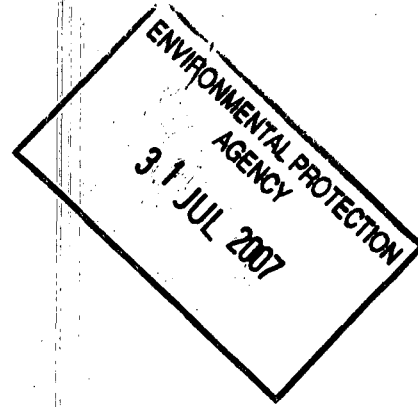


30/07/07

Environmental Protection Agency  
PO Box 3000  
Licensing Section (Waste)  
Johnstown Castle Estate  
Wexford



**Reference: WO 231-01 Projected construction of a landfill in Nevitt Lusk, Co.Dublin.**

To whom it may concern,

I would like to express my concern over the projected construction of a landfill site in a rural area in nevitt lusk co dublin. The area in question is rich in wildlife, birds, hedgerows, wildflowers and natural habitats. In my view the landfill will have significant detrimental consequences for the rural community and its natural environment. These would include destruction of both natural habitats and farming land, increased volume of traffic, pollution of groundwater and more generally a deterioration of the quality of life of local residents. Fcc has applied for a waste licence for this project without taking full account of the potential impacts on health or the environment and without proper regard to the concerns of the local community.

I am enclosing some supporting information to this effect which I located from a simple search of the world wide Web, This information is quite damning of landfill in general and it certainly makes it quite clear its conclusion on how to protect groundwater. The environmental impact statement for this project fails to identify this information and the full effects landfills have on health and environment. The consultants responsible for the EIS cannot confidently stand over it with this type of information in the public domain.

It has come to my attention from researching this information that while the advocates of this project assured the general public that no hazardous waste would be accepted at this landfill, they failed to notify the people that the chemical produced by landfills (leachate) is as dangerous as that from hazardous sites, (highly toxic TCE is a carcinogen) which is typically found in landfills.

650 acres or 57 hectors of the finest agriculture land has been earmarked for this site, but the real loss wont be the land, the compulsory purchases of eight family homes, some farms, land, livelihoods, businesses, history, patrimony and the devastation of a tightly knit community will be an even greater injustice to make way for a landfill. This small community has one simple local amenity (a designated game preserve) and even that will be lost if the falcons arrive.

*The increase in traffic volumes to and from dublin airport, due to the development of the new second terminal and runway was not factored into the traffic assessment in the E.I.S.*

*The significant increase in passenger numbers using the airport would seriously alter the Volumes of traffic on the M50, M1, & N1.*

*I am enclosing an independent Traffic assessment, carried out by my good friend and neighbour Mr Tim Chillingworth BA, BAI, CEng, MIEI*

*Together with his list of questions which he prepared for the recent oral hearing, but for the most part remain unanswered by the applicant.*

*I am also enclosing some material on protected habitats which I believe are all relevant to this proposed site but appear to have been fudged over.*

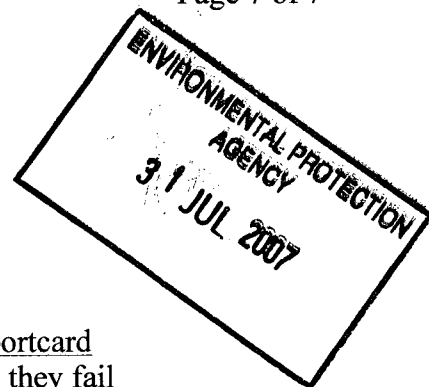
*The supporting information is marked 1 to 5*

*Yours truly*

*Bernadette Lunny*  
Bernadette Lunny

*Little Acre Cottage  
Walshestown  
Lusk Co Dublin*

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Landfills Leak [www.stopwmx.org/liner.html](http://www.stopwmx.org/liner.html)

Landfills: Hazardous to the Environment.

[www.zerowasteamerica.org/landfills.htm](http://www.zerowasteamerica.org/landfills.htm)

Soild waste conditions. ASCE. Report. [www.asce.org/reportcard](http://www.asce.org/reportcard)

The Basics of Landfills: How they are constructed and why they fail

[www.zerowasteamerica.org/basicsOfLandfills.htm](http://www.zerowasteamerica.org/basicsOfLandfills.htm)

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**Total Disposal of Solid Waste in 1999 for Deercroft Landfill**

Waste in Tons	# Of Operating Days	Disposal per Day	
	544,913	305	1787

Northwest Indiana currently accepts waste from other locations across the United States. The total out of state waste received during 1999 was 2,147,830 tons. The table represents the states that contributed to Northwest Indiana's waste sites. (IDEM).

