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1. Waste water infrastructure:

1.1 Unsustainable capacity in waste water infrastructure:

The development plan identifies the need for a regional Wastewater Treatment Plant but the written statement/ Sea and NIS does not discuss the limitations that the current wastewater capacity issues has in implementing the plan.

- 1.2 The wastewater for Fingal is treated by mainly; Ringsend WWTP (NFS catchment, Howth via Sutton pumping station), Swords WWTP, Malahide WWTP, Skerries and Portrane WWTP. In the 2020 AER reports most were compliant with their licence except for Ringsend and Malahide. The difficulty is that the reports are for 2020 and since those reports a number of new developments have been connected which has reduced capacity in the plants however as the development plan/ SEA and AA has not carried out any real assessment of the wastewater issue and potential impacts on water bodies it is not clear if the plan does have an adverse impact on sites and species protect under the Habitats Directive and the Bird Directive.
- 1.3 A local example is the live planning application F21A/0476 where the developer Gannon homes has applied to build a sewage storage tank and overflow to the Ward river as Irish water are unable to give them a connection agreement for newly built house due to increased surging in the Swords sewer catchment network.
- 1.4 Malahide WWTP is currently trucking sludge out of the plant via Malahide village street on a weekly basis due to capacity issues and sensitivity of the receiving waters and the plant is currently non compliant and issue that has not been adequately addressed in the NIS or SEA.
- 1.5 Ringsend treats a large percentage of waste water from the Fingal Catchment most notably from the North Fringe Sewer (NFS) which drains via pressurised sewer to Sutton Pumping Station and on to Ringsend Waste Water Treatment Plant. Howth catchment also drains to Sutton Pumping station and over to Ringsend. In Ringsend's latest Annual Environmental Report (AER) from 2020 they confirm that they are in breach of their licence and the capacity of the plant. Irish Water have confirmed that the plant upgrade is due to be completed in 2025 which will give a capacity of 2.4 million population equivalent (PE). According to the 2020 Annual Environmental report (SEE section 2.1.4.2 of report **Fig1** below) Ringsend is currently 638,000.00 PE over capacity at 2.27 Million PE
- 1.6 This capacity of 2.27 million PE as at 31st December 2020. It does not include any developments that had been granted but not yet connected by 31st of December 2020 nor does it include the developments that have been granted permission on (questionable) feasibility statements in the 17 months since. There is a high probability even just looking at the FP Logue SHD tracker for SHDs that based on the SHD grants of planning since end of 2020 and any additional housing development grants via the normal local authority process that the remaining maximum achievable capacity at Ringsend of 130,000 PE is already spoken for.

2.1.4.2 Treatment Capacity Report Summary - Ringsend WWTP

Treatment capacity is an assessment of the hydraulic (flow) and organic (the amount of pollutants) load a treatment plant is designed to treat versus the current loading of that plant.

RINGSEND WWTP	
Peak Hydraulic Capacity (m ³ /day) - As Constructed	959,040
DWF to the Treatment Plant (m ³ /day)	274,076
Current Hydraulic Loading - annual max (m ³ /day)	832,269
Average Hydraulic loading to the Treatment Plant (m ³ /day)	458,641
Organic Capacity - Design / As Constructed (PE)	1,640,000
Organic Capacity - Current loading (PE) - peak week load	2,278,887
Organic Capacity – Remaining (PE)	0
Will the capacity be exceeded in the next three years? (Yes/No)	Yes

No flow or BOD data was discounted by IW for 2020.

FIG. 1

- 1.7 If we were to take an example of just one Local Area plan from within Fingal, The Baldoyle Stapolin LAP is very clear that the capacity issues at Ringsend *must* be taken into consideration when planning sustainably for the lands.

Section 4.10.3 of the LAP states: *“Waste Water: Existing Problems / Environmental Considerations
In the short term there is the potential for a waste water treatment shortfall in the area if the upgrade of the Waste Water Treatment Plant at Ringsend does not keep pace with development. The overloading of waste water treatment plants, low levels of treatment and discharge of outflow to water bodies at risk has significant potential to harm human health - through contamination and pollution of drinking water – and biodiversity and contribute to failing Water Framework Directive(WFD) objectives if unmitigated. In the longer term however, it is considered that the completion of the GSDS will resolve the majority of issues regarding wastewater treatment constraints up to 2031. This will allow for wastewater treatment capable of serving sustainable and in some instances, appropriate higher density development of the County, without any negative impact on the achievement of the objectives of the WFD. Notwithstanding the increased capacity of the wastewater treatment plants for the County, sustainable development along high quality public transport corridors should form the basis for growth over the lifetime of the LAP. If new development was not accompanied by appropriate waste water infrastructure /capacity then it is likely that adverse impacts upon a number of environmental components would arise.”*

