



# Pre Draft Bray LAP Submission - Report

Who are you:	Group
Name:	Friends of Knocksink Woods Nature Reserve, SAC. (Save Enniskerry and Protect Knocksink Woods Nature Reserve).
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## File

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**Submission to the Bray MD Local Area Plan on behalf of :**

**Friends of Knocksink Woods Nature Reserve, SAC. (Save Enniskerry and Protect Knocksink Woods Nature Reserve).**

**[REDACTED]**

## **Rezone the AA2 lands at Kilgarron / Parknasilloogue, 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. (<sup>1</sup>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

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<sup>1</sup> Special Areas of Conservation are designated under the Conservation of Natural Habitats and of Wild Fauna and Flora Directive 92/43/EEC as amended (Habitats Directive) which is transposed into Irish law by the EC (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011).

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.<sup>2</sup>

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."*

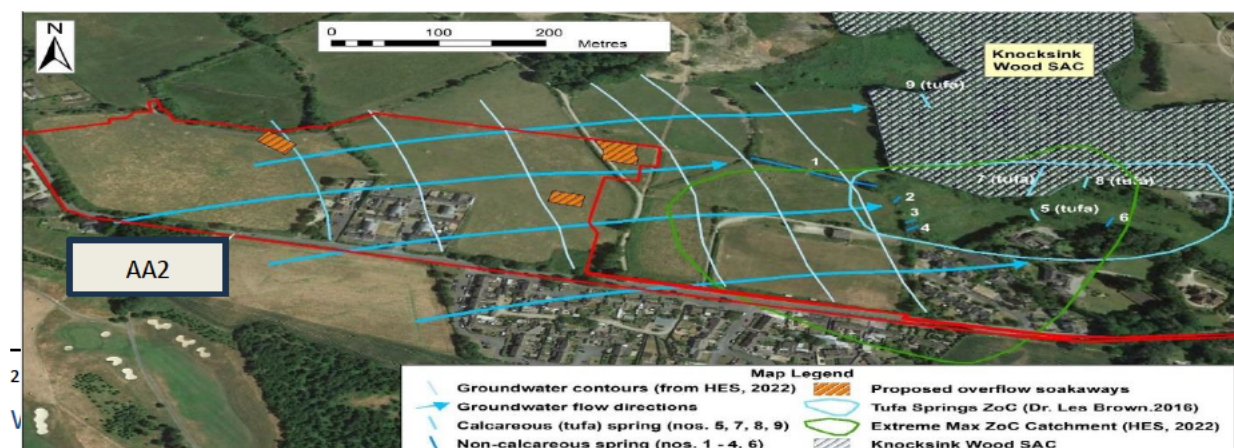
**The importance of the lands sloping to Knocksink Woods Nature Reserve:**

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, 26<sup>th</sup> 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.



## 2. To protect the fabric of Enniskerry Village.

Enniskerry is a planned estate village dating from the 1840s, with the original buildings designed in a neo-Tudor style. The village has many protected buildings including the central clock tower, parochial hall, and Powerscourt Arms Hotel. The increasing volumes of traffic due to development and growing urban areas including south Dublin, are eroding the fabric of the village.

These concerns are supported by evidence noted in Wicklow County Council's (WCC), proposed amendments to the County Development Plan 2022-2028. This illustrates the over-development issue for Enniskerry. The former CEO of WCC summarised it in submissions to the draft CDP 2022-2028:-

*'Having regard to level of growth already experienced / in train and the current deficiencies in the following infrastructure and facilities, Enniskerry is not determined to be well positioned to accommodate significant additional housing growth during the plan period, and focus should be on consolidation and investment in employment, and transport infrastructure/accessibility, in particular:- "*

- 1. The very low jobs ratio in Enniskerry, with very few employment opportunities in the locality, which results significant commuting outflows from the town.*
- 2. The inadequacies in public transport services, as well as lack of opportunities to use active modes of transport within the town and to surrounding larger towns (such as Bray) having regard to inadequacies in footpaths and no designated cycleways.*

*The significant environmental sensitivities in the area, particularly the Knocksink Wood SAC within the town centre, which is particularly susceptible to changes to the ground and surface water regime in the wider area."*

*The CEO further stated in relation to housing:-*

*"As set out in the appended 'Chapter 3 – Proposed Amendments', the housing target for Enniskerry up to 2031, less units already completed, is 91. "*

*"However, the development capacity of existing zoned land is in the order of 520 units. Therefore there is significant over provision, and this will require to be addressed in the review of the Bray MD LAP in due course. Therefore it is not considered that there is scope to increase the population target for Enniskerry as part of this Plan. With respect to zoning requirements in Enniskerry, and AA2 in particular, these will be dealt with in the next review of the LAP for the settlement."*

*(Reference:-CEO, Wicklow County Council, response re submission to CDP. (p. 334/ SECTION 3 ASSESSMENT OF SUBMISSIONS)*