**Out of State Waste Received in 1999**

State	Total Tons Recieved
California	93
Illinois	1,779,180
Kansas	60
Kentucky	176,376
Michigan	37,021
Missouri	1,935
Nevada	155
Ohio	151,614
Texas	122
Wisconsin	1,274

**Do Landfills work?**

Unfortunately, starting in the 1970's and continuing throughout the 1980's and 1990's, the U.S. Environmental Protection Agency (EPA) funded research, which showed that burying household garbage in the ground poisons the groundwater. EPA has spelled out in detail the reason why all landfills leak. (Dr. Peter Montague, REHN). Even with the state of art double liners, EPA officials still expect landfills to fail and eventually poison the groundwater. (Dr. Peter Montague, REHN) There is just inadequate known data relating to contamination due to landfills leaking; however, there were ground wells tested in the Wheeler area surrounding the Wheeler Landfill. These ground wells were found to be contaminated and the water unsafe to drink. As a result, Waste Management negotiated a settlement with the affected citizens, and paid for city water to be brought to their homes. Unfortunately, the problem of the contaminated water still remains in the ground, and the potential for groundwater contamination in Wheeler is very real. (Lynch)

Groundwater contamination may result from leakage of very small amounts of leachate. TCE is a carcinogen and one of the volatile organic compounds typically found in landfill leachate. It would take less than 4 drops of TCE mixed with the water in an average sized swimming pool (20,000 gallons) to render the water undrinkable. (Landfills Leak)

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**Landfills and your Health**

There is insufficient data linking health problems with our local landfills in Northwest Indiana; however, there have been more than adequate documentation nationwide to assure a direct correlation with landfills and health problems. According to Dr. Peter Montague in Rachel's Environment & Health Weekly, the following are just a few documented studies that highlight the extent of the problem:

\* Significantly reduced stature (height) for a given age among children who lived near Love Canal, the chemical waste dump in Niagara Falls, N.Y.;

\*Low birth weight and birth defects in California children born in census tracts having waste disposal sites. In Tucson, Arizona abnormal amounts of children born with heart defects revealed that 35% of them were born to parents living in a part of the city where the water supply was contaminated with Trichloroethylene (TCE) from a hazardous waste site. The rate of birth defects of the heart was three times as high among people drinking the contaminated water compared to people in Tucson not drinking contaminated water;

\*Enlargement of the liver and abnormal liver function tests reported in residents exposed to solvents from a toxic waste dump in Hardemann County, Tenn.;

\*Dermatitis, respiratory irritation, neurologic symptoms and pancreatic cancer at 7 waste disposals sites. (Dr. Montague REHM)



## Landfills affect on the Environment

Landfills present a clear and present potential threat to human health as well as a threat to our environment. As noted even the best landfill liners will leak... "82% of surveyed landfill cells had leaks while 41% had a leak area of more than 1 square feet," according to Leak Location Services, Inc. (LLSI) website (March 15, 2000). This is an alarming statistic considering that in addition to leakage, landfills also provide problems to our health and environment through hazardous contaminated air emissions. Over ten toxic gases are released from landfills especially the toxic gas of methane gas. Methane gas is a naturally occurring gas created by the decay of organic matter inside a landfill. As it is formed, it builds up pressure and then begins to move through the soil. In a recent study of 288 landfills, off-site migration of gases, including methane was detected at 83% of these sites. (REHM)

\* When a new municipal landfill is proposed, advocates of the project always emphasize that "no hazardous wastes will enter these landfill." Studies have shown that even though municipal landfills may not legally receive "hazardous" wastes, the leachate they produce is as dangerous as the leachate from hazardous waste landfills.

## Conclusion

There is no debate that all landfills eventually contaminate our environment and pose a serious threat to our health. In Indiana these landfills are monitored and regulated by EPA and IDEM. The main problem associated with contamination is the "corrective action" that needs to occur to clean up the problem. In a recent study of 163 municipal solid waste landfills, there was evidence of ground-water contamination or adverse trends in ground-water quality at 146 of them. That's a 90% contamination rate for groundwater beneath municipal solid wasteland fills. Once it is contaminated it is almost impossible to clean it up. The only way to guarantee clean groundwater is to never contaminate it in the first place. (Zero Waste)



## TRAFFIC

### 1.3.5. Committed Developments

No mention of –  
opening of Port Tunnel.

