the subject site and it is acknowledged in Section 3.4 of the ERA that the Kilcoole Stream could be at risk from

contamination from the site. The Kilcoole Stream discharges to the Murrough Wetlands SAC and Murrough SPA and pNHA designated sites at Kilcoole Marsh. The subject site is therefore hydrologically linked to downstream designated sites which creates the potential for any contaminants introduced to the site to impact on those sites as acknowledged in the Natural Impact Statement (NIS) presented in Appendix 3.

Mitigation measures to reduce the potential impact on the designated sites are proposed in the NIS but these do not consider the potential for contamination in materials imported to the site that could percolate to the underlying groundwater. **There is no mitigation measure proposed to protect the designated sites from any contaminated materials that could be deposited at what is proposed to be an unlined site with rock at or near the surface that is hydrologically linked to those designated sites.** We therefore do not agree with the conclusion of the NIS that the integrity of those sites as natural habitats will not be adversely affected and the NIS is considered to be inadequate as it has not considered all risks to the designated sites.

Potential for contaminants in imported material

Section 2.1 of the Waste Acceptance Plan presented at Appendix 1 of the application states that the material to be accepted at the site will be "greenfield soils/stone". Based on this classification the Waste Acceptance Plan proposes Waste Acceptance Criteria for the site based on letters of suitability from a suitable person at defined intervals i.e., no analytical analysis and compliance testing.

The work undertaken by Gavin and Doherty Geosolutions in February 2015 which is presented at Appendix 16 of the application clearly indicates that the material revealed in the trial pits excavated along the River Dargle "is mostly inhomogeneous made ground with fragments of gabion baskets, reinforced concrete and organic material". The report also states that "the rest of the trial pits exhibit different types of soil, mostly classified as made ground". 50% of this material is to be transported off-site for authorised disposal. **Clearly, this is not "greenfield soil/stone" and this highlights the potential for material containing contaminants to be imported to the subject site which is proposed to be an unlined site with rock at or near the surface which is hydrologically linked to downstream designated sites.**

The proposed Waste Acceptance Criteria for the proposed site would not be adequate for this type of material. If "non-greenfield soils/stone" is imported to the site then characterisation and analytical testing of the material to ensure compliance with the appropriate concentration or trigger limits would be necessary, which has been the approach taken by the EPA in previous waste soils recovery facility licences. It is our view that the EPA should not grant a licence for the subject site to accept dredge material from the River Dargle for this activity by Wicklow County Council.

Conclusion

The above demonstrates the potential for non-greenfield soils/stone or made ground that could contain non-inert contaminated material to be imported to the subject site. The GSI has designated the site as having rock at or near the surface and there is no proposal to install a liner at the site. Furthermore, the NIS has established that the subject site is hydrologically linked to the Murrough Wetlands SAC and Murrough SPA and pNHA designated sites at Kilcoole Marsh. However, the NIS does not propose any mitigation measure to protect the designated sites from adverse impact specifically caused by contamination in the imported material deposited at the site that could percolate to the underlying groundwater and eventually discharge to the Kilcoole Stream which flows into the designated sites. **We therefore contend that the NIS is inadequate as it has not properly considered and mitigated all risks to the designated sites.**

It is also worth taking into consideration that WCC themselves refused permission for an inert facility on the eastern side of this proposed site for the same reasons, Ref 98/9635. That application was also refused by An Bord Pleanala Ref 27.110986

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A bat survey of The Rocks Valley, Priestnewtown, Co Wicklow

For Save the Rocks Valley Community Group



By

Donna Mullen M.P.P.M.

Tierworker

Kells

Co Meath

Date 20/7/2016

Summary

Bat Species feeding and commuting –

Soprano pipistrelle - *Pipistrellus pygmaeus*

Common pipistrelle - *Pipistrellus pipistrellus*

Daubenton's bat - *Myotis daubentonii*

Leisler's bat - *Nyctalus leisleri*

Other species seen –

badger digging – *Meles meles*

Long eared owl – *Asio otis*

Recommendations

- (1) This site is of local importance and should be afforded protection in the County Development Plan.
- (2) A detailed bat survey of the site should be undertaken; particularly looking for Leisler's mating roosts.
- (3) As the presence of a long eared owl and badgers were noted, these species must be surveyed prior to any planning application.
- (4) There is local knowledge of an underground tunnel on this site. As Daubenton's bats are present, this tunnel (if it is still intact) should be investigated.

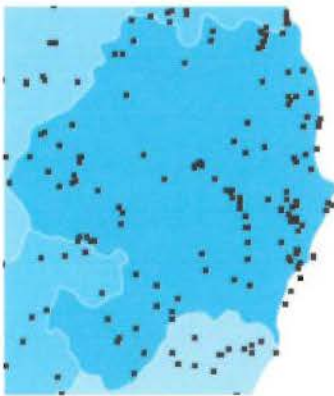
Introduction: There are 9 species of bat in Ireland. Bats may have maternity (breeding) roosts in trees, and these may also be used as hibernation or mating roosts. Bats frequently feed along tree and hedgerow lines. Many species also feed over scrub and along streams.

Desktop survey

Distribution of common pipistrelle in Wicklow

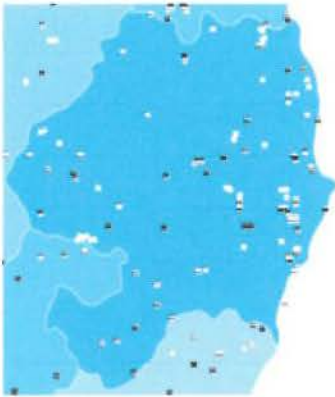


Distribution of Soprano pipistrelle in Wicklow



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Distribution of Leisler's bat in Wicklow



Distribution of Daubenton's bat in Wicklow



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Thanks to Bat Conservation Ireland for providing the records of bat species in Wicklow.