- 1.8 Section 4.10.7 of the Lap in relation to Material Assets Issues. Existing Problems / Environmental Considerations goes on to state:

“In the short term there is the potential for a waste water treatment shortfall in the area if the upgrade of the Waste Water Treatment Plant at Ringsend does not keep pace with development. The overloading of waste water treatment plants, low levels of treatment and discharge of outflow to water bodies at risk has significant potential to harm human health - through contamination and pollution of drinking water – and biodiversity and contribute to failing Water Framework Directive(WFD) objectives if unmitigated. In the longer term however, it is considered that the completion of the GSDS will resolve the majority of issues regarding wastewater treatment constraints up to 2031. This will allow for wastewater treatment capable of serving sustainable and in some instances, appropriate higher density development of the County, without any negative impact on the achievement of the objectives of the WFD. Notwithstanding the increased capacity of the wastewater treatment plants for the County, sustainable development along high quality public transport corridors should form the basis for growth over the lifetime of the LAP. If new development was not accompanied by appropriate waste water infrastructure /capacity then it is likely that adverse impacts upon a number of environmental components would arise.”

1.9 In Section 7.3.7 of the Lap in relation to Material Assets it states:

“The material assets of the Plan lands include waste water and drinking water infrastructure, waste management facilities and transport infrastructure. The regional park itself is also a material asset but the impact of the Plan on it has been dealt with in the paragraphs above. Waste water - In the short term there is the potential for a waste water treatment shortfall in the area if the upgrade of the Waste Water Treatment Plant at Ringsend does not keep pace with development. The overloading of waste water treatment plants, low levels of treatment and discharge of outflow to water bodies at risk has significant potential to incur pollution. The Plan has included objectives to ensure that development is not granted which cannot be adequately treated for waste water. This will also be dealt with at planning application stage of each phase of development.”

1.10 However it is clear that development is being granted in Baldoyle, Swords, Howth and towns all over Fingal which cannot be adequately treated for wastewater. The regional WWTP will not be built in the lifetime of this plan.

1.11 Sutton Pump Station.

Irish waters statement of capacity 1.11 on page 391 of the Written statement is incorrect in stating no issues in Sutton / Baldoyle. In addition to the issues with Ringsend WWTP there are also major issues with Sutton Pumping Station that were identified in a multi disciplinary report carried out by JB Barry in March 2019. The report identified a number of serious issues see list in Fig 2 and Fig 3 below. As of July 2021 Irish water confirmed that the only recommendations that have been carried out from the multidisciplinary study are the upgrading of the lighting levels and the replacement of valves, ducting and dampers in the odour control. All other issues appear to be ongoing and will be exasperated by ongoing connections to the this network which Sutton Pumping station is clearly not capable of processing and is causing raw sewage overflows at its overflow discharge locations.

1.12 Fingal as a planning authority have a responsibility to ensure sustainable planning and under Habitats Directive and EIA directive a decision on sustainability must be based on the situation on the ground (ie current capacity in the network) at the time of making the plan. Its is a breach of the Directives to rely on future capacity as mitigation. With the present situation in Ringsend and Sutton PS further development connections to the NFS, could be putting further pressure on the network. Particularly in locations with already limited infrastructure such as Howth.

FIG 2.

mechanical and electrical technology, optimisation and structural works, there are significant opportunities for Dublin City Council (DCC) and Irish Water (IW) to minimise operational and environmental risks, save operational costs and improve the health and safety of the plant operators.

Summary of Observations

- The Odour Control Unit (OCU) is not fit for purpose;
- The OCU is difficult and expensive to maintain including purchasing of chemicals and replacement of re-circulation pumps;
- The Ventilation Fans operate at 2 duties (normal airflow and emergency). The emergency operation is not functioning. These fans require upgrading/replacement;
- There is no gas monitoring/recording on site, only gas alarm and high-level detection. This should be implemented;
- The main foul pumps were upgraded between January and May 2017 and are performing well;
- When the primary sump level is high, it is approximately 3.5m above finish floor level (F.F.L.) causing significant surcharging of the North Dublin Drainage System (N.D.D.S) and North Fringe sewers. This, in extreme cases also leads to pressurised infiltration through the floor in the corridors surrounding the wet well;
- The storm tanks within the station are not being used due to the high level of the overflow weir (7.2mOD) which causes the wet well area in the station to flood;
- Currently the storm water is diverted through a by-pass pipe to the overflow chamber at 2.6mOD.
- Consideration should be given to coring holes in the wall between the storm tank and the overflow chamber to reduce the overflow level, so that the storm chambers can be utilised, and the overflow chamber will fill at lower level, minimising surcharge on the incoming lines.
- Consideration should be given to installing a diversion from the Howth / Sutton sewer into the primary sump to cater for dry weather conditions. In the event that there is

