

Dorota Richards

Sub. No. 13

Subject: FW: New submission entered for Reg no: W0294-01. (Reference Number: W0294-01-170210011326)
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Importance: High

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February 9th 2017

Environmental Protection Agency
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RE: Licence Application: W0294-01

This appeal/submission concerns the Licence application: W0294-01 for the rocks valley (Pretty Bush) in Prieststown. **(25 Pages Plus Appendices 23 pages)**

1.1 THE PROPOSAL

The proposal by Wicklow County Council (WCC) is to use the small valley known locally as 'The Rocks' as a dump and to seek to cover up this intent by presenting the plan as the development of an Eco Park.

'The Rocks' are at the intersection of Greystones, Kilcoole and Delgany. Once a rural landscape but now close to the major and ongoing developments of Charlesland, Eden Gate, Eden Wood and Farrenkelly. This valley has a rich heritage of natural bio-diversity and ecosystem, dating from the ice age. It contains a glacial melt water channel, the stream from which makes its way to the Breeches almost two miles away (part of the Murrough SPA¹). This area has escaped human development due to its unsuitability for agriculture or other human activity.

1.2 Reasons for Submission/appeal

This appeal/submission is being made to stop this proposal because it is contrary to proper planning for the area, is not a sustainable development, is destructive of the natural environment (where alternatives exist), and is contrary to National Waste management policy, to EU law and breach's planning application requirements through misrepresentation.

¹ A **special protection area** (SPA) is a designation under the European Union Directive on the Conservation of Wild Birds. Under the Directive, Member States of the European Union (EU) have a duty to safeguard the habitats of migratory birds and certain particularly threatened birds

02 PROPER PLANNING - CONSISTENCY

The proposal should be rejected as it is contrary to proper planning for the area. WCC has for decades protected this area from development and the elected councillors continue to do so. However since WCC bought this site to use as a dump they seem to contradict previous planning decisions and ignore precedent in an unprincipled attempt to use this 'Council Asset'.²

2.1 County Development Plan 2016- 2022

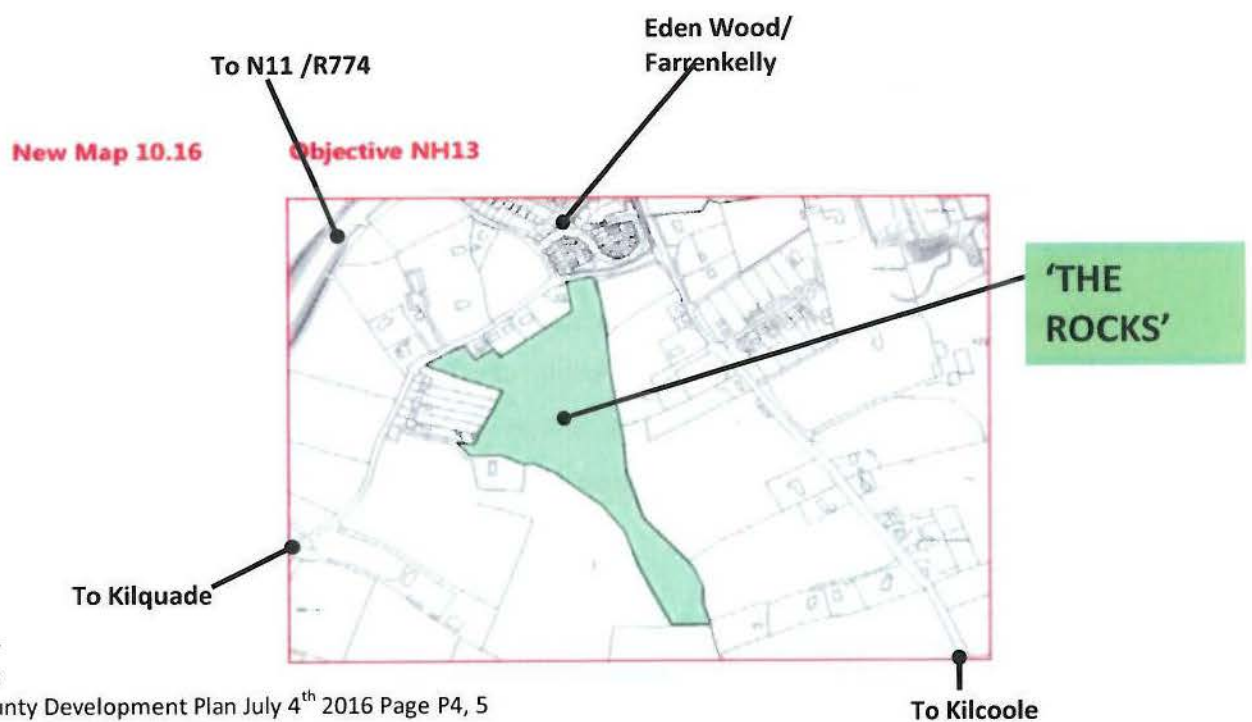
The County Councillors at a discussion of County Development Plan 2016- 2022 on the 4th of July 2016 passed amendment 56 to have the lands known as 'The Rocks' at Priestnewtown protected from development. This is now in the Development plan signed off by minister Simon Coveney. Special Zoning Amendment NH13

Amendment 56 / Objective NH-X:

"To preserve lands at 'The Rocks', Kilcoole (as show 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. (Map 10.16 Objectives NH13)."

Proposed by Cllr Tom Fortune and Seconded by Cllr Whitmore

This motion was described by an official at the meeting as a 'pre-emptive strike'³ (in seeking to stop the site being used as a dump). However, this is not consistent with the facts. The community of Priestnewtown have consistently over many decades sought to protect The Rocks from development. This Amendment is not a 'pre-emptive strike' coming from a group of 'Nimby's'. In fact the Zoning is consistent with Council planning decisions and County Development plans over many years.



² Ap
County Development Plan July 4th 2016 Page P4, 5

³ Appendix 2 Page P5, 8

2.2 1998 Planning Decision Register number: 98/9635 Nolan

WCC in 1999 refused planning permission to a local land owner, Pat Nolan, who owns part of the east side of the valley⁴ (See Appendix 1). In effect WCC refused a planning proposal for PART of The Rocks which if applied to W0294-01 would mean refusing their own application!

*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.*⁵

At the meeting on July 4th Cllr Fortune raised this planning decision and the official response of WCC was “you can’t compare one planning application to the other” (p9, Appendix 2). Cllr. Fortune predictably greeted this response with disbelief. In order to ensure consistency it is important to compare “one planning application to another”.

2.3 2001 Council Decision re Dump at Priestnewtown

In October 2001 Wicklow County Council undertook a (Part 8) process to use the land as a dump, a Min-depot and a Recycling centre. The dump was classed re-instatement. (The word **Re-instatement** does not apply to a naturally formed ice age valleys, a natural formation and an ancient Eco system.) There was a unanimous vote by the Elected County Councillors rejecting this proposal on February 4th 2002.

2.3 Green Corridor

Until recently the area in which the valley is situated was classified as **Corridor Zone**. The proposed development of the site would have contravened Corridor Zone planning guidelines:

*To protect non-designated sites from inappropriate development, where it is considered that such development would unduly impact on locally important natural habitats or wildlife corridors.*⁶

The new zoning may have application to the general landscape which is used for agriculture with limited bio diversity but the intention behind the original guidelines should still apply to The Rocks which has a rich biodiversity. The Councillors in passing amendment 56 on July 4th agree, and a second vote was also passed confirming this decision in November essentially protecting the site as a nature reserve.

⁴ Planning Register number: 98/9635., Application Received 27/01/1999., Application refused 24/03/1999.