IKEA, Ballymun (M50), Tesco Distribution Centre, Turvey (N1) warehouse development at Turvey, Portrane housing development N1/M1.  
Proposed deepwater Port at Bremore (N1,M1)

A new road to the port is planned to exit at the Naul/Balbriggan interchange ... 5 mins from Nevitt.

The new port is to be constructed in 3 phases, and includes Ferry and Ro/Ro facilities. It will rival Dublin Port in scale.

Phase 1 is planned to cater for 600,000 unit loads per annum.

Phase 2,3 are anticipated to treble the port traffic.

### Question.

**Please advise what figures were included by you in your traffic analysis for the above approved and proposed developments. If foregoing developments were not included, do you know what the proposed traffic volumes are.**

### 1.4.1. Existing Situation

Nevitt Road has 1,757 vehicles per day of which 55% are HGVs i.e. 966 HGV's per day (total both ways)

The Landfill will have  
350 trucks deliveries per day (700 movements) estimated.

∴ Total No. of HGVs on country road is  $700 + 966 = 1666$  movements per day

i.e.  $1666 = 208/\text{hr}$   
8

i.e.  $3 \frac{1}{2}$  HGV's per minute or 1 every 16 seconds

Add to this the private traffic on Nevitt Road = 45% of 1757 = 790 vehicles

Total vehicles on County Road = 1666 + 790 Not including Recycling Centre Traffic  
2,456 per day = 307 per hour  
= 5.1 per minute  
= 1 every 12 seconds

This is based upon average daily figures.

The estimated traffic on the Rowans road to courtlough interchange will now be  
2,456 per day plus 1,416 = 3,872 per day = 484 per hour  
= 8 per minute  
= 1 every 7.5 seconds

This does not take account of peak hour traffic

**Question:**

**How can a child walking/cycling to the school/ playing field cross this road without the facility of footpaths, cycle lanes, pedestrian lights, pedestrian bridge and public lighting on the roads outside the dump leading to the school. The omission of these facilities is a major error in the proposed landfill design and ignores the safety of locals.**

**Question**

You stated under examination by the inspector that the additional time required to travel to Hedgestown school from Tooman cross roads would be 5 minutes by car.

**Question**

How long would it take a child to walk this distance to school.

**Question**

Given that the headmaster of Hedgestown School has reported a high instance of children with asthma, what increase in pollutant intake would the child be exposed to in walking to school / playing field.

1. Section 1.5.7 haul route states that with the "exception of waste collection and disposal HGVs serving the rural area west of the landfill" This is contrary to Section 7.1 of the EIS which says that all traffic will be restricted to the M1 and the new county road. Also Figures no.5.4, 5.6 and 5.7 show zero vehicle turns on and off Nevitt rd into the dump.

**Question**

what enforcement measures will Fingal Co Co put in place to comply with statement?

Report to Board P4. para 1.6.2

States total numbers of HGVs at peak times are 31 and 15= 62 and 30 2way journeys. How do they get these figures?

I wish to put the following proposition to you.

- If you must move 100 tonnes per day and each truck can carry 20 tonnes
- If it takes 2hrs for return trip
- If driver can do 8hrs driving by law

- Each driver can do 4 trips
- Therefore we need 1.25 trucks on the road at all times to complete this task
- If you must move 100 tonnes per day and each truck can carry 20 tonnes
- If it takes 4hrs for return trip (S. Dublin to Nevitt)
- If driver can only do 8hrs driving per day by law
- Each driver can do 2 trips
- Therefore we need 2.5 trucks on the road at all times to complete this task,so travel distance has a significant impact.

Based upon an annual intake of 500,000 tonnes this means a daily approximate average of over 1,660 tonne intake.

Assuming 50% of this waste will originate from South Dublin.

- If 100 tones requires 2.5 trucks
- 830 tonnes will require 21 trucks travelling on a return journey from South Dublin to Nevitt, on the road for the whole duration of the day.

Q can you please provide me with a copy of your travel distance survey as I cannot find this in your EIS report

If no travel time analysis was carried out to map the proposed waste movements, it is not possible to determine the impact of this proposed development on the M1, M50, R132, or junctions approaching the landfill site.

Indeed, the lack of a detailed comprehensive travel time assessment in the traffic report presented to us in the EIS makes it impossible to accept the data presented and make an informed planning decision

Q. Please advise the maximum permissible gross weight for a 3 axle truck under the *road act*?

In fact due to the composition and density of municipal waste, it is more likely that the average actual carrying weight per truck is nearer to 10/12 tonnes. Again, there is no supporting data provided in the traffic study for the proposition that each truck can carry 20 tonnes.

