

December 22, 2020

**RE: Louth County Development Plan 2021-2027**

To whom it may concern,

With reference to the above, and further to your invitation to the public to make submissions in regard to the creation of a new Development Plan for County Louth, as a member of *Friends of Ardee Bog* – a group of local residents and concerned citizens – I would like to make this submission, proposing:

1. Ardee Bog be identified as an NHA candidate, designated a Raised Bog for conservation and rewetting and that the Local Authority work with local landowners and stakeholders to achieve agreement on and fulfil the objective.

This proposal is supported by:

- NBG21: to support the implementation of recommendations included in the Louth Wetland Survey and any subsequent versions thereof, including supporting communities interested in the restoration of boglands, notably Ardee Bog pNHA.
- NBG22: to support the implementation of recommendations contained in the National Peatlands Strategy in 2015.

2. The view of Ardee Bog from local road L5232 be designated a Protected View.

This proposal is also supported by:

- NBG21: to support the implementation of recommendations included in the Louth Wetland Survey and any subsequent versions thereof, including supporting communities interested in the restoration of boglands, notably Ardee Bog pNHA.
- NBG22: to support the implementation of recommendations contained in the National Peatlands Strategy in 2015.

**Introduction:**

Bogs are Ireland's rainforest. Storing 75% of the soil's organic carbon, peatlands represent the largest store of carbon in the Irish landscape. They are *the* most important long-term carbon sink in our terrestrial biosphere.<sup>1</sup>

In the Louth Development Plan 2021-2027, Ardee Bog is listed under both Areas of High Scenic Quality (AHSQ6) and a Proposed Natural Heritage Area (pNHA1454). These above proposals will help ensure the protection, restoration, and conservation of Ardee Bog for generations to come.

Ardee Bog was formed 10,000 years ago. It is a vital part of our local and national ecological and environmental ecosystem.<sup>2</sup> Ardee Bog cannot be relocated, but a road can. Furthermore, Peatlands are connected to waterways, so disturbing them disrupts the whole watershed. Also, as this is a designated OPW Flood Zone<sup>3</sup> there is the very real risk that the bad floods currently experienced (see photo below)

<sup>1</sup> Peatlands "sequester and store atmospheric carbon for thousands of years (Charman et al, 2008)." Source: <http://www.ipcc.ie/a-to-z-peatlands/peatland-action-plan/climate-change-and-irish-peatlands/>

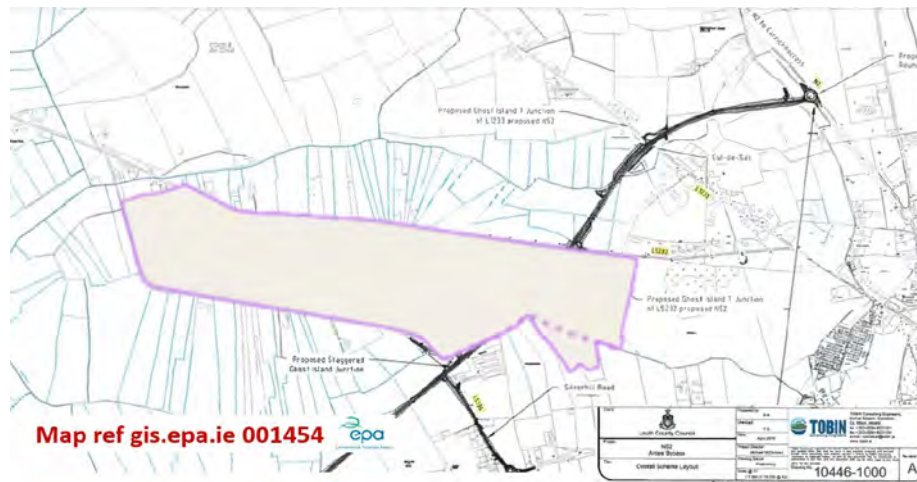
<sup>2</sup> "Why Peatlands Matter in the Battle Against Climate Change" by Paddy Woodworth, December 4, 2018: <https://www.irishtimes.com/news/science/why-peatlands-matter-in-the-battle-against-climate-change-1.3714889>

<sup>3</sup> OPW 2012 under EU directive

in the surrounding area will be exacerbated with the construction of a road over this Peatland, resulting in catastrophic damage to homes and properties.

