



Submission

Submitter:	Mr Keith Hutchinson
Submission Title:	BALLINCLARE EPA OBSERVATIONS & OBJECTIONS REVISED
Submission Reference No.:	S011393
Submission Received:	20 November 2023

Application

Applicant:	Kilsaran Concrete Unlimited Company
Reg. No.:	W0311-01

See below for Submission details.

Attachments are displayed on the following page(s).



SUBMISSION OF OBJECTION / OBSERVATION

Submitted by:
KEITH HUTCHINSON

Submitted to
ENVIRONMENTAL PROTECTION AGENCY

Observations on development listed below:

Reg No: W0311-01 Ballinclare and
Carrigmore Townlands, Kilbride,
Co.Wicklow

Application by Kilsaran Concrete
Unlimited Company for Development of
Ballinclare Inert Waste Facility

Submission Date 15 November 2023

SUBMISSION OF OBJECTION / OBSERVATION – INFORMATION

Herewith, please find enclosed listed objections to the Waste Licence Application listed below:

Reg No: W0311-01 Ballinclare and Carrigmore Townlands, Kilbride, Co.Wicklow.

In relation to applications submitted by:

Kilsaran Concrete Unlimited Company for the Proposed Development of the Insert Waste Landfill and Construction and Demolition (C&D) Waste Recovery Facility at Ballinclare Quarry, Kilbride, Co.Wicklow.

Submission to:

Environmental Protection Agency, Johnstown Castle Estate, Co.Wexford, Y35 W821

Submission of Objection / Observation from:

Name: Keith Hutchinson

Date of Submission of Objection / Observation:

Wednesday 15 November 2023.

PREFACE

Generations to come will either benefit or suffer from decisions we make now.

Good biodiversity and a healthy ecosystem is fundamental to the survival of humankind. Steps we take now to protect and restore that biodiversity, no matter how small they may seem, will contribute to continuation of our species.

As stated in the UN Convention on Biological Diversity from June 2022:

“Biodiversity is fundamental to human well-being and a healthy planet [for peoples living in harmony with nature and Mother Earth] [. It underpins virtually every part of our lives]; we depend on it for food, medicine, energy, clean air and water, security from natural disasters as well as recreation and cultural inspiration, [and supports all systems of life on earth], among others. More than half of the global gross domestic product (GDP) relies on biodiversity and healthy ecosystems. [A collapse in ecosystem services, such as pollination, could result in a \$2.7 trillion decline in global GDP by 2030. This collapse will affect all countries with impacts most pronounced in developing countries, least developed countries and small island developing states].”

The world is waking up to the importance of biodiversity and the vital need to protect our environment.

The recent Irish Citizen’s Assembly on Biodiversity Loss made 159 clear recommendations to government. One such recommendation was:

“In taking action to protect and restore biodiversity, nature-based solutions aimed at protecting, sustainably managing and restoring ecosystems should be prioritised ...”

To give a sense of the significance and importance now being bestowed on the protection of biodiversity, the Citizen’s Assembly Report from March 2023 also recommended a Constitutional Referendum that should include:

- *Human Substantive Environmental Rights, e.g. a right to a clean, healthy, safe environment, a right to a stable and healthy climate: rights of future generations to these or other environmental rights.*
- *Substantive Rights of Nature, recognising nature as a holder of legal rights, comparable to companies or people e.g. to exist, flourish / perpetuate and to be restored if degraded; not to be polluted / harmed / degraded.*

Future generations will rightly judge us on what we did, or did not do, to ensure the environment we passed on, was a healthy one. In making a decision on this application, we need to ensure that, when the time comes, we are on the right side of history.

RIGHTS TO A HEALTHY ENVIRONMENT

The world view on the environment and biodiversity and the rights they're bestowed is rapidly advancing and needs to be considered in the context of any current decisions that may have a life span of twenty years. We need to protect future generations.

United Nations Human Rights Council Resolution 48/13: The human right to a clean, healthy and sustainable environment - Resolution Adopted 08 Oct 2021

United Nations General Assembly Resolution 76/300: The human right to a clean, healthy and sustainable environment - Resolution Adopted 28 July 2022

On 28 July 2022, the GA adopted a landmark resolution recognising the human right to a healthy environment. The resolution, which followed recognition of the right by the Human Rights Council (HRC) in October 2017 was an unprecedented decision, adopted with unparalleled support (161 votes in favour, no votes against, and eight abstentions). The GA resolution sends a powerful message that there is widespread, worldwide support for this right - which is already recognised in 156 countries at the national and regional levels.

The European Parliament, in its June 2021 resolution on the EU biodiversity strategy for 2030, considers that the right to a healthy environment should be recognised in the EU Charter and that the EU should take the lead on the international recognition of such a right.

The Aarhus Convention affirms the need to protect, preserve and improve the state of the environment and to ensure sustainable and environmentally sound development; Recognise that adequate protection of the environment is essential to human well-being and the enjoyment of basic human rights, including the right to life itself; Recognizing also that every person has the right to live in an environment adequate to his or her health and well-being, and the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations.

Any long term proposal such as this, needs to be considered against the backdrop of changes that are coming to protect future generations

THE INTENDED LIFESPAN OF THIS PROPOSAL IS TWENTY YEARS.

**GIVEN ALL THE SCIENTIFIC EVIDENCE WE HAVE NOW REGARDING THE DEPLETION OF OUR ENVIRONMENT,
ALL DECISIONS IN RELATION TO THIS PROPOSAL NEED TO AIR ON THE SIDE OF CAUTIOUS FUTURE PROOFING,
TO ENSURE WE SECURE A HEALTHY ECO-SYSTEM THAT CAN CONTINUE TO SUSTAIN
LOCAL LIVES AND LIVELIHOODS.**

PUBLIC NOTICE INEFFECTIVE

The fact that the Applicant submitted their application to the EPA in February 2023 has come as a HUGE SURPRISE to the local population. We were aware that there was a possible application pending, so were being vigilant in watching out for notification, notices or applications. It was not until October 2023 that we spotted there had been an application made, despite being on the look out for it. This suggests that the Public Notice being given by the Applicant was hugely ineffective.

Printed media as a main source of news is on the decline. 2022 research figures indicate that printed newspapers were a primary news source accounted for only 3% of the population. Compared to 18% on social media and 32% online (*source: Digital News Report Ireland 2023*). Any shifts to digital newspaper subscriptions has seen The Irish Times (41%) and The Irish Independent (32%) as the two market leaders.

According to ABC figures from July to December 2018 the daily circulation figures for National papers was as follows: Irish Independent (83,900), Irish Times (58,131), The Herald (27,709), Irish Examiner (25,419). The reason these figures are from 2018 circulations is because the Independent Newspapers stopped supplying circulation figures to ABC shortly after that.

All four of these newspapers are considered national publications. But the reality is that The Irish Independent and the Irish Times are the only two (of these four brands) that has true national distribution. The Examiner has a bias for the Munster region, and The Herald has a strong Dublin-centric bias with their main readership being under 35 years.

The Applicant may have fulfilled their requirement to publish notification in a national newspaper, but by not choosing one of the two biggest circulation newspapers, their public reach was reduced.

CONTEXT – EXPERT V's EXPERIENCE

Contained within this document are a number of observations and objections that can and, when possible, are corroborated with specific relevant information and proof. But not everything herein can have specific data attached, but that should not lessen the validity of the arguments being made.

In preparing their own submission, the Applicant has had as much time as they needed, with as many professionals as they felt was necessary, with access to what we can only assume was a considerable budget, to collate the thousands of pages of reports, studies and plans. We as citizens have neither the resources nor the manpower to match. It takes considerable time on our part to go through the thousands of pages submitted in the application. So the odds are very much stacked against the individual. But, we do the best we can because we really care.

We have lived at this address for 26 years. With that comes first hand knowledge of the area borne out of 9,500 days of being here; driving the roads; knowing when and where the river will flood; being aware of what the roads are like in Winter; knowing how the water table changes dramatically within short distances; seeing the effects of human decisions and developments on the evolution of the environment, witnessing road tragedies and then finally being able to reclaim the rural roads as safer amenity areas as traffic is taken off them; as well as many other minutiae related to ones surroundings. 9,500 days of EXPERIENCE versus a few weeks of EXPERTS conducting surveys and studies (and not all of this on site as some are primarily desk studies). I think it's fair to say that we'd instinctively know things about the area that may not be immediately apparent to surveyors or expert report writers.

We call upon those assessing the pros and cons of this Waste Licence Application, to consider the information and knowledge being shared by those who have EXPERIENCE of the area to be as valid, be it corroborated with data or not, and of equal importance as any data, any opinion expressed, or any predictive EXPERT analysis commissioned and laid forth by the Applicant in their application documents.

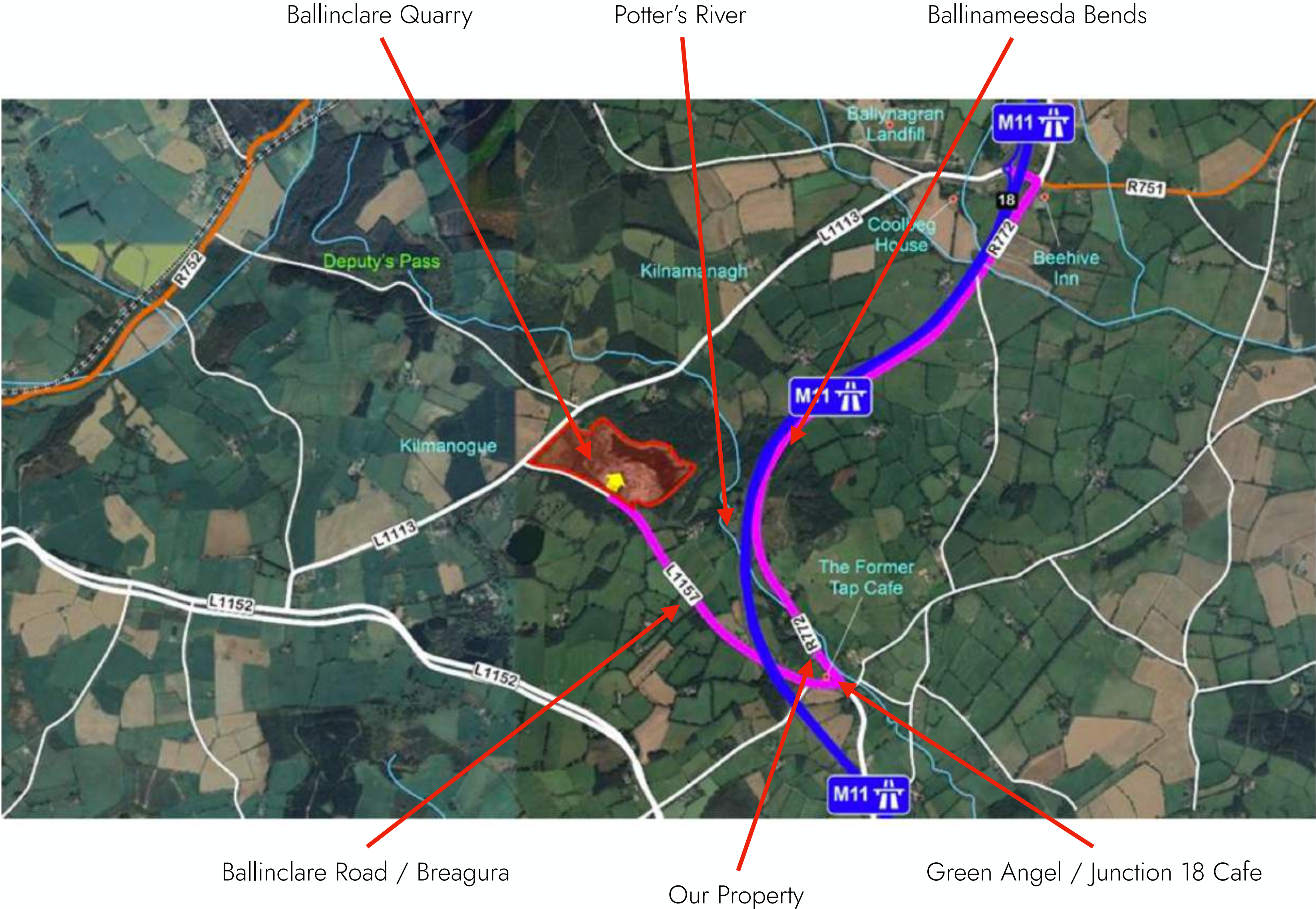
CONTEXT – LOCALITY DESCRIPTION

The description of the locality within Kilsaran’s Application documentation fails to capture an accurate reflection of the wealth of biodiversity in the locality, both in and around the quarry.

Because the Applicant is proposing to receive up to 150 loads per day (equating to 300 HGV Truck Movements per day OR 1 HGV Truck Movement Every 2 Minutes in a 10 hour day) it is **absolutely critical** that the proposed haul route along the narrow local roads, is given as much consideration in the assessment of the environmental impacts, as the site itself.

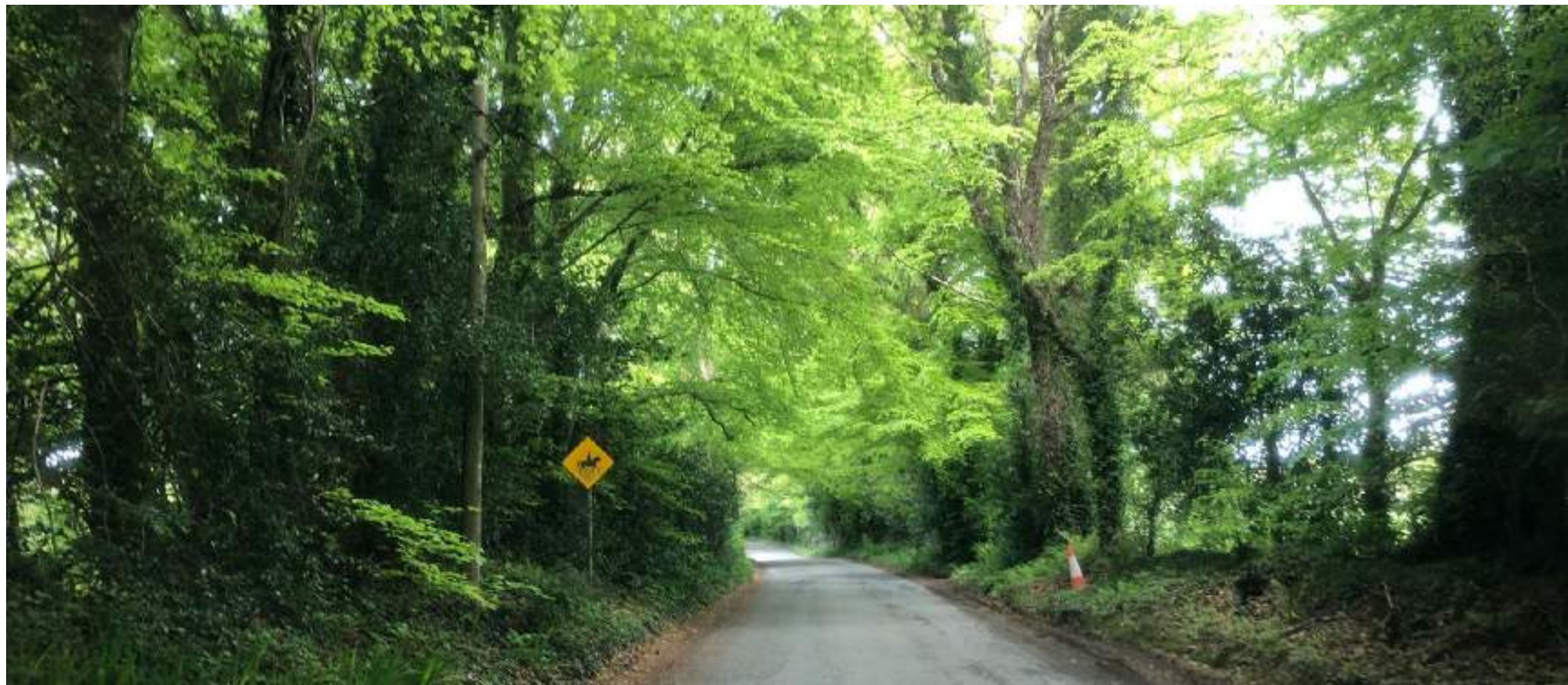
Proposed Local Access Haul Route

M11



BALLINCLARE ROAD / BREAGURA (L1157):

This is a an incredible ancient treelined avenue with historical significance as one of the original horse drawn coach routes in the area. Oak, Beech and Ash are just some of the trees that line the avenue. It's hedgerows and verges are abundant with life. The long straight tunnel aspect of the road is ideal for the large local bat population, with the hedgerows and vegetated verges giving safe corridors to local mammals and safe nesting to some of the smaller, many varied birds in the vicinity.



BALLINCLARE ROAD / BREAGURA (L1157):

Kilsaran propose widening this road and inserting 11 Passing Bays (because the road simply cannot be made wide enough for two HGV's passing). They want to have a two-way haul route along this narrow rural road, despite the fact that it's too narrow to accommodate their needs.

They say it's not their intention to remove any trees or hedgerows. But the reality is that it will not be possible to widen this road, to their required specification, without having a significant impact on the trees, verges and hedgerows. Any derogations sought during the construction phase, to seek the removal of any trees, verges or hedgerows, will be at the cost of destroying a very rich local habitat.

Whatever may be left of this amazing ecosystem along the Ballinclare Road / Breagura (L1157) after the road reconstruction is completed, will then be subjected to one HGV Truck travelling along it every 2 minutes ... this will completely decimate this whole environment. If they seek derogations, during the operations phase, to cut the hedgerows during the Spring and Summer months it will further destroy the habitats. Then the Winter months will see verges destroyed from trucks pulling to the edges and the foliage destroyed with tyre spray. This will all but kill this healthy, thriving environment on this road.

Just to give you an idea of the extent and richness of the ecosystem that currently exists along this road, I will give you a list of some of the fauna that has been recorded in our site, situated along this haul route, within 2km of the Ballinclare Quarry entrance.

OUR SITE:

Our site is a residence on two acres, located on the Ballinclare Road / Breagura (L1157) near the junction with the Ballinameesda Bends Road (R772).

As a former member of the Citizen's Assembly on Biodiversity Loss in Ireland, I have a very keen interest in everything to do with biodiversity and its protection and restoration. For me, the first step in the process is to keep accurate records of your area of interest so you can gauge any fluctuations or changes. To date, we have recorded the following fauna present in our site.

Wildlife recorded at **OUR SITE**:

BIRDS:

- European Robin (Erithacus rubecula)
- Eurasian Treecreeper (Certhia familiaris)
- Goldcrest (Regulus regulus)
- Eurasian Blue Tit (Cyanistes caeruleus)
- Great Tit (Parus major)
- Common Chaffinch (Fringilla coelebs)
- European Greenfinch (Chloris chloris)
- Eurasian Siskin (Spinus spinus)
- Long Tailed Tit (Aegithalus caudatus)
- Carrion Crow (Corvus corone)
- Eurasian Wren (Troglodytes troglodytes)
- Pine Siskin (Spinus pinus)
- Grey Wagtail (Motacilla cinerea)
- Yellowhammer (Emberiza citrinella)
- Sparrowhawk (Accipiter nisus)
- Song Thrush (Turdus philomelos)
- Mistle Thrush (Turdus viscivorus)
- Eurasian Blackbird (Turdus merula)
- Eurasian Jackdaw (Corvus monedula)

BIRDS /contd:

- Rook (Corvus frugeligus)
- Red Kite (Milvus milvus)
- Long Eared Owl (Asio otus)
- Great Spotted Woodpecker (Dendrocopos major)
- Swallow (Hirundo rustica)
- European Goldfinch (Carduelis carduelis)
- Coal Tit (Periparus ater)
- Tree Sparrow (Passer montanus)
- Pheasant (Phasianus colchicus)
- Dunnock (Prunella modularis)
- Bullfinch (Pyrrhula pyrrhula)
- Common Starling (Sturnus vulgaris)
- Black Redstart (Phoenicurus ochruros)

MAMMALS:

- European Rabbit (Oryctolagus cuniculus)
- Pine Marten (Martes martes)
- Pygmy Shrew (Sorex minutus)
- Red Fox (Vulpus vulpus)
- Hedgehog (Erinaceus europaeus)

MAMMALS /contd:

- Wood Mouse (Apodemus sylvaticus)
- Common Pipistrelle (Pipistrellus pipistrellus)
- Soprano Pipistrelle (Pipistrellus pygmaeus)
- Badger (Meles meles)

INSECTS

- Irish Dark Native Honey Bee (Apis Mellifera mellifera)
- White Tailed Bumblebee (Bombus lucorum)
- Dragonflies
- Butterflies
- Ladybirds

... and we're sure there's lots more that we haven't recorded. But as you can see its a very rich and diverse habitat. The Honey Bees have established their own hive by the road side and will be exposed to the large volume of passing HGV's. Bats roost in large numbers.