Bat Survey - Equipment

Exide Lamp

Petzl Tikka Head torch

QMC Mini 3 bat detector

One EM3 time expansion detector and analysis software

Two SM2BAT+ time expansion detectors and kaleidoscope analysis software.

APP 2

4

Habitat

Habitat of the Rocks Valley – scrub with stream and trees, many coppiced.

Adjoining Habitat; Grassland, pasture, some old trees, urban centre nearby.

Methodology

The survey commenced at 8.30 pm and the surveyor was present at dusk (until midnight) and before dawn for two hours.

The area was walked and remote bat detectors were left in two sites on the edge of the valley, one to the south and one to the west of the Valley. The perimeter was walked and viewed during the night. Transects of the adjoining fields to the south west were also walked, to see if bat activity occurred throughout the area. Adjoining roads were also driven with detectors.

At 9.45 pm a Leisler's bat was seen commuting and feeding within the valley. A common pipistrelle was observed at 9.49 pm feeding along the hedgerow at the edge of the valley.

Common and soprano pipistrelles fed until midnight in the valley, then common pipistrelles fed from 1.32am. There was heavy rain, but the shelter afforded by the valley allowed common pipistrelles feed throughout the night.

At 11.14 pm a long eared owl was seen flying into the valley.

One Daubenton's bat was recorded at the valley at 11.33pm

Most of the Leisler's bat activity took place just after sunset, but there was some activity in thunderstorm over the valley.



Badger digging



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Badger scratching on tree

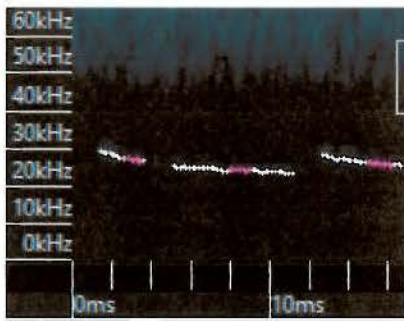
Transects were walked through the fields at west of the valley at dawn and dusk. No bats were recorded in the fields. All bat activity took place within or on the edge of the Rock Valley.

Along the roads no bats were recorded in the vicinity of the Valley. However bats were seen along the R774 flying towards the United Caps building at 4 am.

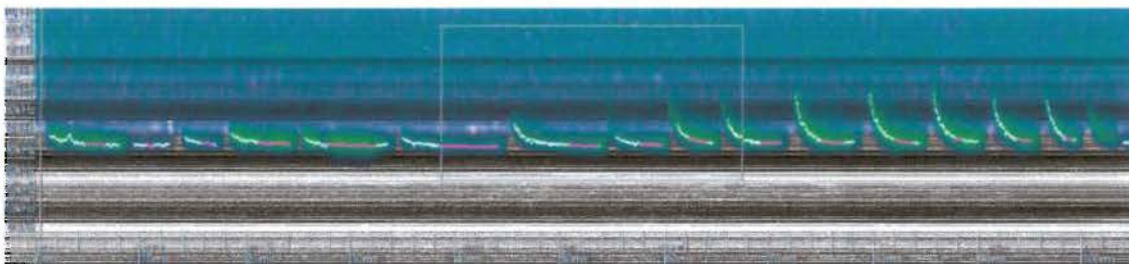
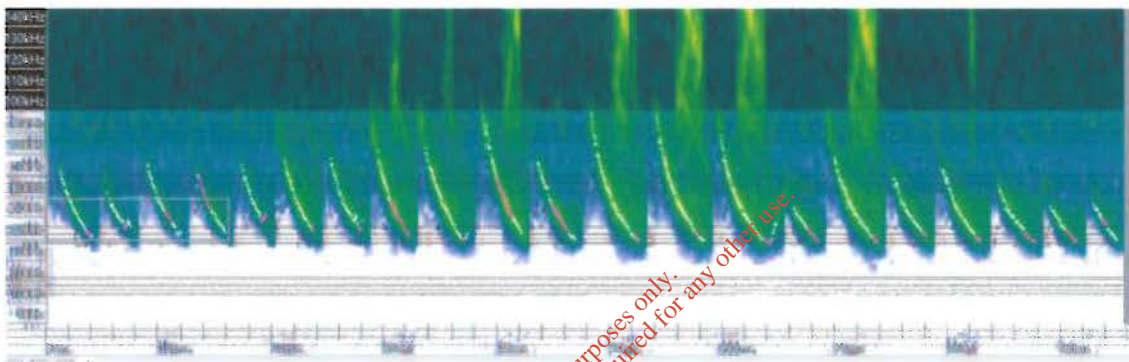
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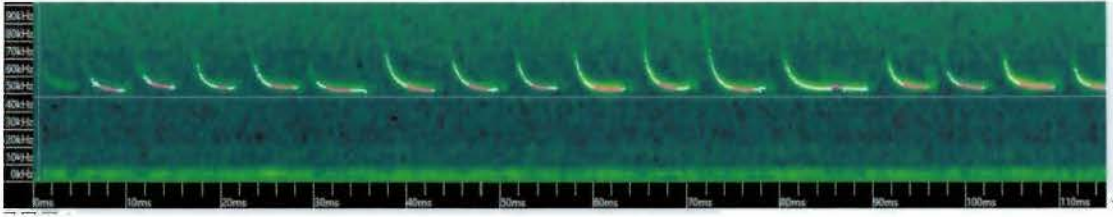
Ultrasound recordings



Leisler's bat commuting into valley



APP2
7



Soprano pipistrelle at edge of valley, 22.55



White arrow – Long eared owl flying

Blue arrow – Leisler's at 10.45pm.