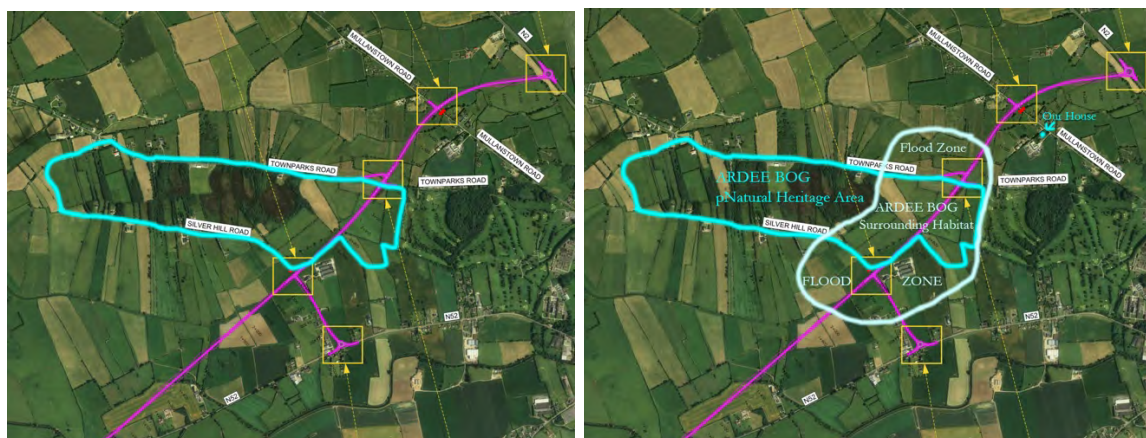
**Ardee Bog Flood Zone:**

Below is LCC’s map of the pNHA with a black line indicating the route of the proposed N52 Bypass running directly through the pNHA of Ardee Bog.



Below, on a map provided for the N52 Bypass Public Consultation, I’ve drawn a blue line to map Ardee Bog and the approximate Flood Zone of Ardee Bog. The flooding has gotten dramatically worse over the years, with many feet of water flooding nearby fields, roads and homes every time it rains heavily.

The area has been surveyed by the Irish Peatland Conservation Council<sup>4</sup> and is a pNHA.<sup>5</sup> It should be protected.



**Above Left:** Ardee Bog and surrounding habitat marked in blue. This area was mapped by the IPCC: it is pNHA and should be protected.

**Above Right:** Ardee Bog and Ardee Bog’s surrounding habitat and Flood Zone are all indicated with hand-drawn blue lines. This entire area is pNHA and should be protected. Our house is marked with a blue dot on the Mullenstown Road.

<sup>4</sup> The Irish Peatland Conservation Council (IPCC) surveyed Ardee Bog in 1990 and 1998  
<sup>5</sup> pNHA = proposed Natural Heritage Area.

I am worried about the environmental and ecological impacts of the proposed N52 Ardee Bypass. An Environmental Impact Assessment was never carried out and the recent Public Consultations made no mention of Environmental issues. There will be cause for lawsuits if it proceeds: local, national, and European.



**Above:** The route of the proposed N52 Ardee Bypass is visible in this photo by the illegally installed fencing, seen here submerged in Ardee Bog’s flood water. Ardee Bog’s surrounding habitat is a designated Flood Zone and regularly floods like this. Photo: Seán Walsh, February 25, 2020.

### **Laws protecting Ardee Bog: The Wildlife Acts, Habitats and Bird’s Directives and international conventions: Ramsar, Bern Convention, Convention on Biological Diversity**

As you can see from the maps and photo above, the proposed N52 Ardee Bypass runs directly through the pNHA of Ardee Bog and its surrounding habitat. This area is of ecological importance and needs to be protected. The Irish Peatland Conservation Council (IPCC) surveyed the area in 1990 and 1998. The IPCC states that:

“We are legally bound by National and European legislation (The Wildlife Acts, Habitats and Bird’s Directives) and international conventions (Ramsar, Bern Convention, Convention on Biological Diversity) to do our utmost to protect peatlands now and for future generations. In County Louth specifically, only ~30% of raised bog habitat remains -an area of 300ha, (Foss, O’Connell, Crushell, 2001). Peatland habitats have been severely diminished in the country and this destruction is an issue in other legislation and conventions such as the UN Convention on Climate Change, Bonn Convention, World Heritage Convention, Water Framework Directive, Environment Liability Directive, Planning and Development Acts, National Monuments Acts, Environmental Directive, EIA and SEA. All of these legislative instruments have been adopted by Ireland and the IPCC ask that you assess this development with regard to these legal obligations.”<sup>6</sup>

My submission here, to protect Ardee Bog, therefore inherently opposes the construction of part of the N52 Ardee Bypass through Ardee Bog, a pNHA. I believe this Bypass project would breach current

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<sup>6</sup> Please find attached letters from the Irish Peatland Conservation Council to Louth Co. Council dated August 21, 2018 & September 17

Irish and EU policies, laws and directives.<sup>7</sup> It would also be extremely costly. A road built in a Flood Zone would need to be raised and require specialised engineering (which I could not see on the Public Consultation map). It would inevitably weather badly and end up costing more to maintain than to construct. Where is the sense in all of this? Where is the value for money for all stakeholders?

The N52 Ardee Bypass has alternative routes that would more effectively address the current traffic congestion in the town of Ardee. The majority of traffic does *not* come from the N52. Traffic comes mainly from the South end of town where the N2 from Dublin and Drogheda converges with all the local schools; two primary and a large Secondary School; as well as fourteen housing estates (both current and developing estates as granted by Louth County Council), as well as the Church, local businesses, and Moorehall Lodge, a senior living facility. All that traffic converges over a tiny bridge.