storm events or high tides levels will be maintained using the secondary pumping station. This could potentially yield significant energy savings. Alternatively, consideration should be given to reducing the pump lift in the secondary well. This could potentially yield significant energy savings. Siphon discharges could further reduce energy;

- The concrete in the wet well above F.F.L. should be fully examined to determine if there is structural damage causing seepage to the corridor areas. This is required to determine scale of repair works required. The concrete floors in the manned areas should also be sealed to mitigate the risk of flooding in extreme storm events;
- There is no isolation valve on the discharge main which limits maintenance to delivery valves from the main foul pumps. There is also potential leakage on the pump non-return valves;
- There are noise issues associated with the back-up generator.
- There are security issues at the station;
- The existing SCADA and telemetry needs to be upgraded in line with the latest Irish Water requirements;

FIG 3.

- 1.13 The Regional waste water treatment plant or Greater Dublin Drainage is integrated as part of the Fingal Development Plan. This project includes a wastewater treatment plant, Waste recovery facility (sludge hub centre) a Biogas storage plant, sewer pipelines and an outfall less than 1 km from Ireland's eye. The SEA or NIS does not assess the impact of the GDD Project on the Protected Species of Birds, Seals, Harbour Porpoise that are SCIs of the Baldoye Bay SAC/ SPA, Malahide Estuary SPA, Ireland's EYE SAC/ SPA, Howth Head SAC/ SPA, Dublin BAY SAC, SPA, Tolka River Estuary SPA, Lambay SAC/ SPA and Rockabill to Dalkey SAC.
- 1.14 The effluent from the WWTP will contain micro plastics, chemicals of emerging concern (CECs), PCBs, POPs all of which are known to severely impact seabirds via ingestion and are substances not limited or controlled by a waste water discharge licence. some examples below:
- The level of micro plastics being found in seabirds and contributing to their death is at an all time high. Microplastics are being used by birds to line nests (see attached sustainability report) Scientific studies are finding levels of PCBs in the eggs of seabirds at Lambay in Ireland.
<https://www.sciencedirect.com/science/article/pii/S0025326X21004343>
- 1.15 The Outfall of the GDD Project will discharge into the middle of the Rockabill to Dalkey SAC which is specifically designated for Harbour Porpoise. There has been NO assessment of the impacts of PCBs, POPs, CECs or micro plastics on the Harbour Porpoise which IWDG have identified through surveys as being extremely active in high populations at the near and far field of the sewage effluent outfall.
- 1.16 Emerging concern on the impact of freshwater on marine mammals such as cetaceans and pinnipeds has also been raised by conservation groups and scientists. The introduction of increased volumes of freshwater such in rivers that feed into the sea as after large storms is causing a distinct **ulcerative dermatitis** known as "freshwater skin disease" is an emerging clinical and pathological presentation in coastal cetaceans worldwide.

- 1.17 While cetaceans can survive in fresh water for short periods, sudden and prolonged exposure – such as when an animal becomes trapped, or the salinity of their habitat is affected by heavy rainfall – has been found to cause a form of dermatitis. This progresses into ulcers and lesions that can affect up to 70% of the animal's surface area, with the severity of a third-degree burn. If the water also contains pathogens, chemicals bacteria then the skin which is damaged by the freshwater is also infected by the substances in the effluent which lead to premature deaths.

Scientific paper here: <https://www.nature.com/articles/s41598-020-78858-2>

News article here: <https://www.theguardian.com/environment/2020/dec/29/fatal-freshwater-skin-disease-in-dolphins-linked-to-climate-crisis>

- 1.18 A second issue is that of PCBs, POPs and the bioaccumulation of these substances in cetaceans fat and blubber contributing to illness, reproductive issues and death. These substances are found in wastewater effluent and are not controlled by Waste Water Discharge Licenses. Mother cetaceans who bioaccumulate PCBs and become pregnant unknowingly purge the PCBs from their body to their milk and dose their newborn baby's with lethal levels of toxic PCB's. This issue can also be applied to pinnipeds such as seals.