Connectivity –

Many species need to move between patches of land in order to use these resources for feeding or roosting. As urbanisation increases, these patches provide refuges for wildlife. Green areas and connecting corridors are now considered important in both rural and urban planning. Studies by Luck and Wu, 2002(<http://www.oalib.com/references/11198964>)show that as urbanisation increases, so also does habitat fragmentation.

As the Greystones, Kilcoole and Priestnewtown areas become more urbanised, these areas will encroach on natural wildlife habitat and feeding areas. Much of the surrounding countryside is improved grassland, which is subject to regular human disturbance. The area of scrub around The Rocks Valley provides a refuge for wildlife – and wildlife (bats, badgers, and a long eared owl) can clearly be seen to be availing of this site.

The range of long eared owls in Britain has contracted by 18% since the 1968-1972 Breeding Atlas. Because of this, Ireland's healthy population thus becomes even more important to the species.

Development of this site is likely to result in

- (1) Habitat loss. Feeding habitat will be lost and there may be lost of bat roosts , bird nests and badger setts.
- (2) Increased noise and human activity – in the Bat Conservation Ireland project, noise and increased human activity appeared to result in a reduction in bat activity post development. (Irish Bat Monitoring Programme An investigation of the impact of development projects on bat populations: Comparing pre- and post-development bat faunas. November 2008). It is likely that this development will also affect birds and other mammals.
- (3) Increased Lighting. Daubenton's bats are especially affected by an increase in lighting levels. These bats are discouraged from entering bright places as their eyes cannot adjust quickly to high light levels. In addition, moths and other insects are drawn to lights, leaving the dark areas. This means that the bats food is being drawn away from the dark areas. As the Greystones/Kilcoole area becomes increasingly urbanised, dark corridors become even more important to wildlife.
- (4) Loss of connectivity. Map 1 shows the increasing urbanisation of Priestnewtown, and map 2 shows the importance of the Rock valley and its line of trees connecting it to Huntsbury.

Map 1



Map 2



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Bat Biology

Female bats gather in groups known as maternity roosts in summer to have their young. They generally have one baby each year, so are slow to reproduce, and disturbance of a maternity roost can be catastrophic.

In winter bats move to old stonework, trees and caves to hibernate. They are especially vulnerable here as they are slow to awaken, and if felling is carried out, they can easily be killed.

All Irish bats are insectivorous and do not eat our food or chew wiring in a house. Each bat eats over 1000 insects per night, so they act as a natural insecticide.

Legislation;

Bats are protected under the 1996 Wildlife Act, the 2000 Wildlife (Amendment) Act, Stat Ist 94 of 1997, Stat Ist 378 of 2005, The Habitats Directive, The Bonn and Bern Convention, and the Euro bats agreement.

The European Community (Natural Habitats) Regulations S.I. No 94 of 1997 states:

23(1) The minister shall take the requisite measures to establish a system of strict protection for the fauna consisting of the animal species set out in Part 1 of the First Schedule prohibiting –

- (a) All forms of deliberate capture or killing of specimens of those species in the wild.
- (d) The deterioration or destruction of breeding sites or resting places of those species.

The EU Habitats Directive

Article 12(1) of the 'Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora (Habitats Directive) states:

"Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV(a) and their natural range, prohibiting:

- a) all forms of deliberate capture or killing of specimens of these species in the wild;
- b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;
- c) deliberate destruction or taking of eggs from the wild;
- d) deterioration or destruction of breeding sites or resting places."

The EU Habitats Directive (92/43/EEC) lists all Irish bat species in Annex IV and one Irish species, the lesser horseshoe bat (*Rhinolophus hipposideros*), in Annex II. Annex II includes animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation (SACs) because they are endangered, rare, vulnerable or endemic. Annex IV includes various species that require strict protection. Article 11 of the Habitats Directive requires member states to monitor all species listed in the Habitats Directive and Article 17 requires States to report to the EU on the findings of monitoring schemes.

The Bern and Bonn Conventions

Ireland is also a signatory to a number of conservation agreements pertaining to bats such as the Bern and Bonn Conventions. The European Bats Agreement (EUROBATS) is an agreement under the Bonn Convention. Ireland and the UK are two of the 31 signatories. The Agreement has an Action Plan with priorities for implementation. Devising strategies for monitoring of populations of selected bat species in Europe is among the resolutions of EUROBATS.

1.3.1 The Berne Convention

Article 6 of the "Convention on the Conservation of European Wildlife and Natural Habitats" (Berne Convention) reads:

"Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II. The following will in particular be prohibited for these species:

- a) all forms of deliberate capture and keeping and deliberate killing;
- b) the deliberate damage to or destruction of breeding or resting sites;
- c) the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention; ...

Appendix II lists strictly protected fauna species and this list includes "Microchiroptera, all species except *Pipistrellus pipistrellus*".

The EUROBATS Agreement

The 'Agreement on the Conservation of Populations of European Bats' (EUROBATS) was negotiated under the 'Convention for the Conservation of Migratory Wild Species' (Bonn Convention) and came into force in January 1994. The legal protection of bats and their habitats are given in Article III as fundamental obligations:

"1. Each Party shall prohibit the deliberate capture, keeping or killing of bats except under permit from its competent authority

2. Each Party shall identify those sites within its own area of jurisdiction which are important for the conservation status, including for the shelter and protection, of bats. It shall, taking into account as necessary economic and social considerations, protect such sites from damage or disturbance. In addition, each Party shall endeavour to identify and protect important feeding areas for bats from damage or disturbance."