### **Flood risk:**

Flooding has gotten worse around Ardee Bog and become a serious concern. The existing bog road sags dramatically and is starting to crack up.<sup>8</sup> In 2018 there was a fatal car accident.<sup>9</sup>

We know flooding is not only a local problem and has been studied internationally. Recent scientific studies express the global concern for risks of flooding, including the publishing of an EU wide study led by Vienna University of technology (VUT) with input from Dr. Conor Murphy of Maynooth Climate Centre, published August 2019. This study confirmed that flooding is on the increase and recommends management strategies be made more robust to cope with this increase. In 2001 the issue of flooding was dismissed by LCC as not of concern despite one resident, Mr Patrick Conlon<sup>10</sup> objecting formally on ‘flood risk’ grounds since his home is under real threat. In February 2020 the flood waters around Ardee Bog blocked Mr. Conlon’s lane and encircled his family home (see photo below).

In 2012, under EU directive, the OPW mapped all known flood zones and the section of Ardee Bog chosen for the N52 Ardee Bypass was designated as a Flood Zone.<sup>11</sup>

Locals who live with this recurring issue throughout the year are worried<sup>12</sup> that the building of a solid base/foundation to hold up the road (I heard a rumor that the Bypass will be elevated at least 3 metres over the Flood Zone) will act like a dam, displacing the flood waters further to such an extent that the flood waters will travel further and rise up and breach their homes. A number of older homes are low-lying in Townparks, Coole and Silverhill. A local Community Action Group has shared photos on a Facebook page called “Ardee Bypass Facts”. There you can see drone footage of the flooding over the last two years, most recently taken on February 25<sup>th</sup>, 2020 which clearly shows the waters rising over the N52 Ardee Bypass boundary fencing.

### **Has an independent Flood risk assessment been carried out?**

What engineering measures are being factored in to ensure that the flooding is not made worse? Where property has not previously been damaged by flooding in the area, does LCC accept liability for any future damage inevitably caused by any Bypass road works? How and why can a road be built here?

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<sup>7</sup> We are legally bound by National and European legislation (The Wildlife Acts, Habitats & Bird’s Directives) and international conventions (Ramsar, Bern Convention, Convention on Biological Diversity) to do our utmost to protect Peatlands now and for future generations.

<sup>8</sup> Virgaudas Kryževičius died on Ardee’s bog road on February 11, 2018 when his car bounced off the road and hit a tree.

<sup>9</sup> A few months before the fatality on the bog road there was a newspaper article about the state of the road: “Concerns as Ardee’s bog road is starting to crack up,” September 8, 2018: <https://www.independent.ie/regionals/drogheda/independent/news/concerns-as-ardees-bog-road-is-starting-to-crack-up-big-time-37278658.html>

<sup>10</sup> See photograph above of Mr. Conlon’s home in Spring 2019. In February 2020 his lane was again impassable.

<sup>11</sup> [www.OPWfloodmaps.ie](http://www.OPWfloodmaps.ie)

<sup>12</sup> Photo on page 10 shows Mr. Mc Cartney’s home in Townparks Ardee flooded in September 2017.



Flooding in 2019 along the length of proposed N52 Ardee Bypass (marked in red) & Mr. Conlon's house (circled).



Flooding around Mr. McCartney's home near route of the proposed N52 Ardee Bypass on the Townparks side of the pNHA.

Photos courtesy Friends of Ardee Bog.

### Ardee Bog Timeline:

- **10,000 years ago:** Ardee Bog formed
- **1990:** IPCC surveys pNHA of Ardee Bog and surrounding habitat
- **1998:** IPCC surveys pNHA of Ardee Bog and surrounding habitat
- **1999:** *Public Consultation?* (I never heard about it at the time, if it took place. I remember going to the library and LCC offices to try and find out what was happening with the bypass)
- **2001:** Plans drawn up for the N52 Ardee Bypass
- **2006:** An Bord Pleanala approves the project (*The only documentation I've found is a 1 page letter with no mention of environmental impacts/evaluation, signed by unknown individual*)
- **2008:** N52 Ardee Bypass project shelved
- **2011:** A scientific study was undertaken of Ardee Bog/wetlands under "The Louth Wetlands Survey" by Foss, Crushell, O Loughlin & Wilson 2011<sup>13</sup> and as a result the Bog was assigned Grade B; area of National Ecological Importance
- **2012:** Under EU directive the OPW mapped all known Flood Zones and the section of Ardee Bog designated for the new road was zoned as a Flood Zone
- **2018:** Minister Shane Ross took the failed plans for N52 Ardee Bypass off the shelf
- **May 2019:** Ireland declared a **Climate Emergency**
- **June 2019:** Curlews recorded feeding and possibly nesting in Ardee Bog & surrounding habitat
- **September 2019:** Oireachtas meeting to review the N52 Ardee Bypass
- **October 2019:** Public informed the project violated the law and all work ordered to stop
- **November 2019:** Louth County Council contractor illegally removed trees, hedgerow's and topsoil and installed boundary fencing along the proposed route of the N52 Ardee Bypass
- **Winter 2019/2020:** The area floods dramatically every time it rains, with roads & houses cut-off
- **March 2020:** Public Consultation for N52 Ardee Bypass to discuss new designs for junctions. Still no mention of an Environmental Impact Assessment
- **November 2020:** Public Consultation #2 for N52 Ardee Bypass to review revised junctions. Still no mention of an Environmental Impact Assessment
- **December 2020:** With this submission, I propose Ardee Bog be identified as a NHA candidate and that the view of Ardee Bog from local road L5232 be designated a Protected View.