M1 Statistics

Average daily volumes in 2006 both directions combined

**June '06: 49,463** in the first 6 months of the year there has been a 6.6% increase in traffic

**June '04: 41,643** June '04 versus June '06 had a growth in traffic by 19%

Q. What is the speed limit for the M1 motorway for trucks greater than 3.5 tonnes and vehicles towing trailers?

Q. What is the design capacity for the M1?



Q. What is the peak hour capacity?

Q Does the current volume of traffic on the M1 Balbriggan south exceed design capacity.

Our research shows that the design for M1 has a capacity of 41,000 AADT and current AADT is 51881 therefore the capacity of the motorway is exceeded by 21%

Q. Have you profiled the vehicle types that will be arriving at the site and what the impact these movements will have on the M1 capacity?

Q. What is the impact of inclement weather on the hourly carrying capacity of the M1?

Q. What is the estimated AADT for rowans road?

Q. What is the proposed type of road you are recommending? Classification

Q What is the proposed AADT for this road classification?

Q What allowance has been made to accommodate trucks that arrive early?

Technical summary Page 11, 3.2.4.2

Is the most critical junction

Arm D rowans road rfc is shown as 0.2 and has no capacity constraints

This analysis is based upon the existing traffic flows

If the Nevitt road is closed this traffic volume must be included as should the proposed increase of anticipated traffic as a result of the M1 business park plus an allowance for recycling centre. **A significant error in the compilation is that no figures were included for pedestrian traffic and the model takes no account for cyclist and slow moving agricultural vehicles.**

- The reserve capacity of 1000 vehicles asked for by the NRA will be 'eaten into' and not 'fit into' by the new dump.

2. To make matters much worse the Courtlough Interchange EIS anticipates 33,800 vehicles per day on Walshstown Rd! Up from a present figure of 1,100

Q How can this Junction cope with the proposed traffic taking into account the rejection of the Courtlough interchange and how does the increase in M1 traffic meet with Eu policy for the Belfast- Rosslare route.



**REVIEW OF TRAFFIC SECTION OF EIS FOR FINGAL LANDFILL**  
- Tim Chillingworth BA.,BAI, CEng, MIEI.

**This assessment of the traffic section of the EIS was drawn up using the following sources: -**

- Volume 4B of the Environmental Impact Statement Technical Appendix G.
- NRA Design manual for Roads and Bridges. Volume 6 Section 1 Part 1A NRA TA 43/3
- Dept. of finance Budget and economic Statistics
- CSO Preliminary Census 2006.
- CSO Irish Bulletin of Vehicle Driver Statistics 2005
- NRA Traffic Counter Statistics.
- CSO National Income and Expenditure Figures.
- Fingal County Council
- Personnel Observation
- An Bord Pleanála.

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## SUMMARY

The Traffic Section of the EIS considers the impact of the proposed Landfill on the road network in the immediate area of the Landfill and in particular of the capacity of 5 junctions close to the site.

### Junction Capacity Analysis

**420 pages** out of a total of **470 pages** of the appendix consist of input and output data from the Arcady and Picardy roundabout and junction analysis software.

These show that the junctions have capacity for the proposed additional traffic. Without access to the software it is impossible to assess the results.

One of the conditions analysed is the situation when the Planned work on the Courtlough Interchange is completed. It should be noted that Fingal estimate an AADT of 33,800veh/day on the Rowans Road in the planning submission for the Courtlough Interchange. However the input data used in the EIS for the Landfill shows a figure of 38.4 Vehicles /hr for Rowans Rd. This would translate to a maximum AADT of 900 assuming peak conditions for 24 hours – an unlikely condition. These figures are not compatible.

### Omissions.

There are a number of omissions in the EIS.

#### 1. Effect on M1

There is no assessment of the effect on the M1, the National Primary Route, and the planned sole route for waste and construction traffic.

#### 2. Local Road network

There is no assessment of the possible effects on the local road network. There is no proposal for the prevention of landfill traffic using the local road network.

#### 3. Clay Deliveries

The report assumes that no deliveries will take place for landfill capping as there will be sufficient matter stockpiled on site for this purpose. This takes no account of the demand for landfill from C & D waste which presently is used for capping.

#### 4. Accident Data

The figures do not include "material damage only" accidents or accidents that were not reported. The figures are therefore inaccurate as from personal experience the bulk of accidents on the local roads are either single vehicle "damage only" accidents or incidents where the responsibility is shared due to the acceptance that the roads are inadequate and that collision could not be avoided.