Scientific paper here: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0131085>

News article here: <https://www.oceanographicmagazine.com/news/harbour-porpoises-pcbs/>

- 1.19 The GDD Project has not assessed any of the above issues in relation to micro plastic, PCBs and other toxic substances and freshwater on Marine Mammals specifically the Harbour Porpoise that the Rockabill to Dalkey SAC is designated for (and that the GDD Project actually discharges sewage effluent directly within this SAC). We believe that an assessment of the compatibility of the GDD Project with the Habitats and Birds Directive must be carried out as part of the SEA and AA for the Fingal Development Plan. If impacts are identified and cannot be mitigated, then all references to the Regional Wastewater Treatment Plant and GDD should be removed from the Development Plan.

2. Water Framework Directive.

- 2.1 All of Fingal's Water bodies have declined and whatever actions have been put in place up to 2022 have failed entirely to bring the status of our water bodies up to the required Good status. The development plan need to do more to protect and mitigate for runoff and discharges to the catchments. WE need to make up for the failure of previous plans by being overly cautious and implementing the Precautionary Principle and Environmental Liability Directives and Water FrameWork Directives to the extreme.

- 2.2 We request that Objective WQ05 "Establish riparian corridors free from new development along all significant watercourses and streams in the County. Ensure a 10 to 15 metre wide riparian buffer strip measured from the top of the bank either side of all watercourses, except in respect of the Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Corduff, Matt and Delvin where a 30m wide riparian buffer strip from top of bank to either side of all watercourses outside urban centres is required as a minimum." be amended to state the following;

Proposed Objective WQ05 Establish riparian corridors free from new development along all watercourses and streams in the County. Ensure a 30 metre wide riparian buffer strip measured from the top of the bank either side of all watercourses, except in respect of the Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Corduff, Matt and Delvin where a 50m wide riparian buffer strip from top of bank to either side of all watercourses outside urban centres is required as a minimum.

- 2.3 We also suggest that FCC create a "floodplain" zoning which would be the buffer of at least 30m from the outer boundary's of wetlands, marshes, lakes, rivers and other water bodies which also excludes agricultural and commercial horticultural use from these newly zoned areas which should be left to rewild.

3. Sluice River March & Kingfisher Green

- 3.1 In light of the findings of the Sluice river Marsh 2005 report and the recent Ecology of the Sluice March 2021 commissioned by Fingal County Council (but not referenced by Scott Cawley that we could see) we request that the entire Sluice lands be put forward for SAC candidacy during the lifetime of this development plan. We ask that a management plan for the lands be put in place and objectives to reflect these two requests to

be added to the plan. The reports identified the lands as being a rare and unique site due to the freshwater ecosystem to the railway end and the seawater ecosystem to the estuary end which also have a unique mixing zone where the two water systems meet.

- 3.2 As Kingfisher Green, Portmarnock is a flood zone and no development can take place but is also a primary feeding area for Brent Geese there should be an objective to add this section to the Baldoyle Estuary SPA via an expansion by Statutory Instrument, the Map sheet 9 should have this as an objective.

4. Zoning at Maynetown Portmarnock.

- 4.1 We request that all lands at Maynetown not yet granted planning permission be rezoned as Open Space. And a full reassessment as part of the AA and SEA of the Fingal Development plan of how mitigation measures were identified and applied in order to rezone the lands residential in the original Portmarnock South LAP as adopted by the Fingal Development Plan. The original mitigation measure fell far short of those required under the Birds Directive and Habitats Directive as we have laid out over the rest of section 4.

- 4.2 History of Appropriate Assessment, mitigation and compensation.

The Bird Quiet Zone was designated as part of the Portmarnock South LAP 2013. It was informed by surveys carried out by Pierce and Dillon 2011 and a scientific paper by Lorraine Benson 2009, all accepted experts in ornithology who identified Maynetown Lands as being important feed and roosting grounds for Special conservation Interests of the Local Natura 2000 network, in particular Baldoyle Bay SAC and SPA.

- 4.3 Fingal County Councils the Ecological Study of the Coastal Habitats in County Fingal Phase II – Birds (Figure 4), http://www.fingalbiodiversity.ie/resources/fingal_coast/2004%20Bird%20Habitats.pdf identified the use of the whole lands at Maynetown by Brent Waders (see red squares).