### Some Background History of the Proposed N52 Ardee Bypass Plan:

As I understand it, permission for the substantive 'parent' plan gained approval in 2001 with a subsequent amendment 'under change in Alignment N52/N2 Bypass' added in 2005, with An Bord Pleanala approval in 2006. No Environmental Impact Assessment was undertaken despite clear rules and regulations directing this as 'best practice' for public projects.<sup>14</sup> Also, the project traverses a pNHA, which merits another separate and appropriate Environmental Assessment. In October 2019, following an Oireachtas meeting, the public were informed by LCC & TII that this project, which had been reactivated in 2018, was in breach of Environmental Law 2012. Regardless, in November 2019 clearance works took place across the length of the Ardee Bog pNHA, with the removal of topsoil, hedgerows and trees, and construction of boundary fencing for the proposed route of the N52 Ardee Bypass. As an Irish citizen and local resident from Ardee, I was appalled to see the complete and utter disregard for the law and lack of respect for our Irish countryside, peatlands, local watershed, and a pNHA that needs to be protected not violated.

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<sup>13</sup> Ardee Cutaway Bog area HA 39.11 site code 001454, Grid ref: 293445 291425

<sup>14</sup> <http://www.epa.ie/monitoringassessment/assessment/eia/>. "The objective of Directive 2011/92/EU1 on the assessment of the effects of certain public and private projects on the environment (the Environmental Impact Assessment, or EIA, Directive) is to ensure that projects that are likely to have a significant effect on the environment are adequately assessed before they are approved." Specifically, see: Annex I (7)(b): [https://ec.europa.eu/environment/eia/pdf/cover\\_2015\\_en.pdf](https://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf)



Fencing for the N52 Ardee Bypass clearly visible in Ardee Bog floodwaters. The fencing was illegally installed in November 2019 after all work on the N52 Ardee Bypass was ordered to cease by the Oireachtas. Photo: Seán Walsh, February 25, 2020.

It is noteworthy and a matter of concern that new flooding, not previously seen by us locals, has occurred adjacent to these recent works. From what I've gathered after trying to learn what I can about the whole project, the plans and designs for the N52 Ardee Bypass breach many EU laws.<sup>15</sup> Louth County Council *can not* use planning permission that was granted in 2001; the Aarhus Convention ruled against this practice and that ruling was accepted by the Irish government. A judicial review would be covered under the Aarhus Convention<sup>16</sup>.

Furthermore, I heard that the works carried out to fulfil the fencing tender were in fact illegal having occurred *after* an Oireachtas meeting ordered all work stop immediately. This text; “...*and fencing was erected in advance of the main construction contract*” in your Public Consultation leaflet is misleading. The fencing (which included tree/hedgerow felling) was erected *after* work was ordered stopped.

### **Contradictions with Louth County Council Policies:**

Since the summer of 2019 I have been in touch with the Irish Peatland Conservation Council to learn more about Bogs in Ireland and Ardee Bog specifically. Some of the information that I include here comes from my conversations with Tristram Whyte, director of the IPCC.

#### ***1. The pNHA of Ardee Bog also known as ‘Ardee Cutaway Bog’: (site-code 1454)***

The pNHA is an area on the edge of ‘The Great Bog of Ardee’<sup>17</sup> which was reclaimed and has become ‘set aside’ grasslands hosting a wide diversity of flora and fauna living within this unique habitat. We refer to the *Louth County Development Policy* document 2009-2015, page 121, Chapter 6.5, Table 6.4,

<sup>15</sup> The Wildlife Acts; Habitats & Bird’s Directives; International Conventions (Ramsar, Bern Convention, Convention on Biological Diversit); *The UN Convention on Climate Change; Bonn Convention; World Heritage Convention; Water Framework Directive; Environment Liability Directive; Planning and Development Acts; National Monuments Acts; Environmental Directive; EIA and SEA.*

<sup>16</sup> <https://ec.europa.eu/environment/aarhus/index.htm>

<sup>17</sup> ‘The Great Bog of Ardee’ Frank Mitchell and Breeda Tuite source Journal of the County Louth Archeological and History Society, Vol 23, No. 1 1993 & published in the Atlas of the Rural Irish Landscape 1995