There is no reason not to believe that there is similar richness of habitat all along the road.



Lest we think that this example of habitat is confined only to the areas of our site, we can look to previous reports and recent sightings for other examples in the area.

BALLINCLARE QUARRY:

In addition to the birds recorded at our site these are additional birds that have been recorded in Ballinclare:

- NESTING Peregrine Falcons (*Falco peregrinus*)
- Kestrel (*Falco tinnunculus*)
- Mallard (*Anas platyrhynchos*)
- Little Grebe (*Tachybaptus ruficollis*)
- Moorhen (*Gallinule chloropus*)
- Sand Martin (*Riparia riparia*)
- Redwing (*Turnusiliacus*)
- Linnet (*Carduelis cannabina*)

In addition to the bird life, there is also notable flora:

- Greater Broomrape (*Orobanche rapum-genistae*)
- Broad-leaved Helleborine (*Epiactis helleborine*)
- Early-purple Orchid (*Orchis macula*)

As well as the amphibians recorded in the Kilsaran report.

POTTER’S RIVER:

In addition to everything already listed in the other recordings, there are also additional mammals and birds of significant interest that have recently been recorded around Potter’s River, very near to the where the quarry and the river meet.

- Otter (*Lutra lutra*)
- Fallow Deer (*Dama dama*)
- Kingfisher (*Alcedo atthis*)
- Grey Heron (*Ardea cinerea*)

Also, in the woods adjacent to Ballinclare Quarry, there are significant surveys of multiple species of Butterflies and Moths.

The eco-systems and habitats that will be immediately, and negatively, affected by the Kilsaran plans are very significant, and they should be protected.



CONTEXT – RESTORATION ?

The use of the word 'Restoration' in relation to this project is both misleading and disingenuous. A true and proper restoration of the quarry would be nature led. This project is not. It is, at it's very core, profit driven. With the sheer scale of the project being proposed, the potential for massive profits is very clear for all to see.

However, if there were real and genuine proposals tabled for meaningful remediation of the quarry and a proper nature lead restoration of the site, at a slower and more realistic and measured pace, then that is something that could potentially offer solutions. The key here is protecting the habitats and improving the biodiversity for a more sustainable future environment.

- Importing 150 truck loads of waste onto the site every day is aggressive.
- Filling the quarry to it's highest boundary mark, obliterating precious rock face nesting is aggressive.
- Subjecting locals to 300 HGV truck movements every day, or 1 truck every 2 minutes is aggressive.
- Destroying the habitat of the local rural road leading to the quarry is aggressive.

The excessive scale of the project and the aggressive approach that entails is entirely unnecessary, and the EPA should not support such an approach.

There are plenty of examples of great quarry remediation / restoration projects from Europe that should be studied before anything of this scale is approved.

In the Consideration of Alternatives section of the Applicants EIAR submission, there has been NO CONSIDERATION given to ALTERNATIVE SITE DESIGN OR OPERATION. This should be reviewed on a much smaller scale, at a much smaller daily infill intake, to allow for full and proper, nature lead, environmental remediation.

Before



After



NEEDINGWORTH UK QUARRY REMEDIATION:

I know the characteristics of the original quarry and the resulting wet lands remediation are different to what we have at Ballinclare, but, this Needington Quarry being remediated to the RSPB Ouse Fen, is a great example of how industry and nature can work together.

There should be alternatives considered in the applicants EIAR



Imagine what this (Ballinclare Quarry) could become, if it were not viewed as a PURELY COMMERCIAL OPERATION,
and was instead approached as a GENUINE NATURE LED RESTORATION.

It doesn't negate commerce, it just negates EXCESSIVE COMMERCE and gives the opportunity for both biodiversity and business to benefit.

APPLICANT HABITAT SURVEYS INSUFFICIENT

In reality, the Applicant surveys submitted in the Biodiversity section of their EIAR have a feeling of just about enough effort being made in their compilation.

Firstly, The National Biodiversity Data Centre (NBDC) is a fantastic resource, BUT it is based on Citizen Science and still working hard to gather momentum and interaction with the public. I'd contest that the data contained therein is still in the early stages of compilation and as such is not complete enough to be quoted as the only desk study element of this assessment. Also, its worth noting, that the NBDC tend not to publish the locations of rare or endangered species, for their own protection.

Secondly, the Applicant fails to even consider the impacts it's operations may have once you move outside the gates of the quarry. The magnitude and volume of traffic that the quarry will generate will have very significant impacts on the small, narrow, local roads, sites and habitats adjacent to these roads. All of this should have been included in the scoping and subsequent assessments.

Thirdly, the applicant should have been aware that there would have been other studies and surveys that could have been consulted and referenced. The construction of the new M11 back in 2014 would have necessitated some fairly extensive ecological surveys that could have been sourced.

Finally, the on site surveys and studies appear to be lacking.

We'd contend that the applicant does not have a clear or true picture of the habitat that is both within the quarry and on the proposed haul route along the narrow local roads, and as such any mitigations they may suggest are ill informed.

PRIOR PERMISSIONS LACK PERTINENCE IN CURRENT APPLICATION.

Throughout the applicant's documentation, they repeatedly make reference to previous planning permission as being reason for continuing with similar practice in this new application. We would contend that for Environmental Protection issues, these assumed permissions should be reviewed on the basis of the damaging impact they will have on the local environment and on human health.

WCC Planning Ref: 14/2118 Granted in January 2016 which gave permission to the Applicant to increase product output from 70 to 150 loads per day.

The timeline for this was as follows:

- December 2014 - Kilsaran apply for permission to increase their daily HGV loads from 70 trucks per day to 150 trucks per day.
- January 2016 - Kilsaran is granted permission to increase their daily HGV loads from 70 to 150 trucks per day
- April 2016 - Asbestos is found on the Ballinclare site. Applicant ceases operations and the site is closed.

According the Applicant's own statistics submitted as part of their application in 2014, the average total HGV Truck movements was 51 per day prior to their new permission for 150 trucks being granted in 2016.

Two months after the new limit of 150 trucks per day was permitted, the site was closed.

They would never have had the opportunity in that time frame to operate at the new capacity of 150 trucks per day, and if they did it was only for a very short period of time.

The detrimental impact of 150 trucks a day cannot be determined by Kilsaran's assertions that they will merely be operating to previous levels when the reality is that the quarry never really worked to that level and definitely not for any period of time long enough to make a proper assessment of impacts.

Allowing 150 trucks per day (equivalent of 300 hundred truck movements or 1 truck every 2 minutes) will have an enormous negative impact on the short haul route leading to the quarry, and should be reviewed by the EPA as a cause for serious concern.

SEEK VERIFICATION FROM KILSARAN

Kilsaran should be made to VERIFY that their Ballinclare Quarry previously operated at the capacity of 150 trucks per day. And if so, for how long?

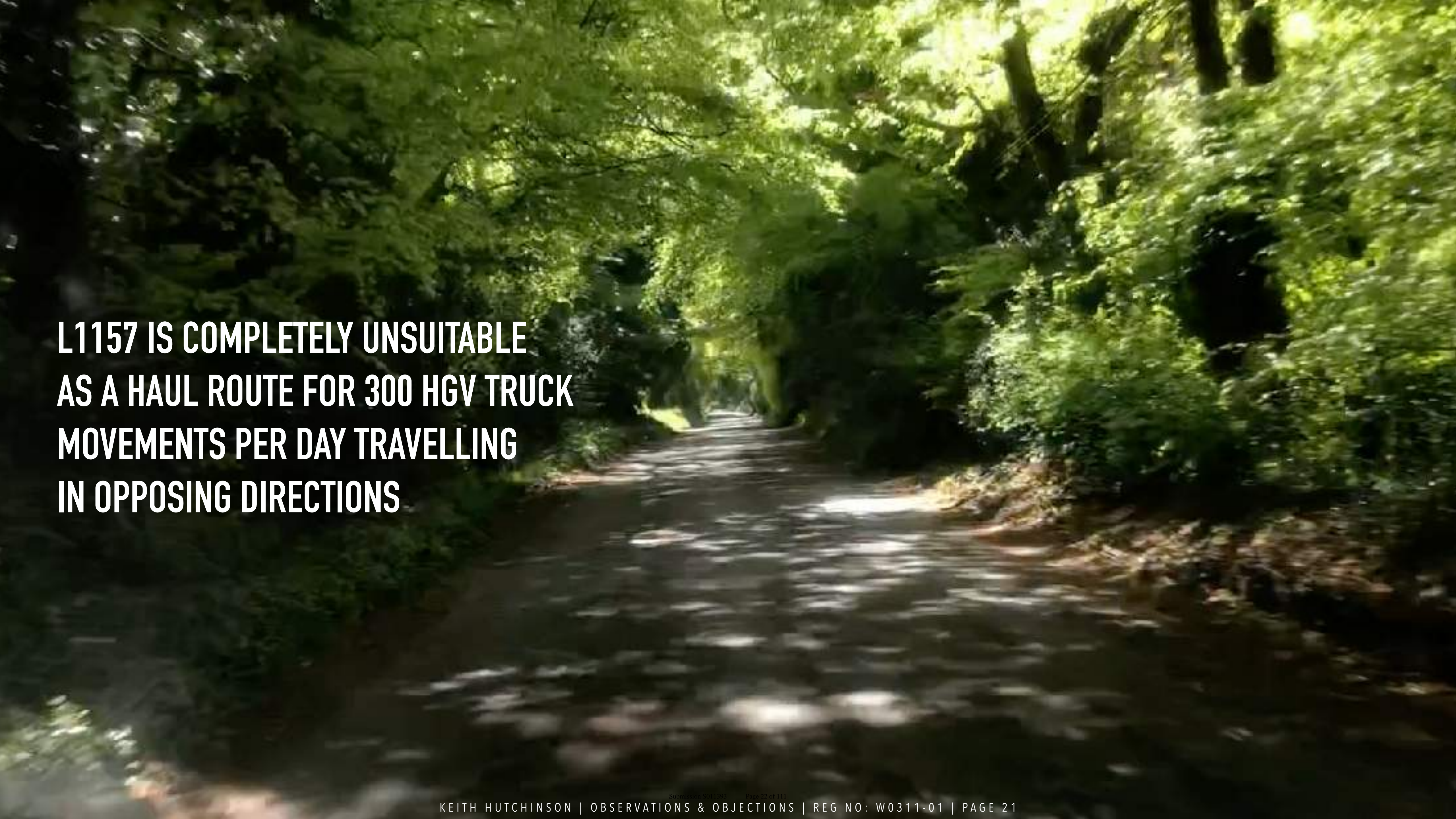
This is essential because:

- a) Kilsaran are currently not giving due deference to the massive operational undertaking required in having that volume of trucks per day running smoothly without causing serious traffic disruption, having excessive emissions of holding traffic and contributing to a low threshold of waste acceptance criteria protocol and practices on site.
- b) Their stating that their previous permission allowed for that volume, does not verify their ability to operate that volume without impacts.
- c) Unless they have operated at that volume of traffic for a significant period of time, they are not in a position to properly assess how it will affect the local environment.
- d) Without actual first hand experience of 150 trucks a day at Ballinclare Quarry, their assessments are merely conjecture and speculation.

This is easily answered.

Kilsaran should be made to produce evidence by way of their weigh bridge documentation (that they would have been required to keep as a matter of record), for dates between January 2016 and April 2016, to verify exactly the number of trucks that were received by the quarry, on a daily basis, during that period.

This will, very quickly establish if they have ever operated at 150 trucks per day, and if so, for how long. It's an important fact that can and should be established, as a lot of Kilsaran's argument is predicated on previous permissions, but may be proven to not be solid enough a foundation or reason for continuance of such permissions.

A photograph of a narrow, paved road winding through a dense forest. Sunlight filters through the thick canopy of green trees, creating dappled light and shadows on the road surface. The road appears to be a single lane, and the surrounding vegetation is lush and overgrown.

**L1157 IS COMPLETELY UNSUITABLE
AS A HAUL ROUTE FOR 300 HGV TRUCK
MOVEMENTS PER DAY TRAVELLING
IN OPPOSING DIRECTIONS**

L1157 UNSUITABLE HAUL ROUTE

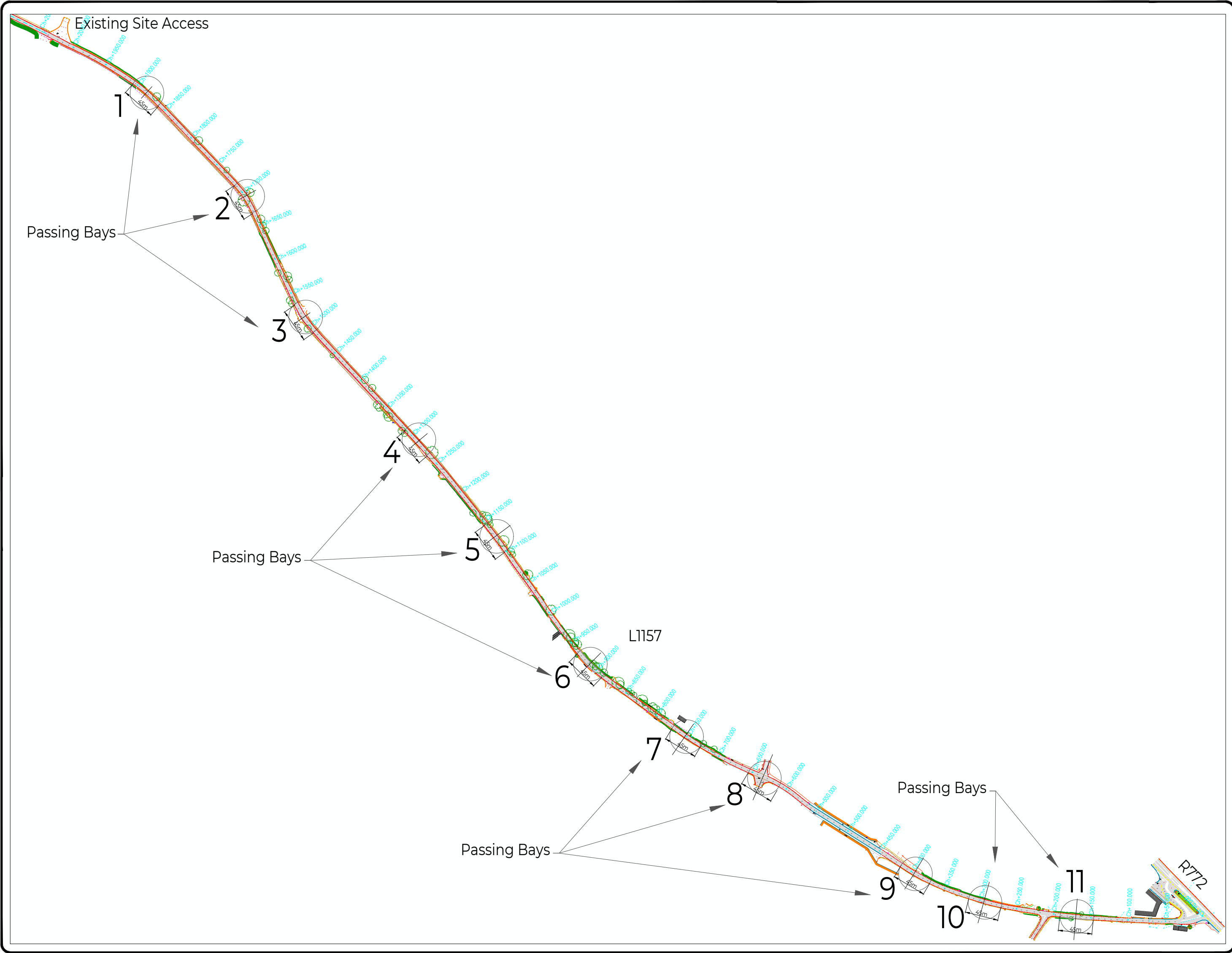
The 2km stretch of road between the Tap (now Green Angel) and Ballinclare Quarry is a narrow rural road, without markings, of significant high quality habitat value.

Applicant and local authority surveys of the road have determined that it is not possible to widen the road to the minimum safety standard of 6m, and that this can only be achieved over 1km of the proposed route.

As a result, the proposal is to construct 11 passing bays over 500m (25%) of the route.

The practicality of trying to operate such a plan will result in HGV Trucks (in a hurry to get in and out) will be driving into the grass verges and damaging the habitats. If the drivers do use the passing bays, it will result in increased vehicle emissions due to idling and resuming their journeys.

Either way, both the habitat on this road and the human health along this route, need protecting.



NORTH

KEY:

- Existing Fence
- Existing Edge of Road
- Existing Road Width
- Existing Road Surface
- Proposed New Road Construction
- Proposed Road Strengthening
- Existing Wall
- Electricity Pole/Cable
- Telegraph Pole/Cable
- Existing Hedgerow
- Existing Bottom of Bank

Note:
80mm overlay to be applied over full length of L1157 between R772 and existing development site access

Note:
General arrangement of passing bay includes carriageway widened to 6.0m over a length of 15m together with 15m tapered carriageway leading to and from

TRAFFICWISE
traffic & transportation solutions

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Broomfield Business Park,
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Email: info@trafficwise.ie
Website: www.trafficwise.ie

project
Kilsaran Concrete, Ballinclare, Co. Wicklow
Proposed Backfill and Restore

stage
Planning Application

title
Proposed Inter-visible Passing Bays

contents
Location Plan Showing Proposed Inter-visible 6.0m Passing Bays

surveyed TECHSOL June 2019	drawn TWL	checked JMK	date Aug 2020
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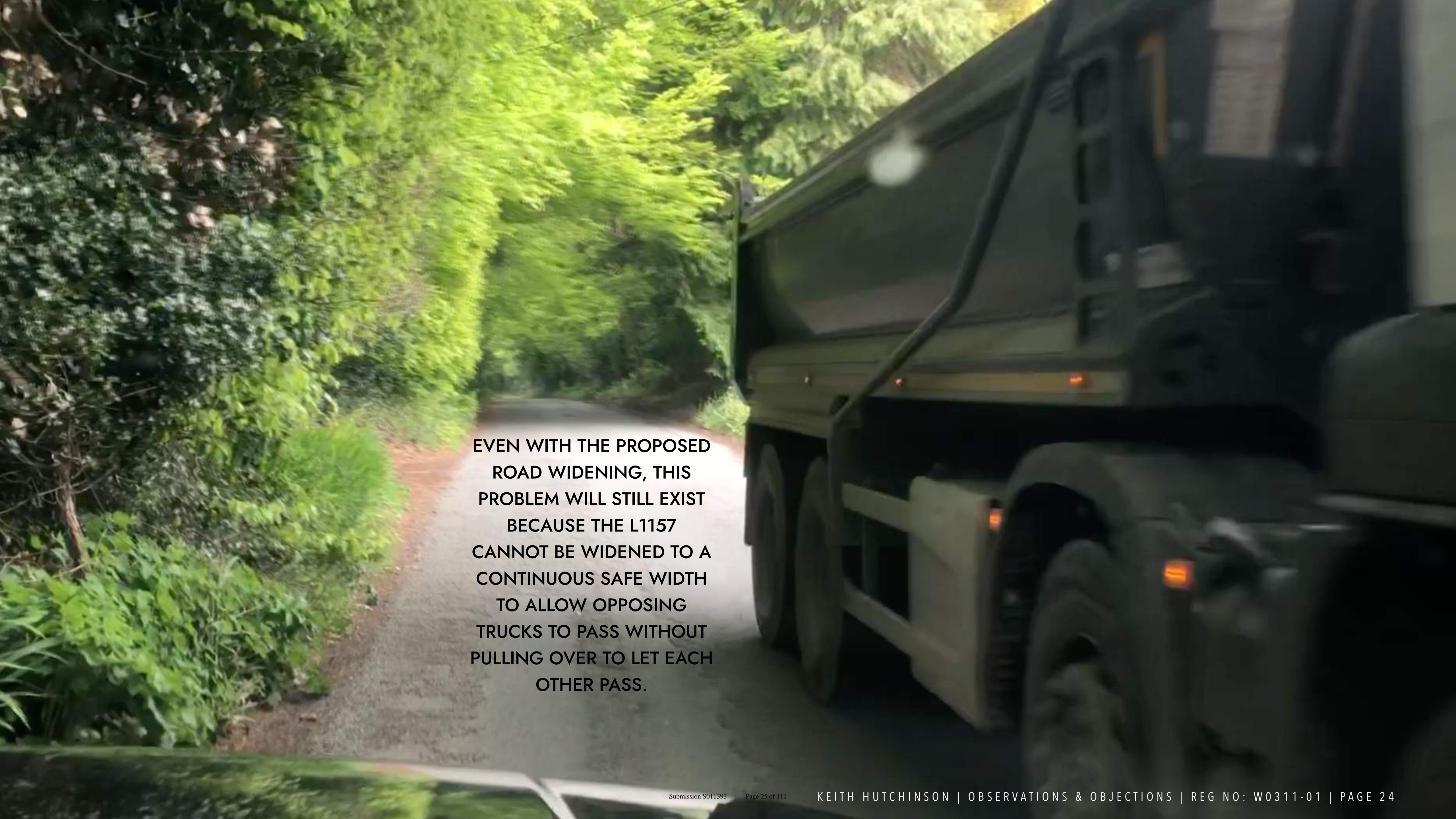
scale Not to Scale

Kilsaran

drawing no. 02991-20-PB-00	revision
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As you will see from the photos below (and this is one of the more open, wider parts of the road), but when a truck is approaching along the Breagura Road (L1157), you need to pull your car right into the hedgerow and stop so you can let it pass safely





**EVEN WITH THE PROPOSED
ROAD WIDENING, THIS
PROBLEM WILL STILL EXIST
BECAUSE THE L1157
CANNOT BE WIDENED TO A
CONTINUOUS SAFE WIDTH
TO ALLOW OPPOSING
TRUCKS TO PASS WITHOUT
PULLING OVER TO LET EACH
OTHER PASS.**

REJUVENATED AMENITY VALUE

I know that amenity value may not be within the EPA's remit, but given that it directly correlates with human health, it's probably worth mentioning.

