



# Pre Draft Bray LAP Submission - Report

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## Topic

Heritage – Biodiversity- Green infrastructure- Climate Action- Energy

## Submission

Rezone the AA2 lands at Kilgarron / Parknasillogue, Enniskerry to CZ to protect Knocksink Woods SAC and Enniskerry Village.

Background:

Enniskerry Village is unique in its own right. But it also has a unique gem on its doorstep: a nature reserve designated a Special Area of Conservation (SAC) with an ancient, forested area. Three qualifying interests give it this designation, and two are singled out as 'Priority Status' under the European Habitats Directive (Petrifying Springs with Tufa Formation and Alluvial Woods), meaning they are especially vulnerable in a fragile ecosystem. ( footnote 1).

Our National Parks and Wildlife Service (NPWS), which is doing exceptional work to protect the SAC, has the difficult and challenging responsibility of bringing the SAC from its current 'Unfavourable' status to 'Favourable' status, as required by European and Irish law.

This objective will be severely undermined by the impact of a planned high-density housing development on the AA2 zoned lands that slope down to the SAC.

In our opinion, the surrounding lands that protect the SAC should never have been zoned for residential use and this is now better understood in the age of a biodiversity crisis.

These lands should be rezoned from AA2 to CZ i.e. zoned for conservation.

1.Knocksink Woods SAC, Nature Reserve. The Need to Rezone for Nature.

I. Knocksink Woods (SAC) Nature Reserve is a small riparian zone that holds rich biodiversity and diverse ecology. As mentioned above Knocksink Woods has three Qualifying Interests of which two are designated Priority, under EU Habitats Directive and Irish Law.(footnote 2)

Two of the priority interests Petrifying springs with tufa formation and Alluvial Forests are highly water dependent. Petrifying Springs with tufa formation are particularly sensitive to pollutants and changes of water volume and flow. The topography of the zoned lands AA2 has a direct impact on the welfare of the springs. Our National Parks and Wildlife Service (NPWS) who are doing exceptional work to protect the SAC from the ever increasing footfall from visitors, have the difficult and challenging responsibility to bring the SAC from its current 'Unfavorable' status to 'Favourable' status as is required by law.(footnote 3). This objective will be severely undermined by the impact a planned high-density housing development on adjacent that slope into the SAC.

The decision by An Bord Pleanála to grant planning for a strategic housing development is now under Judicial Review.

In our opinion, this is not a development issue but a zoning issue. The surrounding lands that protect the SAC should never have been zoned for residential use and this is now better understood in the age of a biodiversity crisis.

The National Parks and Wildlife Service states regarding Knocksink SAC-

"The SAC has one of the most diverse woodland invertebrate faunas in Ireland. The conservation objectives of a site represent the site's appropriate and individual contribution to the achievement of "favourable conservation

status" and the wider goal of biodiversity conservation."

The importance of the lands sloping to Knocksink Woods Nature Reserve:

In the picture fig.1 The aerial view of the development site adjoining Knocksink Woods shows the groundwater flow direction (blue lines) towards the Nature Reserve. The white line is the area where the building development permission was granted.

Between the development site and the Nature Reserve is the Zone of Contribution (Green circle). This is the area where water flows via delineated fingers of gravels (known as Enniskerry Gravels), that support the volume and flow of water that in turn supports springs and also tufa springs inside and outside Knocksink Woods.

Petrifying Tufa Springs are particularly dependent and impacted by the volume and flow of water from the adjoining lands that slope from west to east towards Knocksink Woods

Fig 1 (Source:- From observation report of Dr. Robert Meehan, Soil, subsoil and landscape geologist, 26th January 2022, case TA27,312217).

A number of expert's concerns relating to the Qualifying Priority interests in Knocksink Woods SAC, in particular, Petrifying springs with and tufa formation:

Dr. Robert Meehan ( EurGeol, B.A., Ph.D., PGeo. ) Soil, subsoil and landscape geologist states in relation to the AA2 zoned lands:

"that the sand/gravel units act as preferential pathways for groundwater flow to the springs/seepages and therefore might contribute some groundwater flow to the otherwise small catchments (i.e. distinct and focused pathways)".