The Agreement covers all European bat species.

Contact Details:

The phone number for Bat Conservation Ireland is 086 4049468 .Their website is www.batconservationireland.org . I can be contacted at 046 9242886 or 087 7454233. My email is donnamullen@wildlifesurveys.net, and web site is www.wildlifesurveys.net.

Appendix 1

References;

(1)Modelling functional connectivity pathways for bats in urban landscapes

Gemma Davies¹, James Hale², Jon Sadler²

¹Lancaster Environment Centre, Lancaster University, Lancaster, LA1 4YQ

(2)The extent of urbanised land-use is set to increase, characterized by an increase in sealed land-cover density (McKinney 2002) and fragmentation of land-use patches (Luck and Wu J 2002; Zhang et al 2004).

(3)Green networks and corridors have been influential in guiding city planning in many areas of the world (Fleury and Brown 1997; Turner T 2006)

(4)Bird Atlas 2007 – 11, Dawn Balmer, Simon Gillings, Brian Caffrey, Bob Swan, Iain Downey and Rob Fuller.

(5)Landscape conservation for Irish bats & species specific roosting characteristics

The Centre for Irish Bat Research

APP2
13

University College Dublin & Queen's University Belfast

School of Biological Sciences

Mathieu G. Lundy + W. Ian Montgomery

&

Bat Conservation Ireland

Ulex House, Drumheel, Lisduff, Virginia, Co. Cavan

www.batconservationireland.org

SM2 Recordings from SW edge of Valley

TIME-12	HOUR-12	AUTO ID	PULSES	MATCHING	MARGIN	ALTERNATES	No.
					0.20065		
10:19:21	10	NYLE	4	4	6		4
					0.26666		
10:23:21	10	NYLE	5	5	6		5
					0.12925		
10:24:21	10	PINA	39	17	4	PIPI;MYBR	40
					0.08665		
10:24:51	10	PIPI	5	3	8	PINA;NYLE	5
					0.31265		
10:32:26	10	NYLE	2	2	3		2
					0.24248		
10:34:26	10	NYLE	12	10	8	MYBR	13
					0.17580		
10:34:56	10	NYLE	3	2	2	PLAUR	3
					0.46681		
10:36:26	10	PIPY	48	46	4	PIPI	48
					0.25966		
10:39:56	10	PINA	45	31	2	PIPI	47
					0.64773		
10:47:56	10	PIPI	9	9	5		9
					0.39052		
10:49:26	10	PIPI	21	21	9		21
					0.19222		
10:53:56	10	PIPI	5	4	7	PINA	5
					0.29400		
10:55:26	10	PIPI	2	2	5		2
					0.30379		
10:55:56	10	PIPI	5	5	2		5
					0.17872		
10:58:26	10	PIPY	2	2	8		2

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					0.23222		
10:58:56	10	PIPI	7	5	8	PIPY	9
					0.58087		
10:59:56	10	PIPI	5	5	5		6
					0.18893		
11:20:22	11	PIPI	9	7	1	PINA	9
		MYDA			0.15496	MYBR;MYNA;P	
11:33:49	11	U	18	8	2	IPI;PIPY	21
					0.39966		
11:35:49	11	PIPI	34	33	1	MYNA	34
					0.33353		
11:55:19	11	PIPI	7	7	7		7
					0.30141		
12:05:20	12	PIPI	6	6	8		6
					0.49491		
12:20:50	12	PIPI	12	12	4		12
					0.31642		
13:07:40	13	PIPI	7	7	7		7
					0.14341		
13:15:10	13	NYLE	4	3	2	PLAUR	4
					0.64638		
13:32:00	13	PIPI	4	4	5		4
					0.56788		
13:43:30	13	PIPI	14	14	8		15
					0.36273		
13:44:00	13	PIPI	57	49	2	PIPY	58
					0.26790		
13:46:00	13	PIPI	25	23	7	MYBR	26
					0.40428		
13:47:30	13	PIPI	12	12	3		12
					0.55498		
13:57:00	13	PIPI	11	11	1		11
					0.52616		
14:10:20	14	NYLE	3	3	8		3
					0.66875		
14:18:20	14	PIPY	4	4	6		4
					0.26404		
14:36:20	14	PIPI	20	18	2	PINA	20
					0.11791		
14:46:20	14	PIPI	3	2	5	PINA	3
					0.20736		
14:48:50	14	PIPI	40	24	2	PIPY;MYBR	41
					0.04365		
14:59:20	14	NYLE	5	2	7	MYBR;PLAUR	6
					0.11287	PIPI;MYBR;MY	
16:43:11	16	PINA	51	19	6	DAU	53
16:43:41	16	PINA	150	74	0.13726	PIPI;MYBR;MY	15

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					8	DAU;PIPY	6
						PINA;MYBR;M	
16:44:11	16	PIPI	248	151	0.12233	YDAU;PIPY;MY	26
					2	NA;NYLE	6
16:44:41	16	PIPI	136	77	0.10670	PINA;MYBR;M	14
					7	YDAU;PIPY	2
16:45:11	16	PIPI	102	100	0.40529		10
					6	MYBR	3
16:45:41	16	PIPI	87	86	0.40329		
					4	PINA	87
16:46:11	16	PIPI	160	153	0.36437	PIPY;MYBR;MY	16
					4	NA	7
16:46:41	16	PIPI	131	123	0.34509	PINA;MYBR;PIP	13
					7	Y;MYDAU	4
16:47:11	16	PIPI	106	104	0.37300		10
					9	MYBR;MYDAU	6
16:47:41	16	PIPI	100	96	0.37717	PINA;MYBR;M	10
					3	YNA	1
16:51:34	16	PIPI	61	59	0.32600		
					5	PINA;MYBR	66
16:52:04	16	PIPI	148	143	0.33211	PINA;MYBR;NY	15
17:28:00	17	NoID	2	0	1	LE	4
					0	MYBR	2
09:10:30	9	PIPI	21	16	0.18500		
					1	PIPY;MYBR	24
09:11:00	9	PIPI	5	5	0.34401		5