Other material observations made by experts within Wicklow County Council specifically in relation to the development of the AA2 lands that support our concern to rezone are:-

*WCC Senior Executive Engineer notes in his submission to the latest planning application (22-789, Kilgarron), August 2022:-*



- *“The local primary road L1011 providing access to the site provides a very poor link to the village. It has a very severe gradient, a deficient footpath that does not extend the full distance to the site, no cycle facilities and inadequate drainage and public lighting. Without proper safe pedestrian and cycle linkage to the village, there will be poor integration and an adverse impact on the village due to a big dependence on motor transport. The traffic impact assessment has included generic assumptions and does not take full account of existing traffic conditions and planned future changes in the village centre.”*

Conclusion regarding the above: What the above shows is that at a very senior level in the planning authority, Wicklow County Council, there is concern that any development of size in the AA2 on Kilgarron Hill will constitute overdevelopment of Enniskerry while being a health and safety risk due to the lack of the possibility to install footpaths and bicycle lanes, as well as the steep incline from the village to the site involved. Therefore the zoning for this land should be changed from AA2 to CZ.

### **3.What can the AA2 lands be better used for when rezoned as CZ?**

A better use of the lands in question sloping to Knocksink Woods can be an imaginative and exciting project that will expand the SAC nature reserve, increase the amenity space for people, and therefore protect Knocksink Woods. Zoning for Nature is the right choice for Knocksink Woods which future generations will agree.

There is now a unique opportunity to expand the existing SAC to encompass the AA2 lands to protect Knocksink Woods and its qualifying interests for future generations.

Put the expansion of the SAC under the management of the NPWS will:-

- Allow reseedling of existing qualifying interests for example Sessile Oaks with its existing ancient pedigree. Full control and management of the delicate hydrology regime on these lands for which the welfare of the qualifying interests, in particular, Petrifying Springs depend.
- The benefits of walking for both physical and mental well-being are well known. New amenity opportunities including creating woodland walks and trails towards the entry to the Wicklow hills at Glencree would be an investment to Knocksink Woods and Enniskerry Village. And there are other amenity opportunities that the community can propose.

These measures alone will take the existing pressure from Knocksink Woods which is currently too small to support the increasing footfall from visitors to the SAC.

### **4.Sustainable zoning for homes is nearby.**



We support sustainable housing as is testified by the number of developments completed and currently in progress within Enniskerry Village.

However, there are better alternatives to providing homes in sustainable zoned lands, close to Enniskerry Village with appropriate infrastructure including transport links close to Bray, and the signalled links to LUAS in the future.

Sustainable areas mean not damaging the fragile habitat system at Knocksink Woods and materially undermining the fabric of Enniskerry Village.

Here are two examples:-

#### 1. Fassaroe.

Fassaroe with 161 acres located 3 kilometres from Enniskerry Village and 4 kilometres west of Bray centre. This land site was recently purchased by Cairn Homes. (See Fig 2). The lands are zoned under the Bray Municipal District Local Area Plan 2018, with the majority of the lands zoned residential (approximately 90 acres) with the remaining sections zoned as active open space and /or open space

Fig 2.

New site at Fassaroe potential for 1700 new homes by Cairn Homes – access to N11, (Park & Ride in development).



#### 2. DunLaoghaire Rathdown (DLR) – Old Connaught LAP 2022-2028

As part of the Bray MD LAP development footprint in providing housing, we must take cognisance of the DLR – Old Connaught LAP 2022-2028, which is adjacent to the Bray MD LAP

Old Connaught is located circa near Bray Town Centre, that lies less than 2kms to the southeast. The LAP lands extend in total to circa. 217 hectares.

In the current 2022-2028 DLR County Development Plan, 66.5 hectares of the LAP area are zoned objective 'A1', "To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans"; 134 hectares are zoned objective 'GB', "To protect and enhance the open nature of lands between urban areas"; 12 hectares are zoned objective 'F', "To preserve and provide for open space with ancillary active recreational amenities"

and 0.44 hectares are zoned 'SNI', "To protect, improve and encourage the provision of sustainable neighbourhood infrastructure".

An area of 38 hectares has been identified as a Strategic Land Reserve in the 'GB' zoning. A proposed **Education Site objective** is indicated in the LAP area. Core Strategy the Core Strategy contained in the current County Development Plan anticipates the zoned residential lands in the LAP delivering on a phased basis and over a period of time, circa. 2,005 residential units. Delivering this quantum of housing development into an environment that was, heretofore, fundamentally greenfield and agricultural will prove both challenging and transformational.

## Summary

Our biodiversity crisis is still with us, and the mitigation solutions we need require brave decisions. This includes recognising zoning errors made in the past and taking this opportunity to rectify them, protect our fragile Nature Reserve, and keep it safe for future generations.

END.