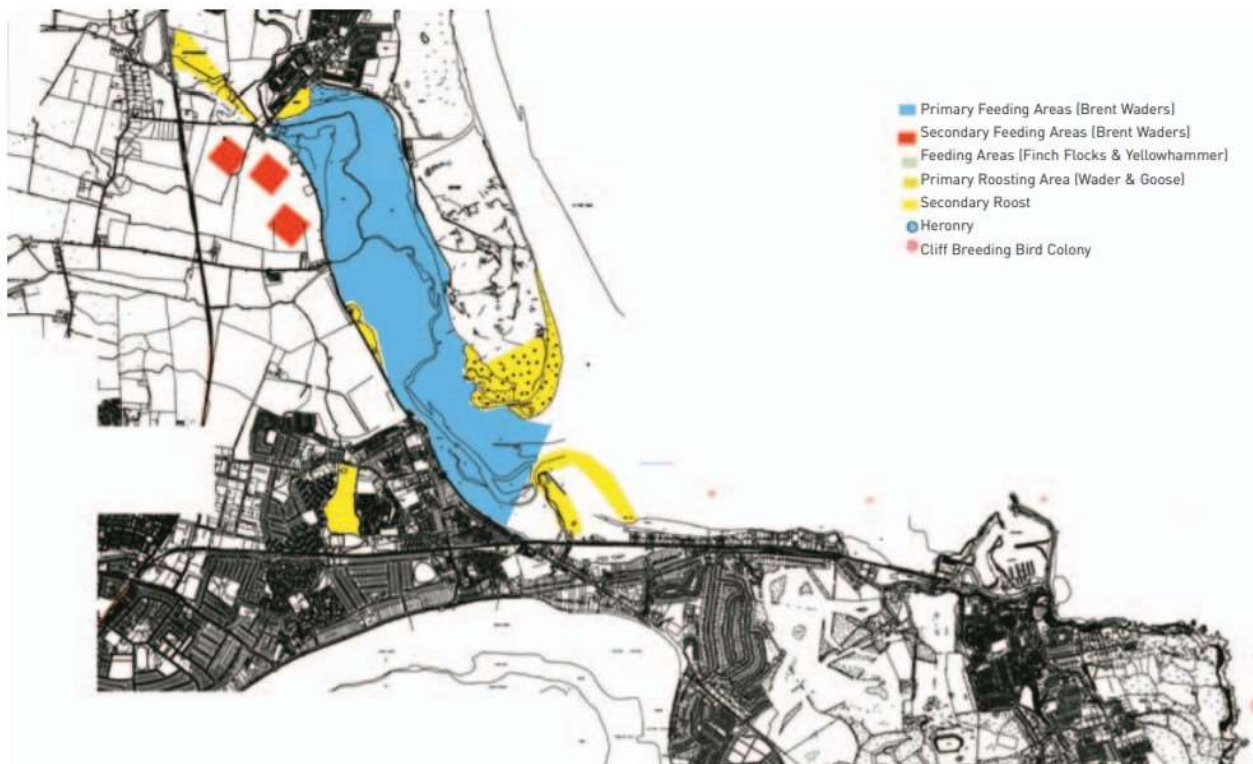


Fig 4. Use of Maynetown by Brent Geese.

- 4.4 Another report for Portmarnock south LAP NIS also commissioned by Fingal county council identifies the same area as a feeding site for a number of qualifying species for the SPA. The Portmarnock Lap quotes: *Informal consultation was also undertaken with Irish Brent Goose Research Group regarding lands to the south of the LAP area (Baldoyle-Stapolin) and the Portmarnock South LAP lands. It was noted that the LAP*

lands used by Brent geese is dependent on whether, and where, winter cereals have been planted, with the geese being attracted to winter cereals. It was noted that this was not the case during the 2012/2013 winter, in the past large numbers (1000+) have been observed, particularly in the field which slopes up from the coast road within the east of the LAP lands. (pers. comm., Resightings Co-ordinator, Irish Brent Goose Research Group, 2013).

4.5 The same report identifies main pressures and threats to light bellied Brent geese habitats as the following: Habitat loss/degradation (human induced) – agriculture, infrastructural development, human settlement, tourism, recreation, dams, invasive species; accidental mortality – collision; persecution; pollution – global warming, sea level rise, water pollution; natural disasters – drought, storms, flooding; changes in native species dynamics – competitors, pathogens/parasites; poor regeneration, restricted range; human disturbance – recreation, transport, agricultural, industrial. I cant see that any assessment of these pressures have been discussed in the NIS or EIAR.