Prior to the opening of the new M11 in 2015 the previous N11 running past The Tap Café, through the Ballinameesda Bends and out towards The Beehive, was a notoriously dangerous BLACK SPOT road that resulted in many fatalities.

Since the M11 Rathnew to Arklow Road Improvement Scheme opened in 2015 and the Ballinclare Quarry closed its gates in 2016, the L1157 Breagura Road has been completely reclaimed by the locals as a suitable amenity area. Traffic volumes have been significantly reduced and the road is now relatively safe for walking, jogging, cycling, horse-riding and even learning to drive a car. The Ballinameesda Bends have seen a sufficient drop in the volume and type of traffic (basically it's just local traffic now and not many large HGV vehicles). This drop in road traffic on these bends has resulted in an exponential increase in the number of cyclists and cycling clubs who now use this road everyday. In addition to this, there's been a very significant increase in the number of joggers now using the road.

Locals have now enjoyed eight years of significantly reduced road traffic and a seven years of very light HGV trucks on the roads, subsequently, the roads have become an important amenity area. The reopening of the quarry and the reintroduction of large numbers of HGV trucks would basically take this precious amenity away from the locals.

The L1157 is so narrow, the proposed road widening along this route would in fact entail the removal of the grass verges that makes it safer for pedestrians. Removal of these verges would be tantamount to removing public pathways and would in effect be removing the person's right of safe passage along a road or path. In effect, it would be the handing over of a public road to a private venture for the purposes of a dedicated access road to their development, thus removing the public's safe right of way along this road.







DON'T BRING BACK THE NOTORIOUS BLACK SPOT

Again, I know that traffic is probably not within the EPA's remit, but given that this too relates to human health and the protection of human life, I think it's important for us to remember what the Ballinameesda Bends used to be like when it was the main N11 route prior to the traffic being diverted off it onto the new M11 in 2015

With the Applicants proposals to reintroduce heavy traffic onto this road (300 HGV Truck movements per day / 1 HGV Truck every 2 minutes), locals are in absolute fear that we may be looking at the reintroduction of the R662's previous ACCIDENT BLACK SPOT notoriety. Nobody, absolutely nobody, ever wants to see that again. Even one accident will be one accident too many.

I know it's harsh, but we need to remember what it was like, as the newspapers clippings on the following pages will attest to.

THE IRISH TIMES

The Crash Report: the 16km stretch of the N11 that claimed 33 lives over 25 years



Irish Times | Aug 5, 2015 | A section of Wicklow's N11 has been an accident blackspot claiming 33 lives in 25 years. Teresa Kelly's brother-in-law Jackie Kavanagh and four others died in the bus he was driving when a lorry crashed into them in 1998. Video: Bryan O'Brien

In Loving Memory

Of

THOMAS BYRNE

Barndarrig, Wicklow.

Who died Tragically

on the 21st September 2002

Aged 20 years.



THE IRISH TIMES

Memorials on Co Wicklow road reminder of high death toll

33 dead, dozens injured on one of State's most dangerous roads

Thu, Aug 6, 2015, 01:00 Updated: Thu, Aug 6, 2015, 07:58

Carl O'Brien

Video

Images



A section of Wicklow's N11 has been an accident blackspot claiming 33 lives in 25 years. Teresa Kelly's brother-in-law Jackie Kavanagh and four others died in the bus he was driving when a lorry crashed into them in 1998. Video: Bryan O'Brien



The ghostly reminders emerge from the verges of the tree-dappled road.



A simple stone cross, draped with rosary beads, beside a container of plastic flowers.



Farther along lies a granite headstone with an oval-shaped photograph of a beaming young man dressed in a black-tie suit. He was 19 years of age.

Not far away there are withered chrysanthemums attached to a telegraph pole, marking another fatal collision.

Past another bend is a neatly kept headstone. There's a picture of a woman in her early 30s when she died. Fresh flowers lie alongside it. "Much loved, much missed," it says.

In all, 33 people have lost their lives and dozens have been injured along a 16km stretch of single carriageway road in Co Wicklow, making it one of the worst blackspots in the country. The most notorious section is the Ballinameedsa bends, a series of eight winding bends in the road, on what was the main Dublin-Wexford road.

Teresa Kelly makes a regular pilgrimage to a spot close by, which marks one of the worst individual collisions.

Link to the video: <https://vimeo.com/135369235>

At about 8.15am on September 14th, 1998, a minivan on its way to St Catherine’s school for special needs children in Newcastle was hit by a truck. Her brother-in-law, Jackie Kavanagh (49), a father of two, was killed instantly. Sisters Sharon Sheehan Byrne (23) and Fionnuala Byrne (21), care workers, were killed along with Robert Cullen (11) and Kevin O’Leary (10), who both had special needs.

The Antrim-based truck driver was charged with dangerous driving, but was acquitted in court following a conflict in evidence.

“It’s like someone took a piece out of our family jigsaw. There’s a piece missing and it always will be,” says Teresa.

“Before Jackie died, it wasn’t something we worried about. Now, every time we hear of an accident on the road, it brings us back to that morning and the

“I can’t pass it without thinking of it. Some of the family find it hard to go away anywhere.”

Farther along, set in from the main road, is a cross on a wall beside a farmhouse. It marks the spot of another fatal collision just a few months later.

This is where Breda Clancy (40), a mother of three, died on her way to work at the local health board.

She was travelling northbound to work when her car went out of control and hit two trucks. Her husband, Jimmy, an ambulance driver, who was on duty that morning, was radioed to the scene of a crash.

“En route we got a call to say there was a fatality,” Jimmy says. “A car appeared to have lost control, spun around 360 degrees, and hit a truck. There had been a report of an oil spill on the stretch of road earlier that morning.

“When we arrived, I saw her car. I knew, then, she had died. Her car was under the front of the lorry.”

He knew well the danger of the road. He had been on the scene of other fatal collisions over the years: a French couple; three youngsters killed in their early 20s.

“Nothing prepares you for when it’s a loved one,” he says.

It took months of support and counselling before he was able to return to work.



‘Multifactor events’

Last year, there were 6,000 collisions on Irish roads. In the dry and detached language of road safety engineers they are defined as rare, random and “multifactor events” preceded by a situation in which one or more road users have failed to cope with their environment.

To families of those left behind, they are simply life-changing events which have wreaked havoc and trauma.

After years of success in making our roads safer, the number of people losing loved ones to traffic-related deaths is on the rise again.

Some 196 people died last year and thousands were injured, a 20 per cent rise in just two years.

Why the increase? It depends on who you ask. Hauliers point to falling road maintenance budgets and deteriorating roads during the downturn. Safety campaigners point to cuts in staffing for Garda checkpoints. Others say flaws in the penalty points system means the fear-factor associated with speeding is greatly diminished.

One thing is certain: a disproportionate number of incidents take place in “high collision zones” that have been identified by the [National Roads Authority](#) (NRA) as well as gardaí.

The concentration of collisions in an area can occur for a variety of reasons, such as sharp corners, poor visibility, hidden junctions or poor warning signs. But it can also occur due to a sudden shift in population, such as a new housing estate using a stretch of road.



About 180 high-collision zones have been identified on the national road network, though the NRA is reluctant to release details of them publicly for fear of being dragged into “emotional” debates on what it says are often complex issues.

“Detailed analysis of the collision data assists greatly in validating the proposed solutions,” says Forbes Vigors, project manager of road safety with the NRA.

“As emotional as these matters can be, the analysis of the facts allows for non-emotional solutions.”

Engineers and safety experts say it is an over-simplification to state that one single factor is the sole cause of a road incident.

The cause is normally a combination of factors identified in the circumstances leading up to the incident such as the condition of the road, the weather and the roadworthiness of a vehicle.

But human factors –ranging from a moment’s hesitation to lack of concentration or criminal behaviour – are the most dominant features of collisions. Studies suggest that some human factor is an element of up to 95 per cent of incidents .

In order to identify the common factors in a group of incidents, authorities study each one in depth, gathering additional information such as traffic flows or speed.

Common factors

In the case of the Ballinameesda bends, for example, speed, the bends in the road and visibility were some of the issues highlighted.

The NRA introduced a range of measures in 2007-2008 such as realigning a 500-metre stretch of road to take out a particularly hazardous section; installing crash barriers, with close-boarded fencing behind, to give a greater definition of some of the bends; erecting driver feedback signs, which display the speed of a passing vehicles.

While it’s difficult to say which measures were most effective, the collision rate fell significantly in the following years.

Ultimately, there is one solution which is most effective, if prohibitively expensive in many cases: significantly upgrading roads.

Motorways, for example, are by far the safest type of road to travel on. Statistically, a collision occurs twice on this standard of road in Ireland for every 100 kilometres of travel.

A collision on a rural single-carriageway national road is three times more likely, while on a dual-carriageway in an urban area it is five times more likely. The chances of a collision are seven times more likely on an urban single carriageway, based on figures compiled by the National Roads Authority.

Just last month – after 15 years of campaigning by residents and local politicians – the Arklow/Rathnew motorway opened.

It formed part of a €282 million public-private partnership project – the first since the downturn – which included the upgrading of Newlands Cross in Dublin.

“It’s been a long struggle to get it to this stage,” says Cllr [Joe Behan](#), who cited the lack of action on the road as one of the reasons he resigned from Fianna Fáil in 2008.

“It wasn’t taken as seriously as it should have been. But it’s a tribute to campaigners and politicians locally that we have a road which will save lives into the future.”

For bereaved family members such as Teresa Kelly, there is relief that others may be spared the trauma of a road death.

“To this day, I can’t pass by the spot without thinking of what happened. Some of the family find it hard if a loved one leaves on a trip. They worry about what might happen.”

Cost, she feels, shouldn’t be an obstacle to making dangerous roads safer. But all drivers have a role to play in ensuring they behave responsibly on the road.

“To this day, I never get stressed if I’m stuck in traffic. There’s no point rushing anywhere. You will get there in the end.”



Belfast Telegraph

News Opinion Business Sport Life Entertainment Travel Sunday Life ≡ Sections

Crash causes major traffic disruption on N11 in Wicklow

July 03 2008 10:28 PM



A serious car crash has caused major traffic disruption on one of the main roads into Dublin this morning.

The N11 has been closed in both directions following the crash last night at the Ballinameesda Bends in Co Wicklow and motorists are being diverted onto other routes.

Drivers are being urged to avoid the area entirely unless absolutely necessary.

It is unclear when Gardai plan to reopen the road.



TOM
5-4-2
SYMPATHY
YOU'RE THO
DAY, BUT THE
MY HUSBAND AND
CHILDREN LOST THEIR
FATHER. HE'S JUST A
THOUGHT AWAY.
ERECTED BY HIS
LOVING WIFE CATHERINE
AND CHILDREN

In
Loving
Memory

Two dead in separate road accidents

Originally Published / Saturday, 11 Aug 2007



Wicklow crash - Accident happened at 8.30am

Two people have died following road accidents in Co Kildare and Co Wicklow.

A 23-year-old motorist died in a road accident on the N11 in Co Wicklow. He was later named as Colin Gannon from Father Redmond Park in Arklow

Two cars were involved in the collision, which occurred at approximately 8:30am at the Ballinameesda bends on the N11 between the Beehive and the Tap public houses.

The three passengers in the man's car were not injured.

The driver of the second car, who was the only person in the vehicle, has been admitted to St Vincents hospital with minor injuries.

Meanwhile, a woman in her late teens has died following a road accident in Co Kildare.

The accident happened at Two Mile House, on the Nass to Kilcullen Road at around 2pm. A Car and a Van were involved.



THE IRISH TIMES

More deaths at N11 blackspot

🕒 Fri, Apr 27, 2007, 01:00

Madam, - Following Monday's awful crash on the now infamous Ballinameesda bends on the N11 in which two men lost their lives the question must be asked again: why has



N11 closes following accident

February 03 2005 12:11 AM



Rush hour traffic on the N11 ground to a halt on Friday morning after an accident resulted in the road near the Tap pub being blocked for three hours. A juggernaut travelling south went into the dyke at the side of the road at the southern end of the Ballinameesda bends at about 7.30 a.m.

Rush hour traffic on the N11 ground to a halt on Friday morning after an accident resulted in the road near the Tap pub being blocked for three hours.

A juggernaut travelling south went into the dyke at the side of the road at the southern end of the Ballinameesda bends at about 7.30 a.m.

The truck driver was not injured but a crane had to be brought to the scene to lift the truck from the dyke.

The N11 was blocked and gardaí had to divert the traffic onto back roads at the Tap and the Beehive.

The road remained closed until 10.30 a.m. resulting in traffic chaos and very long delays for motorists.

After three hours only one lane could reopen.



Collision halts evening traffic



The wreckage of car involved in the collision at the Ballinameesda bends.

September 17 2008 11:19 AM



RUSH HOUR TRAFFIC was put to a standstill on Monday evening as a single-car collision occurred on the N11 just outside the Tap Pub.

The accident occurred just before 5.30 p.m. as many commuters were making their daily drive home from Dublin to Arklow.

Gardaí from Wicklow and ambulance services were called to the scene and the the road was closed for around a half an hour causing major tail backs during rush hour on both sides of the N11.

With the road closed Gardaí began diverting traffic off the N11 at Lil Doyle’s pub leading motorists to an alternative route through the back roads into Arklow.

The driver was taken by ambulance to Loughlinstown Hospital where he was later released.

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Gardaí examining crash scene in Wicklow as diversions still in place



SAT, 11 AUG, 2007 - 16:09

Gardaí are still examining the scene of an accident in Co Wicklow this morning, in which a 23 year-old man was killed.

He died in a two-car crash at around 8.30am on the N11 at the Ballinameesda Bends.

Part of the road between the Beehive and the Tap pubs remains closed to traffic in both directions and diversions are in place.

The dead man was driving one of the cars but the three passengers travelling with him, escaped unhurt.

The woman driver of the second car was taken to Saint Vincent's Hospital.

Crash causes major traffic disruption on N11 in Wicklow

June 13 2007 07:53 AM



A serious car crash has caused major traffic disruption on one of the main roads into Dublin this morning.

The N11 has been closed in both directions following the crash last night at the Ballinameesda Bends in Co Wicklow and motorists are being diverted onto other routes.

Drivers are being urged to avoid the area entirely unless absolutely necessary.

It is unclear when Gardai plan to reopen the road.

Teens seriously injured in crash

June 15 2007 01:22 PM



Three young people remain gravely ill in hospital following a horrific crash on the N11 just south of Wicklow town on Tuesday night.

The main road remained closed for almost eleven hours while a forensic investigation was carried out at the scene of the crash which happened on the straight stretch of road between the Ballinameesda Bends and the Beehive.

A teenage girl, who is believed to be from Wicklow town and two young men in their late teens from Arklow, received life threatening injuries in the smash.

According to local Gardaí, a lorry travelling south on the N11 was struck by a car travelling north at about 9.30 p.m. on Tuesday.

A spokesperson described it as a very severe impact' in which the female passenger was hurled clear of the car. The fire service had to assist in extracting the two males from the car which was badly crushed.

The girl and one of the males received head and spinal injuries and were left fighting for their lives. They were taken off the critical list at 7.00 a.m. on Wednesday morning. The other male received serious injuries. The truck driver was unhurt.

The scene of the accident was preserved pending forensic analysis by a traffic collision expert. The examination of the scene was carried out at first light yesterday (Wednesday).

One male was interviewed in hospital following the accident and a file on the Garda investigation is being prepared.

The road finally reopened at 8.16 a.m. yesterday morning after almost 11 hours. Staff of Wicklow County Council had to work extremely hard to remove a vast amount of debris from the road.

Thousands of rush hour commuters were delayed for over an hour yesterday morning as traffic was diverted onto the back roads.

N11 shown to be one of the worst death traps in country

October 18 2002 12:11 AM



The true extent of the county's killer roads has been revealed in a report compiled by the National Roads Authority.

Nationally the N11, which runs through the east of the county, has been shown up as one of the worst death traps in the country. Meanwhile, the N81 in west Wicklow also comes under the spotlight.

Four stretches of the N11 within the county boundaries have been identified as high crash risks in the top level official investigation.

Just outside the county boundary on the Arklow to Gorey road, there was one fatal accident, six serious and 26 minor accidents.

In west Wicklow the N81 north of Baltinglass was the site of three fatal accidents, four serious accidents and 10 minor accidents over the five years.

At the junction of the road with the R412 there have been no fatal accident but there have been four serious accidents and 12 minor ones.

There have been three fatal accidents on the N81 north of Hollywood along with 11 serious accidents and 32 minor accidents.

South of Brittas there has been one fatal accident, four serious and seven minor accidents.

The as yet unpublished report, High Accident Locations 1996 to 2000 is the most comprehensive investigation into the locations of the worst killer stretches and the first ever conducted by the NRA.

A spokesperson for the NRA explained that the purpose of the report was to identify where there might be a higher possibility of an accident based on statistical analysis.

The report only focuses on accidents from 1996 to 2000 and does not include the recent fatal crashes at Lil Doyles and the Cullenmore Bends on the N11 and near Hollywood Cross on the N81.

The five year study highlights two areas of the N11 south of Rathnew, one north of Rathnew and one near the Glen of the Downs.

The high risk stretch just south of Rathnew has been the scene of three fatal accidents, four serious accidents and seven minor accidents in the five year period.

Further south there have been five fatal accidents, five serious accidents and 19 minor accidents.

The stretch of road north of Rathnew has seen one fatal accident, four serious accidents and 10 minor accidents over the same period.

Near the Glen of the Downs, the section of road was the location of two fatal accidents, three serious and six minor accidents.

Motorist killed on N11 black spot bends

December 19 2002 12:11 AM



The tragic death of a Redcross resident in a two car crash on the N11 on Friday morning brought to an end a 10 day accident free period on the nation's roads.

Gerry McCabe (48) was killed when the car in which he was a front seat passenger was in collision with another vehicle at the Ballinamesda Bends on the Wicklow side of the Tap pub.

The accident happened at about 7.30am on Friday when he was driving to work in Dublin with his partner, Emer Murphy.

She received minor injuries in the accident.

The driver of the other car was seriously injured in the smash and is expected to remain in hospital for some time. The occupants had to be cut from the wreckage of their cars.

Gardai have confirmed that there will be a full investigation into the cause of the accident.

Gerry McCabe worked for the ESB. A keen hockey enthusiast, he was a member of Monkstown Hockey Club.

He is survived by his partner, Emer Murphy, the Murphy family and the McCabe family and many friends.

Removal took place to Beechdale, Dunboyne, County Meath, on Tuesday.

The funeral service was the following day at Mount Jerome Crematorium.



Two people lost their lives in accident on N11 Man arrested in fatal crash investigation

May 23 2007 09:52 AM



A Georgian man has been arrested in Dublin in connection with the car accident at the Ballinameesda Bends which left two people dead.

Mindia Badurasanili was arrested in Clondalkin on Monday morning and conveyed to Wicklow Garda Station where he was interviewed over the fatal accident on April 23 which claimed the lives of Gavin Boylan and Autandil Jangirashvili.

The suspect was then brought to Bridewell Court 44 where he was charged with careless driving and remanded to appear before Wicklow District Court this Tuesday.

So far careless driving is the only charge he is facing but local Gardai are continuing to investigate the matter and a file will soon be sent to the DPP for directions.

The judge was also told that there was a possibility that Badurasanili might be facing further, more serious charges.