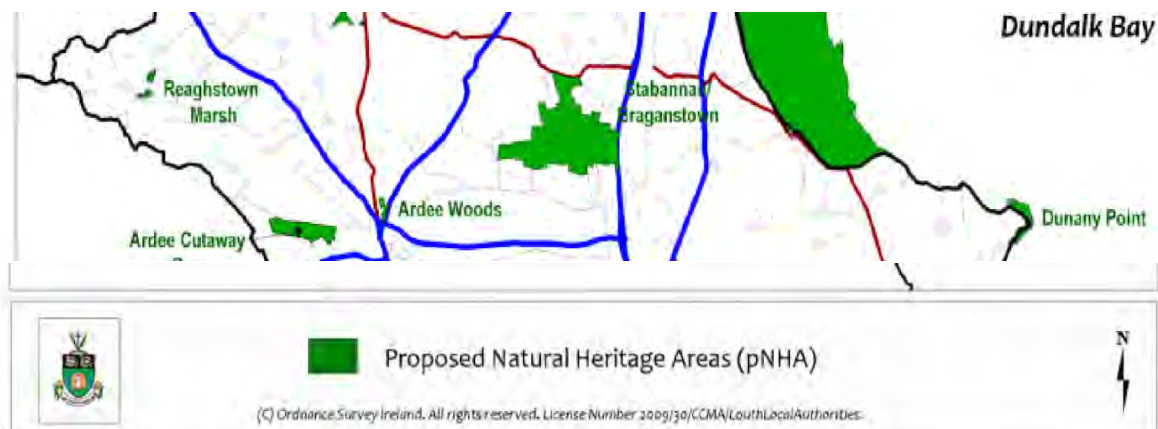
Ref SR17 (i.e. pNHA) and again in *LCC Development Plan Volume 1*, page 177, Chapter 5.15.3, Table 5.15, Ref SR17, lists Townparks Ardee as “an important Scenic Route which requires protection and that any development that would interfere with or adversely affect these scenic routes will not be permitted.”

This pNHA grassland area is exactly where hedgerows and trees were cleared to install boundary fencing for the proposed bypass.

When Louth County Council wrote this development plan they had put the N52 Ardee Bypass in the bin due to the 2008 economic crash and the likelihood that when money for infrastructure returned there would be ‘better cases’. The failed plan should have been shredded so it could never have been taken off the shelf again.

Given the special status afforded this site within LCC’s published policy document, why has LCC progressed this project through a pNHA which will deplete it and possibly destroy it, replacing this scenic area with a Bypass, thus contradicting their own policy? Other listed sites remain protected and this inconsistency is suggestive of double standards and is unacceptable.

Below is a map which LCC created showing Ardee Cutaway Bog as a protected site and pNHA.



Location and Extent of proposed pNHA: extract Co. Louth Development Plan 2009

## 2. Louth Biodiversity Action Plan, 2008 – 2012

Louth County Council adopted the National Biodiversity Plan which aims to halt the loss of biodiversity by 2010.

This aims to secure the conservation, including where possible, the enhancement and sustainable use of biological diversity. Here is an opportunity for Louth County Council to “halt the loss of a rare biodiversity area” i.e.: The pNHA of Ardee Bog.

LCC have stated this already in their Policy:

- Ref. Location NH1454 Ardee Cutaway Bog Policy: Con 11: “to resist any development that would be harmful to or that would result in significant deterioration of habitats or disturbance of species”.

This states ‘any’ development. Therefore, in their own words, LCC has stated that “any development” harmful to or that would result in habitat deterioration *should not happen*. Constructing a road through the pNHA will certainly be destructive to the habitat and will disturb species permanently.

## **Irish & European Union Legal Obligations:**

I understand the Irish Peatland Conservation Council has an obligation to report to Europe on the status of Irish Peatlands. There is a legal obligation to protect Peatlands including this pNHA of Ardee Bog which comes under National and European legislation (The Wildlife Acts, Habitats and Bird's Directives) and International Conventions (Ramsar, Bern Convention, Convention on Biological Diversity).

The IPCC has told me that they wrote to remind the LCC & TII of their obligations in this regard and described how in County Louth “specifically, only ~30% of raised bog habitat remains – an area of 300ha, (Foss, O’Connell, Crushell, 2001). Peatland habitats have been severely diminished in the country and this destruction is an issue in other legislation and conventions such as the UN Convention on Climate Change, Bonn Convention, World Heritage Convention, Water Framework Directive, Environment Liability Directive, Planning and Development Acts, National Monuments Acts, Environmental Directive, EIA and SEA. All of these legislative instruments have been adopted by Ireland and the IPCC ask that you assess this development with regard to these legal obligations” (Extract of IPCC letter dated August 21, 2018.)<sup>18</sup>

