

An Bord Pleanála
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09/09/2020

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LDG- <u>030689-20</u>	
ABP- _____	
10 SEP 2020	
Fee: € _____	Type: _____
Time: <u>12:30</u>	By: <u>Hand</u>

Proposed construction of the Boyne Greenway Drogheda to Mornington, Co. Meath & Co. Louth (APB-307652-20)

Dear Sir/Madam,

References and documents read.

- A. Outline Construction Methodology Report (PDF, 3.02 mb)
- B. Constraints & Preliminary Design Report (PDF, 6.23 mb)
- C. Archaeological and Built Heritage Assessment Report (PDF, 3.07 mb)
- D. Boyne Greenway Arboricultural & Tree Survey Report (PDF, 15.78 mb)
- E. Boyne Greenway Ecological Impact Assessment EcIA Report (PDF, 17.45 mb)
- F. Boyne Greenway Natura Impact Statement Report (PDF, 15.74 mb)
- G. Environmental Impact Assessment Report Screening Report (PDF, 1.46 mb)
- H. Flood Risk Assessment Report (PDF, 13.00 mb)
- I. Route Options Assessment Report (PDF, 6.09 mb)
- J. Arboricultural & Tree Survey Drawings (101 -115)
- K. Domestic Entrance Drawings (2)
- L. Land Requirement Drawings (001 - 004)
- M. Mornington Bridge Drawing (1)
- N. Route Alignment Drawings (Key Plan plus 40 Sheets)
- O. ABP Sec 177 AE - Guidelines for Local Authorities
- P. Drogheda Borough Council Development Plan 2011 - 2017

Introduction

I understand from the Meath Coaster (September 2020 edition) that the proposed Drogheda-Mornington Greenway is part of a much bigger project, i.e. The Fingal Co. Co. "Newbridge to Newgrange" proposal. Ref: Cllr. Sharon Tolan Pg. 12 of the above.

<https://www.meathcoaster.com/LibraryMC/2020/September-2020-Meath-Coaster/index.html#page=12>

The concept of a greenway/cycle/walking route is good, and a quick review shows that most current and proposed Greenways generally use a previously existing but now defunct transport route:

- Waterford Greenway: Follows the old Waterford to Mallow railway line.
- Great Western Greenway: Follows the old Achill to Westport railway line.

- **Great Southern Greenway:** Follows the old railway line that connected the three market towns of Rathkeale, Newcastle West and Abbeyfeale.
- **Grand Canal Way:** Follows the towpath of the canal from Lucan Bridge to Shannon Harbour.

In regards, to this proposal, as there is no similar previously existing transport route, a new one must be created, which will bring its own challenges and impact on the Environment and Nature.

DFBL the Consulting Engineers were tasked by Meath Co Co to devise a Greenway from Drogheda to Mornington that would lessen "... the ecological impact of the proposed cycle and pedestrian infrastructure on the existing Boyne Estuary Special Protection Area and the Boyne Coast and Estuary Special Area of Conservation, both during construction and long term during the operational stage." This Planning Application fails as the route choice along the R150/R151 only maximises the views along part of the Boyne Estuary rather than protecting the integrity of the SPA and SAC (European Sites).

Maps and Drawings showing the route and its impact on the SPA and SAC

Statutory Instrument No. 626 of 2011, gives the outline of the Boyne Valley SPA. Meath Co Co in their application do not refer to this S.I. or correctly show the proper outline of the SPA on their maps, and I believe that this is not an accidental omission, one would expect a higher standard from professional employees. Their proposals should be transparent.

Expected number of people to use the Greenway and their impact.