⁵ Appendix 1

⁶ 2010-2016 county development plan, chapter 17 biodiversity 17.3 page 242-243Ref BD7

2.4 2006 Planning Considerations

The Councillors are being consistent with prior planning considerations for the area. In the Local Area Plan for Delgany and Kilcoole 2013-2019 the following comments were made on Local Biodiversity Areas (20 Feb 2006) Appendix c:

With increasing development in the Greystone's/ Delgany area biodiversity is clearly being reduced and apparently at an alarming rate. When the aerial image from 2000 is compared to the current situation on the ground(2006) which is in turn compared to the proposed planning developments especially in the Charlesland area there will soon be no real space for wildlife outside garden hedgerows and the specific amenity areas in the Greystone's/ Delgany area. If this is the case one would have to question the existence of any Local Biodiversity Areas in the region. This may not sound significant but it is likely (to) result in the loss of the remaining protected rare species of resident mammals and birds such as otters and barn owls from the area. This need not be the case and the incorporation of certain recommendations as outlined below from the planning permission level would assist in the presence of areas that are important wildlife refuges:

- *The maintenance of all hedgerows, treelines, scrub and native wooded areas would be deemed essential to preserve biodiversity in the area and their removal should be prohibited. The planting of native hedgerow trees possibly as a percentage of remaining green areas should be "encouraged" (Quota not mine)*
- *An expansion of the western edge of the LAP by 40 m to include glacial melt water channel.⁷*
- *Wildlife corridors should be maintained. This is especially important in relation to streams and infrastructural projects e.g. roads bridges etc. cross wildlife areas*

2.5 Planning History Conclusion

The suggestion that the preservation of this area is a sudden 'pre-emptive strike' is disingenuous. For a number of years County Planners have shown a concern for the preservation of bio diversity in the area. Even the suggestion that the site be used as an Eco – Park reflects this concern. However the concept that you destroy a Natural Landscape which has been there for 10,000 years with its own natural bio-diversity and replace it with a man-made Eco-Park with numerous caveats does not deserve consideration. Unfortunately this is what WCC planners are forcing us to do at considerable expense for the taxpayer and time and effort from the community. In this particular proposal alone over 750 submissions were made by the local community to object to the proposal with considerable time spent trying to research and debate the issue with technocrats who have no interest in listening.

⁷ This refers to expansion into 'The Rocks'.

02 PROPER PLANNING - TRAFFIC

2.6 Traffic management, Risk and congestion

The proposed works at the Rocks Valley involving large trucks carrying 200,000 tons 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 landfill stage, over a period of 18-24 months, with 12 hour working days envisaged during week days.

There are significant risks to motorists and pedestrians with predictable congestion and additional risk factors. Many children in the Farrankelly close housing estate will have to make their way to school past the landfill during the works period and many of them walk to school.

Even a temporary stoppage of traffic on the main Kilcoole road (R761) currently causes significant delays and disruption. Recent small roadworks by WCC on the narrow (R761) in September 2016 resulted in up to 35 minute delay's to traffic at normal peak times with traffic snarled at the Edengate Roundabout on the R774 blocking traffic though to Greystones, Charlesland and Kilcoole.

WCC have recently secured funding for an additional 15 houses opposite the proposed dump site, for the second phase of the Farrankelly close social housing estate, adding ever more construction traffic to the busy small (L5542) road around the same time as the proposed landfill, thus creating even more of a hazard for our children and other road users. A private development is also due to commence in the coming months with more than 250 houses to be built, 40 meters from the Rocks Valley.

The proposal for the modern ECO Park includes an application for a mini-depot as a permanent part of the site. Proper planning would suggest that a working industrial yard should not be placed in an area of biodiversity. It also suggests that the traffic risks will not be temporary but ongoing, along with the extra traffic attracted by the Eco Park amenity (which fails to satisfy road safety guidelines).

Planning for a similar development⁸ was refused due to traffic hazards: *The proposed development would endanger public safety by reasons of serious traffic hazard.*

(A) The development would result in a substantial increase in the turning movement of HGV's on a narrow and poorly aligned section of this heavily trafficked R761.

(B) The limited site distance at the entrance to the site combined with the turning movements of HGV's would hinder the flow of traffic on the adjoining R761.

⁸ Planning Register number: 98/9635., Application Received 27/01/1999., Application refused 24/03/1999.

2.7 Traffic management and EIS

There are critical matters in the EIS report which An Bord Pleanála should give special consideration in the traffic section. They relate to the provision of access to the site and the creation of traffic hazard

2.7.1 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%. There are significant increases in HGV traffic locally and are not properly reported in the EIS.

2.7.2 Proposed Site Access

Page 103 acknowledges that the existing sightlines 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 they 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.

2.7.3 Permanent Access Arrangement (Post Construction - Post 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 **cannot** grant a departure permitting significantly substandard sightlines at the proposed access.

2.7.4 County Development Plan

DRAFT 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.*"

The current County Development Plan 2016-2022 and the previous 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.*"

2.7.5 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. We can find no evidence 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 would not be acceptable at a new access to a private dwelling.

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.

2.8 Human Beings – Noise Pollution

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

2.9 Conclusion

We submit that the proposed development by WCC is not proper planning for this sensitive area of Bio-diversity and is inconsistent with previous planning guidelines and planning decisions made by the council itself for this area. In addition it is specifically protected in the County Development plan for 2017-2022⁹. The EIS appears to understate the ongoing risks of placing an Eco-park and a Mini depot in this site. The objection by the community to this proposal is not opportunistic or current but has persevered over many decades,

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⁹ Final vote by WCC adopting the plan in October 2016.

03 SUSTAINABLE DEVELOPMENT

3.1 Community View

National Policy identifies a number of elements to ensure a sustainable future, namely valuing our natural environment, protecting it and mobilising effort on the part of the community:

creating a sustainable and resource-efficient economy founded on a fair and just society, which respects the ecological limits and carrying capacity of the natural environment... Ultimately, the challenge is down to us, our success or failure will be a function of the degree to which we value our natural environment and are prepared to protect it. .. The challenge is to mobilise this effort as part of a community of citizens working together to protect our natural environment now and into the future.¹⁰

The local community have mobilised to protect our natural environment insisting that the Local Authority WCC respect the Ecological Jewel known as 'The Rocks'. Unfortunately the WCC perceives this site as of equal significance to Bray Head, equal in bio diversity:

When you say it's there since the ice age, well most of our Irish landscape is there since the ice age and places like Bray Head are there much older and the mountains in the centre there are much older. So all landscape, that's the last part of geology, the ice age, it means very, very little.¹¹ WCC Official

If WCC valued the natural environment then we would have expected a greater appreciation of the special merit of The Rocks as a place of unique bio diversity within an environment subject to significant human incursion. WCC understands its amenity value purely in terms of something people can visit: "It's not actually an amenity at the moment because no-one can get into it".¹² The requirements of Bio diversity often require no human intrusion. A point which seems lost on WCC. If WCC was genuinely interested in creating an Eco-park for the local community they would use the existing Eco-system which has been in existence for over 10.000 years. This Proposal by WCC to landfill and destroy an ancient Eco system in Priestnewtown has been conclusively rejected by the local communities who have fought for almost 25 years to have this land preserved. The people of the area have a deep rooted connection with this piece of land and its wildlife.

¹⁰ Our Sustainable Future: A Vision for Ireland P10

¹¹ Appendix 2 Page 4 July 4th

¹² Appendix 2 Page 4 July 4th

Three community meetings with WCC have taken place regarding this current proposal with no support given or pledged to this development by the community.

*Ultimately, sustainable development is about . . . the degree to which we manage our resources and value our natural environment as we move forward as an economy and as a society*¹³. Enda Kenny Taoiseach

The community have said No to this development. Two democratic votes took place on in 2016 to have this land protected and preserved in its current state, in the Wicklow County Development Plan 2016-2022. Over 750 submissions were sent to WCC to stop their proposal. With no submissions asking WCC to proceed with for this landfill 'development'. The community do not support the loss of our ancient natural habitat. However WCC persists in ignoring the expressed wish of the community expressed by petition and vote in Council.

Sustainable Development is usually defined as "*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*".¹⁴

One of our needs, as our society moves into the future, is to treasure our past and that includes valuing our geological heritage. The Rocks are part of that heritage, not a hole in the ground to be 'developed' into a dump. Destruction of existing natural habitats with dredged spoil material and calling the result an 'eco-park' goes against definitions of sustainability in national policy.