4.6 The Portmarnock South Lap NIS <https://www.fingal.ie/sites/default/files/2019-03/Portmarnock%20South%20LAP%20AA%20Natura%20Impact%20Report.pdf> same report illustrates the use of the lands by birds from a Pierce and Dillion 2011 survey (Fig 5) and the report also states: Bird species of Baldoyle Bay SPA, in particular Light-bellied Brent Geese are known to use lands surrounding the SPA for feeding. A section of the agricultural lands adjoining the SPA, in the vicinity of C4 were noted to be of major importance with records of between 401-1450 Light bellied Brent Geese recorded from this area (Benson, 2009). Loss of feeding habitat may result in negative impacts upon qualifying interests of the SPA.



Figure 3: Study Area C with location of recorded wintering birds highlighted in green in relation to the LAP lands. (Pierce and Dillon, 2012)

FIG 5.

4.7 The importance of the site is confirmed in the Wintering bird survey of the lands surrounding the Baldoyle Estuary December to February 2011 – 2012 which was commissioned as part of the South Portmarnock LAP. It states; ***“This winter bird survey has demonstrated that the surrounding farmlands, amenity grasslands and golf club lands are important habitats for birds linked to the Baldoyle Estuary and should be viewed as***

being ecologically linked and not divorced from the estuarine areas. In times of hard weather, storms, high tides and low human disturbance times e.g. dawn/ night times birds frequently move from the estuarine areas onto the surrounding lands for additional feeding or roosting needs. This valuable mix of land use together with the estuarine wetland habitats produces this diversity, if the mix stays as it is this level of diversity should continue. The survey has found that the surrounding arable farmland in particular is an important feeding habitat for wader species from the estuary as well as winter finches, skylarks and buntings. The arable croplands location so close to the estuary allows this rich biodiversity to develop. If the surrounding arable lands are re-zoned then the diversity and numbers of the bird species that give the SPA status to the Baldoyle Estuary may be affected.

- 4.8 As is confirmed by Fingal County Council own reports , there was substantial use and reliance on the land by species protected by the designation of Baldoyle Bay SPA and that the experts deemed this ex situ feeding site as ecologically linked to Baldoyle SPA. The AA identified that the plan would remove important feeding and roosting habitat, which was correct but then went on to incorrectly propose completely inadequate mitigation measures rather than what was required which was compensatory measures. The steps taken next, were then and continue to be in breach of the Habitats Directive and Birds Directive.

The Council suggested the following as mitigation (not compensation).

- i). Designation of Bird Quiet Zone
- ii). Clearing of Murragh Spit
- iii). The availability of existing sports pitches in the area for feeding.

- 4.9 These measure are insufficient and in breach of the Habitats Directive for the following reasons;

- i) The Bird Quiet Zone was already within the area identified as a feeding area and already in use, for Brent Geese. You cannot mitigate or compensate with the same land that is being impacted by a project or plan.
- ii) The Murragh spit was already within the Baldoyle Bay SPA and therefore cannot be considered as creating habitat to mitigate habitat loss.
- iii). the existing sport pitches were already used by the Brent Waders for Feeding at that time see Fig 6. Benson 2005 so the availability of these pitches could not be consider as the brent wader population were already utilising these pitches in addition to Maynetown to nourish themselves at high tide and during low eelgrass production in the estuary. The removal of habitat loss at Maynetown therefore gave them less available feeding spots so the sports areas highlighted could never be considered mitigation.

- 4.10 If we were to apply what happened to the Birds habitat at Maynetown to a human scenario, it would be the equivalent of rocking up to someone's house and saying we recognise that your right to use you house is protected by the constitution and if we take away any part of it we have supply equivalent accommodation space compensate you with a brand new house.

However after recognising that you use your whole house we are going to designate the garage as your living space (the Quiet Zone) we know you already used it but now we have officially identified it as yours. We will then take the rest of your house for our own use but you will be ok as you still have your car that you already had use of and was designated for you but we are going to use again for our purposes (the Murragh Spit). You also have access to a network of restaurants that you regularly eat in that are shared by other uses and people (the existing Sports Pitches). So to sum up we are taking you house and you can live in the garage, this is a fair and equitable arrangement.

- 4.11 But it is not a fair and equitable arrangement and the legislation governing this is unyielding in this regard. S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011. Part 4 section 27 (4) Public authorities, in the exercise of their functions, insofar as the requirements of the Birds Directive and the Habitats Directive are relevant to those functions, **shall** (a) take the appropriate steps to avoid, in candidate special protection areas, pollution and deterioration of habitats and any disturbances affecting the birds insofar as these would be significant in relation to the objectives of Article 4 of the Birds Directive, (b) **outside those areas, strive to avoid pollution or**

deterioration of habitats, and steps to avoid, in European Sites, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated in so far as such disturbance could be significant in relation to the objectives of the Habitats Directive.