SM2 Recordings from SE edge of Valley

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	FOLDER	IN FILE	OUT FILE	AUTO ID	PULSES	MATCHING	MARGIN	MANUAL ID
1		6771_20160719_214921.wac	6771_0_20160719_221921_000	NYLE	4	4	0.200656	NYLE
2		6771_20160719_214921.wac	6771_0_20160719_222321_000	NYLE	5	5	0.266666	NYLE
3		6771_20160719_214921.wac	6771_0_20160719_222421_000	PINA	39	17	0.129254	PIPI
4		6771_20160719_214921.wac	6771_0_20160719_222451_000	PIPI	5	3	0.086658	PIPI
5		6771_20160719_223026.wac	6771_0_20160719_223226_000	NYLE	2	2	0.312653	NYLE
6		6771_20160719_223026.wac	6771_0_20160719_223426_000	NYLE	12	10	0.242488	NYLE
7		6771_20160719_223026.wac	6771_0_20160719_223456_000	NYLE	3	2	0.175802	NYLE
8		6771_20160719_223026.wac	6771_0_20160719_223626_000	PIPY	48	46	0.466814	PIPY
9		6771_20160719_223026.wac	6771_0_20160719_223956_000	PINA	45	31	0.259662	PIPI
10		6771_20160719_223026.wac	6771_0_20160719_224756_000	PIPI	9	9	0.647735	PIPI
11		6771_20160719_223026.wac	6771_0_20160719_224926_000	PIPI	21	21	0.390529	PIPI
12		6771_20160719_223026.wac	6771_0_20160719_225356_000	PIPI	5	4	0.192227	PIPI
13		6771_20160719_223026.wac	6771_0_20160719_225526_000	PIPI	2	2	0.294005	PIPI
14		6771_20160719_223026.wac	6771_0_20160719_225556_000	PIPI	5	5	0.303792	PIPI
15		6771_20160719_223026.wac	6771_0_20160719_225826_000	PIPY	2	2	0.178728	PIPY
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21		6771_20160719_233149.wac	6771_0_20160719_235519_000	PIPI	7	7	0.333537	PIPI
22		6771_20160720_000150.wac	6771_0_20160720_000520_000	PIPI	6	6	0.301418	PIPI
23		6771_20160720_000150.wac	6771_0_20160720_002050_000	PIPI	12	12	0.494914	PIPI
24		6771_20160720_003140.wac	6771_0_20160720_010740_000	PIPI	7	7	0.316427	PIPI
25		6771_20160720_003140.wac	6771_0_20160720_011510_000	NYLE	4	3	0.143412	NYLE
26		6771_20160720_013100.wac	6771_0_20160720_013200_000	PIPI	4	4	0.646385	PIPI
27		6771_20160720_013100.wac	6771_0_20160720_014100_000	PIPI	14	14	0.567888	PIPI
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30		6771_20160720_013100.wac	6771_0_20160720_014730_000	PIPI	12	12	0.404283	PIPI
31		6771_20160720_013100.wac	6771_0_20160720_015700_000	PIPI	11	11	0.554981	PIPI
32		6771_20160720_020150.wac	6771_0_20160720_021020_000	NYLE	3	3	0.526168	NYLE
33		6771_20160720_020150.wac	6771_0_20160720_021820_000	PIPY	4	4	0.668756	PIPY
34		6771_20160720_023150.wac	6771_0_20160720_023620_000	PIPI	20	18	0.264042	PIPI
35		6771_20160720_023150.wac	6771_0_20160720_024620_000	PIPI	3	2	0.117915	PIPI
36		6771_20160720_023150.wac	6771_0_20160720_024850_000	PIPI	40	24	0.207362	PIPI
37		6771_20160720_023150.wac	6771_0_20160720_025920_000	NYLE	5	2	0.043657	NYLE
38		6771_20160720_040141.wac	6771_0_20160720_044311_000	PINA	51	19	0.112876	PIPI
39		6771_20160720_040141.wac	6771_0_20160720_044341_000	PINA	150	74	0.137268	PIPI
40		6771_20160720_040141.wac	6771_0_20160720_044411_000	PIPI	248	151	0.122332	PIPI
41		6771_20160720_040141.wac	6771_0_20160720_044441_000	PIPI	136	77	0.106707	PIPI
42		6771_20160720_040141.wac	6771_0_20160720_044511_000	PIPI	102	100	0.405296	PIPI
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APP 3

TRAFFIC JAMS
MINDER ROAD WORKS
ON THE R 761
30 MIN DELAYS
SEP - OCTOBER 2016

Appendix 3



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App 3



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Independent Traffic Assessment:

Traffic Impact Page 99 states that L1042 has daily traffic flow (AADT) of 2,327 (2.5% HGV) giving a daily flow of HGV in the order of 58 vehicles (2-way).

Page 106 forecasts an increase in HGV traffic in the order of 106 vehicles 2-way during the haulage of dredge materials (realistically this is the project).

Page 107 states that the forecast increase in traffic on L1042 is 4.5%.