¹³ <http://www.housing.gov.ie/environment/sustainable-development/policy/sustainable-development> October 8th 2016 *Forward*

¹⁴ From 'Our Common Future (The Brundtland Report)' – Report of the 1987 World Commission on Environment and Development.

04 N EFFECT ON ENVIRONMENT

4.1 Part of the Murrrough SAP Eco System

The proposed development by WCC at the Rocks valley site would destroy this local natural habitat. This proposed development also has the potential to impact on the Murrrough Wetlands SAC and the Kilcoole Marshes SPA.

The valley for the proposed landfill is a glacial melt water channel the (Streams) in it are part of the Delgany suite of channels (See Warren, W & Keary, R "the Sand and Gravel Resources of the Irish Sea Basin" in Sweeney, J Ed The Irish Sea: A Resource at Risk. Geological Society of Ireland Special Publications No 3 1989).

As such the streams in the valley belong to the geological heritage of our area. They still function as streams and their destruction by burial or other form of 'adjustment' will not only have an effect on the streams but on the habitat and feeding patterns of wildlife both resident and further downstream (See Appendix 3). This would also result in geological heritage loss to our area.

At public meetings held by WCC they stated that the valley has no connection with the Murrrough Catchment area. At the Council meeting on July 4th an official stated that the valley is NOT PART of The Murrrough SAC whilst ignoring that it is PART OF THE ECO SYSTEM of The Murrrough. WCC in refusing planning permission to Nolan 98/9635 state The Rocks are part of the 'catchment of the Murrrough'. It still is. Possibly, a case of one rule for WCC and another rule for private citizens.

A man-made Eco system which destroys an ancient natural eco system is an act of vandalism and should not be supported by the EPA: the destruction of what is best described as a "wildlife reserve" to facilitate the bottom line of Wicklow County Council who seem incapable of an independent assessment of the opportunity cost because of their ownership of the site while also forgetting it was paid for with tax payers money.

¹⁵ Official: "there was no designation on this site, it's not a special area of conservation, it's not a special protection area, it's not part of the Murrrough special area of conservation." Page 4

4.2 A need for protection

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 in numbers of so many species, particularly of birds.

4.3 Limitations of Field Studies: Flora and Fauna

An independent review of this section by a professional ecologist states that there are serious limitations with WCC surveys of Flora and Fauna.

11.2.7 Field Study (EIS)

1. 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.
2. 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**.
3. 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 on the site** although it is stated that there will be adverse impacts on these.
4. 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 that all sites within 15km of the study area were assessed.
5. 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.
6. 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.
7. 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.**
8. 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.**

9. **Badgers:** 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). No evidence is presented that surrounding land does not already have other **territorial groups of badgers** that would prevent successful translocation of the group from the site. Destruction of badger setts is known to cause the **spread of bovine TB** from affected to unaffected animals and may be detrimental to cattle farming in the surrounding area. This not assessed in the EIS.
10. **Bats:** **Foraging habitat for bats within the site will be lost** completely as the surveys show that they mainly feed along the streams. This will have a significant long-term impact.
11. **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.
12. **Birds:** Barn 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 Barn Owls from the site.
13. **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 ¹⁶
14. **Water pollution:** The provision of a single settlement pond is not adequate to prevent siltation of other watercourses downstream of the site during site clearance, waste infilling and re-profiling of the streams. The resulting downstream silting has potential for adverse impacts on fisheries, protected aquatic species and the conservation objectives of Natura 2000 sites.
15. **Natura Impact Statement:** Appendix 3: 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**.

1. ¹⁶ (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".

4.4 Limitations of Landscape Plan

3.3.6 Construction Phase - Pretty Bush Eco-Park Development

This EIS section has been assessed by a professional landscape architect and past president of the Irish Landscape Institute. 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 in volume of the topsoil required may be limited and expensive on this scale (as in most developments topsoil is re-used on site). Top soiling to a depth of 200mm is suggested over the whole site, including for the 10,000m² of Planting Mix 3 Wildflowers. A wildflower mix should normally include a proportion of appropriate grasses and the type of wildflower mix has not been specified. 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**.

4.5 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.

4.5.1 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 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.**

4.5.2 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 water table 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 base flow. 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 create 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.**

4.5.3 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.

4.5.4 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 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.

4.5.5 Need for EPA Licence

The flood defence works for the River Dargle were authorised by An Bord Pleanála in 2008 and, as part of these works, it was identified that material not reused in the works would be “removed off-site to suitably licensed disposal facility”. The Environmental Risk Assessment Report included at Appendix 18 of the application claims that the proposed development satisfies this requirement as it **will** (emphasis added) **be required to hold a waste soils recovery facility licence** from the EPA that approves the deposition of dredge spoil waste at the site. **The subject site is not a licensed disposal facility it is a protected area of natural biodiversity.** The site therefore does not comply with the An Bord Pleanála condition in the authorisation for the River Dargle flood defence works. It is not acceptable to suggest that the site complies simply because it ‘will’ require a licence and this statement presumes that a licence will be granted by the EPA of which there is no guarantee.

It is our view that An Bord Pleanála cannot grant permission for the subject site to accept dredge material from the River Dargle as it is not licensed for this activity and to do so would prejudice the EPA’s assessment and ruling on any future application from Wicklow County Council in respect of the site.

4.5.6 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.**

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5 National Government Policies and Objective EU Law

The proposal should be rejected because it fails to meet the standards set by National and EU policy guidelines and law.

5.1 National Policy as followed by the NRA suggests that materials generated should be reused within the boundaries of the project.

*5.2.3. Waste re-use A fundamental approach to the design and construction of road projects is for potentially surplus materials generated **within the boundaries of the development to be re-used**. This approach should be a key philosophy, and one which stretches from preliminary design to detailed design.¹⁷*

The area in bray where the spoil is currently stored was once a field. It would be better to use the **area where the spoil is already stored** to create an Eco-park. 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. It would enhance the newly reopened Dargle river walk (opened in July 2016). This would greatly reduce costs, less fuel wastage, leaving the natural habitat at the Pretty Bush site untainted.

5.2 National Policy requires that waste going to the landfill should be minimized and maximize the amount being recovered.

We will develop a national waste policy that will adhere to the EU waste hierarchy and favours a coherent approach to waste management that minimises waste going to landfill, and that maximises the resources that can be recovered from it.¹⁸

National Policy as followed by the NRA suggests that materials which cannot be used on site should be reused or recycled.

5.2.4. Waste recycling Where the production of waste cannot be prevented or the resultant materials re-used, their recycling should be considered as the next possible option..¹⁹

¹⁷ <http://www.nra.ie/tii-library/environment/construction-guidelines/Management-of-Waste-from-National-Road-Construction-Projects.pdf>

¹⁸ <http://www.housing.gov.ie/environment/waste/policy-and-legislation/waste-management-policy>

¹⁹ <http://www.nra.ie/tii-library/environment/construction-guidelines/Management-of-Waste-from-National-Road-Construction-Projects.pdf>

WCC in its proposal seeks to present the proposal as 'reuse'. But the evidence would suggest that this 'Reuse' is a ruse in order to use the area as a dump. The evidence of real intent which follows suggest only one conclusion.

In the first instance it was bought by WCC with the intention of using it for dumping from the R774 road development. This is a matter of public record.

In October 2001 Wicklow County Council under took a (Part 8) process to use the land as a dump, a Min-depot and a Recycling centre. The dumping was classed as Re-instatement. (The word **Re-instatement** does not apply to a naturally formed ice age valleys, a natural formation and an ancient eco system.) There was a unanimous vote by the Elected County Councillors to reject this proposal on February 4th 2002.

In the years since WCC bought The Rocks Valley with tax payers money they have never been interested in making this land accessible to the local community and have never encouraged use of it, only ever approaching the community when they have wanted to landfill it.

Reading the draft minutes of the Wicklow County Council July 4th dialogue on the County Development Plan 2016-2022²⁰ provides more evidence that the Eco Park proposal is a ruse. Reading 17 pages of dialogue between elected councillors and WCC officials. The case made by the officials is for making use of a "council asset" on financial grounds, as a dump. The councillors countered by describing as it as a community asset and stating that financial considerations are part of a Land Use Criteria used by Council. No substantive argument was given by Council officials for an Eco park. There main argument is financial not ecological. WCCs main objective is and always was to use this 'council asset' as a dump and a road maintenance mini- depot, whether the use is a recycling centre or a playground or an Eco Park.