Nowhere in the planning documentation have Meath Co Co made any mention of the expected number of people that the proposed Greenway would attract per day/year. This is a most curious omission and clearly not by accident. However, based on the planning width of the Greenway at 4 metres it can be estimated that Meath Co Co expect circa. 1,500 users per day at high season. See Transport Infrastructure Ireland (TII) Rural Cycle Scheme Design (including Amendment No. 1, dated December 2014) para 4.11. This document sets out standards for the width of cycle paths and notes that the desirable minimum width of two-way, low volume cycle facilities with shared use with pedestrians is 3 metres. Low volume facilities are those considered to attract less than 1,500 users per day. The desirable minimum width for high volume facilities (attracting greater than 1,500 users per day) is 5 metres.

Known Local Risks/Environmental Hazards that have not been considered:

There are a number of Hazard Zones on the proposed route of the Greenway that would not appear to have been considered in the planning application. I can find no mention of the Health and Safety Authority (HSA) being consulted as required by the EU Directive on the Control of Major Accidents Hazards (Seveso). "Planning applications in proximity to Seveso sites are referred to the Health and Safety Authority (HSA), a prescribed body, for their input and the planning authority in making a decision must have regard to their advice."

██████████ Marsh Road, Drogheda

Drogheda Borough Council Development Plan 2011 – 2017 (Ref. P, Chapter 2, Development Strategy, para 2.10) has identified the ██████████ site on the Marsh Road as a site which poses a potential risk to public safety by reason of the nature of the substances handled on the site. A designated zone of impact has been established as a result of this risk. The Greenway route as planned runs through the ██████████ carpark i.e. through this zone of impact.

Unloading of Explosives at Mornington Berth

Explosives [REDACTED] Bye-Laws, 2018 (Draft) provides for the unloading and movement of explosive raw material at Mornington berth. The Bye-laws make provisions to have the [REDACTED] and adjacent houses on the Crook Road to be evacuated during the use of the designated berth at Mornington. To plan a Greenway near the unloading berth and follow the route of the vehicles bringing the explosive material from Mornington without providing for all eventualities would appear to be a serious omission, and not in accordance with proper planning.

Asbestos dump at Stewart's Bank in SPA

Meath Co Co are aware that [REDACTED] deposited asbestos waste at the area known as Stewart's Bank in the SPA in the late 1990's. The full extent of this was discovered circa 2003 when heavy rains washed away the surface layers and exposed some of the asbestos waste. Meath Co Co then advised that the asbestos waste should thus found, should be marked, sealed and buried. The exact size of the asbestos dump remains in dispute. I recall that this matter was referred to the Courts. Stewart's Bank is on the route of the proposed Greenway so this matter must be resolved as planning a Greenway through an asbestos dump is dangerous to the health and safety of construction workers and users.

[REDACTED] Treatment Plant

While not defined as an Environmental Hazard the impact of Mal Odour from the [REDACTED] Treatment Plant [REDACTED] is well known locally and should also be taken into consideration. Depending on the wind strength and direction, it can linger for up to 1Km.

Other specific Concerns to be considered

- a) Vandalism has occurred on the Drogheda-Oldbridge Greenway and some €200k of damage was caused when a section was set alight in 2018. Sadly, the potential for this to happen on the proposed Greenway is obvious.
- b) Access for Gardai/Medical/Fire personnel to certain parts of the proposed Greenway would be problematic as it is somewhat isolated and away from the main road.
- c) No provision to deal with litter.

Wintering Bird Survey

The wintering bird survey as provided is incomplete and therefore unsatisfactory. The counts took place on 12 separate occasions between **05th and 30th March 2018**.

- a) The 6 count areas used in this report are on the South side of the River Boyne only. The Boyne Estuary SPA covers both sides of the River Boyne. The birds move freely between both sides of the river. We do not go to the same restaurant every time.
- b) Count sheet no. 90 of 90 of Ref. F., Appendix A is missing from the soft copy of NIS Report.
- c) A comprehensive bird survey should be carried out each month from September of one year to March of the following year inclusive. This is as per the Birdwatch Ireland Wetlands Bird Survey (I-WeBS) in order to judge the true figure of wintering birds on a SPA. A complete survey would find that wintering bird numbers build up from August to a peak count in January and greatly reduce in numbers by March.
- d) The NIS counts all took place during the month of March when the numbers of wintering birds are greatly reduced.