The impact arising from HGV is not properly presented in the report. The increase in HGV flows is +180% practically trebling from 58 to 164.

The impact arising from HGV differs significantly from that of private cars and vans. Traffic assessments of developments generating HGV traffic are typically expected to present car and HGV traffic flow impacts separately.

The increase in HGV traffic on the R761 equates to +24%.

These are significant increase in HGV traffic locally and are not properly reported in the EIS.

Proposed Site Access

Page 103 acknowledges that the existing sightline to the left of the access (sightlines relate to vehicles exiting) are 60m.

Page 104 acknowledges that forward visibility for traffic approaching the access from the west (Kilquade) is restricted to 70m.

Page 107 acknowledges that during the haulage period which is entitled Construction in the EIS there will be unsafe turning manoeuvres at the site access (this is due to the substandard sightlines and forward visibility)

Page 108 acknowledges that there would be a long term problem with an unsafe access (this is due to the substandard sightlines and forward visibility).

Construction Period - Haulage of Dredge

The problem is the significantly substandard visibility sightlines at the site access. The mitigation measures proposed for the haulage period include temporary warning signs and a banksman at the entrance. This is a remarkable suggestion and unenforceable. Firstly the Rules of the Road prohibit a banksman to direct or stop traffic on the public road. In any case a banksman at the entrance would have no more visibility than HGV drivers. Forward visibility is reported in the EIS to be 70m so a banksman would not see much further down the road if stood across from the entrance. It is questionable how beneficial a banksman would be to mitigating the traffic hazard associated with the substandard sightlines at the proposed access.

Permanent Access Arrangement (Post Construction - Pose Haulage of Dredge)

The problem is the significantly substandard visibility sightlines at the site access. The mitigation measures include for permanent warning signs. The EIS also proposes to seek a departure from Wicklow County Council Road Department regarding the minimum required sightline.

Page 108 states "*Sightlines available at the site entrance to the left(west) i.e. 60m, is not in accordance with the requirements of TD 21-42/11 Table 7/1 of the DMRB for a 80 kph speed limit (85 kph design speed), where a desirable sightline of 160m is recommended.*"

Firstly the document reference is TD41-42, secondly the 160m is not desirable but required. The requirements for sightlines in the document are mandatory.

DMRB TD41-42 Paragraph 7.6 states that "*Drivers approaching a major/minor priority junction or direct access along the major road approaches shall be able to see the minor road or direct access entry from a distance corresponding to the desirable minimum SSD for the design speed of the major road, as described in NRA TD 9. It should be noted that NRA TD 9 does not allow relaxations in SSD on the immediate approach to junctions with the exception of an individual field access. This*

visibility allows drivers on the major road to be aware of traffic entering from the minor road or direct access in time for them to be able to slow down and stop safely if necessary."

Relaxations below the desirable minimum stopping sight distance are not permitted on the immediate approaches to junctions and accesses because the majority of accidents occur in the vicinity of junctions and accesses. The DMRB sets out a three tiered hierarchy of design parameters ranging from Desirable Minimum standard, Relaxations to the standard and Departures from the standard. No relaxation in sightline requirement is permitted at, or on the approaches to junctions and accesses and it follows therefore that a departure is similarly not permitted. Wicklow County Council Roads Department can not grant a departure permitting significantly substandard sightlines at the proposed access.

County Development Plan

The current Wicklow County Development Plan 2016-2022: Local Road development control objectives (general) states that "*The design of new rural local roads or improvements to existing rural local roads and new means of access onto rural local roads shall be tailored to the conditions of the locality with regard to width, design speed, horizontal and vertical alignment and **sightlines which shall comply with the requirements of the NRA 'Design Manual for Roads & Bridges'**. Specific regard shall be paid to the protection of the natural environment, in particular mature trees and hedgerows.*"

Both the Current Wicklow County Development Plan 2016-2022 and the Former Wicklow County Development Plan 2010-2016 (11.7.4) state the following with regard to sightlines "*When locating new entrances and proposing increases in traffic movements at existing entrances, it must be shown that vehicles turning right into the entrance do not obstruct or cause a hazard to other road users. Sufficient forward sight distance must be available to (a) cars approaching an entrance in case a car is waiting on the road carriageway to turn right, (b) for cars waiting to turn right at an entrance. Right turning lanes may be required and these shall be designed in accordance with the applicable road design manual.*"

Conclusion

From the above it is clear that the EIS does not provide an objective assessment of traffic flow increases.

The proposed access to the development is significantly substandard. No evidence can be found in the EIS to show that the access geometry is suitable to accommodate HGV traffic flows. The EIS highlights that the proposed access is significantly substandard with respect to sightlines. This will give rise to endangerment of public safety by reason of serious traffic hazard. The available sightline to the west is 60m where the EIS states that the speed limit requires 160m. This is significantly substandard and in would not be acceptable at a new access to a private dwelling let alone an industrial type development.

The mitigation measure proposed to address the substandard sightline visibility during the haulage period is the use of a banksman which in the first instance may not result in any material improvement in any case but which is moreover unenforceable.

As a mitigation measure after the haulage period the EIS suggests that the Council can grant a departure from the standard. Firstly there are no relaxations and certainly no departures permitted with respect to visibility criteria. Secondly this is not a mitigation measure, it is a proposed method of administering the project whilst avoiding having to provide any material or meaningful mitigation of an inherent and significant safety issue.