In 2011, a scientific study was undertaken of Ardee Bog under “The Louth Wetlands Survey” by Foss, Crushell, O Loughlin & Wilson 2011.<sup>19</sup> As a result the bog was assigned a **Grade B: National Ecological Importance** indicative of its intrinsic value. Recommendations were made to various bodies including, Louth Co. Council & National Parks and Wildlife Service that would safeguard and enhance Ardee Bog. The council indicated an undertaking “not to reduce these wetlands by future development”. In the Louth County Policy Development Plan 2009-2015 there is a supportive statement “To resist any development that would be harmful to [any pNHA] or that would result in a significant deterioration, or habitats or disturbance of species”. (page 24). The fact that the N52 Ardee Bypass is being progressed in 2020 through a pNHA is a contradiction of stated LCC policy. It is shameful.

I am demanding an ‘Appropriate Assessment’ (pursuant to Article 6 of the Habitats Directive) in advance of any further progression of this scheme because of the unique habitat concerned and I would also demand to see a full adoption of Louth County Council’s policy statements expressing their intentions to safeguard sites like Ardee Bog.

## **Further reasons why an Environmental Impact Assessment is essential and why progressing without it will result in legal action against the State:**

1. It is widely accepted (in scientific studies as mentioned above) that Bog habitats are rare and offer a unique biodiversity which needs to be safeguarded and not depleted further using, in this case, state sponsored funding. This project, as currently envisaged, **will result in fines from the EU** as has happened in other contentious projects elsewhere in Ireland.<sup>20</sup>
2. As the road construction will be over peat soil it has serious implications for our local water system. The area is a designated Flood Zone<sup>21</sup> and I am concerned that in the process of construction over peat soil a **contamination of the water system** could happen and have a devastating effect on the water supply and the water network through the local rivers and drains. This is particularly concerning as the Natura 2000<sup>22</sup> sites within its catchment, which are linked by the rivers, could be

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<sup>18</sup> Letters from the Irish Peatland Conservation Council are attached.

<sup>19</sup> Ardee Cutaway Bog area HA 39.11 site code 001454, Grid ref: 293445 291425

<sup>20</sup> Ireland pays 5 million Euro to the European Commission, after Ireland was found to be in breach of environmental safeguards over Derrybrien Wind Farm: <https://www.wind-watch.org/news/2020/02/06/ireland-pays-e5m-fine-over-derrybrien-wind-farm-failure/>

<sup>21</sup> OPW 2012 opwfloodmaps.ie

<sup>22</sup> Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right. It stretches across all 27 EU countries, both on land and at sea. The aim of the network is to ensure the long-

adversely impacted. These watersheds include Dundalk Bay SPA (site code 004026), Dundalk Bay SAC (site code 000455) and Stabannan-Braganstown SPA (site code 004091). Therefore it is essential – and a legal requirement under Habitats Directive<sup>23</sup> – that an assessment be undertaken.

3. I have read how, under Water Framework Directive, the **Environment Protection Agency has given ‘A poor rating’** to the river network in this locality (i.e.: rivers Dee & Gara). Locals recall a number of contamination episodes within recent years resulting in loss of fish, flora and fauna. How therefore can the EPA legally stand by a plan that has no Environmental Impact Assessment? Therefore, here again I believe the Water frameworks Directive should be taken into consideration in advance of a major construction on such a vulnerable area since this too is under a ‘reporting’ rule to the EU.
4. In the Irish peatland Conservation Council’s long running national frog survey, “Hop To It” there are two records for Ardee Bog. These show that there is good wetland habitat present. Ireland has lost more than 50% of its amphibian wetlands in the last 100 years (Marnell, F.1997) and **Ardee Bog is geographically important as it is one of the most easterly raised bogs in the country supporting this species**. What damage will a bypass do to this habitat and can it be tolerated?”
5. From an archaeological perspective I know that<sup>24</sup> a ‘toghher’ was discovered in 1941.<sup>25</sup> I heard that a local photographer got drone footage during last years drought of possible Neolithic Monuments. **Has proper consideration been given to the existing and undiscovered archaeological heritage of the region?** What plans are envisaged to protect this heritage?
6. In Summer 2019 me and some of my neighbours noticed that Curlews had returned to Ardee Bog. I spotted two flocks flying over our house towards the Bog. **More on Curlews on page 10.**

### **Curlews:**

Ardee Bog is good Curlew habitat dating from the IPCC’s survey of the area in 1990. There have been recent sightings of flocks of Curlews by the local community, including myself and my mother.

The Curlew is the most endangered bird species in Ireland and the breeding population has declined by 78% over the past 40 years with less than 130 breeding pairs left.<sup>26</sup> The Irish Curlew is listed as an ANNEX II section II bird species within the EU Birds Directive<sup>27</sup> and also has a national status of Red on the list of Birds of Conservation Concern in Ireland.