²⁰ See Appendix 2 July 4th 2016 Draft Minutes County Council Meeting

5.3 Recycle and Reuse

WCC are claiming that they have no alternative for the spoil? The EIS are in support but then they were given a brief to identify a site which could take the spoil AND be used as an Eco- park. Alternative sites/uses for the spoil which were not mentioned in the EIS are available for the spoil. These alternatives were brought to the attention of WCC. However WCC by combining an ECO Park with the 'REUSE' of the spoil severely limited the options and scope to consider alternative sites. It is our contention that the combining of an Eco Park with the spoil is a contrivance. A case of using terms of reference to obtain a pre-ordained outcome.

ECT²¹ offered²² to take the spoil and **recycle/** reprocess all of it and sell it to developer's, confirming that none would go to landfill. All the spoil would be recycled at a cost that is less than the projected cost of hauling to the proposed site in Priestnewtown. For reasons which are obscure WCC persists in stating that no suitable sites have a licence to take the spoil even when there are. ECT suggests that this material is scarce and has real commercial value. When asked why it could not be sold by WCC the reply was that "WCC is not in the business to sell stone."

Raymond Gaffney near Bardarrig in Co Wicklow has also offered but is waiting on his licence to be renewed. The quarry owner planned to **recycle** all of the material and reuse it and was also willing to take the material for free.

The original site identified by WCC for the removal of the spoil (a disused quarry near Naas Co Kildare) is still available for re-instatement. This option appears to have also been left out of the EIS and no explanation was ever provided as to why they decided not to use this alternative.

5.4 The Rocks Valley was a place of unique biodiversity in a landscape under severe stress from human incursion. The application should be rejected due to the potential of polluting the Murrough, to abide by EU law regarding protection of the natural environment:

Member states shall take the necessary measures to ensure that the 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. EU Council Directive on waste 75/442/EEC: Article 4

A major flaw in the Geology and Hydrogeology section of the EIS (Section 12) is lack of protection included in the proposed scheme for the underlying groundwater

5.5 This proposal should be rejected on the basis that it seeks to circumvent national and EU policy regarding waste by misrepresenting the core purpose of the proposal in order to circumvent planning laws while appearing to further National policy on the environment.

²¹ **East coast Transport Limited T/A ECT Sand and Gravel: Waste facility permit WCP-WW-12-0031-01**
Offered

²² Contact ECT to confirm this offer is genuine, ask for Mr Vincent Cussins.

6 NOT PROPER PLANNING - FLAWED DECISION MAKING AND MISREPRESENTATION

6.1 The Common Good: The WCC is a public body with a responsibility to the community and to promote the common good. This role sets it aside from other stakeholders such as developers. WCC is required to consider planning matters aside from cost. It has to also consider opportunity cost in terms of land use. It is our contention and the view of many councillors that WCC has failed to consider the opportunity cost with regard to this proposal. This fact makes the planning application flawed from the outset and represents improper planning.

WCC did consult the community on their proposal over three public meetings that we are aware of (no proper minutes) and some meetings with representatives. None of this consultation appears to have any effect on the WCC officials or their agenda. Submissions were made by hundreds of individuals to WCC to protect The Rocks. Once again to no effect. Elected representatives have also on more than one occasion formally decided that this area should be protected with general guidelines in the County Development Plan and now with a specific decision Amendment 56 in the most recent plan for 2016- 2022. And still WCC persists with this plan. It is clear that mobilising the community to protect a unique natural habitat is to no avail. The reason appears to be that WCC officials see it as a 'council asset' and not a 'community asset'.²³To quote Cllr Tommy Cullen:

*Sometimes I think the executive mixes up the two points, that they think they're the developers.*²⁴

WCC bought 'The Rocks valley' to use as a dump and nothing the community say to them will change WCC from preserving its bottom line (even when it undermines previous planning decisions, County Development Plans and National Guidelines). This perhaps explains why the community are being ignored. This proposal fails the community test.

This proposal also fails to properly calculate the **opportunity cost** of the proposal. This would require a clear knowledge of what is being proposed and a clear evaluation of what is being lost. The proposals for the Eco-Park are in our view seriously inadequate (see p15). The detail is cursory and at best represents an engineer's concept of ecology. There is no recognition that the 'new' Eco -Park will need to be very old, up to 100 years old and more, before it will have some of the character of the current ecology. One would think that Eco-Parks were to be bought at the local shop. And now to what's being lost. As stated above in

²³ Page 12 July 4th Appendix 2

²⁴ Page 15 Appendix July 4th

4.2 the survey by WCC and it's agents of the site's bio diversity is not to be relied on. The information gathering by WCC is seriously deficient. It is not possible to measure the opportunity cost (lost) without knowing exactly what is on offer and what is being lost. Quite clearly WCC does not know. This proposal fails to properly assess the opportunity cost and as such fails the most basic planning assessment criteria expected from a public body.

6.2 Misrepresentation: It is also our contention that a serious misrepresentation is at the very heart of the WCC proposal and as such seeks to undermine the very planning process it pretends to recognise through the planning application. This view suggests that the application is seriously flawed and granting a waste licence for this proposal is to encourage disrespect for the planning process at the highest level. A licence should be refused where an application is infused with misrepresentation.

6.2.1 The applicant is seeking to use The Rocks, 'a council asset,' as a dump and a work-yard while presenting the application as one of providing an Eco park for the community (who have rejected it). If the brief for this proposal had integrity then the dual purpose of developing an Eco-Park and disposing of the Spoil should have been separated. Common sense would suggest that linking a dump/ Mini depot to an area of bio diversity is a form of nonsense. If these two elements in the proposal are separated then a number of possibilities can be considered. 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? The Priestnewtown (Pretty Bush) site already has an ancient eco-system in place that is already an Eco Park hence its name "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. The County Councillors saw through this nonsense and voted twice in 2016 to protect The Rocks as an area for special conservation.

6.2.2 This is not the first time that some form of misrepresentation has taken place. In October 2001 Wicklow County Council undertook a (Part 8) process for land Development and **re-instatement** and construction works in the valley but which did not proceed. This planning proposal was also about using The Rocks as a dump and presenting it as recycling centre and mini-depot. The development was presented as a recycling centre in order to distract from the substantive reason which was to use the 'asset' as a dump. A similar strategy to the current proposal with one major exception. The word **Re-instatement** was used but Re-instatement does not apply to a naturally formed ice age valleys. The Rocks valley is a natural formation and an ancient eco system (Not an old sand pit or disused quarry). How could WCC professional planners make such an error and possibly mislead the (elected) members of the council and also the community? There was a unanimous vote by the Elected County Councillors rejecting that proposal on February 4th 2002

6.2.3. We are asking the EPA to consider whether this is sustainable development and values the natural environment. We suggest the ownership of The Rocks by WCC has led planning inconsistency, to ignoring consistent planning guidelines for this area and to ignoring the democratic wishes of the people expressed by over 750 petitions and votes by Council Officials. We are asking the EPA to reject this licence application in such a manner that The Rocks is protected from this unnecessary destruction, We are asking the EPA to protect a treasured geological and ecological community asset which could be used as and Eco-park at "present" without the need to import any foreign material to the site to "create one". Leaving the final word to a respected Professional Landscape architect "It is highly unlikely that an equivalent complex ecosystems can be **"created" in less than a century**". Of course the existing Geological treasure 1000s of years in the making will be lost forever.

Signed

Joseph Keating

Priestnewtown Residents Association

APPENDICES

1. Planning Register number: 98/9635 Nolan
2. July 4th Wicklow Council Meeting re County Development Plan 2017 – 2022 draft minutes (Amendment 14 (passed Amendment 56)
3. Eastern Regional Fisheries objection to 9635/98

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APPENDIX 1 (1 Page)

REFUSAL OF PLANNING PERMISSION 98/9635.

REFUSAL OF PLANNING PERMISSION

Planning Register number: 98/9635.