- e) Counts should be done on all subsites on the same day at the same time, normally from about 3 hours before High Tide as the birds are busy feeding in front of the incoming tide. This method will greatly reduce the chances of a double count of birds moving onto other subsites as the timings of movement of flocks can be noted by counters and figures adjusted when consolidating SPA counts.
- f) 7/12 Counts were on High to Low Tides, and thus would yield significantly reduced numbers because of e).
- g) Only one (1) subsite per day in March 2018 was counted in this survey. Therefore only 1/12 of the SPA was counted on any one day. The Birds move around.
- h) No account was taken of birds in the fields adjacent to the SPA. Some species i.e. Brent Geese in particular use the nearby fields as well as the SPA.
- i) The drawings submitted are not to scale.
- j) Why is Meath Co Co using survey/counts which were undertaken in 2018.

Potential for further damage to the dunes/SAC/SPA at Mornington

The dune system at Mornington is not protected by fencing and/or boardwalk. People have unrestricted access to the dune system which is being damaged as a result. While there is an [REDACTED] pay parking facility at the start of the proposed greenway at the viaduct near Ship St in Drogheda there are no parking, or any other facilities, serving the Greenway at the other end at Mornington. The Resident Engineer, Meath Co Co confirmed that there is no proposal to upgrade parking at Mornington as part of this project. Ref. F, Appendix B, Final Minutes of 18 Dec 2019 at Para 3.b. The planning application includes a derisory bench and 4 bicycle parking stands at the end of the proposed Greenway at the edge of the SAC at Mornington. Taking into account that up to 1,500 people per day could use the Greenway it would mean that these people will be encouraged to traverse the dunes at Mornington (SAC and SPA) with their bicycles, dogs, etc thereby doing irreparable damage as the soft coast dunes there are not physically protected.

At the same meeting, again at Para 3.b., on 18 Dec 2019 one of the NPWS reps [REDACTED] queried if the proposed greenway was part of a bigger plan, to extend proposed greenway further into the European site beyond what was currently proposed, as any cumulative impact would then need to be considered." It is noted that the Greenway no longer ends in the SAC at the East & West Lighthouse area as proposed in the non-Statutory Public Consultation Plan, but on the edge of the SAC at the Tower Road/Crook Road junction. To me this remains a clear indication that Meath Co Co intend to continue the next section of the Greenway through the SAC and this must not be allowed to happen.

It would appear that Meath Co Co are prepared to sacrifice the SPA and SAC (European protected sites) in order to get this section of the Greenway through construction and into operation. Proper planning would dictate that the SAC and SPA are first fully protected and managed before any Greenway is planned and construction undertaken.

Mitigation Measures proposed by Meath Co Co

The mitigation measures proposed in the planning at Ref. A, para 2.3 do not protect the integrity of the SPA/SAC as:

- a. The wintering birds start to arrive in August of each year so disturbance will occur during August and September during construction phase.
- b. Limiting construction work to daylight hours only is not sufficient as birds feeding on the intertidal mudflats do so in front of the incoming tide irrespective of whether it is day or night.

- c. Camouflage netting of the Greenway during construction will do nothing to minimise noise disturbance to the birds on the SPA.
- d. The screening proposed to counter the impact from dogs and noise transfer to the birds and other species in the SPA/SAC is insufficient and lacking in detail. If the Greenway was routed away from the SPA/SAC then such screening may not be required.
- e. The lighting proposed for the Greenway is insufficient and lacking in detail. If the Greenway was routed away from the SPA/SAC then adequate and proper lighting that would make the Greenway safe for people could be used.
- f. The wintering birds also use the lands adjacent to the Estuary SPA/SAC. People, cyclists and animals off leash using the proposed Greenway will disturb the birds.
- g. No mitigation measures are proposed to cater for additional pollution of the SPA/SAC by users of the Greenway.