## Traffic Forecasts.

### The EIS depends on the following for traffic forecasts;

- 1; Initial traffic surveys undertaken on April 6th 2005. These consisted of one period of 12 hour manual counts at 7 junctions between 7:00am and 7:00pm
- 2; .The output of one ATC (Automatic Traffic Counter) on Nevitt Road over a 7 day period.
3. The traffic flows measured were converted to AADT using J. Devlin's Expansion factors for Short period traffic counts (1978).

### The future year Network Assessment.

This was calculated using the NRA traffic growth figures ( NRA Future Traffic Forecasts 2002 – 2040 August 2003.

These figures forecast a growth / annum of 3.5% for the year 2005 2006 on the M1.

However the actual increases have been:

PERIOD	INCREASE %
2002 – 2003	30.1
2003 – 2004	18.3
2004 – 2005	4.8
2005 – 2006	19.5

This must call the forecast figures into serious question and while the figures for the national secondary road are not available they may show similar increases, as particularly in this area what the NI was, is now being used as an alternative route as well as a feeder onto the M1.

The NRA Traffic Forecasts for HCV's is based on GDP growth figures produced by the ESRI. However figures were only available up to 2015 and so were extrapolated beyond this date. These could be seriously wrong and if the ESRI could not forecast beyond 2015 it may suggest that it is unsafe to do so.

The NRA divided LGV's into two categories LGV's(Light) and LGV's (Heavy). The model for LGV(Heavy) gives a growth of 1.8% for every 1% growth in GDP. This model held well for the 1980s and the 1990s but projecting it forward resulted in 1 LGV(Heavy) for every 2 cars by 2040. The NRA viewed this as "completely unrealistic" and so decided to taper off the growth rate to that of the HGV figure for 2006.

This seems very arbitrary research and could be entirely wrong.

#### Comparison of forecasted and actual figures

	HGV	CARS
Forecast for 2006	<b>273,643</b>	<b>1,661,655</b>
Actual for 2005	286,547	1,662,200
+ Registered in 2006	49,986	154,477
Actual total 2006	<b>336,533</b>	<b>1,816,677</b>
Underestimate	62,890	155,00

There is in addition an issue which is not fully addressed. Car ownership is dependent on adult population.

The forecast figure for adult population > 19 years for 2001 by the NRA is 2,742,217. The actual figure in the 2006 census is 3,076,100, already 12% ahead of the 2011 projection! Thus there is serious under projection of vehicles.

There is a further serious anomaly in the figures. In the 2006 Census eight of the top twenty fastest growing electoral divisions are in Fingal and six of these are directly in the area of the Landfill or feed traffic into the immediate area. These are Blanchardstown, Balbriggan, Swords Lissenhall, Lusk, Dubber, Swords Forrest and Julianstown in Meath. In addition Drogheda showed significant growth.

All the above would indicate a serious under-estimation of the traffic growth to be expected.

#### **Trip generation by the Landfill.**

The EIS produces figures for the monthly and daily numbers of HGVs for the new Landfill (page 29 Table 4),

These are based on figures for Balleally in June 2004, and then factoring these by a figure of 3.77 for the greater capacity of the new Landfill. However the base figures used are totally incorrect if figures for April 2006 for Balleally are used instead. The comparison is shown overleaf.

Waste Only to Balleally

BALLEALLY			FINGAL
<b>Total for June '04</b>	<b>Daily 26 day month</b>	<b>X 3.77</b>	
910 trucks	52		197 /day
Av. Load 8.5 tonnes	8.5		
Total tonnage	441.7		283 Tonnes/day
<b>Total for April '06</b>	<b>Daily 18day month</b>		
1363	75		283/day
Total tonnage@ 8.5/load			637.5 tonnes /day

**Cell construction.**

The EIS assumes 159 deliveries /day for Cell construction and that no clay will be used for cell topping. However this takes no account of the demand for waste facilities for clay from C & D waste in the greater Dublin area.

In Balleally in April 2006 Fingal Co. Co. have confirmed that 6694 loads of clay were delivered. This is 372 / day which are greater than the total figure projected for Fingal for waste at any time throughout the lifetime of the landfill. If this figure were projected using the 3.77 factor there would be 1402 trucks delivering clay /day.

**Predicted Traffic Flows.**

The EIS on page 23 table 4.3 sets out the predicted traffic flows. They estimate 16 waste deliveries and 15 cell construction vehicles during the morning peak traffic times. There is no backup to explain how this figure is arrived at. However they represent 8% of the daily traffic estimate for waste and 10% of the construction traffic.