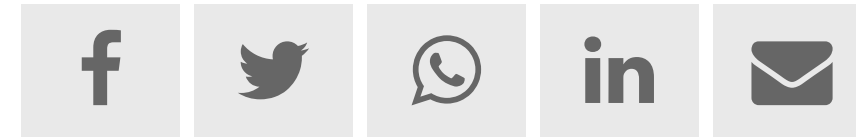
He was released on his own bail and an independent surety but must sign on at his local garda station in Ronanstown on a daily basis.

In the Bridewell Court it was revealed that Badurasanili had to be hospitalised after the accident because of injuries he suffered but had since been released.

The accident happened just before 8.30 a.m. on the Ballinameesda Bends south of Wicklow town between the Beehive and the Tap pubs.

The tragedy occurred on the remaining unfinished stretch of the N11 from Rathnew to Arklow which won't be completed until 2010, according to the National Roads Authority.

Man killed in Wicklow crash



SAT, 11 AUG, 2007 - 12:23

A 23-year-old man has been killed in a car crash in Co Wicklow.

It happened at around half eight this morning on the N11 at the Ballinameesda bends.

The two car crash happened between The Beehive and The Tap pubs.

The dead man, who was the driver of one of the cars, was removed to Loughlinstown hospital.

Three other people who were travelling with him were uninjured in the collision.

The female driver of the other car was taken to St . Vincents Hospital, but her injuries are not believed to be life threatening.

The N11 remains closed to traffic in both directions - Gardaí are at the scene and a technical examination will be carried out.

The road is not expected to reopen until 6pm and diversions are in place.

Killer road claims life KILLER ROAD

Mark Kennedy Staff Reporter

September 27 2002 12:11 AM



A killer stretch of the N11 north of Arklow town claimed another victim at the weekend, when a 20 year old man from South Wicklow was killed in a road accident.

Thomas Byrne from Barndarrig, who worked with his dad Paddy Byrne in the digger contracting business, was travelling from Arklow town where he been attending functions when the fatal accident occurred in he early hours of Saturday morning.

His passenger, Jimmy Kenny from Abbeyville, Arklow, amazingly escaped serious injury in the accident though he was removed to Loughlinstown hospital by ambulance with a suspected broken hip.

Thomas Byrne was pronounced dead at the scene after his car went out of control at the notorious killer bend leading to The Tap pub, at about 4.30am on Saturday morning.

The accident happened near the spot where Barndarrig hurler Dessie Murphy lost his life in a road accident in the late 1990's.

There was no other car involved in this the latest fatal accident on this killer stretch of the N11 which has claimed the lives of close on 30 people over the last decade or so, including the five occupants of a school bus in 1998, and Senator Enright and three occupants of a second car in 1997.

**PLEASE HELP PROTECT OUR PEOPLE AND OUR ENVIRONMENT
FROM THE HARMFUL EFFECTS OF THESE PROPOSED EXCESSIVE HGV MOVEMENTS**

TULLYKANE versus BALLINCLARE

Sometimes it can be very useful to compare one existing operation in practice with one being proposed in theory. In this instance we have the benefit of being able to look at another Kilsaran landfill site at Tullykane Quarry.

Tullykane application documents indicate a projected intake of 400,000 tonnes per annum

Ballinclare application documents indicate a projected intake of 750,000 tonnes per annum

Tullykane projected an intake of 72 HGV Truck loads per day

Ballinclare projects an intake of 150 HGV Truck loads per day.

The Tullykane application states *“Given the fact that the proposed development will result in less traffic than had been permitted for in respect of the original extractive development it is not considered that the impact of the traffic will impact cumulatively on the surrounding environment.”*

The Ballinclare application states *“It is highly unlikely that the traffic flows arising from the proposed development at Ballinclare quarry will have a significant impact ...”*

Subsequently ... Kilsaran were prosecuted by the EPA at Navan District Court for allegedly failing to comply with certain conditions of its waste licence granted by the EPA. The summons read that the company failed to ensure that reports submitted to the EPA in respect of waste accepted at the quarry at Tullykane on 3rd December 2021 was certified contrary to Section 39 of the Waste Management Act 1996. In applying the Probation of Offenders Act to the case, Judge Cormac Dunne said that what had happened appeared to be a trial by the company in relation to traffic build-up on surrounding roads.

Tullykane has less than half of the daily HGV intake that is being proposed for Ballinclare. Previous practice should make it clear that the theoretical assertions that Ballinclare will not give rise to traffic problems is going to be an impossibility in practice. 150 trucks per day is far too many to manage.

Practice has shown that the applicants assessment of potential traffic impacts at Tullykane was flawed. With over double the volume being proposed for Ballinclare, there is every likelihood that their predictions for Ballinclare will be proven flawed too, and traffic build up WILL BE AN ISSUE.

TULLYKANE versus BALLINCLARE

Another interesting area to compare between the operation in practice and the operation in theory is the proposed staffing operations around the intake of waste.

Ballinclare proposes a minimum of 4 personnel based at the facility at all times during working hours (1 x Facility/Site Manager, plus 3 x Weighbridge office; operating site plant and equipment; inspecting and monitoring waste intake; oversee the intake of C&D; manage processing and handling of C&D recovery; oversee the dispatch of recycled aggregates.

At Tullykane, Kilsaran anticipated employing five full-time staff at the facility.

Ballinclare will be importing 750,000 tonnes per annum compared to Tullykane's 400,000 tonnes

The staffing levels being proposed Ballinclare are WHOLLY INADEQUATE and cannot ensure credible due diligence on waste loads being imported to be properly inspected and tested to ensure compliance with waste licence criteria.

Suggesting such a staffing level for Ballinclare is very worrying and suggests a lack of caution and disregard for best practice in ensuring that no contaminated waste enters the site.

BALLINCLARE SITE UNSUITABLE

The lowest point in the Ballinclare Quarry, as reported in the Applicant's documentation, is a depth of 70 meters. This places the lowest point in the quarry below the water table. The risk of seepage into the water table deems this site unsuitable for a landfill.

Site borehole surveys were conducted in 2014. Only 3 Geological Investigation Boreholes were drilled. Most of the hydrology and hydrogeology assessment was conducted as a desk study relying on previous studies and general data that may not necessarily be site specific.

It is imperative that a full geological survey be carried out on the subterraneous rock to ensure there are no larger veins, seams, faults, fractures or more permeable zones that may flow to the groundwater. Kilsaran's own survey reports an unusual inflow in one of their three GI boreholes. They put it down to a suspected cavity, and their investigations stop there. No clarification. No certainty.

The applicant not ensuring absolute certainty is worrying. It doesn't bode well, or give any comfort, for other areas of concern.

Further, in-depth investigations need to be conducted in and around Ballinclare Quarry to check if the site is suitable for a landfill.

INTAKE ACCEPTANCE

We've already outlined our concerns regarding the insufficient staff numbers on site being proposed by the applicant.

Should a waste licence be granted, incredibly stringent intake acceptance criteria, practices and protocols would need to be set and strictly implemented. Essentially the quarry gates would be the last line of defence to ensure that ABSOLUTELY ZERO CONTAMINANTS are allowed to enter the site and pose serious risk to the ground water and the local ecosystem.

There are a number of concerning suggested practices in the applicants proposal, that we feel are simply way to lax, and give rise to the potential for abuse or oversight.

Firstly, they state that it will be incumbent upon the customer, at the original site from whence the waste will be taken, to ensure that there is no contaminated waste included and that the waste being sent to the landfill complies with what is permitted for dumping. Placing this onus on the customer is insufficient as a surety. It also gives scope to the applicant to pass on blame. We're not interested in after the fact blame. We just want absolute certainty about the loads being accepted. To this end, the responsibility for what is coming from site should be shared equally between the customer and the applicant. They should BOTH be obliged to conduct tests on origin sites to ensure the waste contains no contaminants prior to it being transported to site.

Secondly, the proposed inspection process of waste arriving at site is WHOLLY INSUFFICIENT and, at best, cursory. The proposal to have CCTV viewing at the weigh bridge is neither satisfactory as a proper inspection, nor sufficient time given to inspecting loads as they arrive. A top layer CCTV glance tells you nothing.

Placing the onus of the visual inspection, of the load as it is tipped out at site, on the digger drivers is unacceptable: a) they may not be qualified to identify potential contaminants; b) they will be so busy with loads coming in, they will not really have time to properly inspect; and c) because they are in the employ of Kilsaran, they may be less likely to stop the whole intake process, even if they spot something of concern.

There needs to be an INDEPENDENT INSPECTOR on site who will personally visually check every load that comes onto site.

INTAKE ACCEPTANCE ... cont'd

If we look at the 2019 AER report from Tullykane, we will see that, of the 400,000 tonnes of waste deposited on site there was NO WASTE REJECTED OR REMOVED IN 2019. That could suggest a number of things from 100% compliance all the way to a low threshold of inspection and/or strict implementation of waste acceptance criteria.

Furthermore, in the EPA v KILSARAN CONCRETE in 2022, it was discovered that trucks were bypassing the weigh bridge to help speed up the intake process and alleviate local traffic. By doing so, the trucks entering site obviously bypassed the weigh bridge inspection. This behaviour does not demonstrate prioritising environmental responsibility.

Also, during the same case, it was stated that the RATE OF TESTING WAS 1 IN EVERY 2,000 TRUCKS ENTERING THE SITE. That equates to a rate of 0.0005% of all loads being properly tested. That is a completely unacceptable level of testing. Genuine concern and safeguarding of the environment requires the testing level to be significantly increased above what might be considered the bare minimum for compliance.

Until such time as water-tight guarantees can be given that the inspection, assessment and testing of loads entering the site can be verified as being inert and 100% compliant, one has to be extremely cautious about accepting the information submitted in this application in relation to assumptions being made of potential leachate being generated at Ballinclare. If the assessments of potential environmental impacts are based on the assumption that there will be low leachate levels generated because all loads entering the site will be 'clean', then getting that calculation wrong could have devastating impacts on the ground water and local habitats and adjoining SAC's for hundreds of years.

Assessments and studies should be conducted on a 'worst case scenario' basis. They should assume that contaminated loads will enter the site, and conduct a full and proper assessment of the impacts that would have.

WASTE PRE-ACCEPTANCE

If the applicant were to be granted a waste licence for this proposed facility, it should be conditional that they fulfil a more rigorous waste pre-acceptance procedure. This should include, but not be limited to:

- details of the waste producer including their organisation name, address and contact details
- a description of the waste
- the waste's List of Wastes Regulations code (European Waste Classification code)
- the source of the waste (the process that gives rise to the waste)
- information on the nature and variability of the waste production process
- information about the history of the donor site if it may be relevant to the classification of the waste (for example soils and other construction and demolition arisings from a site contaminated by previous industrial uses)
- the waste's physical form
- the waste's composition (based on representative samples)
- a description of the waste's odour
- the waste's age, that is when it first became waste
- the type of packaging
- whether the waste is mixed or segregated by List of Wastes code
- an estimate of the quantity you expect to receive in each load and in a year
- information about the pollutants that could be present
- an assessment of the waste's hazardous properties (this may involve sampling and analyses or, in some cases, a safety data sheet)
- where sampling has been used, there must be evidence to demonstrate that the samples are representative of the waste (this should be set out in a sampling plan)
- an assessment of the sampling results to determine whether the waste has hazardous properties
- Analysis of pre-acceptance samples must be carried out by an EPA accredited laboratory
- Pre-acceptance records must be kept for the lifetime of the landfill + 7 years after completion and have waste deposit on site tracking assigned
- Site must only accept pre-booked and pre-accepted waste
- Waste must be visually checked and verified against the pre-acceptance information and transfer documentation before it can be accepted on site.

DEROGATIONS

The Applicant intends to seek Agency approval by way of this waste licence application, for an increase in the waste acceptance criteria limits for a number of parameters to be permitted for waste intake for disposal at the inert landfill facility sat the application site, as permitted by the above referenced Council Decision 2003/33/EC. Specifically it seeks to:

- a) **Raise** the maximum intake limit for **Sulphate, Chloride, Antimony, Selenium, Molybdenum, Arsenic and Total Dissolved Solids (TDS)** by up to **three times the limit** set in section 2.1.2, as permitted by section 2 of the Annex to EC Council Decision 3003/33/EC
- b) **Raise** the limit for **Total Organic Carbon** by up to **twice the set limit** in Section 2.1.2, as permitted by Section 2 of the Anex to EC Council Decision 2003/33/EC

Increasing the waste intake limits, as proposed, will permit wastes which would otherwise have to be diverted to non-hazardous landfills to be accepted at the proposed inert landfill at Ballinclare.

It is envisaged that compatible non-hazardous waste streams will be accepted periodically at the materials recovery facilities (as at other EPA licensed facilities), subject to prior agreement with the Agency. Any additional non-hazardous waste intake will be within the overall intake limit set by planning permission and any waste licence issued in respect of the proposed facility.

The applicant seeking these derogations for an increase in permitted parameters and an extension to seek permission to include non-hazardous waste in the acceptance criteria does not offer any clarity over the designation of the landfill. Originally it was claimed by the Applicant that this would be an INERT LANDFILL ONLY. Now this expansion of criteria has the potential, in the long run to raise the level of the site to a non-hazardous waste landfill.

Leachates from landfill sites that accept non-hazardous waste can often contain complex organic compounds, chlorinated hydrocarbons and metals at concentrations that pose a threat to groundwater and surface waters.

DEROGATIONS ... /contd.

If the applicant is applying for a licence for an inert waste landfill, it should be made to strictly adhere to the inert criteria and not permitted to seek derogations to deviate from that.

Already we are seeing differences between the kind of landfill applied for with ABP and the kind of licence being sought from the EPA. The whole way through the planning process Kilsaran have played down their intent by saying that this is only an inert landfill and 'nothing to be worried about'. But now we see a couple of worrying new inclusions in the EPA waste licence application that lead us to believe that if they are ever granted permission and a licence, that it is potentially possible that they may seek more and more derogations to their waste acceptance criteria.

From our information, it is not unusual for Waste Operators to seek derogations to expand their waste acceptance criteria. More contaminated loads obviously carry a higher premium. But, local populations and local environments ultimately end up paying the real price.

LEACHATE UNCERTAINTY

With the proposed unacceptable acceptance protocols and the current proposed derogations to acceptance criteria, there comes huge uncertainty about the characteristics of the leachate that will be generated. For example, Dissolved Organic Matter (DOM) contains several major parameters such as TOC (Total Organic Carbon), COD (Chemical Oxygen Demand), and BOD (Biological Oxygen Demand). DOM has a significant biochemical and geochemical effect on landfills. DOM can interact with organic and inorganic contaminants therefore, some functional groups such as carboxylic, phenolic, and carbonyl in DOM cause interaction between DOM and other substances in the environment

Natural soil usually has some amount of DOM and it depends on vegetation, soil type, clay mineralogy, metal oxides, and environmental factors such as temperature and rainfall. But penetrating leachate to the soil increases soil DOM and cause imbalances in the soil ecosystem. DOM is transported to water sources through the soil and affect water photochemistry, biological activity, pH of the water.

One of the important parameters of water quality is related to dissolved oxygen, which plays an important role in protecting fish and aquatic organisms. But dissolved oxygen in the water is affected by the entry of DOM because the decomposers decompose the organic matter by using oxygen. Therefore, increasing the amount of DOM penetrating into water sources reduces the amount of dissolved oxygen. This indicates that some materials that do not have specific pollutants, can have a detrimental effect on the environment according to the condition.

Or, if the leachate were to contain high levels of ammonia. When ammonia makes its way into ecosystems it is nitrified to produce nitrate. This nitrate can then cause eutrophication, or a lack of oxygen due to increased growth of plant life, in nearby water sources. Eutrophication creates "dead zones" where animals cannot survive due to lack of oxygen.

I know the applicant has stated the leachate they anticipate being generated on the site, but that's based on an inert waste acceptance criteria ... contaminated or derogated waste entering the site will change the resulting leachate.

LEACHATE ASSUMPTIONS

In Kilsaran's own words, in their EPA waste licence application documentation:

"As the inert landfill is not currently in existence at Ballinclare Quarry, some initial assumptions have had to be made about likely quality of leachate that will be produced by the inert landfill and the volumes that will be generated over time"

This is neither reassuring nor scientific. It is not an acceptable position. As we all know, assumptions can be the mother of all muck ups.

There needs to be more extensive research conducted by the applicant into other similar quarry landfills in other countries around the world to derive a huge amount more data that will support such assumptions. Quoting one other case is insufficient. There needs to be a long list of documented examples.

They then go on to state:

"No peat, non-inert / non-hazardous soils will be accepted at the proposed landfill facility."

So we can only deduce that their assumptions they have used for their initial predictions of the leachate composition and quantity are strictly based SOLELY ON THE FACILITY BEING FULLY INERT. But this then contradicts their declaration that they will be seeking permission to accept non-hazardous waste. Which is it? Is it a completely inert landfill, or is it a primarily inert landfill with a mix of non-hazardous waste? There's a lack of consistency with their revealed intentions. THE FIGURES AND CALCULATIONS THEY HAVE SUBMITTED NEED TO BE SCRUTINISED, RESEARCHED MORE AND VERIFIED.

Landfills have the potential to produce leachate for several hundred years. No licence should be issued based on assumptions.

QUARRY LINING

It's unclear to us, reading through the Applicants plan for lining the quarry, whether they intend on lining the whole of the quarry with a basal lining or if they just intend lining sections that they consider to be containment cells.

Furthermore, if I'm reading their submission correctly, the source of the clay and materials for their lining will be derived from imported waste. Should that imported waste have any contamination, then the lining will be contaminated before they even start accepting other waste.

The plan for lining needs more consideration and more information about ensuring the security of the materials being used.

QUARRY DEWATERING VOLUME

In our submission to An Bord Pleanála, we challenged the Applicant's assertions that the volume of water in the flooded quarry that needed to be dewatered was estimated to be in the order of 270,000 m³. Their subsequent response did not answer the question of water volumes, but did suggest that there could be fluctuations due to rainfall.

We contested this estimate. Simple mapping of the perimeter of the void that is currently flooded gives an area of circa 69,300m². If the Applicant's estimation of the volume of water currently in the quarry is to be believed, it would suggest that they have calculated the average depth as being 3.98m. But, as we can see from their own quarry plans and from their backfilling cross section plans, the profile of the quarry, based on Ordnance Datum, drops from an average 60mOD (rising to 80mOD at the north face) down to 37mOD at the quarry floor. The sump depth is noted elsewhere in the Applicant's proposal documents as being 20mOD. Based on the data available, we estimate the volume of water in the flooded quarry to be in the region of 872,000 cubic meters. Even allowing for any slight miscalculations due perhaps to undulating floor line or sloping sides, we reckon any such small adjustments would be counteracted enough by recent heavy rainfalls that would in fact balance out any such variances. Our calculated water volume is in excess of three times the volume of water that the applicant has indicated in their report. (See the following pages outlining the recalculations to the more realistic figure of 872,000m³)

The REAL CONCERN about this error is that if the Applicant has miscalculated the volume of water in the quarry, a relatively simple calculation, then how can they be relied upon for more complex calculations or estimates. It might be a simple error or oversight not considered to be significant, but what if they have other calculations of projections wrong that COULD HAVE A DETRIMENTAL IMPACT.