The Natura Impact Statement Report

The Boyne Greenway Natura Impact Statement Report is a weighty document purporting to describe the construction method of the Greenway and study the fauna and flora of the Boyne Estuary SPA and SAC. The basis of the study involved should include accurate maps and drawings with outlines of the protected European sites concerned, yet throughout, this document uses maps with outlines of the Construction Method, SAC and SPA that are "For illustrative purposes only. Map not to scale." The greatest omissions are the maps/drawings used to describe the Count Areas of the SPA (Ref F. Appendix A, pages 77 to 166) as they don't include the correct outline of the SPA but rather give the wrong impression that the proposed Greenway is running outside the SPA when correct mapping would put the Greenway clearly within the SPA.

The NIS Report references the UK Exe Estuary SPA as an example of a cycle track alongside the SPA. Nowhere on the map of the Exe Estuary SPA does the cycle track encroach into the SPA unlike the proposed Boyne Greenway therefore the comparison does not stand up.

The NIS does not take into account any estimate of the numbers of users (walkers, dog walkers and cyclists) along the length of the Greenway and their impact on the birds on the Boyne Estuary SPA. The NIS does acknowledge that 'off leash dogs' are the single most disturbing issue to birds in a SPA. It is easy to estimate the disturbance to the birds on the SPA by even one 'off leash dog'. Multiply the disturbance of one loose dog by the possible number per day along the length of the Greenway and it would be easy to see all of the SPA adjacent to the Greenway as far out as the training wall of Boyne River being permanently cleared of birds feeding on the Estuary. The proposed mitigation measures of a 600mm or even 1200mm screen on the Greenway and signs would not deter a dog off leash from chasing the birds on the SPA. As there is no proposal for a Warden to ensure the mitigation measures are adhered to during the operational phase of the project then 'dogs on leash' signs will be ignored and Meath Co Co cannot guarantee that such a significant impact on the SPA will not happen.

It seems rather strange / incredible that this NIS (Ref. F, Table 6.4, page 63, last paragraph on table) would try to justify the construction and operation of a campsite adjacent to the Boyne Estuary SPA when planning permission has already been refused (Note ABP Board Order ABP-302948-18).

Appropriate: Stage II Environmental Impact Assessment Report

It is noted that there is an Environmental Impact Assessment Report Screening (Ref. G.) included with this planning application. I understand that it is necessity for an application to ABP by Meath Co Co (a Local Authority) to include an Appropriate Assessment: Stage II EIA, therefore this planning application is incomplete.

Oral Hearing

In accordance with Ref O. above 'ABP Sec 177 AE - Guidelines for Local Authorities' para 4.4, if the planning is not refused at the outset, it is requested that an Oral Hearing be consider by ABP to assist in the determination of this planning application.

Conclusion/Summary

The most disturbing influences on wild birds in a SPA are walkers, dogs off leash and cyclists. The Greenway is designed to accommodate walkers, dog walkers and cyclists. Therefore, planning a Greenway that encroaches into the SPA/SAC will do serious damage and Meath Co Co cannot guarantee that the users of the Greenway will NOT significantly impact on the integrity of the SPA.

The route of the Greenway as proposed by Meath Co Co does not stand up to the planning criteria of:

- a. proper planning and development of the area between Drogheda and Mornington.
- b. the likely significant adverse effects of the proposed Greenway on the environment.
- c. the likely significant adverse effects of the proposed Greenway on the Boyne Estuary Special Protection Area and the Boyne Coast and Estuary Special Area of Conservation (European sites) and,
- d. Absolute total lack of facilities (Toilet, Parking, Rest facilities) for up to 1,500 people per day, in particular Toilet Facilities, there are only 2 available "for customers" in the locality

██████████ and ██████████

Therefore, this planning application should be refused.