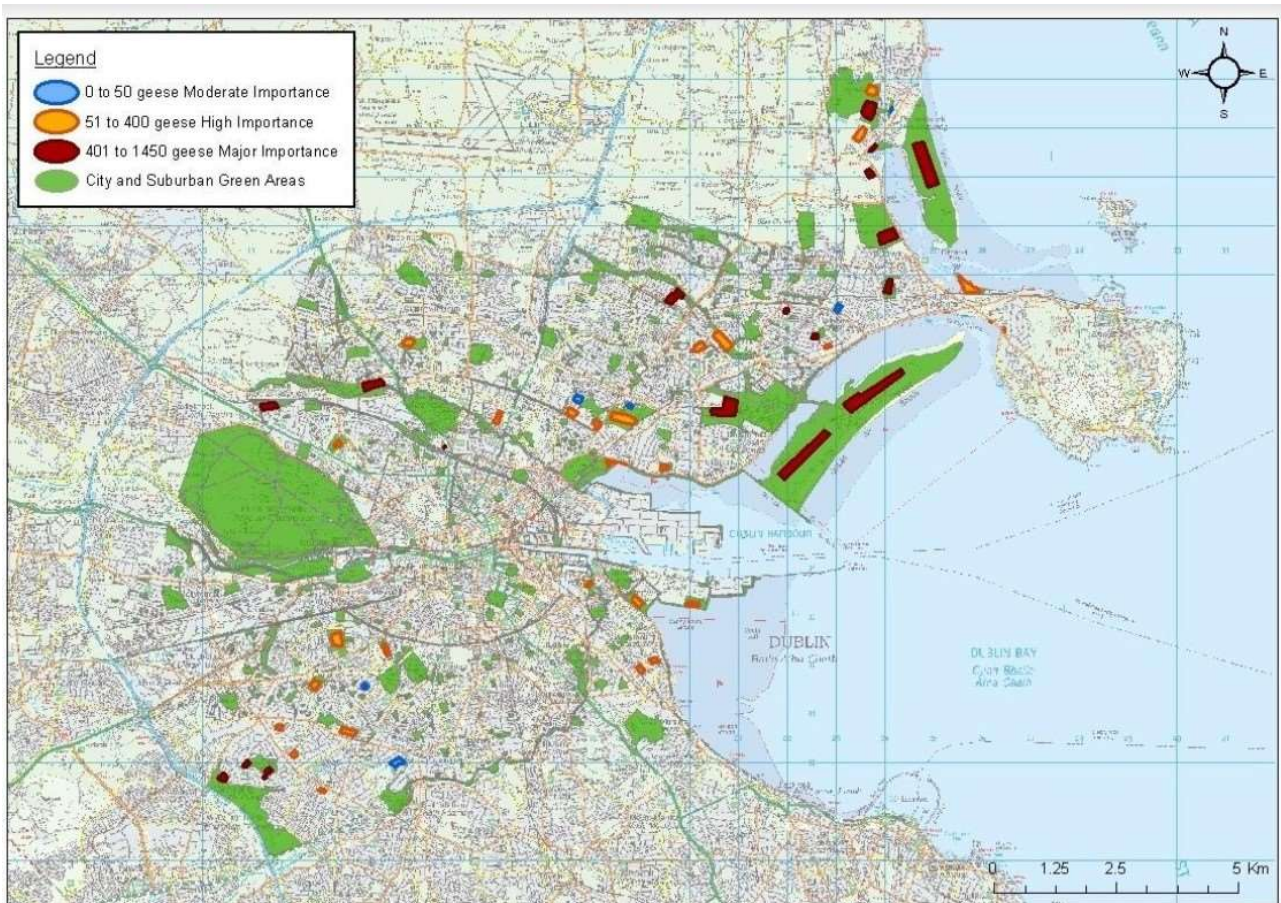


Fig. 4 L Benson 2209

- 4.12 An Bord Pleanála has already correctly applied this legal test in An Bord Pleanála decision- Board Direction BD-001078-18 ABP-302225-18 for a planning application by Crekav Ltd. reinforces my assertion that this land rezoning should not have been granted permission due to direct habitat loss that would result from construction of SUDS wetland, The decision reads as follows: “Having regard to the fact that the subject site is one of the most important exsitu feeding sites in Dublin for the Light-bellied Brent Goose, a bird species that is a qualifying interest for the North Bull Island SPA and having regard to the lack of adequate qualitative analysis and accordingly the lack of certainty that this species would successfully relocate to other potential inland feeding sites in the wider area, as proposed as mitigation for the development of the subject site in the submitted Natura impact statement, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites in view of the sites’ conservation objectives.”
- 4.13 The legislation is clear. If the competent authority considers the mitigation measures are sufficient to avoid the adverse effects on site integrity identified in the appropriate assessment, they will become an integral part of the specification of the final plan or project or may be listed as a condition for project approval. If, however, there is still a residual adverse effect on the integrity of the site, even after the introduction of mitigation measures, then the plan or project cannot be approved (unless the conditions set out in Article 6(4) are fulfilled).
- 4.14 The test was not applied to the Maynetown lands in relation to appropriate compensation habitats. It is clear from the illustrations that the physical site size of feed habitat lost was not equally mitigated or compensated for by the created of equivalent sized feeding habitat on new lands not already used or designated for the protection of Special Conservation interests of Baldoye SPA. As such the previous rezoning was illegal and

must now be corrected with the AA and SEA for this development plan, which must under law take in the failure to actually compensate like for like for the loss of feeding and roosting habitat.

4.15 The Portmarnock South Area Lap NIS concludes there fore incorrectly concluded: *Once mitigation has been implemented in full, no decrease in favourable conservation status of Brent Geese are predicted and no significant impacts to Baldoyle SPA site integrity will arise as a result of loss of feeding habitat. This assessment has taken account of best available scientific information including a) current and historical Brent data for the fields in question, b) increasing national and local Brent Geese populations c) the species is not red-listed nationally, and d) taking account of mitigation measures including seasonal fencing and management measures of fields to the east and south of the LAP lands for wintering bird species including provision of a quiet zone.*