*The Curlew may become extinct as a breeding species in Ireland within 5–10 years.*

The National Curlew Task Force is working to bring the species back from near extinction in Ireland. I contacted BirdWatch Ireland about my sightings and how best to help the Curlews. The conservation of this species is of utmost concern. There is currently a national initiative to protect the Curlew and the N52 Ardee Bypass should take proper measures to study the area and ensure the road is not detrimental to restoring important breeding habitat. There are guidelines for setback distances from breeding Curlew sites and I expect an adequate setback zone to be determined if a road development goes ahead here. It should be a criminal offence to build near Curlew habitat. In fact, I think it is.

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term survival of Europe's most valuable and threatened species and habitats, listed under both the [Birds Directive](#) and [Habitats Directive](#).  
[https://ec.europa.eu/environment/nature/natura2000/index\\_en.htm](https://ec.europa.eu/environment/nature/natura2000/index_en.htm)

<sup>23</sup> ECJ case C-209/04 and Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. [www.eceuropa.eu](http://www.eceuropa.eu)

<sup>24</sup> The great Bog of Ardee Mitchell and Tuite

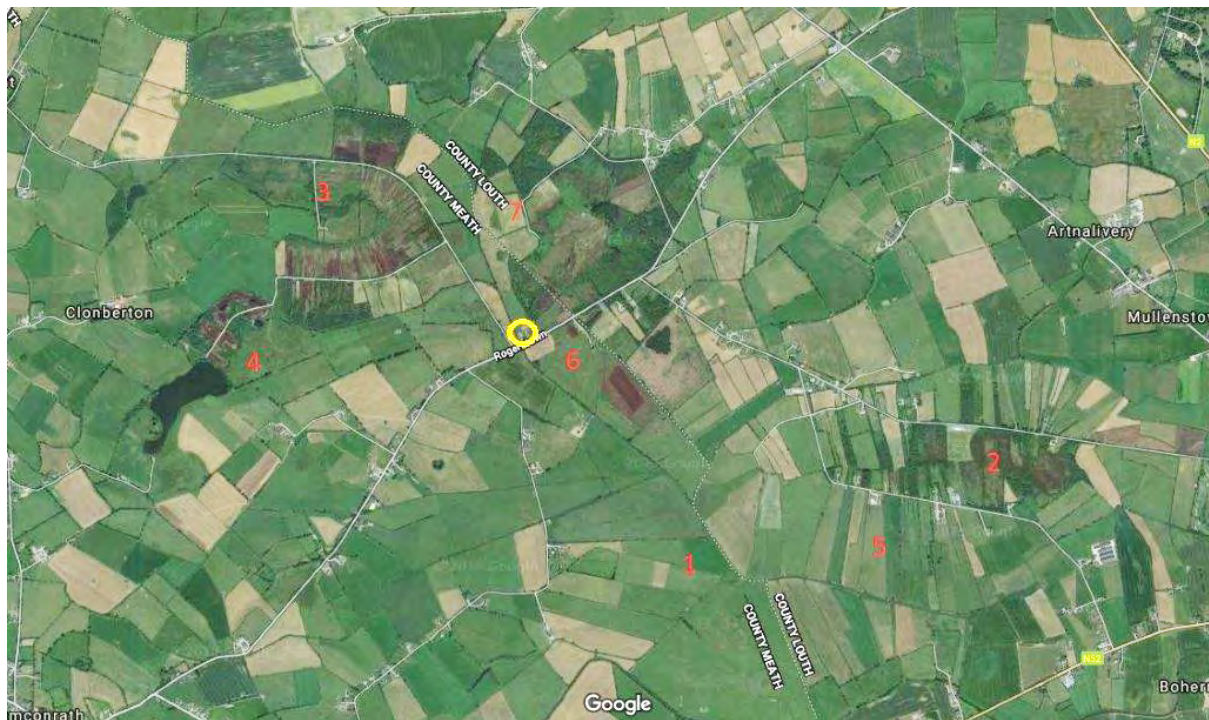
<sup>25</sup> LH01279 on Ardee Bog

<sup>26</sup> Birdwatch Ireland I-WeBS, Newsletter, August 2017.

<sup>27</sup> Council Directive 79/409/EEC

I have seen flocks of Curlew flying around Ardee Bog. My neighbours have seen sightings of overwintering migrating flocks of Curlew who feed habitually on these wet grasslands across the length of the pNHA, as well as other birds such as Snipe, Owl, Heron as well as other animals such as Irish Hare, Deer, Otters, Frogs, etc. The local Community Action Group is tracking a number of Breeding Curlew pairs over the last 18 months. See the map below which indicates the seven key sites where Curlew have been repeatedly seen feeding in Ardee Bog.

The Curlew is the only Irish bird listed under threat of extinction by the International Union for Conservation of Nature (IUCN). Under EU and Irish habitat law we are obliged to conduct an Environmental Impact Assessment.



Map of Ardee Bog indicating seven key sites where Curlews have been repeatedly seen feeding and possibly nesting. Curlews at sites 2 and 5 are most at risk. NPWS Ranger surveyed the area with members of local Community Action Group in summer 2019.