Using these percentages and the possible revised figures derived from April '06 the figures indicated would be 23 waste trucks and 140 clay trucks. This equates to 326 two way trips versus the EIS figure of 62. There is a serious error in these figures.

## **Haulage route**

There is an assumption in the EIS that all traffic will enter and leave the landfill via the new County Road only. There is no indication on how this will be achieved or enforced. There will be a natural tendency for any deliveries coming from west of the M1 to approach from the Naul to Ballyboughall Rd using the local network which is totally unsuitable for HGV traffic. The New County Rd connects directly to and forms part of the local network. Signage will not stop vehicles from using the local roads. The EIS is deficient in not considering this aspect.

## **Trip Distribution**

The EIS assumes 100% of HGV's will use the Rowans Rd. As stated above this may be incorrect. However the EIS projects 700 HGV trips /day. Fingal CoCo have already projected a figure of 33,880 AADT for Rowans Rd in the submission for the new Courtlough Interchange, although Bord Pleanala has expressed serious reservations about this figure. Either the submission for the Courtlough Interchange, which in reality forms part of the overall area plan are wrong or the figures for the Landfill are wrong. Either way there appears to be a serious error.

The delivery figures will be a seven day occurrence due to the numbers of private vehicles associated with the re-cycling centre where the EIS projects a figure of 530 cars on Saturdays and 288 on Sundays. There is an omission in the EIS where these figures have not been projected to take account of the increased size of the facility. If the 3.77 factor is used the car numbers would become 1998 on a Saturday and 1086 on a Sunday. There is no account taken within the EIS of these figures. Even without factoring, the figure of 530 on a Saturday gives an hourly average of 66.2 – double the figure used in the EIS. This is an error.

## **M1 Traffic figures.**

There is no traffic assessment in the EIS of the effect on the M1, the national route. This is a major omission. There appears to be an implicit assumption that once traffic is on the M1 there are no further problems. This is totally wrong.

The M1 is a national route and is classified as a class C route. This means that the AADT (Average annual daily traffic) should not be greater than 41,000. At flows greater than this the level of service begins to fall.

At present the AADT for Balbriggan South and Lissenhall are 51,881 and 69,193 respectively. These are already far in excess of the design figures and so the route is not operating over this section as a Class C route. There are no plans for upgrading the M1 on this section so the situation will only worsen.

The AADT figures give a good overall method of comparing roads and assessing the maintenance requirements. The peak traffic flows however give a better view of the subjective experience of driving.

At present, using the NRA traffic counts the southbound flow in the morning peak is 3051/hr with 5% or 153 of these being HGVs. The HGV figure could increase by 163 if the higher projected figure is used. This would be a 100% increase. Obviously any increase in HGV traffic has a disproportionate effect as the trucks speed is restricted below the general speed limit. This causes ripple effects on the general flow and can be very dangerous as traffic can stop for no apparent reason. This already happens on the M1 northbound north of the Airport in the evening rush-hour.

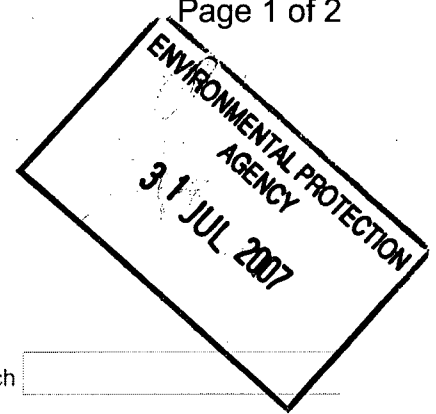
It is a serious omission that the EIS does not consider the M1 at all.

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## 11/07/07 Water matters booklet launched

Have you ever wondered how we plan to protect the quality of our rivers and lakes, our seas and our drinking water in this rapidly growing region? An important new booklet "Water Matters", outlining the key pressures faced in dealing with the European Water Framework Directive was published on 22nd June last by the Eastern River Basin District (ERBD) Project team. The booklet explains in simple terms the issues we will face in Ireland in relation to water quality in the coming years and how we will have to tackle these problems. Importantly it also invites members of the public to have their say in this process by forwarding their views and comments to the ERBD Project Team.

A major part of the work of the ERBD Project Team, which helped to produce this booklet has involved discussing local water quality problems and issues with people who affect local policy, such as County Councillors, or those whose livelihoods either depend on or affect water quality, like farming organisations, anglers, or environmental representative groups.