4.16 I have attached copies of a citizen science survey of the Quiet Zone lands which shows the use of the lands and indeed the continued use of lands outside of the fences quiet zone area. It is very clear from this submission that compensation and mitigation is still required in relation to the landtake of feeding lands for the rezoning of Maynetown for the Portmarnock South LAP. This means that the NIS is not complete as there are still historical impacts in the continued residential zoning of this area.

5. Public Rights of Way

5.1 The deadline is looming to register public rights of way. The Development plan should have a section that identifies all know public rights of way in Fingal, which need to be registered still with the PRAI and an objective to complete the remaining registrations within the deadline.

6. Waste

6.1 Waste and how to deal with waste is becoming more of an issue for Ireland and Fingal, circular economy demands that we reuse or recycle all that we can, however large volumes of waste are still being generated. The issue of incinerators is becoming a hot topic in addition to other waste recovery options. Such measure are welcome if they can show that they will not contribute to air pollution and health impacts on the public or environmental pollution. However we are seeing industries such as the Irish Cement in Limerick applying for licences to incinerate waste such as tyres, with the waste disposal being an ancillary use to the Cement industry. This is a dangerous precedent that is not protected against in the Fingal Development Plan.

6.2 We suggest that in order to avoid waste disposal and recovery development being tacked on to existing developments that Waste Disposal and Recovery Facility (High Impact) and Waste Disposal and Recovery Facility (Low Impact) uses cannot be ever be considered as ancillary development and must be assessed on their own stand alone merits. This will avoid any issues with waste disposal and recovery facilities being developed on zoned lands they are not permitted on.

6.3 We respectfully suggest a new objective as follows:

IUO37: Require separate assessments of all development applications for waste disposal and recovery facility (high impact and waste disposal and recovery facility (low impact). No developments of this use type shall be considered as an ancillary use but as a stand alone development, and will be assessed on it own merits. In the interest of public health and environmental protection.

7. Wildlife Act: Hedge cutting and vegetation clearance.

We propose a new GINHO# objective:

“It is an offence for a person to cut, grub, burn or otherwise destroy during the period beginning on the 1st day of March and ending on the 31st day of August in any year, any vegetation, tree or hedge growing on any land not then cultivated. Fingal County council or its agents shall not carry out such maintenance works with an express derogation from the NPWS, during the aforementioned time for reason of wildlife protection.”

We consider ourself privileged to live in Fingal and have so many social and natural amenities in our area.
WE hope our submission can help in some way to improve proper and sustainable development while balancing the protection of our natural heritage, while giving a voice to those species who cannot speak for themselves and the to the children's whose future will be impacted by this plan and its success or failure.

Yours Sincerely
Sabrina Joyce-Kemper
Catherine McMahan
Lucas Kemper
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