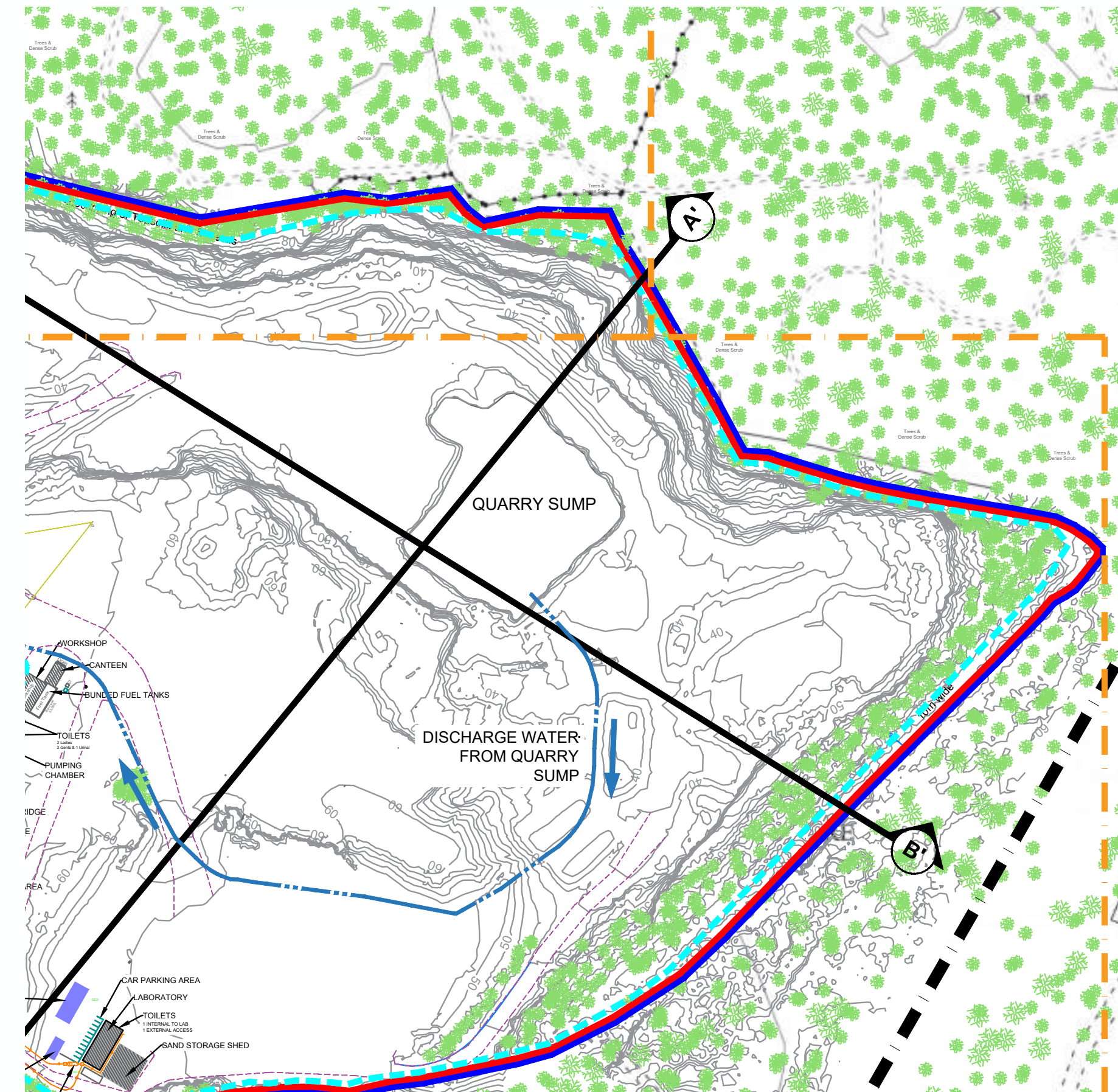
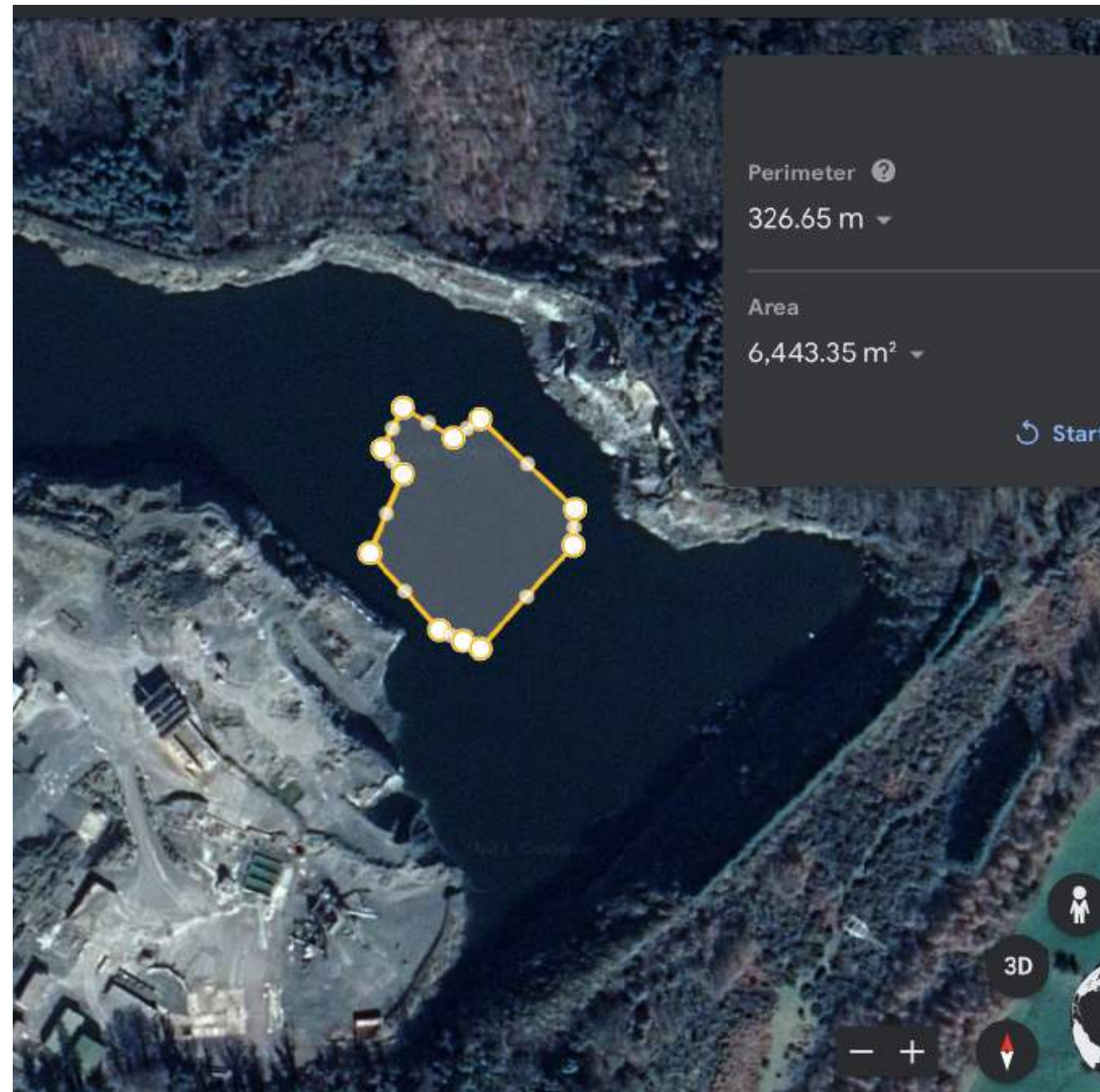
QUARRY DEWATERING VOLUME – CORROBORATION

Based on Applicants drawings, overlaid and matched with aerial mapping, we can estimate the area of the sump as being circa 6,445m²

From other information supplied in the applicant's documentation, we are told the base of the sump is 20mOD

Given the floor of the quarry is reported to be 37mOD, we can deduce the sump depth to be 17m.

This would indicate an overall volume of water in the sump as being 109,565 m³ (6,445 m² x 17m)



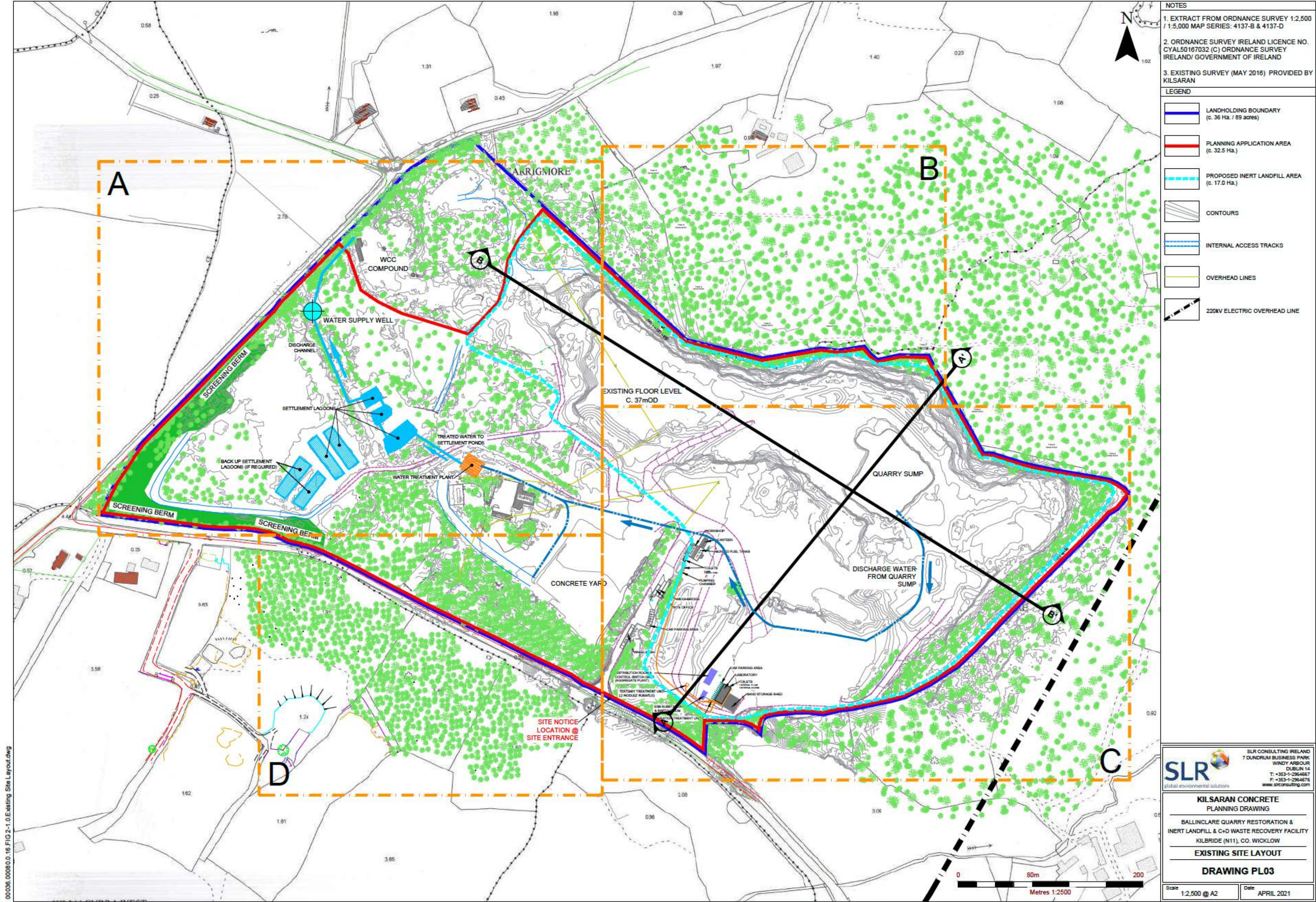
QUARRY DEWATERING VOLUME – CORROBORATION

Based on aerial mapping we can estimate the area of the flooded quarry to be in the region of 69,300m²



QUARRY DEWATERING VOLUME – CORROBORATION

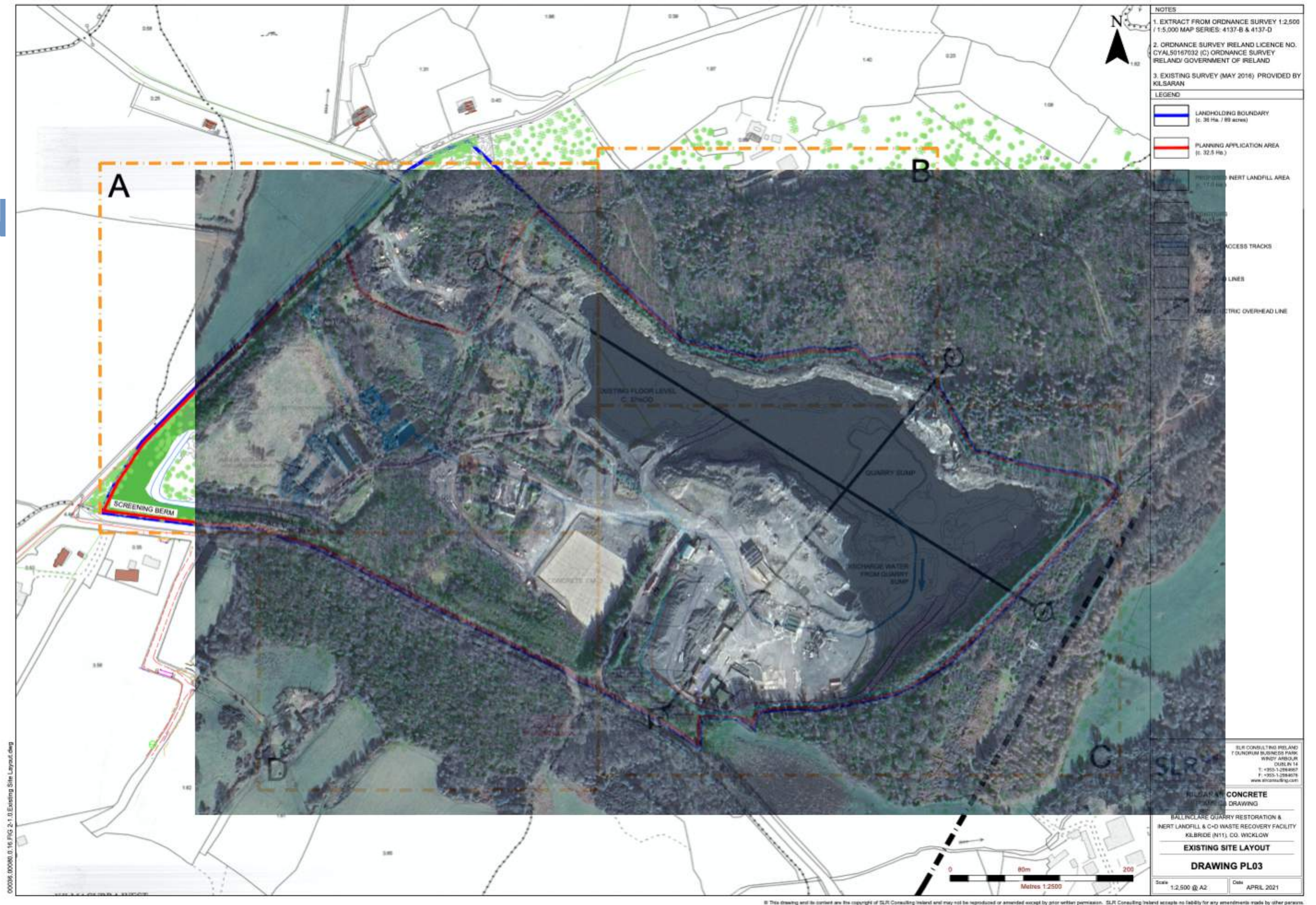
Applicant's drawing
indicating the mOD depths
with contour lines.



00006 00080.0:16 FIG 2-1.0 Existing Site Layout.dwg

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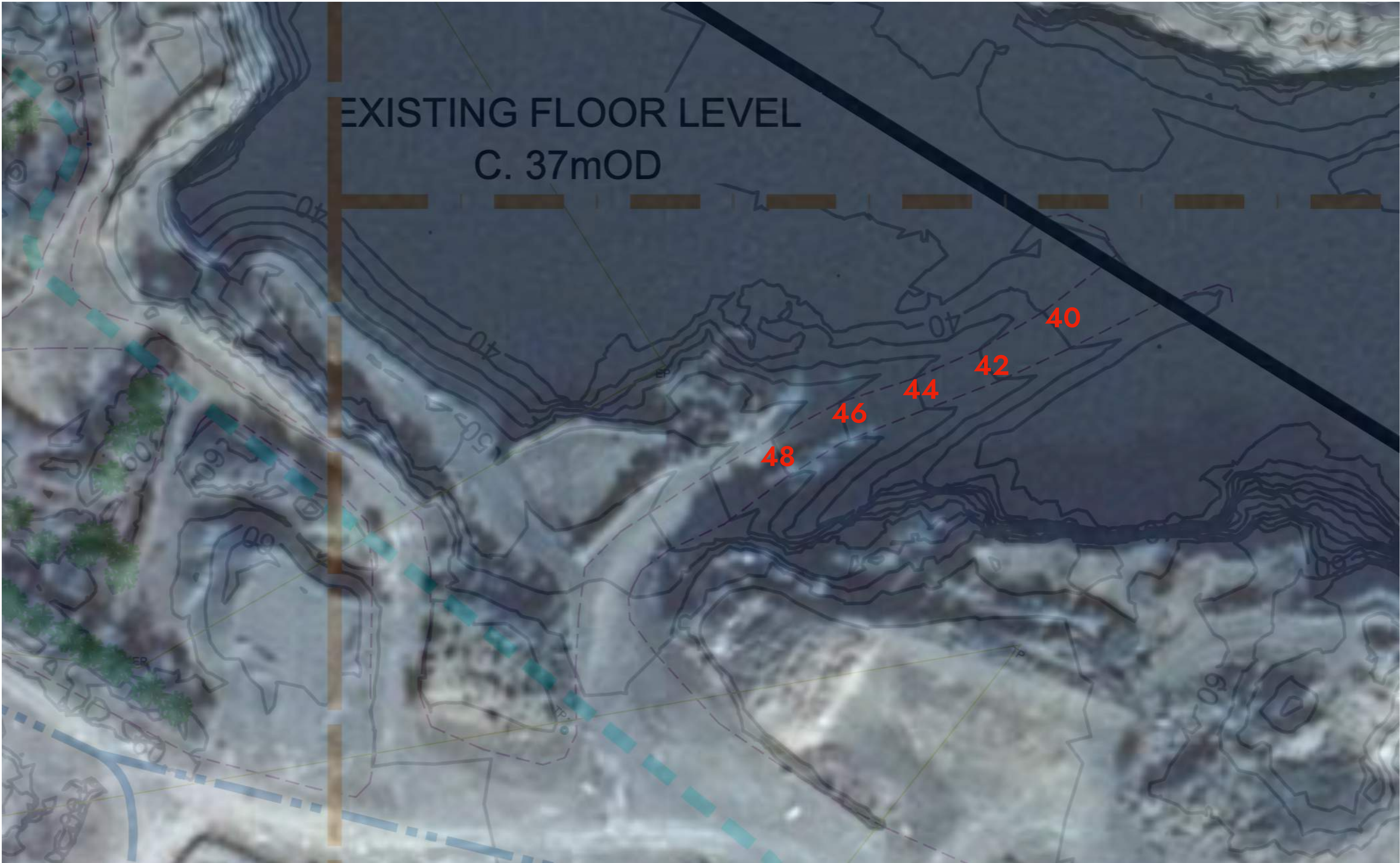
Combining and overlaying the aerial mapping and the drawings then allows us to determine the water height.



QUARRY DEWATERING VOLUME – CORROBORATION

On close inspection, we can deduce the water height to be in the region of 48mOD ... particularly gaugeable on the ramp (as seen from the contour lines on the ramp, it falls at a steady gradient, so is a good indicator of waterline)

From this, we can deduce the water depth between the quarry floor and the waterline to be around 11m (48mOD - 37mOD)



QUARRY DEWATERING VOLUME – CORROBORATION

This leads us to deduce the following calculations:

SUMP AREA (BELOW QUARRY FLOOR)		6,445.00	m2
REPORTED DEPTH (20mOD)			
QUARRY FLOOR DEPTH (37mOD)			
SUMP DEPTH (37mOD - 20mOD)		17.00	m
SUMP VOLUME (AREA x DEPTH)		109,565.00	m3
QUARRY AREA (UNDER WATER)		69,300.00	m2
QUARRY FLOOR DEPTH (37mOD)			
VISIBLE WATER HEIGHT (48mOD)			
WATER DEPTH (48mOD - 37mOD)		11.00	
QUARRY VOLUME (AREA x DEPTH)		762,300.00	m3
	SUMP VOLUME	109,565.00	m3
	QUARRY VOLUME (excl SUMP)	762,300.00	m3
	TOTAL WATER VOLUME	871,865.00	m3

REVISED QUARRY FLOOD WATER VOLUME: 872,000m3

QUARRY DEWATERING

Despite the fact that the Applicants own Hydrology and Hydrogeology report in their ABP submission indicated very high levels of Arsenic (dissolved) in the water in the quarry void along with concerning levels of Mercury and Phosphates in the Quarry Sump, plus the fact that the volume of water to be moved out of the quarry into Potter's River was in dispute, and more importantly that all of this was a key area of concern in the planning application that was under consideration by ABP ... the Applicant decided to proceed with dewatering the quarry under an existing discharge licence from Wicklow County Council.

The original licence issued by Wicklow County Council was in 2014 and issued as part of the planning permission for extractive operations in Ballinclare. It was for an operating quarry and not for a quarry that had been flooded due to closure. The discharge licence was reviewed in 2019 where the water department included fairly stringent water testing criteria. If the EPA were to grant a licence to Kilsaran for this project, the WCC licence conditions should be the VERY MINIMUM starting point for further EPA conditions and restrictions.



