

**Dorota Richards**

*Sub. No. 14*

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**From:** Tom Fortune  
**Sent:** 17 February 2017 09:18  
**To:** b.meany@epa.ie; Dorota Richards  
**Subject:** WCC application To Dump in the Rocks Valley ref number W0294-01  
**Attachments:** Soil Recovery Facility WCC Final.pdf

Morning Brian and Dorota please find attached information in connection with the above that has come to my attention. I believe this to be of a very serious nature. I would welcome the opportunity to hear from you in regards to this.

Many Thanks

Cllr Tom Fortune

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Regarding Wicklow County Councils application for a Soil Recovery licence in the townland of Priestnewtown, Delgany, Co Wicklow. EPA Ref: W0294-01

The following has been brought to my attention which is very serious:

An unofficial council yard is currently at the proposed site, there is no record of planning permission for this yard. The Current yard has substandard sight lines as identified in the EIS. The entrance to the yard does not meet the NRAs road safety requirements and is a real danger to public health by way of "serious traffic hazard". EIS, 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). The available sightline to the west is 60m where the EIS states that the speed limit (80KMs) requires 160m. This is significantly substandard and no evidence can be found in the EIS to show that the access geometry is suitable to accommodate HGV traffic flows.

It has come to our attention: At one time when entering the proposed site via the original gate not the new gate the council have in place, walking roughly 30ft in a southerly direction there was a 25ft-30ft drop which you had to navigate down to reach the valley floor. In recent times this area has been landfilled unofficially and raised to the current road level at the entrance. The material which was transported to the site is not of "Soil Recovery Specification". The material may contain hazardous materials. Old cars are believed to be buried at the bottom of the material also old electric cable pipes, Paint cans, oil drums, mass concrete, steel gates, old tiles, skip-bags, sewer pipes. Tarmac/bitumen products are currently stored on top of this unlined unofficial and most likely completely illegal landfill. Material has been dispersed 100 meters facing south and 100 meters facing west of the unofficial yard. Wicklow County Council would be aware of this as they employed a contractor for their part of the landfill activity who went by the name of Farrelly plant hire.

It is noted in the EIS, Section 12 page 7.12.2.4 that some material tested in Bray at the Dargle site did not meet WAC limits for total organic carbon (TOC). Yet it then implies unbelievably that this is okay! as a similar exceedance was present at the Pretty Bush site. You would have to question the integrity of the company who carried out the EIS for simply dismissing the seriousness of incompatible waste being transported to an unlined site that is in their own opinion "acceptable" for a soil recovery facility:

The EIS also identified in appendix 16, test trial pits excavated along the dargle river banks in bray showed most of the material tested is classed as inhomogeneous made ground and 50% of this is planned to be transported to the Pretty Bush site.

Firstly: The material in Bray that is mostly classed as inhomogeneous made ground cannot be moved to a soil recovery facility as it is not (Greenfield material). The material that does not meet WAC standard certainly cannot be moved to a soil recovery facility.

Secondly: As the EIS identified that the material tested at the Pretty bush site exceeds the WAC limits, a soil recovery licence cannot be issued for the proposed site. The inhomogeneous material currently buried at the Pretty Bush site "does not meet soil recovery criteria and exceeds WAC limits": Therefore a soil recovery licence cannot be issued as it is not "Greenfield material".

An Bord Pleanala issued planning permission for the Dargle Flood Works in 2008. One of the requirements of the planning permission identified in section 2: 2.1 of the EIS states, any excess

material from the flood works scheme must be removed to a suitable waste licenced facility. These conditions are to be enforced by the contractor in this case (WCC). It does not specify the excess material should go to what is best described as a nature reserve that doesn't have a waste licence.

If the Bord grant permission for this proposal on the 22<sup>nd</sup> of February 2017 both WCC and the Bord will be in breach of the terms and conditions applied in 2008. The Pretty Bush site does not hold a waste licence and on the 22<sup>nd</sup> of February 2017 it still will not hold a licence. It does not satisfy the 2008 planning terms/ conditions. It is not acceptable to simply imply in section 2: 2.1 of the EIS that it will Glibly stating that it will implies that the EPA will do whatever WCC and the Bord want and implies the EPA are somehow obliged to issue a licence.

The EPA is an independent body charged with protecting the Environment so it is just as likely considering the site is a protected area of natural biodiversity that the EPA will refuse a licence. Perhaps in an ideal world the EPA would make WCC clean up the unauthorised dumping mentioned as it is known an ancient feature lies beneath the waste.

Section 4: 4.15.3 of the EIS states that no archaeological features are recorded within the site boundary. This does not say that no archaeological features exist in the site boundary only that none have been recorded.

An ancient barrow pit was always known to exist to the east of the council entrance located on the valley floor. This is covered now by the material already mentioned and should be excavated, recorded and protected. The barrow pit could be in excess of 5000 years old.

Section 4: 4.12.3 Existing Environment, Streams. The streams are described as small and a measurement has been provided in the EIS. The measurement given does not specify if it was taken at the narrowest point of the streams or the widest point. As the streams flow south they merge into one stream and expand in size before it exits the site. It then proceeds south through two a joining fields and depending on the time of year it can be as wide as 50ft at its end. It then enters the Kilcoole stream via the culvert at the convent wall in Kilcoole. The area where the water collects before entering the Kilcoole river has always been important for breeding frogs and spawning. Interrupting the source streams at the proposed site will have a devastating effect downstream. It is astonishing that no studies have been carried out on the importance of these streams and a system that has not changed for thousands of years. It shows a complete lack of ecological understanding and respect.

Wildlife surveys carried out for the EIS were all done out of season: September/November

- **The first visit should be completed between 1st April and 15th May, for early migrants and resident species.**
- **The second visit should be completed between 16th May and 30th June, for late migrants.**
- **Woodcock birds reside all year round at the proposed site and were not mentioned in the EIS. Breeding March to July It is an offence to interfere with their nesting Habitat due to declining numbers. They are also protected from hunting Nov/January.**
- **Badger Surveys optimum time June to August, Badgers January to July: Birth Jan-Mar; First emergence Mar- July; Weaning Apr-July. Bats surveys: June to August.**

Clr Tom Fortune