Appendix 4
page 2 of 2



Comhairle Chontae Chill Mhantáin
WICKLOW COUNTY COUNCIL

Aras An Chontae,
Cill Mhantáin.
Telefón : (0404) 20100
Fax No : (0404) 67792
E-Mail : cosec@wicklowcoco.ie
Web : www.wicklow.ie

Your Ref:

Our Ref:

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 - 1993

NOTIFICATION OF DECISION - REFUSAL

TO: Pat Nolan
Bernard J. Burke & Associates,
Trafalgar House,
Trafalgar Road,
Greystones, Co. Wicklow

Planning Register Number: 98/9635

Application Received: 27/01/1999


Further Information Date:

In pursuance of the powers conferred upon them by the above-mentioned Acts, Wicklow County Council has by Order dated 24/03/99 decided to REFUSE Permission for development of land, namely:-

earthfill site & ancillary works & provision sought for temporary facilities for site access, service road, office, septic tank & truck wash at Knockroe & Priestnewtown, Delgany

For the 3 reasons set out in the schedule attached.

Signed on behalf of Wicklow County Council.


COUNTY SECRETARY.

DATE: 24/3/99

Reference Number in Register: 9635/98

S C H E D U L E

1. The proposed development would endanger public safety by reason of serious traffic hazard because:-
 - (a) The development would result in a substantial increase in the turning movements of HGV's on a narrow and poorly aligned section of this heavily trafficed R761.
 - (b) The limited sight distance at the entrance to the site combined with the turning movements of HGV's would hinder the free flow of traffic on the adjoining R761.
 - (c) No provision has been provided in the proposals to safeguard the drainage of the public road and adjoining lands.
2. The proposed development would seriously (a) injure the amenities and (b) depreciate the value of properties in the vicinity because of the noise and dust pollution that would be generated from the landfill site itself and from the truck movements that such a development would generate.
3. The development would be contrary to the proper planning and development of the area as it would damage a local natural habitat and because the stream on site is within the 'Murrough' Catchment. The development would increase the risk of pollution to the 'Murrough' which is designated a candidate Natural Heritage area, a Special Protection Area and a candidate Special Area of Conservation.



Comhairle Contae Chill Mhantáin

WICKLOW COUNTY COUNCIL


Forbartha agus Pleanála - Planning and Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404)69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

A Chara,

I wish to acknowledge receipt of a submission with 109 signatures in support of Amendment 56 of the Draft Wicklow County Development Plan 2016 – 2022

Mise le Meas,


Shirley Loughlin
Planning & Development

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2016-12-15

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COMHAIRLE CONTAE CHILL Mhantáin

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Save the Rocks Valley

[REDACTED]
[REDACTED]
[REDACTED]

Co. Wicklow

19th February 2016

RE: Draft Wicklow County Development Plan 2016-2022

A Chara,

I wish to acknowledge receipt on the 19th February 2016 of a group of submissions relating to the Draft Wicklow County Development Plan 2016 – 2022 which you indicate contains 206 submissions.

Mise le Meas,



Forward Planning

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Comhairle Contae Chill Mhantáin

WICKLOW COUNTY COUNCIL

Forbartha agus Pleanála - Planning and Development

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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

A Chara,

I wish to acknowledge receipt of 432 envelopes in relation to the Draft Wicklow County Development Plan 2016 – 2022

Mise le Meas,

Shirley Loughlin
Planning & Development

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AMENDMENT 54

Section 10.3.2 Biodiversity

Amend Objective NH8 as follows:

NH8 To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats or wildlife corridors. **Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.**

AMENDMENT 55

Section 10.3.2 Biodiversity

Amend Objective NH11 as follows:

NH11 ~~Engage with~~ To support the DAHG and the National Parks & Wildlife Service in the development of site specific conservation objectives (SSCOs) to ensure Integrated Management Plans are prepared for all Natura 2000 sites (or parts thereof). This will facilitate the development of site specific Conservation Objectives in the context of the proper planning and sustainable development of the County.