The Water Framework Directive was adopted in 2000. Under it, Ireland and all other EU member states must meet ambitious water quality standards before 2015. These high standards apply to all water bodies including rivers and lakes, groundwater, estuaries and coastal waters. Once these high standards are met, they must be maintained forever. In order to make sure this directive is fully implemented in Ireland a decision was taken at national level to split the Country into 5 areas known as River Basin Districts. Fingal lies within the Eastern River Basin District (ERBD).

Alan Carthy, Director of Water Services with Fingal County Council explains where we stand at the moment. "Ireland enjoys some of the highest quality waters in the EU, and we already meet high targets for many of our water bodies across the country, but this is no reason for complacency" he explains. "Investment from the National Development Plan in sewage treatment works and farmyard storage installations for example", he continues, "will help us to avoid water quality problems in the future and we must make

As Gaeilge

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- Scéim Teange Gaeilge Fhine
- Corporate Pla Gaeilge)
- Fingal Develop Board Strateg
- Citizens Chart
- Water Service Business Plan 2009
- Water Service Report 2004
- Water Service Investment Pr Revised Asse Needs 2005-2

sure our water treatment infrastructure keeps pace with development.”

“Since the Water Framework Directive became law in Ireland, a lot of work has already been done to improve our understanding of our water quality and how to maintain it”, the Director added. “This also allows us to better understand the likely future threats to water quality, helping us to prevent any future deterioration”, he says.

You can download a copy of the Water Matters booklet by clicking [here](#) to visit the Eastern River Basin District website.

For further information on the Water Quality in Fingal please contact:

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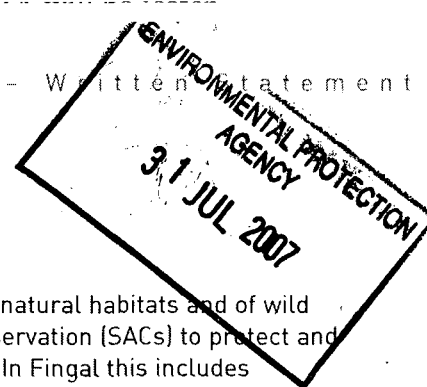
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### Special Areas of Conservation (SAC)

The Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) obliges member states to designate Special Areas of Conservation (SACs) to protect and conserve habitats and species of importance in a European Union context. In Fingal this includes Rogerstown and Malahide Estuaries, Baldoyle Bay and parts of Dublin Bay, Howth Head and coastal habitats on Lambay Island. The Habitats (and Birds) Directive have been transposed into Irish law by Ministerial Regulation. The European Communities (Natural Habitats) Regulations, 1997 set out how these sites are to be protected and managed. Nationally, the designation of SACs is ongoing and involves a lengthy process which includes the Government (Minister for the Environment, Heritage and Local Government), landowners and the EU Commission. All sites in Fingal are now candidate Special Areas of Conservation (cSAC) and full legal protection applies to these sites because the designation process has commenced. Planning authorities are obliged by law to ensure that these sites are protected and conserved.

### Special Protection Area (SPA)

The Birds Directive (Council Directive 79/409/EEC on the conservation of wild birds), adopted in 1979, is concerned with the long-term protection and management of all wild bird species and their habitats in the EU. All Member States are, therefore, responsible for protecting all wild bird species and their habitats. The Directive requires that Special Protection Areas (SPAs) be established to protect migratory species and species which are rare, vulnerable, in danger of extinction, or otherwise require special attention. The Fingal coast is especially important for its bird life. For example, Rogerstown Estuary holds internationally important numbers of Brent Geese and Lambay Island is internationally important for its breeding seabirds, such as Guillemots, Razorbills and Kittiwakes. SPAs are designated by the Minister for the Environment, Heritage and Local Government. The protection and management measures for SPAs are exactly the same as the protection and management regime which is in place for SACs. Full legal protection applies to these sites once the designation process has commenced. All SPA sites in Fingal have been designated and are fully protected by law. SPAs and SACs form a pan-European network of protected sites known as Natura 2000. Planning authorities are obliged by law to ensure that these sites are protected and conserved.