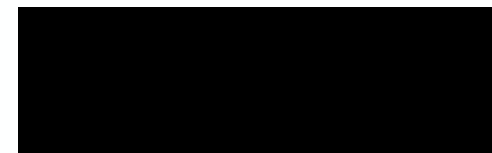
LOCAL GOVERNMENT (WATER POLLUTION) ACTS, 1977 – 1990
LOCAL GOVERNMENT ACT 2001
WATER SERVICES ACT 2007

LICENCE TO DISCHARGE TRADE AND/OR SEWAGE EFFLUENT TO WATERS

Reference number in Register: - **WPL 116**

Local Authority: - **Wicklow County Council**

To: **Kilsaran Concrete T/a Kilsaran Build**



C/O: **SLR Consulting**



Wicklow County Council, in exercise of the powers conferred by the Local Government (Water Pollution) Acts, 1977 - 1990, hereby grants a licence to discharge trade effluents from the premises of Kilsaran Concrete T/a Kilsaran Build at Ballinclare Quarry, Ballinclare, Carrigmore, Kilbride, Co. Wicklow, to Surface Water, after appropriate treatment, subject to the following conditions: -

LICENCE CONDITIONS

1. General Layout and Operation

1.1 This Licence shall be in respect of the discharge of treated quarry effluent from the premises of **Kilsaran Concrete t/a Kilsaran Build at**

Ballinclare Quarry, Ballinclare, Carrigmore, Kilbride, Co. Wicklow, to the Ballinclare Stream, a tributary of the Potters River, at X325003, Y189167, after appropriate treatment.

- 1.2 The Licensee's wastewater treatment system shall be designed, operated and maintained in such manner as to ensure that the discharge of treated effluent is in accordance with the volume and parametric limits set out in Conditions 2.1 and 2.2.
- 1.3 Any oil or chemical storage tanks located above ground shall be provided with an adequately designed bund system complete with impervious base. Filling and off-take points shall be located within the bund system.
- 1.4 The wastewater treatment system areas shall be maintained in a tidy and safe condition. No nuisance odours or noise from the treatment system shall be allowed at sensitive locations. Adequate precautions shall be made to prevent unauthorised access to the wastewater treatment areas and to prevent any damage to the wastewater treatment system.

2. Effluent Volume and Characteristics

- 2.1 The treated effluent from the wastewater treatment plant shall be discharged between the hours of 6:00am and 6:00pm, 7 days a week, until a history of compliance is established. The effluent may then, with the approval of the Licensing Authority, be discharged over a 24-hour period, 7 days a week. The total volume of the treated effluent discharged from the wastewater treatment plant shall not exceed 1,728 m³/day or 72m³/hr.
- 2.2 The final treated effluent discharged from the wastewater treatment system shall comply with the quality standards set out in respect of the parameters in Table 1.

Table 1. Final Discharge Standards and Monitoring Frequency

Parameter	Units	Emission Limit Value	Emission Limit Load	Frequency	Sample Type
pH	pH Units	6 to 9		Daily	Grab
cBOD ₅	mg/l	2	3.46 kg/day	Daily	24 hr Composite
COD	mg/l	10	17.3 kg/day	Daily	24 hr Composite
Suspended Solids	mg/l	10	17.3 kg/day	Daily	24 hr Composite
Ammonia (N)	mg/l	0.06	0.103 kg/day	Daily	24 hr Composite
Nitrate (N)	mg/l	3	5.18 kg/day	Weekly	24 hr Composite
Nitrite (N)	mg/l	0.014	0.026 kg/day	Weekly	24 hr Composite
Ortho-Phosphate (P)	mg/l	0.04	0.069 kg/day	Daily	24 hr Composite
Chloride	mg/l	50	86 kg/day	Weekly	24 hr Composite
Sulphate	mg/l	100	172 kg/day	Weekly	24 hr Composite
Arsenic (dissolved)	ug/l	7.0	12 g/day	Daily	24 hr Composite
Cadmium (dissolved)	ug/l	0.057	0.098 g/day	Weekly	24 hr Composite
Chromium (total)	ug/l	1.4	1.98 g/day	Weekly	24 hr Composite
Lead (dissolved)	ug/l	0.2	1.98 g/day	Weekly	24 hr Composite
Mercury (dissolved)	ug/l	0.034	0.059 g/day	Weekly	24 hr Composite
Nickel (dissolved)	ug/l	3.216	5.56 g/day	Weekly	24 hr Composite
Zinc	ug/l	20	34.5 g/day	Weekly	24 hr Composite
Asbestos (dissolved)	MF/l	5	8,640 MF/day	Weekly	24 hr Composite

2.3 There shall be no discharge when flow in the river is lower than the 95%ile flow, or when the river is in flood to the extent that it is likely to overspill its riverbanks.

2.4 In the event that the effluent does not meet the conditions in Table 1, the effluent shall be diverted back to the quarry sump.

2.5 Regular measurements of Arsenic, Orthophosphate and Ammonia shall be made throughout each day using a portable testing kit and all results recorded and submitted to the licensing Authority electronically weekly at dischargelicences@wicklowcoco.ie. Certified standards at a concentration of the licence limits shall be used to check the performance of the portable testing kits daily. The portable test kit results shall also be compared to the daily certified test results.

3. Wastewater Treatment

3.1 The wastewater treatment plant shall be appropriately designed, sized and laid out as per licence application and with appropriate regard to the treatment standards contained within this licence.

3.2 A certificate from a suitably qualified person (with professional indemnity insurance) shall be submitted to the licensing authority, stating that the above wastewater treatment system has been designed and installed as stipulated above. This shall include certification of the design and performance of all the components, including the treatment plant, any dosing sump and pump, the length and diameter of any rising main and any associated plant. It shall also include photographic evidence of the components and their installation.

3.3 Before commencement of the initial discharge to the Ballinclare Stream, the effluent from the wastewater treatment plant shall be returned to the quarry sump for at least one week to allow the licensee to demonstrate that the effluent standards stipulated in Table 1 Condition 2.2 are being consistently achieved.

3.4 In advance of the discharge commencing or resuming following suspension. The Licensee shall submit compliance reports for approval of the licensing authority.

4. Treatment Plant Maintenance

- 4.1 The Licensee shall, within one month of the date of issue of the Licence, inform the Licensing Authority of the name, address, email and telephone number of the nominated person(s), who shall be trained and have responsibility, for the routine inspection and operation of the wastewater treatment plant. The Licensee shall make provision for substitute trained persons as may be necessary during the absence of the nominated person. A log of the inspection and operation of the wastewater treatment plant shall be kept on file for inspection.
- 4.2 The Licensee shall employ the services of a competent engineering/environmental consultant, for the maintenance of the wastewater treatment plant, on a contractual basis for the term of the discharge licence. The contract shall provide for an emergency call-out service in the event of breakdown of the treatment plant.
- 4.3 A copy of each maintenance report shall be submitted to the Licensing Authority within one month of the date of the report becoming available. The Licensee shall submit electronic copies of the maintenance report to the Licensing Authority at dischargelicences@wicklowcoco.ie within two weeks of the period to which they relate. Paper copies of these records shall also be submitted to the Licensing Authority upon request.
- 4.3 The Licensee shall ensure that the nominated and trained persons receive detailed instruction and training about the routine inspection and operation of wastewater treatment plant from the manufacturer/supplier of the plant or from the competent engineering or environmental consultant. The Licensee shall also ensure that the nominated and substitute trained persons receive instruction manuals detailing the inspection and operation of the grease trap and wastewater treatment plant.

5. Provision of Monitoring Stations

- 5.1 The Licensee shall provide safe, permanent, unhindered and immediate access to the sampling point locations:
(i) Effluent: Suitable chambers shall be provided for sampling the effluent from (a) the wastewater treatment plant and (b) the discharge location. The sampling chambers shall be labelled and facilitate flow measurement, grab and composite sampling of the effluent.
(ii) Receiving Water - Up-stream & down-stream of discharge: Safe access to the ambient sampling locations upstream and downstream of the discharge shall be made available. All sample locations shall be labelled.
- 5.2 The sampling locations upstream and downstream of the discharge shall be agreed with the Licensing Authority prior to initial Discharge.

6. Monitoring Regime

- 6.1 The Licensee shall install, calibrate and maintain a suitable flow-measuring device on the effluent discharge line from the wastewater treatment plant and record the daily and hourly discharge volumes.
- 6.2 A certificate of calibration for the flow-measuring shall be forwarded to the Licensing Authority within six months of the date of issue of this Licence. Further such certificates shall be submitted on request.
- 6.3 The Licensee shall arrange to have representative samples of the treated effluent taken from the sampling chamber after wastewater treatment system and tested **at the frequency stipulated in Table 1 in condition 2.2**, in respect of the parameters listed in Table 1.
- 6.4 The Licensee shall install a composite sampler to provide daily composite samples of the final effluent for analysis.

- 6.5 The Licensing Authority may give its written consent to a reduced frequency of monitoring of the treated effluent where a pattern of full compliance with the licence conditions has become established.
- 6.6 Where the treatment plant does not perform satisfactorily, monitoring of influent and process wastewater shall also be carried out to improve the process.
- 6.7 The Licensee shall enter into a contract with an approved laboratory to ensure that the treated effluent samples are tested in accordance with conditions 6.2 and 6.3. The contract shall be annually renewed.
- 6.8 The Licensee shall arrange to have the receiving water sampled at suitable locations up-stream and down-stream of the discharge point, during normal discharge, in respect of the parameters listed in **Table 2** to check for compliance with the Surface Water Regulation SI 272 of 2009.

Table 2. Receiving Water Monitoring Requirements

Parameter	Units	Frequency	Sample Type
pH	pH Units	Daily	Grab
Dissolved Oxygen	%	Daily	Grab
cBOD ₅	mg/l	Daily	Grab
COD	mg/l	Daily	Grab
Suspended Solids	mg/l	Daily	Grab
Ammonia (N)	mg/l	Daily	Grab
Nitrate (N)	mg/l	Weekly	Grab
Nitrite (N)	mg/l	Weekly	Grab
Ortho-phosphate (P)	mg/l	Daily	Grab
Chloride	mg/L	Weekly	Grab
Sulphate	mg/L	Weekly	Grab
Arsenic (dissolved)	ug/l	Daily	Grab
Cadmium (dissolved)	ug/l	Weekly	Grab
Chromium (total)	ug/l	Weekly	Grab
Lead (dissolved)	ug/l	Weekly	Grab
Mercury (dissolved)	ug/l	Weekly	Grab
Nickel (dissolved)	ug/l	Weekly	Grab
Zinc (dissolved)	ug/l	Weekly	Grab
Asbestos	MF/l*	Weekly	Grab
Invertebrates	Q-value	Monthly	Kick Sample

*MF/L refers to Million Fibres per Litre

7. Sludge and Other Waste Disposal

- 7.1 The sludge and other waste material arising from the wastewater treatment plant shall be disposed of in accordance with the appropriate Waste Management Regulations as specified under the Waste Management Act, 1996 as amended. The Licensee shall inform and agree with the Licensing Authority the manner in which it is proposed to dispose of sludge within two months of the date of issue of this Licence.

8. Monitoring Records

- 8.1 Legible traceable records of all flow and analytical data (with appropriate units shown) referred to in condition 6 (the monitoring regime) shall be kept on file at the premises. The Licensee shall arrange with their contract laboratory to send electronic copies of the analytical records to the Licensing Authority at **dischargelicences@wicklowcoco.ie** one month of the period to which they relate. The Licensee shall send electronic copies of the flow records to the Licensing Authority within one month of the period to which they relate. Paper copies of these records shall also be submitted to the Licensing Authority upon request.
- 8.2 The Licensee shall maintain legible traceable records and receipts of sludge removal and other waste material from the wastewater treatment plant and logs of the inspection and operation of the treatment plant.
- 8.3 The records referred to in conditions 8.1 and 8.2, shall also be made available by the Licensee for inspection by Authorised Officers of the Licensing Authority, and any other Person authorised under Section 28 of the Local Government (Water Pollution) Act, 1977, or under Section 14 of the Waste Management Act, 1996 at any time on request.

9. Access by Authorised Personnel

9.1 Authorised officers of the Licensing Authority or its agents and any other person authorised under Section 28 of the Local Government (Water Pollution) Act, 1977 shall have access to the Licensee’s wastewater treatment plant, sample locations and drainage systems at all reasonable times including if necessary, times other than normal working hours.

10. Monitoring Contribution to the Licensing Authority

10.1 The Licensee shall pay on demand a contribution fee of €3027.81 towards the Licensing Authority’s (Wicklow County Council) monitoring costs. The first such fee shall be the portion of the annual fee for the period from the date of issue of the Licence to the end of the calendar year. The subsequent annual contribution fees shall be reckoned on the initial sum of €3027.81 when adjusted in accordance with the consumer price index for the intervening period.

11. Notification to the Licensing Authority

11.1 The Licensee shall notify the Licensing Authority in writing of any changes in ownership of the premises or company name or personnel referred to in conditions 4.1 of this Licence.

11.2 The Licensee shall notify the Licensing Authority in advance of any proposed change in the operation of the premises which could cause a material alteration in the nature or an increase in the volume or concentration of the treated effluent discharged.

11.3 The Licensee shall notify the Licensing Authority of any breaches in discharge limits by telephone at 0404-20236 and email at **dischargelicences@wicklowcoco.ie** without delay.

11.4 The Licensee shall notify the Licensing Authority as above, of any accidental discharge, spillage or deposit of polluting matter, which enters or is likely to enter the surface water drains, or the groundwater or watercourses, as soon as practicably possible, in accordance with Section 14 of the Local Government (Water Pollution) Act.

SIGNED: _____

**SENIOR EXECUTIVE OFFICER,
PLANNING, DEVELOPMENT & ENVIRONMENT**

Date: _____.

NOTE:

An Appeal against the above decision may be made before the expiration of one month from the date of the above decision. Such appeal shall:

- (a) be made in writing,**
- (b) state the subject matter of the appeal**
- (c) state the grounds of appeal**
- (d) state the reference number of the Licence**
- (e) state in full the grounds on which they are based.**

An appeal which does not comply with these requirements shall be invalid.

Appeals should be addressed to The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1 and should be accompanied with the appeal fee of €500.00 or €220.00 reduced appeal fee (prescribed bodies). If an Oral Hearing is requested an additional fee of €50.00 is applicable. Request for an Oral Hearing should be submitted before the expiration of one month from the date of the above decision.

QUARRY DEWATERING

Despite all of the concerns surrounding the potential impacts of dewatering the quarry, and the fact that it was still part of an application pending with ABP, Kilsaran decided to commence dewatering in October 2022.

Having a WCC licence, one can argue they were probably within their rights to do so. But given that there was uncertainty surrounding potential environmental impacts that were under consideration as part of the planning process, this decision to proceed regardless does not bode well. This approach does nothing to reassure anybody of any desire to prioritise environmental needs over commercial ones.

From what we can see, the applicant constructed a water treatment unit at the site, but because public have no access to the site, we cannot attest to whether or not it's construction may have caused any damage to any rare flora or fauna on or around the site.

- Have the passive water attenuation / treatment beds / wetland system (that formed a vital part of their water treatment plans) been implemented?
- Has the smooth newt been safe guarded?
- Have there been other extensive surveys into other amphibians on the site prior to dewatering?
- Have they scientifically proven that the otters from Potter's River don't frequent the quarry waters?
- Have they clearly identified any of the rare plants on site and secured them?

It would be good to get a pre and post water treatment installation assessment.



Wicklow County Council
County Buildings
Whitegates
Wicklow Town
A67 FW96

By Email: dischargelicenses@wicklowcoco.ie

19th October 2022

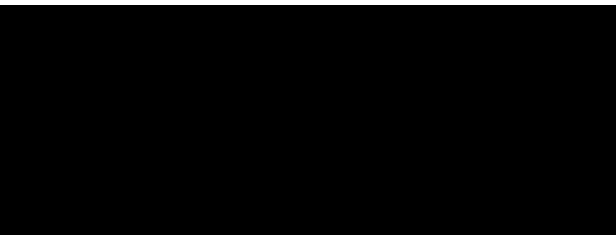
RE: Discharge License WPL 116 – Ballinclare Quarry, Ballinclare, Carrigmore, Kilbride, Co. Wicklow.

Dear Sir/Madam,

I write with regard to the above referenced Discharge License issued under the Local Government (Water Pollution) Act 1977.

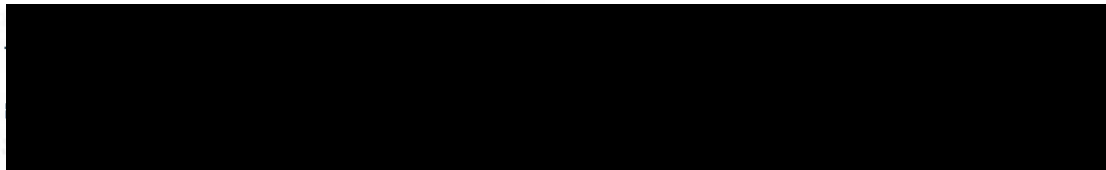
Please be advised that we intend to commence discharging from the Ballinclare Quarry site on Monday 31st October 2022.

Yours faithfully,



For and on behalf of Kilsaran Concrete t/a Kilsaran Build

ideas taking shape



Registered as: Kilsaran Concrete Unlimited Company.
Registered at: Ratoath, Dunboyne, Co. Meath, Ireland. Reg No: 23027 VAT No: IE 8Z02417D

SAC

In the Applicant's Appropriate Assessment of the SAC (Buckroney-Brittass Dunes & Fen) downstream of the quarry on Potters River, the Applicant states:

"The proposed development will not affect the key species and key habitats of the Buckroney-Brittass Dunes and Fen SAC. The species and habitats that this SAC is selected for are listed in full in Table 1 above. All these habitats are terrestrial and not fed or dependent upon flows or water from Potters River ... There are no uncertainties or gaps in information."

We contest this suggested assertion of absolute certainty.

We would argue that this finding cannot be as assured as the Applicant may indicate without a full INDEPENDENT hydrological and ecological survey of the Brittass Dunes section in question. They claim that all habitats are terrestrial, but neglect to recognise that parts of this terrestrial plant life is in direct contact with Potters River, and the possibility for waters from Potters river, which surround and circumnavigate the dunes on the Brittass end, to permeate through the sands, over a period of time, and what long term effect this may have on the humid dune slacks.

There is no obvious direct feed of overground sea water directly into these slacks, so one must assume that the water in the humid slacks is primarily from rainfall and possibly permeating from beneath. With the sea on one side, a distance from the humid slack position, and Potter's River on the other side, directly connecting with the outer edge of the dune containing the slack, the possibility of permeating water having influence over the make-up of this environment cannot be disregarded.

Also bear in mind that the studies conducted by the applicant are based on their assumed leachate discharge. Should they be wrong about the eventual composition of the leachate, then the potential to damage this SAC is increased exponentially.



INVASIVE SPECIES

A very concerning difference between the An Bord Pleanála planning application and the EPA waste licence application, is the area of Invasive species.

In their ABP application Kilsaran make reference to devising and implementing a dedicated invasive species management plan in advance of landfilling operations at the facility. They claimed that their invasive species plan would identify specific actions for the prevention of acceptance of invasive species in loads of soil and stone imported to the facility.

But now, in their EPA waste licence application, they are ACTIVELY SEEKING PERMISSION TO ACCEPT SOILS CONTAMINATED WITH INVASIVE SPECIES.

“The Applicant also intends to seek approval for disposal of soils containing rhizomes of a number of prescribed invasive species (including Japanese Knotweed, other knotweeds, Giant Hogweed and Himalayan Balsam).”

Once again, original assurances given by the applicant to the local population that they would have strong mitigation measures and security to ensure no invasive species would be imported to the site, and if they were accidentally, then they’d have very strong plans to control and eradicate the threat, appear to have been forgotten

If they’re already applying for a derogation for something as basic as this, something they already promised would not be a problem, then the local population have good cause to question the credibility of some information being presented to them and have concerns over possible future intentions.

Furthermore, with local farming livelihoods at risk, and the National Botanical Gardens at Kilmacurragh close by, there should be an absolute refusal of this derogation being sought.