The National Parks and Wildlife Service have also come to this conclusion in March 2022:

"the Hydrological & Hydrogeological Assessment [HHAR] has shown that the sand/gravel layers underlying the proposed development site are discontinuous, and interspersed with dense clay and silt subsoils. The HHAR has not ruled out the possibility that the sand/gravel units act as preferential pathways for groundwater flow to the springs/seepages and therefore might contribute some groundwater flow to the otherwise small catchments (i.e. distinct and focused pathways).

These sand and gravel units have not been delineated and therefore it is unclear whether they will be avoided during construction and operational stages of the proposed development. This would be necessary to reduce the risk of catchment alteration and to ensure that pathways for groundwater flow are maintained and groundwater continues to flow unimpeded. Assessment cannot be regarded as 'appropriate' if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all scientific doubt as to the effects of the proposed project". (underline inserted).

The Department considers that it has not been shown beyond reasonable scientific doubt that this development will not have adverse effects on Knocksink Wood SAC, in light of the site's conservation objectives, in particular Petrifying Spring Conservation Objective attribute 'Hydrological regime: height of water table; water flow' and target 'Maintain appropriate hydrological regimes'."

The above statement recognises that because there remains scientific doubt regarding the possibility of adverse effects on Knocksink Wood by the proposed development, the test under the Habitats Directive, which must be complied with before any development can proceed, has not been met. This means that if the Development were to be permitted, Ireland would be in breach of its obligations under EU law and liable to face penalties which could amount to several million euros.

II. Mitigating solutions to avoid damage from pollutants and changing the natural rate of water flow are not proven to work in this circumstance relating to any development of the zoned lands in question.

Design of Soakaway systems for individual houses and responsibility of the new occupant of a dwelling.

Dr. Meehan makes compelling reasoning against the design and the process of maintaining the proposed SuDs systems to be located across 76 soakways :-

" 76 individual, back garden soakaways and three large scale soakaways, both for the individual houses and the collective catchment areas proposed for the subject site. These will all allow infiltration of recharging

groundwater at highly varying rates and with markedly different volumetric amounts than the existing, in situ soils and subsoils on the site. Thus, I would genuinely question the assertion that "The hydrogeological regime supporting the existing springs will not be altered by the proposed development" as outlined a number of times in Section 6.5.1 of the Hydrological and Hydrogeological Assessment Report."

Detailed responsibilities to be taken by the new occupants of the development are outlined in the Developers Engineering Assessment Report (EAR) (Waterman Moylan) Ref Section 3.8 p.28 to 31 (responsibility of the property owner) and states;

"SuDS [Sustainable Drainage Systems] in private areas (surface water drains and inspection areas, filter drains/soakaways in rear gardens, permeable paving driveways and waterbutts) will then be the responsibility of the property owner to maintain. ....The full advised maintenance tasks to be carried out, as summarised in Table 6 (Water Butts Maintenance Schedule), Table 7 (Filter Drain Maintenance Schedule) and Table 8 (Permeable Paving Maintenance Schedule), must be provided to the property owner."

The materiality of this requirement underlies a central part of the applicant's mitigation programme. The mitigation of any damage or loss to the qualifying interests is highly dependent on the property owners of this development. It is not credible to expect the majority of new residents to comply with the mitigation plans as required and to the level required. Further, there is no monitoring plan provided to give any level of confidence that the mitigations actions are being complied with and again this fails the EU Habitats Directive requirements for a plan or project impacting a Natura 2000 site. This is not a credible mitigation plan to be considered for a SAC and it is a high risk to the SAC for the Planning Authority to accept it.

Conclusion regarding the above: What the above shows is that the current proposed development which is the subject of a JR cannot comply with the requirements necessary to protect the SAC and the flows of unpolluted water into the SAC, and it is almost certain that any future development will not comply either. Therefore the zoning for this land should be changed from AA2 to CZ.

## Topic

[Other topics for you to have your say on! - Environmental Assessment - Plan Implementation -Plan Delivery Submission](#)

The level of vacant houses in Bray is far beyond what is acceptable and I would like to see vacant homes being brought into use asap. I would also like to see Over the Shop accommodation throughout Bray used for families. this means approaching Fire and Safety with solutions to issues that arise . Lisbon can be used as a model.

## File