### Natural Heritage Area (NHA)

The Wildlife (Amendment) Act, 2000 provides the legal basis for the establishment of a national network of sites known as Natural Heritage Areas (NHAs). NHAs are designated by the Minister for the Environment, Heritage and Local Government, and aim to conserve and protect nationally important plant and animal species, and their habitats. NHAs are also designated to conserve and protect nationally important landforms, geological or geomorphological features. Depending on their quality and importance NHAs may also carry other designations such as SAC, SPA, Ramsar site, Statutory Nature Reserve or Refuge for Fauna. Planning authorities are obliged by law to ensure that these sites are protected and conserved. At present, all these sites in Fingal are proposed Natural Heritage Areas, and it is the Council's policy to protect them, even though they have not been designated yet. It is expected that they will be designated during the lifetime of the Plan. Proposed NHAs in Fingal include a range of coastal and other sites such as Sluice River Marsh and sites of geological importance such as Feltrim Hill.

### Ramsar Convention Wetland

The Convention on Wetlands of International Importance, especially as waterfowl habitat was adopted at Ramsar, Iran in 1971, and is commonly referred to as the Ramsar Convention. The Convention provides a worldwide framework for the conservation and wise use of wetlands. Wetlands are areas where water is the primary factor controlling the environment and the associated plant and animal life. They occur where the water table is at or near the surface of the land, or where the land is covered by shallow water. Wetlands are important ecosystems which improve water quality, provide storm protection, provide flood mitigation, stabilise shorelines, maintain biodiversity, and provide natural products such as fish and shellfish. Ireland has designated 45 sites as Wetlands of International Importance pursuant to the Ramsar Convention. This includes four sites in Fingal, namely, Baldoyle Bay, Malahide Estuary, Rogerstown

Estuary, the Bull Island and surrounding lands, Dublin Bay. In all cases the Ramsar Convention Wetlands lie within areas designated as Statutory Nature Reserves or Special Protection Areas (SPAs).

### **Statutory Nature Reserve**

Under the Wildlife Acts 1976 and 2000, Statutory Nature Reserves may be established for the conservation of wildlife habitats. Most Nature Reserves are on state owned lands. Designation provides for strict protection of habitats and wildlife within Statutory Nature Reserves and damaging activities can be legally prevented in them. There is an obligation to manage them in accordance with the objectives for which they were designated. There is an obligation on local authorities to take all practicable steps to avoid or minimise any possible damage to Nature Reserves when determining any matter, or doing anything, which is likely to affect them. There is an obligation to consult with the Minister for the Environment, Heritage and Local Government, in this regard. In Fingal there are Nature Reserves in Rogerstown Estuary, Baldoyle Bay and on lands around the Bull Island in Dublin Bay, some of which are in Fingal.

### **Refuge for Fauna**

Under the Wildlife Act 1976 the Minister for the Environment, Heritage and Local Government may designate areas as refuges for certain species of wild birds or wild animals and impose restrictive measures in order to protect the species and their habitat. There is an obligation on local authorities to take all practicable steps to avoid or minimise any possible damage to Nature Reserves when determining any matter, or doing anything, which is likely to affect them. There is an obligation to consult with the Minister for the Environment, Heritage and Local Government, in this regard. There is one Refuge for Fauna in Fingal. This is on Rockabill Island and the Refuge was established for the protection of the Roseate Tern, a small breeding seabird whose numbers are declining in Europe. Designation ensures that the birds, their nests, their eggs and their nesting habitat are protected from interference or damage.

### **What are the implications of these designations from a planning perspective?**

In Fingal the most likely designations which will be encountered in the planning process are NHAs, SACs and SPAs. All Ramsar sites, Statutory Nature Reserves and Refuges for Fauna lie within areas which are designated as NHAs, SACs or SPAs. NHA, SAC and SPA designation aims to ensure that a site can maintain the habitats and/or species for which it was designated. In other words, the ecological integrity of these sites must be maintained and protected. This does not mean that development is precluded but it does mean that a proposed development that could have a significant impact on a designated site must be considered carefully in terms of any impacts on the habitats and species of interest at the site. Development can proceed when the planning authority is satisfied that the proposal is compatible with the aim of protecting these sites, and is in accordance with the relevant legislation. This includes the Planning and Development Act 2000, the Planning and Development Regulations 2001, and in relation to SACs and SPAs, the European Communities (Natural Habitats) Regulations 1997.

All proposed developments which are likely to have an impact on these sites, either individually, or in combination with other plans or projects will therefore be assessed by the planning authority. An appropriate environmental assessment must be submitted as part of any planning application. In some cases an Environmental Impact Assessment may constitute an appropriate assessment for these purposes. This does not mean that an EIA will always be necessary. In many cases a more focussed ecological assessment may be more appropriate. This matter will be decided on a case-by-case basis. Prior to undertaking such an assessment, developers are advised to consult with the Council.