Application Received 27/01/1999.

Application refused 24/03/1999.

Reasons cited were as follows:

1. The proposed development would endanger public safety by reasons of serious traffic hazard.

(A) The development would result in a substantial increase in the turning movement of HGV's on a narrow and poorly aligned section of this heavily trafficked **R761**.

(B) The limited site distance at the entrance to the site combined with the turning movements of HGV's would hinder the 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 by 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.

APPENDIX 2 (17 Page)

July 4th Wicklow Council Meeting re County Development Plan 2017
– 2022 draft minutes (Amendment 14 (passed Amendment 56)

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APPENDIX 3 (1 Page)

Eastern Regional Fisheries objection to 9635/98

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Wicklow County Council July 2016 Full Transcript

Posted on [July 7, 2016](#) by [admin](#)

Transcript:- Monday, 4th July, 2016. Wicklow County Council. 10am

Excerpt

CATHAOIRLEACH: We are going to start at councillor amendment number 14, proposed by Councillor Tom Fortune and seconded by Cllr Whitmore. Cllr Fortune.

Cllr FORTUNE: Thank you Cathaoirleach. (can't hear) to preserve the lands at the rocks Kilcoole as shown in map 10.16 in its existing state to allow no development of these lands and to protect the lands as a natural habitat sand biodiversity area, to protect the open nature and landscape quality of the lands.

Just to give some background to that, in the 2010, 2016 Development Plan, it states the vision for the area can be achieved by retention of a suitable greenbelt between Greystones, Delgany and Kilcoole. In this area, there is a valley known locally as the rocks, with a unique heritage of natural biodiversity and eco system dating back from the ice age 10,000 years ago and it contains a tblaisal melt water channel and the stream from this particular channel makes its way down as far as the breaches, which is about a mile and a half to two miles away down in Kilcoole and it also forms part of the Murrough environmental protection area as well. And over all the years, this area has escaped development due to its unsuitability for agriculture or other human activity. Now specifically what the wish for the objective is that the rocks, a unique heritage of natural biodiversity in an irreplaceable landscape connected to the Murrough be specifically named and identified and defined within the plan for the purpose of protection. The goal is consistent with the rural environmental protection scheme. In addition the EU has a policy that the remaining graciousal valleys be protected. Within that valley, there is again, the moo microphone doesn't seem tock working, within that valley, there is many, many species of bird and wildlife that have been there forever. So that's the intention of the amendment, and I would like the members obviously to support that, and have it properly embedded in the County Development Plan.

Cllr McLOUGHLIN: I would support this amendment. I feel the one thing that the CE response, there is no evidence to justify the zoning of the lands ...(Reading)... Likewise there is no import to not justify it either. I feel it definitely needed an environmental assessment before we actually go ahead and put a huge landfill into it. I support this completely. I think there are other areas. We haven't received enough documentation or proof that there is nowhere else to put it and although I know Bray needs to get rid of all of the work from the Dargle, I don't think it should be in this area, I think it's an ecological important site as far as I am aware and I certainly haven't been given any documentation from Wicklow County Council to prove otherwise so, I am fully in support of Cllr Fortune's amendment.

CATHAOIRLEACH: Cllr Whitmore.

Cllr WHITMORE: Thanks Chair. I fully support this, I am seconding the amendment. In relation to the comments from the Chief Executive that there is no evidence to justify the zoning of the lands, I suppose when the initial proposal went forward, that this site be used as an in-fill and the Council proposed they would in-fill with the substrate from the Dargle, it would then be – initially they proposed it would be turned into football fields. When the Council went to the national parks with that suggestion, the national parks actually said no, this is an ecologically significant site and rather than put football fields there to relandscape it, and sell it back as an ecological site. There are badgers, and a lot of – it's a high area of biodiversity there. National parks have already said it is ecologically significant and that's why they decided against the idea of the football pitches. I think from – I would agree with what Cllr McLoughlin said, rather than us having to prove here that it is ecologically significant, I think on the basis of the precautionary approach that the onus is on the Council to prove it is not significant. And one of the other issues that the C U raised was that this effectively sterilises the lands from any form of development. Now as a Council, we manage land in our county for the people of the county. And different sites have different values, and different worth and sometimes land site is valued based on its – the potential for it to be developed. Other times its value is more intrinsic and it's more in relation to the community connection to that site, to the ecological benefits that have site, the areas of biodiversity and I think as a Council we need to recognise that the local community are very, very against this site being developed and that they do have significant ties to it. And I think we do need to value it, we need to recognise it and we need to protect it within our County Development Plan. So I would hope that our fellow Councillors here would support us in that.

CATHAOIRLEACH: Cllr Kavanagh.

Cllr KAVANAGH: Thanks Cathaoirleach. I went to see the rocks valley on Friday, and I was walked through it with a member of the save the rocks valley project. And I have to say I am very, very impressed with it. Less than 3% of our land mass in Ireland is what's known as natural habitat. In fact it's probably a lot less, that was based on a survey carried out in 1856. So it's becoming rarer and rarer, and I think it's incumbent on us to protect what little there is left. There is a whole eke system that's evolved in the rocks valley, by natural habitat, I mean something that's grown up totally without the influence of man. As I said, a whole eco system ^^ has evolved, it may not have the special plans that grow in the limestone region of the Burren or in the micro climate of Valentia, but if left untouched, this area will become a place where students of botany and biodiversity and eco systems will come to carry out environmental studies in years to come. Why should we leave it untouched? Well it's home to a wide range of animals, birds and plants. There are Red Kite and owls nesting there. There are badgers, foxes, rabbits and hares. There is a multitude of flowers, plants and trees, including a 400-year-old Holly tree, and as far as I know, the Holly trees are actually a protected tree. It's a natural wetland. It's not ideal for building on. It's bounded on all sides by streams. Some of them have their own names, one of them is known as kin I cantiy, and they all flow down and eventually end up towards the Murrough. ^^ if any dumping was to occur on such ground, then poison would go into the water system, and it would eventually work its way down to other areas that are protected. Like the wetlands at the Murrough. There are other options for the silt and the stone that will be dredged from the Dargle. There have been at least two offers to remove hundreds of tonnes of silt free of charge. Even if this is in contravention of procurement guidelines, there is an option to put the removal of this soil and stone out to tender. The stone can be quarried and used for building purposes and the soil can be used for landfill. To speak about creating an eco park makes no sense whatsoever. Why would we allow a natural habitat to be destroyed in order to create an unnatural one? There are hundreds of people in the Kilcoole area that have made submission to protect this area and I think we have to take their wishes on board. We are custodians of special areas like the rocks valley, and in the end, we will be judged not by what we develop, but by what we destroy and if we destroy this, we can't get it back. It will lose its status as a natural habitat. And that's all I want to say.

CATHAOIRLEACH: &nbs

DIRECTOR O'BRIEN: Thank you Cathaoirleach. First of all, there was no designation on this site, it's not a special area of conservation, it's not a special protection area, it's not part of the Murrough special area of conservation. It doesn't have the lower standard of the natural heritage area by the department. It was never a candidate area. never a proposed area. When you say it's there since the ice age, well most of our Irish landscape is there since the ice age and places like Bray Head are there much much older and the mountains in the centre there are much much older. So all all landscape, that's the last part of geology, the ice age, it means very, very little. National parks and Wildlife Service didn't say they didn't want it for football, they suggested that are and it was suggested and the locals said there is no need for more football fields in Greystones and that was proposed. There are no owls nesting there. There is lots of animals forage there. Badgers are the only things that have been found there. There would be no pollution from the dumping because it's in-ard waste, river gravel, come down from the mountains over the ages and that's what's been dredged from the river. In effect, what we were doing here is taking a Council asset that was purchased by the Council and I think it was around a million pounds in the late 90s or early 2,000s. And basically sterilising it. It's not actually an amenity at the moment because no-one can get into it. It might be used by very, very few people directly adjacent to it. The current proposal is that it would be an eco park. This is a planning matter rather than a planning – a planning application to Bord Pleanala on behalf of Wicklow County Council to get rid of the dredgings from Bray. They're really two different things, but since it's been brought up, I may as well comment on it: We are trying to get rid of the dredgings in Bray. We have an awful lot of options but we have to fall back in the end on final disposal of the we may use all of this or part of it depending on what we can get rid of elsewhere and we are doing our best. At the ends of the day we have to have a place to put dredgings and we can't leave a mountain on the slang in-definitely. We don't have planning approval for that in any case to leave it there forever. But certainly in the Bray flood scheme is doing its best to get rid of all the material. We just can't give it to someone to take away because you have to have licenses and transfer licenses and all the rest. We can't go breaking the law. So the effect of this so, you can pass no development on anyone's land. I don't think constitutionally it would get through. You perhaps can do it on land the Council owns but then you are actually spending your own actual funds on it, because while this land is on the books, there is actually an asset backing the money that's owed, but once it's taken off the books as it would be in this case, then that money is going to have to be produced somewhere