AMENDMENT 56

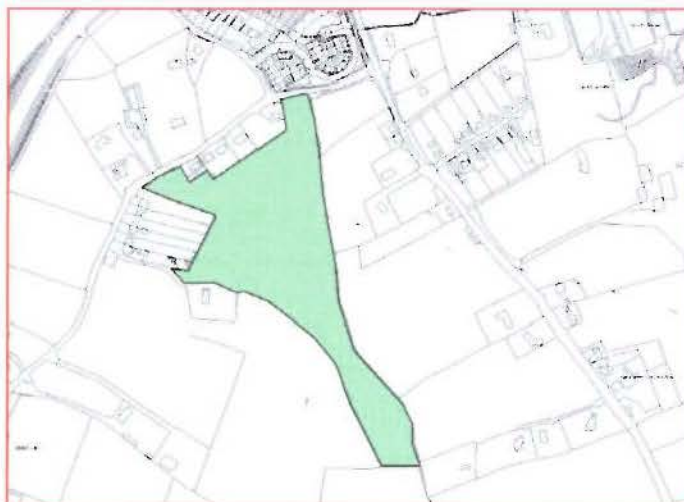
Section 10.3.2 Biodiversity

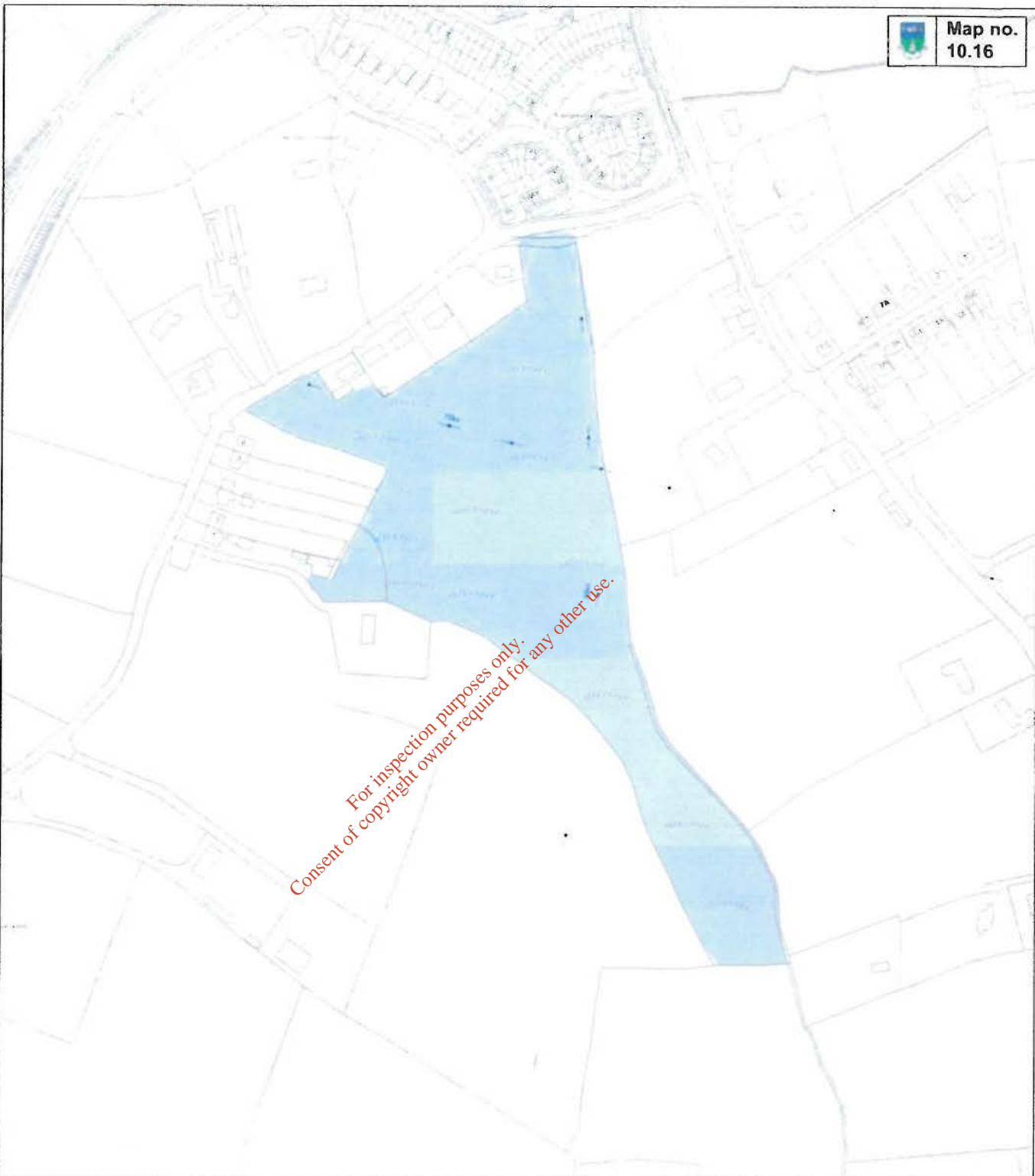
Add new objective as follows:

NH-X To preserve lands at The Rovers, Kilcoole (as shown on Map 10.16) in its existing state; to allow no development of these lands; to protect the lands as a natural habitat and biodiversity area; to protect the open nature and landscape quality of the lands.

New Map 10.16

Objective NH13





Special Zoning Objective NH13

WICKLOW COUNTY DEVELOPMENT PLAN 2016-2022



Special Zoning - Objective NH13

To preserve lands at 'The Rocks', Kilcoole in its existing state; to allow no development of these lands; to protect the lands as a natural habitat and biodiversity area; to protect the open nature and landscape quality of the lands



Wicklow County Council Planning Department

Maps Not To Scale

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Co Wicklow
Ph: 2873877

1 Feb 1999

Environmental Officer
Wicklow Co Council

Planning Application by Mr Pat Nolan for an Earthfill Site and Ancillary Works at Knockroe and Priestnewtown. Wicklow County Council Planning Register No 9635/98

1. I request that you conduct an Environmental Impact Assessment in connection with the above application. This is necessary because the proposed development would destroy a vital part of a much larger natural habitat and natural drainage area for the entire Knockroe, Priestnewtown and Prettybush area and lead to flooding. Dust and noise pollution would have an adverse effect on the health and well-being of the local population.

The development would destroy an important natural habitat.

2. The applicant states that the purpose of the development "is to fill an existing valley that exists between two fields ... this fill will eventually lead to a more economic farming field for our client". In fact the proposed development would fill in a substantial part of a natural habitat of approximately 20 acres, known locally as "The Rocks". This area is home to a wide range of animals including badgers, foxes, kestrels, owls, pheasants and wild birds. It forms part of an important wildlife corridor leading from Priestnewtown through "The Rocks" and along the Sally Walk to the Kilquade Road and further along the stream almost to the N11 north of Kilpedder.

3. Water from the area drains into a river flowing through Kilcoole and surrounding farmland before draining into "The Breaches", another natural habitat and a protected wildlife area of international interest. The landfill itself and the proposal to drain Surface Water from the truck wash will increase significantly the amount of silt in the river thus polluting "The Breaches".

4. The Kilcoole Residents Association submission to Wicklow County Council on the Kilcoole Development Plan recommended that the area of the proposed landfill be zoned as an Area of Environmental Interest and the European Union Habitats Directive of 1992 states that natural habitats should not be destroyed without some very good reason.



App 6

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