POTTERS RIVER

The applicants submission documentation claims:

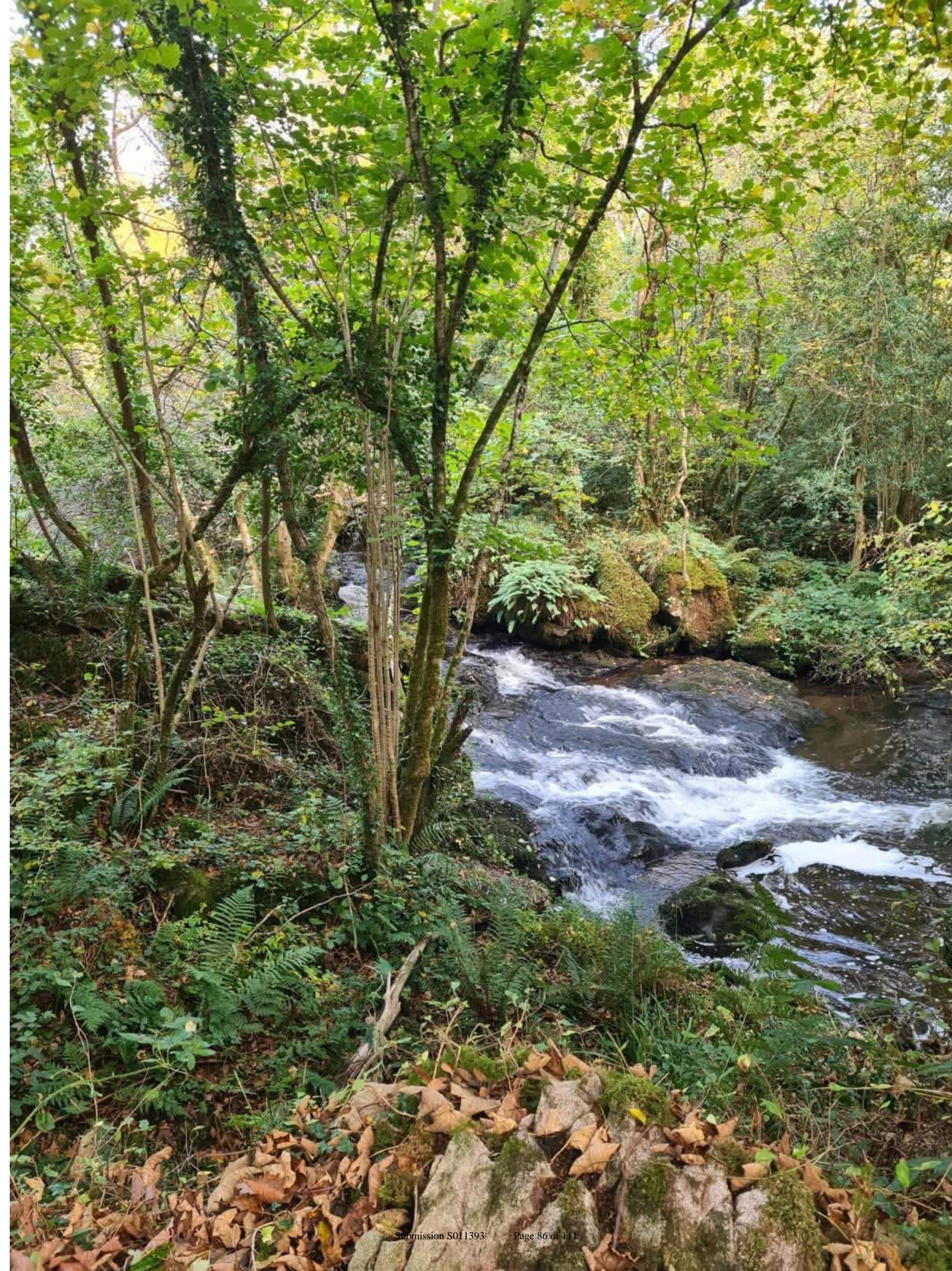
“The overall status of the Potter’s River and Kilmacurra Stream is moderate according to the EPA River Waterbody WFD Status Report for 2010-2015. Surface water quality in the Potters River is monitored at Kilboy bridge, approximately 1.5km south east of the application site. The Q value is 3-4, indicating a moderate water quality, and was last measured in 2015.”

The last measurements taken in 2015 precede the closure of the Ballinclare Quarry in 2016. In that time since 2016, the water quality or Potters River has visually significantly improved and there is increased evidence of improved aquatic life. The information contained above from 2015 has no relevance in the current permissions being sought and another full study of the water quality and aquatic life of Potters River should be commissioned by the relevant bodies.

Their submission also states that Inland Fisheries notes that Potters River and catchment is a very important salmonid system supporting Atlantic Salmon, Lamprey, Sea Trout and Brown Trout ... downstream of the quarry site is an important spawning ground for salmon and trout.

Potters River, over the past decade has increasingly been supporting and improving both aquatic and terrestrial life. The improved state of this body of water since 2015, deserves a full, extensive and detailed INDEPENDENT ecological and aquatic survey as part of a proper assessment.

POTTERS RIVER



POPULATION AND HUMAN HEALTH

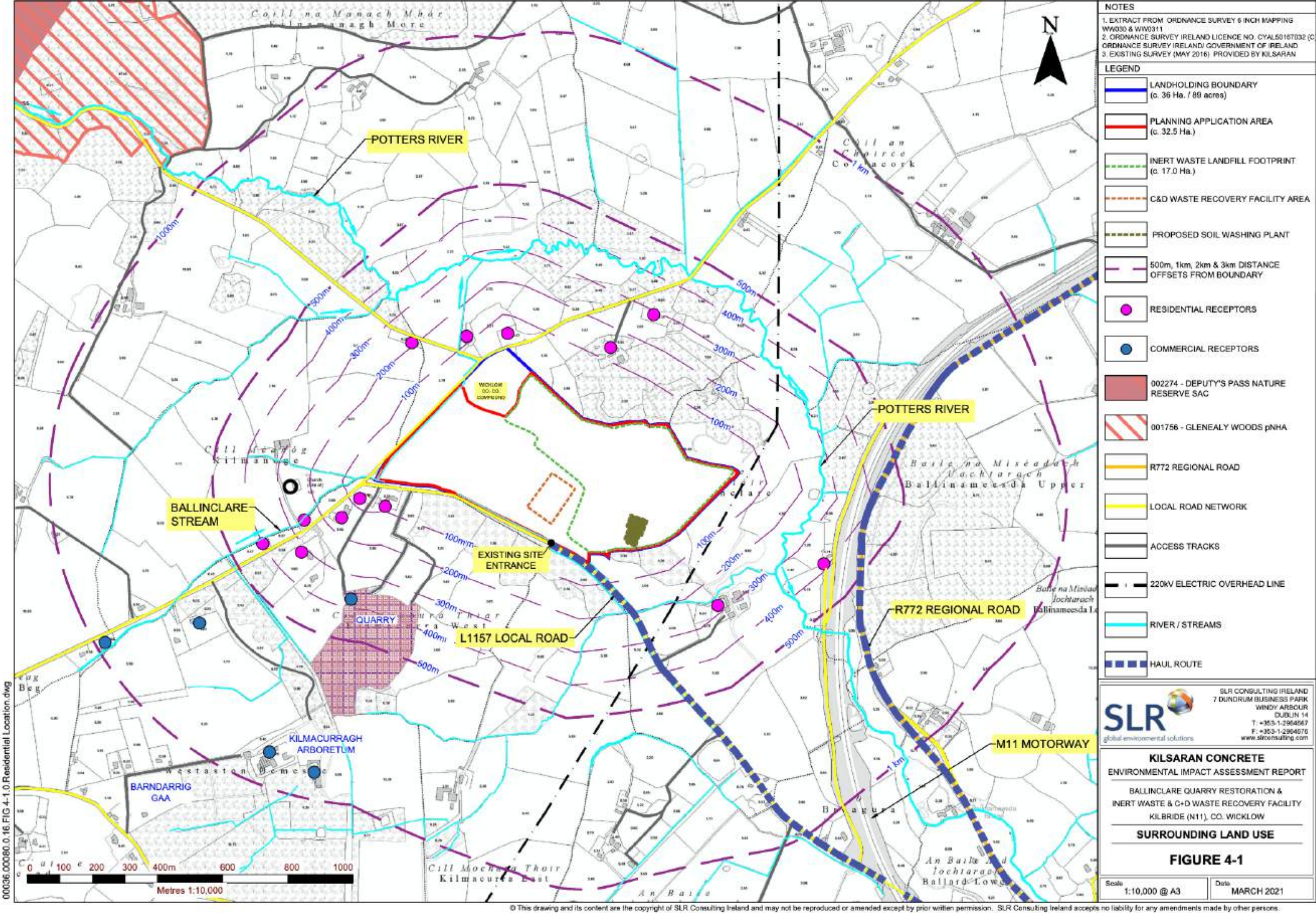
The Applicants EIA Report into Population and Human Health defines sensitive receptors as being any residential or commercial properties within 500m of the actual site, and the site alone. Given that their proposed plans involve high volumes of HGV traffic on narrow rural roads, that will have serious impact on the residential and commercial properties along those routes, it does not bode well in any assessment that these homes and business have been excluded as Sensitive Receptors. Everybody knows full well the impact this proposal is going to have on the residents and businesses along their proposed haulage route and it seems disingenuous for them not to be included in the report as Sensitive Receptors.

Noise pollution, HGV vehicular fumes emissions pollution, dust particle pollution, muddy tyre spray pollution, etc. With one truck passing close or next to homes and businesses that line the narrow rural road haul route along the L1157 will suffer serious and significant impacts from the proposed development and need to be considered in any decisions. Apart from the aspects of pollution, there are serious safety concerns among the residents that they could be in danger of fatal collisions every time they try to exit their driveways along the haul route

Judge Hardiman's ruling in the case DPP v Barry O'Brien, in relation to Article 40.5 states:

"This constitutional guarantee presupposes that in a free society the dwelling is set apart as a place of repose from the cares of the world...Article 40.5 complements and reinforces other constitutional guarantees and values, such as assuring the dignity of the individual ...the protection of the person (Article 40.3.2), the protection of family life (Article 41) and the education and protection of children (Article 42). Article 40.5 thereby assures the citizen that his or her privacy, person and security will be protected against all comers"

POPULATION AND HUMAN HEALTH



Drawing submitted by the applicant in their EIA Report showing Sensitive receptors ignores any residents or businesses outside of 500m from the applicant site.

It furthermore does not show the complete picture in relation to the proposed haulage route, thus not showing any other houses or commercial properties within close proximity to the development.

Given that operation of the development will have as much, if not more impact, on people living along the haulage route than it will on some of the residential properties listed on the map, it is imperative that the EPA insist that the Applicant include all homes and business along there haul route as legitimate receptors

LEGITIMATE SAFETY CONCERNS

Following on from the point regarding the serious safety concerns among the residents that they could be in danger of fatal collisions every time they try to exit their driveways, and Article 40.5 guaranteeing the protection of the person along the haul route ... over the short 2km stretch of road from the Ballinclare Quarry to The Tap Café, there are many different characteristics along the road. It goes from being a road surrounded by hedges and covered with a canopy of trees, to a new open spaced road around the new bridge that was constructed during the M11 road improvement scheme, to a slow sweeping curve around a corner to our site and a final extremely narrow stretch of road from our site down to The Tap.

The problem that this poses is that, once vehicles have exited the tree canopy section of the road, they see the newly constructed underpass for the M11 and because the road looks newer and wider and there's more of a sense of open space, drivers can mistakenly change their driving behaviour on the assumption that the rural road is behind them. But unfortunately, once you have passed through the underpass, you are in fact heading onto the narrowest stretch of road on the whole route. In addition to that, before drivers can see if this narrow stretch of road ahead is clear, they must first come around a slow sweeping bend to where our home has its entrance. This entrance is concealed by the slow bend, thus rendering the bend relatively blind.

Local drivers who know these roads well, anticipate what is ahead and approach with caution. The problem is that if the Applicant is granted permission for the volume of trucks they are seeking, the drivers of all of these trucks will not have that local knowledge. In fact, given the overall volumes of loads that the Applicant is forecasting, there is an extremely high likelihood that you will have regular first time truck drivers on this road. All it takes is for one driver, who isn't familiar with the road, to be going a bit too fast or a bit closer to the verge than they should ... and all of a sudden, my life and the lives of my families are at serious risk when driving out our driveway.

Trucks can appear very, very quickly around the slow blind bend at the access to our site ... AND ... they take up nearly the whole width of the road.



Some drivers, familiar with the bend, may choose to drive out further into the middle of the road as a precaution. But, if there is a two-way HGV Haul route approved for this road, drivers taking up more of the road as a precaution, will in itself pose an even higher road safety risk.

AIR QUALITY – DUST POLLUTION

We note that the Applicant has acknowledged that vehicles using haul roads will result in man-made dust events. Our previous experience during the construction of the M11 (RARIS) bears this out. During that time, the roads, hedgerows, grass verges, trees, our home (inside and out), our vehicles and our property was constantly covered in dust and dirt. We had to undergo constant cleaning and dust clearing as a result of the HGV Trucks.

Apart from it being a visual and physical nuisance, it also had the potential for other unseen health consequences. We do not want to be faced with the same situation again with the volume and frequency of trucks being proposed by the applicant over the protracted period of time being proposed.

With the applicants proposed one truck every two minutes, it is inevitable that dust particle pollution will become a real issue. If they are to be granted a waste licence it should be CONDITIONAL that all trucks travelling to and from the facility must a) not carry loads above the height of the lowest rim of the load carrying trailer, and b) ALL TRUCKS should be covered travelling to and from the facility, including non load carrying trucks.

AIR QUALITY – TRAFFIC EMISSIONS METHODOLOGY

8:107 Atmospheric emissions related to site proposals are primarily associated with the exhaust emissions from heavy duty vehicles (HDVs). The decision as to whether an assessment of potential impact is required is based upon the criteria set out in the DMRB.

8:108 The criterion for assessment of air quality contained within the latest DMRB guidance (LA 105) focuses on roads with relatively high changes in flows or high proportion of HDV / HGV traffic.

8.109 The following traffic scoping criteria are used to determine whether the air quality impacts of a project can be scoped out or require an assessment based on the changes between the do something traffic scenario (ie. with the project) compared to the do minimum traffic scenario (ie. without the project) in the opening year:

- Annual average daily traffic (AADT) \geq 1,000; or*
- Heavy duty vehicle (HDV) AADT \geq 200; or*
- A change in speed band; or*
- A change in carriageway alignment by \geq 5m*

The criteria set out in the DMRB was designed primarily with major or regional roads in mind. Given that this project will have a direct impact on smaller rural / local roads, using DMRB criteria is not an appropriate basis for the methodology.

But if the DMRB guidance is deemed relevant then obviously there is a requirement that all other criteria within different sections of the same guidance are also relevant. e.g. ... "RURAL ROAD WIDTHS ...subject to a minimum of 5.5 meters (the minimum for two cars to pass safely at low speed). This minimum width shall increase to 6.0 meters for lengths with occasional use by buses or heavy goods vehicles and 6.8 meters for roads where buses or heavy goods vehicles are likely to pass each other on a regular basis."

In addition to those basic guidance on rural road widths dependent on the characteristics of the traffic that will use these roads, there's also a requirement to include verges ...

... A verge of a minimum width of 1.5 meters, or matching the widths already in existence or found on adjacent or similar type roads.

... on rural roads with regular pedestrian, cyclist or equestrian use, it is preferable to provide a wider verge on one or both sides.

Note: The Breagura Road (L1157) is in constant use by pedestrians, cyclists and for equestrian use.

AIR QUALITY – TRAFFIC EMISSIONS ASSESSMENT

8:131 For the purposes of assessment, the projected traffic movements associated with the development based on a 50-week year, 5.5 days per week, and 20 tonne loads, will result in up to 145 HGV movements per day, with no significant changes to either road alignment or speed.

8.132 This is consistent with existing / previously permitted HGV traffic levels of 150 trucks per day for extractive and related aggregate / concrete / asphalt production activities. From an air quality perspective therefore, the proposed development therefore will not generate a significant change in traffic, other than to have HGVs fully laden on the way in as opposed to on the way out.

8:133 As none of the roads in the surrounding local road network meet any of the traffic / alignment criteria set out in LA 105, then the impact of the scheme can be considered to be 'negligible' in terms of local air quality and no further air quality assessment is deemed necessary.

8:134 On this basis, the impact of the proposed inert landfill and waste recovery facility from the change of HGVs traffic can be screened out and combustion emissions (primarily oxides of nitrogen) from vehicle exhaust emissions associated with the transportation of materials does not have the potential to contribute to local air pollution.

This whole section of the Applicant's report is a very disappointing assessment and will be addressed one section at a time on this and the following page.

Point 8.131 - The applicant is proposing a two-way haulage route along the L1157. They are also proposing traffic of 150 loads per day. This, combined with their proposed two-way system, would result in 300 truck movements per day along the L1157. Under the DMBR criteria the applicant laid out in point 8:109, this requires them to carry out a full and proper air quality assessment in relation to traffic emissions.

Point 8.132 - The applicant's assertions that levels of traffic will be consistent with previous levels is false and misleading. Their permission to operate at the level of 150 trucks a day was only granted in February 2016 and the quarry then closed in April 2016. So, whereas in theory they had permission to operate at this upper limit of loads (albeit under different criteria in relation to haulage routes), they have not in practice operated at this level, so their proposals will in fact see a significant change in circumstances and HGV traffic levels. This is in practice a significant change to previous circumstances and warrants a full assessment.

Point 8:133 - The applicant is proposing road widening and the insertion of 11 passing bays along the L1157. Given that this is a narrow local / rural road, the criteria listed in the DMRB for larger scale major and regional roads is not relatable, and as such it cannot be perceived by the Application as a reason for not carrying out a full and proper assessment of the effects the HGV traffic they are proposing, will have on the local air quality.

Point 8:134 - The potential for the HGV traffic to contribute to local air pollution is not limited solely to combustion emissions, although that alone will have a very significant impact. In this point, the applicant is simply ignoring other possibilities of pollution (noise, dust, tyre wear, spillages, etc) from the HGV trucks, whilst at the same time, deeming the combustion emissions of the HGV trucks as being irrelevant, which they certainly are not.

In addition to the above, other relevant and important notes that come to mind, based on this one section of the applicants EIA report, are:

There is no evidence of any detailed or extensive baseline surveys having been undertaken in the Applicant's assessments. These include, but are not limited to; Air Quality baseline survey of all properties within 200m of the proposed haulage route; baseline survey of all residential and/or commercial water wells; baseline noise pollution surveys; baseline structural surveys of any buildings, walls or structures that lie along the haulage route and could be subject to long term vibrations from passing HGV traffic. The extent of baseline work done in the preparation of this proposal is wholly inadequate and as such, the application cannot be granted permission as it cannot be properly assessed.

As the Applicants proposal is to instate No.11 Passing Bays along the 2km route along the Breagura Road (L1157), special consideration needs to be given to the implications of increased combustion emissions from the HGV Trucks as a result of them idling in the large number of Passing Bays being proposed. International research has shown that HGV Trucks are the worst offenders for increased emissions as a result of idling. The number and frequency of Passing Bays being proposed will increase HGV fuel emissions along the L1157 exponentially. This area needs a full and proper study and survey by an independent body.

In addition to the increased HGV emissions as a result of idling in the passing bays, there will also be increased noise pollution as a result of the HGV's effectively having to stop, start, rev and break continually along the applicant proposed haulage route

The Applicant has also not considered potential damage to buildings and structures as a result of the prolonged high volume and frequency of HGV trucks being proposed along their haulage route. In addition to this, they have not considered or submitted any assessments for the increased effects of vibration resulting from the stop / start nature of the haulage route being proposed with the passing bays

NOISE

10.21 The National Planning Framework makes reference to noise in general terms under Section 9.4, Creating a Clean Environment for a Healthy Society. It acknowledges that noise is unwanted sound but is an inevitable consequence of everyday life and it becomes a problem when it occurs in the incorrect place or at the incorrect time or on a frequent or recurring basis. The National Planning Framework aims to support the following measures:

- Quiet Areas: The further enjoyment of natural resources, such as our green spaces and sea frontage, through the preservation of low sound levels or a reduction in undesirably high sound levels, is particularly important for providing respite from high levels of urban noise. As part of noise action plans, an extra value placed on these areas, in terms of environmental quality and the consequential positive impact on quality of life and health, due to low sound levels and the absence of noise, can assist in achieving this.*

Every citizen in Ireland is entitled to the right of the designation of their home as being a 'Quiet Area'. The applicants proposal to have 300 HGV trucks passing in close proximity to our home and the subsequent unacceptable levels of noise and vibration that it would generate both outside and inside our home is unacceptable and a breach of our fundamental right to a quiet area. Should the applicants proposals be granted permission, the prolonged effects of such an operation would have a NEGATIVE impact on our quality of life and health.

NOISE – TRAFFIC ASSESSMENT

Predicted HGV Sound Levels

10.102 Plate 10-1 below presents the noise model in CadnaA including the re-route of the HGVs trips to and from the application site (highlighted in red) and the location of the surrounding receptor properties which have been assessed (identified as properties A to D) .