and paid for. But there is no planning grounds whatsoever to sterilise these lands. If the Council is doing any work and we are about to lodge an application to Bord Pleanála, there is a full environmental impact statement, assessed by an independent body, and if they find that it's not suitable, that's fine, that's the end of it. But right now, this is a pre-emptive strike before anyone can actually do an environmental assessment on the land. CE: Cathaoirleach, I haven't a whole lot more to add to Mr O'Brien, it's included in the report on page 707 and 708. But I think the important element of it is to divorce the two, the proposals that are out there for it. What we have is a Council piece of land. It's a Council asset, to put a sterilisation de facto on it without any discussion, I think would be wrong. And misinformed, in the context of the overall discussion.

CATHAOIRLEACH: Cllr Matthews.

Cllr MATTHEWS: Thanks Chairman, I know the two issues are related but this is actually to do with this particular piece of land here. But if – I presume a proposal will be brought to us or we will be given a guideline on what the eco park may involve and that would involve doing a habitat survey. We would actually know better what we have there, and I would like to see the plans for the eco park as well before we write it off straight away. It could be an improvement. It might be a massive disimprovement, but I don't have the information before me at the moment. Would it be possible to defer this until we do have an EIS prepared so we know what we are dealing with out there exactly, before we start to say there will be no development there? If you have no development on it, you can't do anything with it at all, whether for good or bad. I would be worried about putting that no development at all without actually having the information or baseline to know what we are dealing with there. Thank you Chairman. CATHAOIRLEACH: Cllr Vance.

Cllr VANCE: Is there a cost on the removal of the debris from the River Dargle in regard to – I mean people need all the information before making a decision on this. Now I presume that the Bord Pleanála, an application goes to them and they will make a decision whether the soil can be put there or not, but is there a rough cost on it if they decide to go ahead with this? Effectively if this Council here decide to zone this land, then they can't be put there. Would that be the case? I want clarification on this? Or is this going through the old Development Plan, if we go through like that process by going to the board and the next couple of weeks in regard to this. There is a lot of questions now that need to be answered now for me to get my head right in this. There is a cost element in it as well. And there is a

barred Pleanala element and the legitimacy of them making a decision, if this Council has already made a zoning decision on it. I just want clarification on that, thank you.

CATHAOIRLEACH: Cllr Fortune.

Cllr FORTUNE: I note that the Director is saying that this is a Council asset. But a Council asset, you know, can be used for lots of things, and I would think the protection of this valley, because of its history and biodiversity properties and the life that lives on it should be a good investment by any Local Authority, and basically, if in case members don't understand, what we are talking about here is taking 280,000 tonnes of material out of the Dargle in Bray and transporting it out and putting it into this valley, when there is already a natural valley there. And really my understanding and my information is that the material that's coming out of Bray, is probably worth in the region of two and a half million euro. And I am also – understand that there are other facilities that can take it. So I just think, I am not an environmentalist by qualification, but there is people out there who know what they're talking about and this really is environmental he is uponnage. It's ^^ destroying the environment, there is no need for it. we have had several discussions and from most of the discussions it appears that this is a financial, it's an economic decision rather than an environmental decision. And really, the feeling of the people in the area and there has been a massive amount of submissions on this particular item, that this valley be left as it is, and there is – the proposal that's before the Council today is very serious. I mean, a Local Authority has more responsibilities than standing up to us and talking to us like a property developer, that we have an amount of assets and we have this. whatever money was paid for it, I mean when was it bought? What was bought? It just gets thrown out loosely and this really we have any value on our county, any value on what goes into plans, we need to protect this particular area and that's the wish of the people in the area, and to go against the wishes of the people in the area would be absolutely wrong.

Cllr VANCE: Chairman could I just come in and say this wasn't an issue, this was never an issue in the last 20 or 25 years in regard to that piece of land until it was decide that had maybe the Council would deposit some soil from the Dargle. If that was so important, it should have been brought up before now, but the reason it's being brought up now is because people are just trying to stop the soil being deposited on that site. Now I don't know what, environmentally or otherwise, if it can be done or not. But let's get facts straight here. If this was that important, people would have brought it up before and they haven't. The fact of the matter is

that it's only because the soil was proposed to be deposited on that site that has suddenly brought this into eminence. Other than that it wouldn't even be discussed at this meeting.

CATHAOIRLEACH: Cllr Fortune.

Cllr FORTUNE: Cllr Vance has an opinion which he is entitled to like all of us, but he is wrong. That valley has been in its natural state forever. No-one dreamed in a month of Sundays that anyone would want to destroy it by putting almost 300,000 tonnes of material into it. No-one would dream of doing that. Now this is put on the table and people are going mad and saying you can't do this. There is people out there who know a lot more about the environmental side of this than Cllr Vance or myself who know what they're talking about. Why would we sit here, we are talking about the County Development Plan, we are talking about its core objective is the use of land, and sit here and allow a natural valley that several of us have described here to the meeting, be destroyed. You can't allow that happen. It would be totally wrong of us to allow that happen. Just because you want to move a bunch of earth made up of whatever it's made up of A to B and when there are other options on the table. This has been discussed and established that there are other options. This would be totally unfair to do this and very, very wrong. I personally couldn't support a plan that would destroy an area like this, because it is wrong. And I think it's been driven by financial reasons, and no more than I am not an expert, I think the people in the executive are not experts either and it's to be done for the wrong reasons and it should not be done and we as members should not allow this happen here today.

CATHAOIRLEACH: Thank you. Cllr Cullen.

Cllr Tommy CULLEN: Chairman, I was just listening to what was said here and listening to what Cllr Kavanagh said about all the rivers and streams all running alongside this particular piece of ground and then you are told that the Council are going to effectively dump up to 300,000 tonnes of waste material, clay, etcetera, into this, on to this land. What impact would that have on the streams and rivers? It would have a devastating effect on the streams and rivers because it would cause flooding downstream or upstream because there would be spill off into the streams and rivers causing them to clog up, and you would have major problems, it would cause flooding problems everywhere because the streams and that would be blocked up by the thousands of tonnes of soil that you are going to dump into a small area. That would have a huge environmental impact on that particular area, leaving aside

any other area. I hear this talk that this is a Council asset, every parkland in this county is a Council asset. I don't hear people saying because it's parkland, because the public want part of an area of green space, that it's a Council asset and therefore you can't provide residents with green spaces, this is a green open space, it seems, an area rich with natural heritage and heritage, and it has as I said an abundance of wildlife and what have you but to come along and all the traffic movements you would have with trucks and lorries from Bray down to this area and all the dirt, the noise and everything that's going to create and all the – that's going to create on the environment and on the road structure. That would be a nightmare for the people of Kilcoole and I don't think it's fair that that area of Kilcoole should be turned into a dumping ground for soil waste from the Bray area. That's what I think and I think it's Council land. Yes it is Council land. But we probably bought it years ago, probably for very, very little. If the Councillors want to turn it into a parkland, I would say fair play to them to put it into a parkland. The public are crying out for parklands because access to the countryside is getting more and more restricted, so if the residents want a parkland in a built-up area, I think that's an excellent idea and it's more of these we should be looking for. At the end of the day, it's public lands, not a Council asset, it's public lands and it's there to serve the public and if the public representatives deem this is suitable for a parkland for the residents, so be it. I support it.

DIRECTOR O'BRIEN: I'll come back in again because there are some statements there that are erroneous. There are no proven options to get this. These have been stated at public meetings, they've been rebutted. There are no proven options elsewhere to get T we are doing our best to find our option to get rid of our waste. But at the end of the day, that's going to be a fall back. It was got in the late 90s or early 2,000s for landfill for the Greystones southern access road when it was going to be done by direct labour. It was subsequently done by contract so it wasn't used. It did cost around a million euro. The devastating effect on streams, there will not be a devastating effect on streams, there is a full environmental impact statement done and that will be up to Bord Pleanála to decide what the impacts are. If the impacts are unacceptable, that will be the end of it. What's happening here is a pre-emptive strike so it can't even be a basis for planning. We have actually seen ^^, people there in Delgany Wood and Greystones, where a lot of your constituents would live, that oral hearing, we had endless evidence of how this was a tremendous natural heritage area, it should be an area of special conservation and it should be a red book site, and the person who does the red book for Ireland came and gave evidence on it. He gave evidence that he used to play there on as a child and knew

what the land was. There are endless sites like this around the country and the county. It wasn't picked by any of the people who were doing designated sites at the time. And for those in the farming community would realise at the time there was an awful lot of N H A sites designated around the county. There were a lot of – they were contested at the time. It wasn't that they didn't sort of – they went around and just picked a few sites to tick a box. They went around the entire county looking for such sites. I really can see nothing in merit in effectively de-zoning or sort of taking out a land from any development, and especially since it won't be an amenity because people can't get into it. What's being proposed in the planning application is it will be an amenity for the public. So I just want to – I think that's most of the issues I wanted to make, yeah, thanks.

CATHAOIRLEACH: Cllr Fortune.

Cllr FORTUNE: Well Mr O'Brien is talking about eRhoneious statements. I am looking at a planning application here that was put into this Local Authority to put earth fill sites, ancillary works ...(Reading)... and truck wash at Knockroe and priest Newtown Delgany. It was turned down. And there was a number of reasons why it was turned down but the third reason was the development would be contrary to the proper planning and development of the area as it would damage a local natural habitat and because a stream on site is within the Murrough catchment. The development would increase the risk of pollution to the Murrough which is a designated, a candidate of natural heritage area, a special protection area and a candidate special area of conservation. So it was okay then for the Council to make that statement, but when we make that statement in order to protect it now, we are told we are being erroneous. I mean there is a massive in-consistency in what I am hearing from the top table based on that. What I am hearing from the Director doesn't stack up at all. And I think what the submission that came in from many, many residents and what we as local Area Councillors are putting forward stacks up. It's here in your own document. So it's okay, it's okay when it suits you to make that comment and then it's not okay now. Now that is, that to me, if that doesn't supported a bad decision, well I don't know what does.

CATHAOIRLEACH: Do you want to come in again there.

DIRECTOR O'BRIEN: Yeah, you can't compare one planning application to the other, and it's pointless taking —

Cllr FORTUNE: Come on, come on, come on.

DIRECTOR O'BRIEN: It's pointless taking a planning application, you don't know what the proposals were. I actually do know what the proposals were.

Cllr FORTUNE: That's unbelievable.

DIRECTOR O'BRIEN: Councillor, have you seen the application, be honest, have you seen what was proposed.

Cllr FORTUNE: I seen what you said.

DIRECTOR O'BRIEN: Have you seen what was proposed.

Cllr FORTUNE: I haven't seen what was proposed. That's your own decision and how you can make that decision then and then try and tell me here today and the rest of its Councillors, the opposite, it doesn't stack up.

DIRECTOR O'BRIEN: It stacks up on the proposals.

Cllr FORTUNE: It stacks up because you are saying it does. Ryan Ryan can I clarify if we make this decision today and it goes through, this will reduce the assets of the Council by over a million euro. Is that a fact?

DIRECTOR O'BRIEN: – dr. Cllr RYAN: That's a huge decision for Council to make today.

Cllr VANCE: Can we get an answer to that.

Cllr RYAN: By terealising that, you devalue it.

Cllr VANCE: I didn't get an answer, how much money if this site was found not to be of any use, how much are we talking about to deposit (INAUDIBLE) are we talking about two and a half million like what Cllr Fortune said? Is that the type of money we are talking about or has an analysis been done on exactly how much money it would cost. That has to have an effect on people here, because this money has to come from somewhere and if it was two and a half million on top of land that cost a million, you are talking about three naff million this is going to cost the Council.

DIRECTOR O'BRIEN: Just on the site itself, it was purchased, it was around a million, at the time, and I think just to be very straight, the – when you have an asset, and you pay that much for it, the – that value is backed by the asset. If you take the asset away, then obviously there is nothing left more to balance against that money so that would be a million gone. Whether the site is worth a million now or more is another point. On the amount of money costing to get rid of the spoil from Bray: There are a few variables on this, and I am not trying to fudge it or anything, but gate fees are going up all the time for dumping in-ard waste, because they change the Planning Act, planning regulations which means you now have to get planning permission for every casual bit of filling in rural areas, which used to be able to be exempt and you get a permit. So they're going up. On the other hand, we are lucky in other ways to get rid of this: One of them is on beach nourishment in Bray. There is others where we have actually did our latest tender and did it in a way that people who wanted to take it could tender for it, and we have actually in that, we have got rid of some of the waste. But certainly if we have to go and pay current increasing gate fees, it's at least a million we think we are saving on it.

CLlr VANCE: And this was bought specifically in the 90s for —

DIRECTOR O'BRIEN: In the late 90s, early 2000s.

CLlr VANCE: But it was bought for what reason.

DIRECTOR O'BRIEN: For the southern access route, the Farrankelly road. CLlr O'BRIEN: I think the worry for them there is basically you are going to remove material from Bray, which I think the Director said there would cost a million to move that material, I presume it would be moved by trucks from Bray and I presume that would take a period of time. I presume the worry here is that it's going to be destroyed by putting materials in there and he is making it clear that the people of Kilcoole have spoken clearly in relation to what they're looking for there.

CATHAOIRLEACH: CLlr Kavanagh and then CLlr Whitmore.

CLlr KAVANAGH: I am here to establish the facts. We have been told that the site cost a million. I had discussions with somebody from the save the rocks valley, they said it cost 360,000, so we need to establish the facts. That's number one. Number two, there have been at least two legitimate offers of removal of the substrate, because it has a value for builders. There have been two licensed quarries who have

made representation in order to take the stuff away. It wouldn't cost anything to remove it. There is a residual value to them in that they can recycle the stone for building. And for quarries. For quarrying. And the soil can be used for landfill. So it has a huge value for people who are offering to take it away. So I think we need to actually establish the facts here. They wouldn't be unlicensed, they can't operate without a licence, so why would anybody suggest that unlicensed people are offering to remove this? It wouldn't be allowed. So I really do think that we need to get the facts established before we start trying to destroy our natural heritage. Thank you.

CATHAOIRLEACH: Councillor mitt mother.

Clr WHITMORE: Just following on from Clr Kavanagh, the point she has been making, it's my understanding that the the Office of Public Works have funded the project at Bray. And that part of that was the removal of this material. So the Council has already been allocated money to do that, so there will be no additional cost on the Council. The money to dispose of this material will not be coming out of the Council's coffers, it will be coming out of the funding that had been given by the Office of Public Works. That's my understanding. And I just want to get back to the point where we were talking about that this is a Council asset. This is not a Council asset. This is a community asset. The Council are custodians of the land for the people of the – of Wicklow, and we need to ensure that in areas such as this where the community have very deep ties to an area and are very concerned about specific areas, we need to acknowledge those concerns and protect areas for, I suppose look at for future generations, we are only here for a short time, we need to make sure these things can continue for communities for future.

CATHAOIRLEACH: Do you want to come in again.

DIRECTOR O'BRIEN: Just stating again that someone is willing to take this, they don't have the permits to take it Councillor. I have the facts on this. You look at their licenses, they can bring so much per year, and it doesn't go anywhere near this. I am sorry, but that's just not a fact.