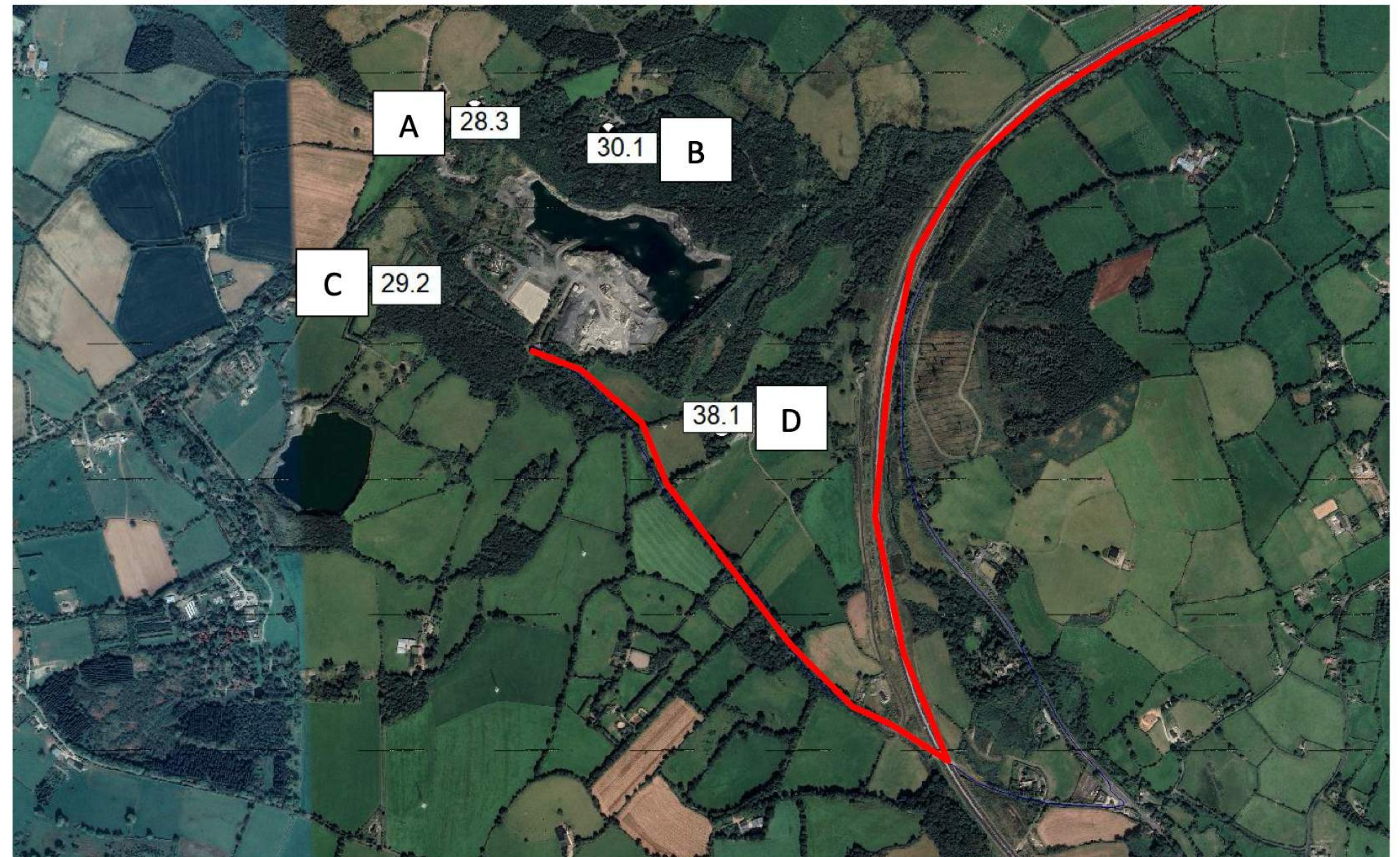
The traffic noise assessment carried out by the applicant and included in their proposal document is wholly inaccurate and inadequate.

Firstly, the haulage route being proposed by the applicant is incorrectly indicated on the map they have provided.

Secondly, the assessment omits residences on that proposed haulage route that will be adversely affected by the noise levels that will be generated by the excessive daily number of HGV trucks being proposed by the applicant.

Thirdly, the properties selected for the predictive modelling are not the properties that are going to be the worst affected by the HGV Traffic noise.

Plate 10- 1
CadnaA Traffic Modelling



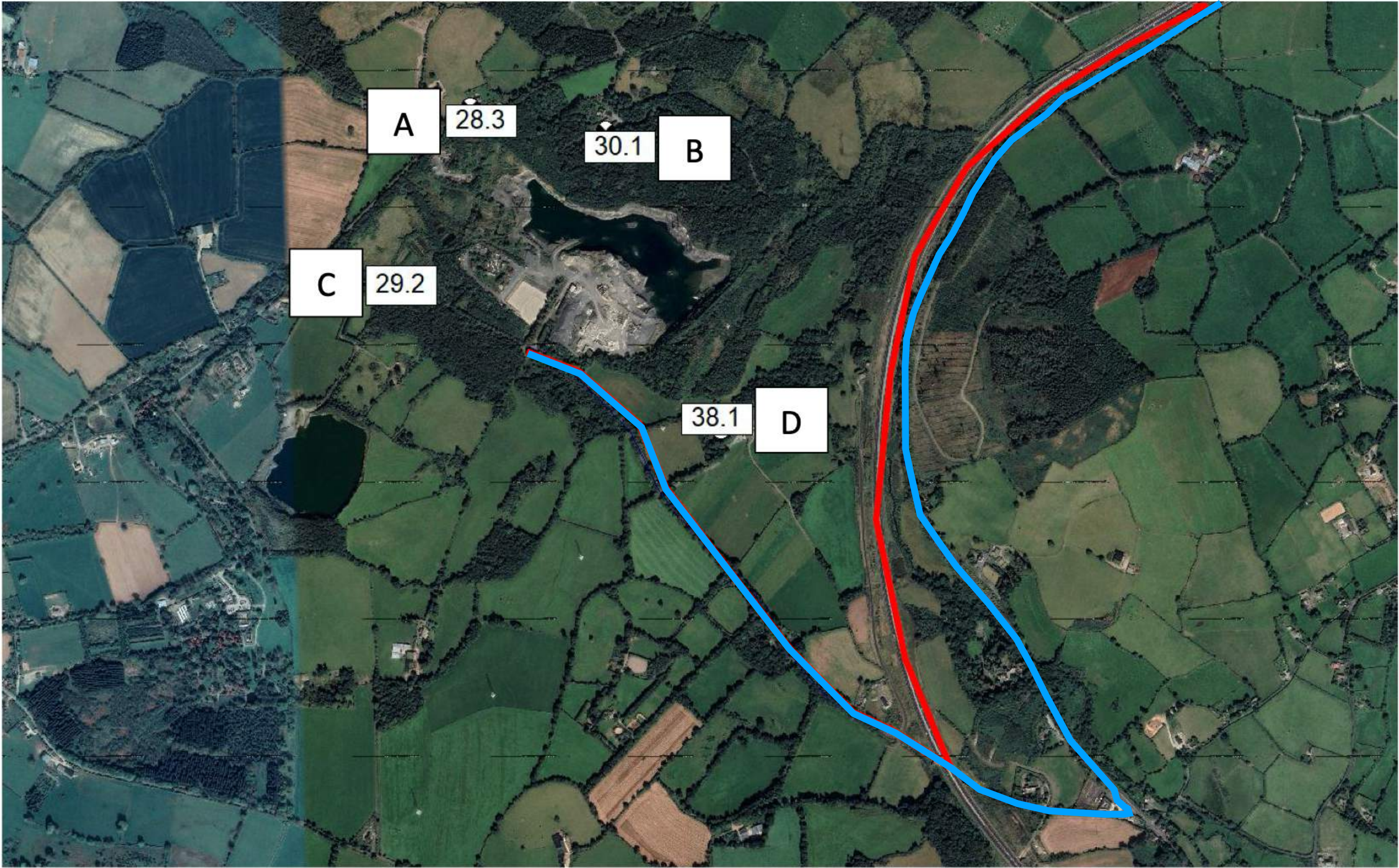
NOTE:

We have already pointed out in the ABP submission that this Plate is INCORRECT. The fact that they have not rectified that error for their EPA submission is again another worrying sign regarding care and due diligence, and does not bode well for much bigger concerns.

The blue line on this map shows the haulage route being proposed by the applicant.

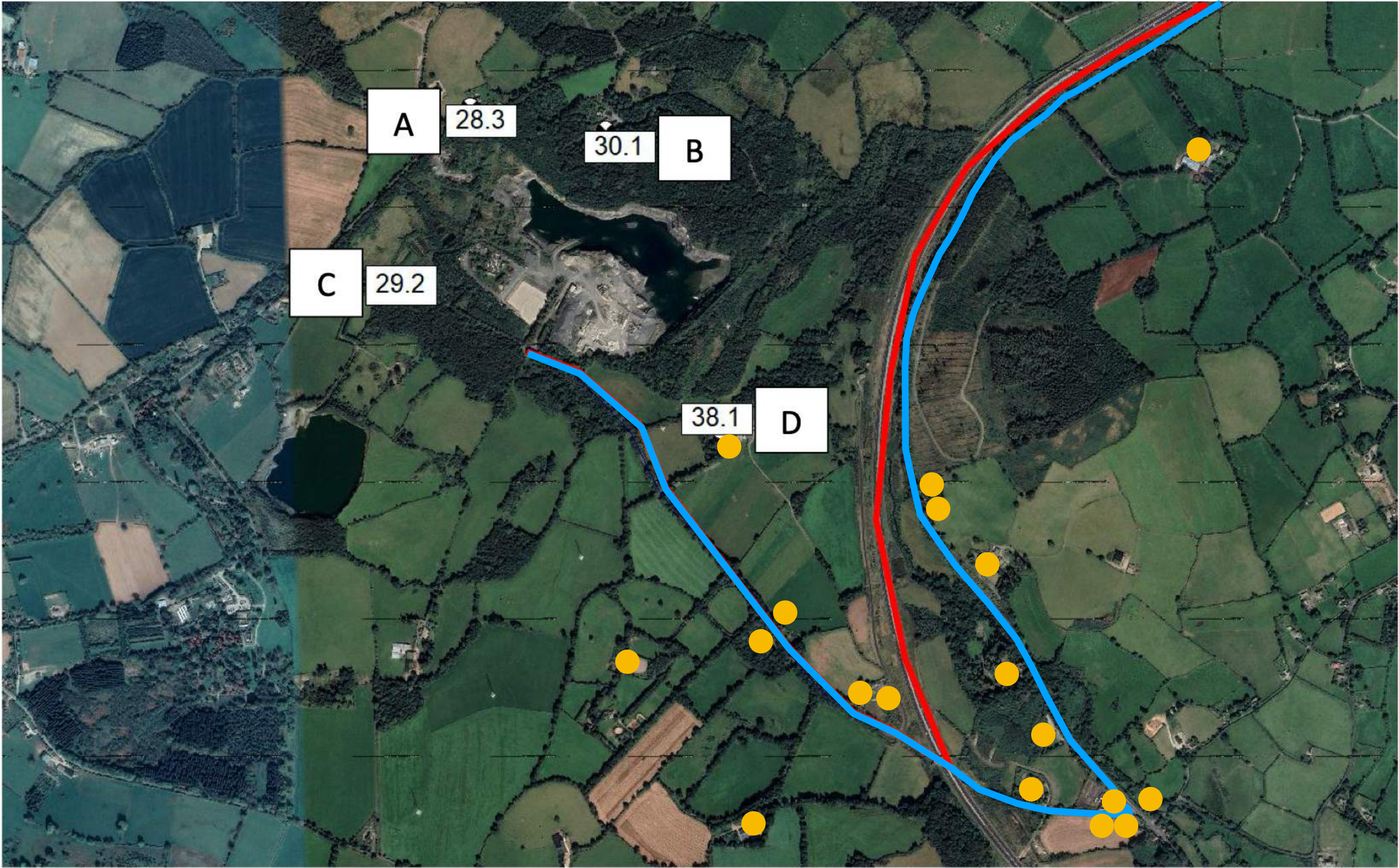
The red line shows the route that was being assessed for the purposes of the traffic noise survey in the Applicants proposal.

A,B,C & D on the map denote residences selected by the applicant for surveying in relation to traffic noise. Note that three of those residences are nowhere near to the proposed haulage route that will be directly affected by the HGV traffic noise.



The yellow dots on this map indicate residents in close proximity to the proposed haulage route that will be adversely affected by the HGV Truck noise, but were omitted from this survey and not selected as points for predictive modelling.

This survey and assessment is wholly inadequate.



EVIDENCE OF COMPROMISED LOCAL WATER TABLE

The applicant has made no reference to, or mention of, the 'Do Not Consume' notice that was recently in effect in the locality of Barndarrig. The applicant may argue and be able to justify this omission based on it being technically outside their scoping criteria and it therefore has no relevance to their proposed development. But we would argue, that this incident, which is not the first of its kind in the area, is totally relevant because it indicates evidence of a potentially compromised local water table, and no further development or anything that could potentially contaminate the local water supply should be permitted, until such time as an in depth independent survey is carried out in the area to help answer some of the anomalies that make the local water table and water supply so unpredictable.

A full, in-depth and detailed independent survey of the characteristics of the local water table needs to be conducted before any waste licence could even be considered.

LOCAL DRAINAGE DITCHES

The applicants reports mainly focus on drainage to Potter's River to the north of their site, with some references to draining ditches immediately surrounding their site that interconnect with the river. But they have made no reference to drainage ditches along the proposed haulage route and the potential significance of these in relation to conducting a full and proper assessment of their proposal.

A significant stream runs along the drainage ditches of the Breagura Road (L1157), that rises significantly in times of heavy rainfall, and even floods the corner site at the junction with Kilboy Road. Any interference with these ditches during the construction process of their proposed road widening along the L1157 could have far reaching consequences for the flow of that stream and could subsequently lead to problems in the future with flooding or potential collapse of road sides that have been compromised.

A full and proper study and assessment of these ditches; the streams therein; the changing characteristics of flow rate during heavy rainfall; identification of areas for potential sub-soil compromise due to flow; ramifications of making any alterations to the current embankments, would all need to be undertaken over the period of a full year long survey before any proper assessment can be made.

As the streams and ditches along the Breagura Road (L1157) directly feed into Potters River across the R772 from The Tap Café, any accidental fuel spillages from any of the HGV Trucks using the L1157 will have an immediate and direct impact on Potters River and other areas downstream from there, including Buckroneys Dunes (SAC).

We have had experience in the past of an HGV truck overturning on the Ballinameesda Bends and spilling its entire diesel contents into the mill house pond that had a detrimental and long lasting effect. This is not an isolated case. There was also another separate incident at The Tap Cafe where a HGV overturned on the corner. So, whereas the Applicant may say that it is unlikely, and determine it to be within the bounds of acceptability, it can happen, has happened, and the resulting ramifications are unacceptable.

ASBESTOS CONTAMINATION

We know that the Applicant has already indicated that the Asbestos (NOA) discovered at the Ballinclare site has been dealt with in the past to the satisfaction of the authorities and they now claim that there are no further hazards to be considered in relation to the asbestos. But we argue that any vehicular traffic on the site during site preparation or site construction, could in fact reactivate potential risks associated with the asbestos.

Trucks going into the site and then going onto the surrounding roads could inadvertently be carrying and dispersing asbestos dust. Any dismantled plant being removed from the site onto any road could be carrying and dispersing asbestos dust. Any preparation activity on the site that requires the movement of any earth therein could be digging up and dispersing asbestos dust.

Irrespective of the Applicants assertions, the potential risk for contamination with asbestos dust exists, because asbestos DOES exist on the site.

LOCAL BIODIVERSITY FUND

Should the applicant be granted a waste licence, it should be conditional that they apply a €10 or 10% per truck levy (index linked for the lifetime of the landfill) to every truck load accepted at site and that this fund is contributed to a local biodiversity fund.

The details of how such a fund would operate and be administered would have to be worked out in detail, but this could be done by assembling an expert panel to review and report back with proposals that could include such things as local agri-environmental schemes; local habitat restoration and enhancement schemes; local arterial drainage remediation and wetland creation schemes; development of local river riparian buffer zones; local wildlife reintroduction schemes; local rewilding schemes; local native woodland schemes; local pollination schemes; local biodiversity educational schemes; local community garden / allotment schemes; local sea front and dune protection schemes; local upland restoration schemes; local flood plain remediation schemes; etc, etc ... there's an endless list of possibilities that could be investigated and implemented if such a fund were to be established.

POST CLOSURE WATER CONTAMINATION

In the EIAR related to Hydrology and Hydrogeology in the section titled LONG-TERM (POST CLOSURE) SURFACE WATER MANAGEMENT

7.170 Due to the topography of the proposed landform, it will not be possible to direct all the run-off from the restored landfill to the wetland / proposed settlement lagoon by gravity and as such, the residual, southern flank will be drained to a swale along the southern boundary that will discharge to an existing stream which flows to the Kilmacurra Stream.

This is a shocking admission of just leaving the finished landfill to its own devices post closure.

According to this statement, they will not be treating run-off water from the completed mound (apart from whatever water manages to find its way to their wetland area, which to be honest, probably won't be much effect anyway). The reality is that over time, the leachates from within the mound will eventually rise to the surface, as well as leak their way around the edges of the mound. This means that the water run-off will eventually be flowing CONTAMINATED WATER into their swale, which will then be wholesale discharged into the Kilmacurragh Stream and into Potters River, COMPLETELY UNTREATED. The effects this will have on the river will run from local areas all the way down to Brits Bay Buckroneys Dunes and Fen (SAC) and Potters Point (where children play in the river mouth as it enters the sea).

In addition, any contaminated water from the landfill that has to follow the course through the streams and river will also eventually leach into the water table down stream and contaminate every private well from the quarry, all the way to the coast.

This cannot be allowed to happen.
Permission for a waste licence for this
proposed development needs to be
denied.



WHAT THEY SAID . . . AN BORD PLEANÁLA

Inspector's Report ABP-30991-21 08 September 2022

"... the Board is not satisfied, on the basis of the submissions made in connection with the planning application, that adverse impacts on water quality, habitat and species can be avoided, managed and mitigated to non-significant levels. The proposed development would have unacceptable direct and indirect impacts on biodiversity and would, therefore, be contrary to proper planning and sustainable development of the area."

WHAT THEY SAID . . . INLAND FISHERIES IRELAND

Prescribed Body Consultation Feedback as part of ABP Application 330091 - Submitted on 30 November 2020

“It is estimated that there’s will be on average 28 to 30 HGV truck movements per hour generated at the site, this will result in considerable dust deposition along the road and in particular in the immediate vicinity of the site, this silt/dust will settle in roadside drains which discharges ultimately to the Ballinclare/Potters catchment, this is unacceptable”

“IFI would have serious concerns regarding the long term viability of a wetland system (3.8Ha) to treat landfill leachate with final discharge to the Potters system a salmonoid river currently at moderate status and which should be restored to good status by 2027”

“Glass waste, while glass is inert our experience has been that glass containers hold liquid residues how will this be addresses and what are the implications for ground and surface water”

WHAT THEY SAID . . . IRISH WATER

Irish Water Submission to ABP re: application 330091 - Dated 27 September 2021

“Proposals to bring inert materials into the quarry pit carries serious risks in respect of ground water and surface water contamination and other means of contamination along hydrological and hydrological pathways. Land filling carries an inert risk to water quality, because in practice it is impossible to ensure that no contaminated material finds its way into the landfill area of the site.”

“The proposed backfill has the potential to alter existing groundwater flow regime and potentially impact on groundwater levels and/or quality in the surrounding area.”

CLIMATE CHANGE

One final point ...

As the past couple of years have shown us, all over the world, communities are being subjected to increasing hardship, danger and disaster from more and more extreme weather events.

Prolonged dry spells resulting in wild fires, or prolonged wet spells resulting in disastrous flooding and/or landslides have become all too familiar.

In Ireland this year, we've been subjected to unusually high levels of rain, but all the science indicates that we should be prepared to see more and more of these extreme weather events over the coming years.

One thing the Applicant has not done is to consider how climate change might affect their modelling and predictions for the eventual effects of their proposed development. Increased rainfall has the potential to have a significant effect of the proposed facility, leachate that it may produce, ability to contain ground water run off, etc, etc.

Given that this scheme is proposed to have a lifetime of twenty years, it is imperative that a proposed development such as this should take into consideration scientific based forecasts for a changing environment and to include this into their predictive modelling. Not doing so is short-sighted and could potentially have serious ramifications for the local environment and local population.

THERE ARE TOO MANY UNCERTAINTIES AND ASSUMPTIONS WITH THIS APPLICATION.

PROPER AND THOROUGH ASSESSMENTS HAVE NOT BEEN CONDUCTED.

SHOULD THIS FACILITY BE GRANTED A WASTE LICENCE IT WILL BE GIVING PROFIT PRECEDENCE OVER ENVIRONMENT,

THIS WASTE LICENCE APPLICATION SHOULD BE REFUSED.

THANK YOU FOR READING

KEITH HUTCHINSON

A photograph of a narrow, paved path winding through a dense forest. The path is covered in dappled sunlight and shadows from the surrounding trees. The trees are tall and have thick canopies of vibrant green leaves. The overall atmosphere is peaceful and natural.

PROTECT THIS BIODIVERSE RICH ENVIRONMENT