CATHAOIRLEACH: Clr Lawless.

Clr LAWLESS: Just very quickly, just on what Clr Whitmore was saying there, just with the OPW, she is correct in saying that and I am looking back here at my notes that we have, I have written down there would be a savings of over 700,000 to the

OPW because we queried whether any of that money would come back to us and it wouldn't, it's saving the OPW money so Jennifer is correct, I wanted to clarify that.

CATHAOIRLEACH: Councillor Gerry Walsh.

Cllr WALSH: The Director made reference that the material might be suitable for beach nourishment, has there been any assessment into that or is that a live option.

DIRECTOR O'BRIEN: We are this reminds me of if anyone can remember back to Harold Wilson, when he was asked a question, he would take the pipe out and he could never light the shagging pipe for ages, I am thinking maybe these lights have been put to the officials to start thinking of what their answer is! Unfortunately, I have forgotten what the question is! Beach nourishment. We are investigating that yeah, we are investigating that. In fact we have had talks with with a few people and we are doing tests on T we are trying everything to do this. At the end of the day, there is a public purse and whether it's OPW money or any money, we see public money as something we try to spend as wisely as possible at all stages.

CATHAOIRLEACH: Cllr Matthews.

Cllr MATTHEWS: Thanks Chairman. I just want to focus on this particular amendment number 14, which is with this land here, and I know the spoil from the River Dargle is something that will be linked to this. It's not necessarily going to go here but an EIS has been prepared and from that we would know whether this land would qualify for some sort of habitat designation. Is that correct? Could the decision then be made on what way to zone this land once we have the evidence from the EIS present today us. Could we wait until we have that information before we start putting designations on land without having the evidence for it. There is no – I mean I want to protect environmental protection and our natural heritage as much as anybody else, we all do, but I think we should do this evidence based. Thank you Chairman.

CATHAOIRLEACH: Cllr Fortune.

Cllr FORTUNE: ... we are hearing two figures and also we have strayed into talking about the mechanics and costs of how we should move a bunch of earth from Bray to somewhere else, which is not what's before us. What's before us is the amendment and that's probably what's addressed obviously, is to protect that site.

That's the amendment that's before us. The other stuff is all very important and we on a local basis have had lots and lots of discussions on it, but there is a real concern now that this site will be destroyed the way we have already discussed and we would like to have it – we talk about the site being an asset. Again as Cllr Kavanagh says, let's understand exactly what was paid for it and as Cllr Whitmore says, an asset – is the asset being used to secure something else, or is that part of it, or what's going on? At the end of the day, it's an asset for the people, the people of Wicklow, and protecting this valley surely is worth whatever investment or whatever costs it stands to the Local Authority, it's worth doing this in that interest and protecting – I mean the one thing Director I just don't, can't just come to terms with, that if you take the discussion we have had now, and the rationale you have given us of why this – and then I quote to you a planning application, and a condition or a reason why it was turned down which is exactly what residents and people are asking now, and we seem to be able to say well you can't compare two, it's a different situation. It's planning at the end of the day and there was a rationale given why the planning wasn't going to be granted. That rationale surely applies today equally as it did back then. The area is the very same?

CATHAOIRLEACH: Can we leave it at that.

Cllr VANCE: I think what Cllr Matthews proposed and if he proposed it, I'll second it, I think it's reasonable and it's sensible that let's have the information, let's have the EIS before we decide on anything, and we don't have – we are asked to vote on something here and we don't have the full information. It's a serious question, irrespective, you are talking about, like what somebody said there, it may not be Wicklow County Council's money, but it's public money we are talking about as well here and we need the best use of that as well. I do think that most importantly, is that we have all the information before us before we make a decision on it and I would certainly support what he is asking for. Let's have the information. An EIS has to be done in regard to this site, whether it's suitable for not for spoil to be put there, but let's have that information before we take a decision on it, because the decision is very serious from lots of points of view, no matter what point of view you are taking on this. I think that's very important, that we have the information, and we are taking – if we are taking a decision here today, we are taking a decision based on not having that type of information before us.

CATHAOIRLEACH: I think we have to take a decision on what's in front of us here today.

Cllr FOX: Does it go on public display.

CATHAOIRLEACH: It goes on public display.

Cllr Tommy CULLEN: Chairman, Mr O'Brien said the Council paid a million euro for this land, (INAUDIBLE) suggested that – Mr O'Brien has said this land has been offset against the borrowings. Could we first and foremost find out how much we did pay for this land? Can you explain to us what loan was this land hedged against? When was it that money borrowed against this particular piece of land? How much is outstanding on that loan? Because these are all important issues. We are here talking if we don't do this, we are going to lose this. At the end of the day, the land is going to remain in Council ownership so Council is going to lose nothing. It's still going to be properly belonging to the County Council. People could say there is parkland in parts of Bray, Greystones, everywhere else, and if the Council put it up for sale for residential use, you get a lot of money, that's correct. But it's parkland. It's there for the public good and this is a public body and we are here to serve the public good. We are not here to be developers. That's not our role. We are not here to be developers. Sometimes I think the executive mixes up the two points, that they think they're the developers. We are not the developers, we are here to serve the public good. So those two questions, can I have a specific answer from Mr O'Brien. Mr O'Brien has stated that the Council paid one million pounds for this land or one million euro, there is another suggestion that 360,000, said that is it was leveraged against a particular loan. What loan it was leveraged against and what's the status of that loan at the moment and with regards to the EIS, has the EIS been independently commissioned? Is it an independent EIS, or is it an EIS being carried out by one particular side? These are three questions I would like answers to.

CATHAOIRLEACH: Cllr Winters.

Cllr WINTERS: Similar to when Cllr Matthews raised it earlier, I thought the whole idea of a County Development Plan was that we didn't get into the financial aspects of land or land ownership or all of the rest of it, so why do we need to know what the loan is or S I thought that's what we were meant to do is decide on the land use regardless. I don't think we should have those answers. Cllr

Tommy CULLEN: I didn't raise the issue.

Cllr WINTERS: You just asked the questions, I am just expressing my opinion as well. Cllr Tommy CULLEN: You can't interpret what I said.

Cllr WALSH: Maybe we will let – agree to let it go out on public display and then vote on it before we adopt the plan and maybe by then we will have some results back from the EIS application.

CATHAOIRLEACH: Look it, we have discussed it for the last 40 minutes, and Cllr Fortune has proposed it, Cllr Whitmore has seconded it, battle gal Cllr Matthews (INAUDIBLE).

Cllr MATTHEWS: Chairman, would it be possible for the planners and the proposer to try and putting wording there that we could take towards the end of the meeting that we could look at the proposal providing the evidence in the EIS would support it. Would it be possible to do that?

CATHAOIRLEACH: I am told it won't be ready for two weeks. I think we should —

Cllr MATTHEWS: I don't want to vote on something without having the information. I'll be abstaining.

CATHAOIRLEACH: It looks like we will have to vote on it because it goes down if we don't vote on it. Cllr Fortune you have proposed it, Cllr Whitmore you seconded it. A I am in trouble again.

(a vote was taken)

Cllr WINTERS: You can do it from the back again.

(the vote continued).

MS GALLAGHER: 14 for, 13 against, one not present and four abstaining.

CATHAOIRLEACH: All right.

CATHAOIRLEACH: It's agreed.

Cllr VANCE: Could I just find out what position in regard to the (INAUDIBLE).

CATHAOIRLEACH: Sorry.

Cllr VANCE: What's the position in regard to that land now? I know what the thing says, but I am just saying, it goes out to public display, I know that, but will the officials at the Council then continue with putting an application to board in regard to that land.

DIRECTOR O'BRIEN: Yes. Cllr VANCE: Okay.

Cllr FORTUNE: I wasn't paying attention and I apologise, what is Cllr Vance asking.

Cllr McLOUGHLIN: What happens next.

Cllr FORTUNE: What did he actually say.

CATHAOIRLEACH: It goes out for public display. Right.

Cllr VANCE: It has to come back to the Council then in September, is it?

DIRECTOR O'BRIEN: October.

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