### **Further Note to N52 Ardee Bypass: Bypassing the Wrong Part of Town**

Building a road through Ardee Bog was never a good idea, but now it is an inexcusable act of Ecocide.

In the years since plans for the N52 Ardee Bypass began, decades ago, the town of Ardee has changed dramatically. I believe if someone actually studied the traffic flow it would be obvious to them that a bypass is needed elsewhere. The worst traffic congestion is located on the southern approach from the N2 (old Dublin road with traffic from Droghera, Slane and Collon), plus the construction of 3 new housing estates (since 2001), so there are now 14 housing estates, a senior living facility, local Business center, doctor's office, and the ever-increasing student population attending three schools (two primary schools and large Community School). All of this traffic spills onto the N2 at the Church junction where it gets bottlenecked on the ancient roman bridge on Bridge street. This is the source of Ardee's traffic problem. N52 Kells road traffic is minimal compared to the N2 situation.

The N52 Ardee Bypass will *only* relieve traffic on the Kells road, leaving the majority of the N2 traffic to continue converging on the tiny bridge and down Ardee's single main street.

What if the Bypass – instead of arching to the North East (which brings the route through the Bog) – arched South East? I've heard locals talk about this possibility, as it seems to offer a comprehensive solution were the Bypass route starts at the proposed site on the Kells road (Madistown); arches South East taking in the N2 Southbound; linking all traffic to the N33; thus taking all through-traffic away from Ardee's main street; alleviating the congestion converging on the little bridge.

## **Conclusion:**

In May 2019 Ireland declared a Climate Emergency. It is imperative that we protect our peatlands, including Ardee Bog.

As a member of *Friends of Ardee Bog*, I hope that you will take my concerns outlined in this submission seriously and help us protect and conserve Ardee Bog, the most easterly raised bog in Ireland.

The N52 Bypass project is flawed and should not be allowed to proceed. It was erroneously granted planning permission in 2001. In the subsequent years both local and European legislation has changed dramatically as we learn more about the damage so-called “development” causes as well as the impacts of the Climate Emergency. Ardee and the local population of the area has changed. The ecosystem has also changed with the prevention of turf cutting, etc.

Nineteen years later, since the N52 Ardee Bypass (originally drawn up in 2001) failed in 2008, environmental regulations have changed. In 2019 Ireland declared a Climate Emergency. Local and National Government must meet these standards to ensure the safe-guarding of the Irish landscape and all who live on/in her.

It is no coincidence that this project lay at the bottom of the pile for nineteen years – why did it suddenly resurface? I heard that a local politician said it was a surprise to them that the N52 Ardee Bypass was taken off the shelf! Why? Because all other projects that had been granted planning permission were challenged and under review – this was the only project available for the Minister to announce.

Whether planning permission is legal is now very questionable. I believe the entire project is unlawful. I understand that the compliance required in 2020 is very different to what was deemed okay in 2001 in relation to Planning Legislation, EU directives (environmental) Habitats and so on. We have learned so much about the environment in the intervening years that what was unknown previously needs to be considered, especially in the context of the Climate Emergency and the role of ecosystems and their value to Humanity, i.e.: Ecosystem Services.

Previously we have struggled as a small community under the weight of public authorities.<sup>28</sup> It has been difficult, if not impossible, to receive information on what was happening and news travelled via word of mouth. However, after the Oireachtas hearing in 2019 it now feels like this might change. We welcome the fact that Ms. Joan Martin CEO of Louth County Council stated the project will go back to public consultation. I was sad that I could not be there in person on March 5<sup>th</sup> to oppose the outright falsehoods that I have heard being shared by our public representatives. I want to ask them directly; what is happening regarding the Environmental Impact Assessment?

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<sup>28</sup> At an Oireachtas hearing in September 2019 Councillor Minogue not only pontificated about carbon (from cars and trucks) harming children, whilst demanding the road be built through our carbon bank, which will do considerably more harm than any traffic.

Simply put; EU law states that the planning permission used in this project is illegal and out of date. An Environmental Impact Assessment is required.

As a local resident of Townparks Ardee, I grew up on the edge of Ardee Bog. I am thrilled to see that its beauty and importance acknowledged in your draft plan. With *Friends of Ardee Bog* I am working with the local community to share information and historical knowledge about this precious ecosystem on our doorsteps.

There is great potential to create a unique amenity and outdoor learning experience around Ardee Bog. These first steps are vital to protect it before it's too late. A bog cannot be replaced. A road can.

I am convinced, now more than ever, that the proposed N52 Ardee Bypass project – in its current form - must be stopped. I believe it should be brought back to the drawing board. I've seen over the years how local interests have quietly tried to push through this road without sharing all the information with the local community. I demand that the law be followed and that thorough environmental studies are carried out and completed in a full and open and transparent manner by people/organisations with no ties to Louth County Council, local businesss or politicians. If not, this infrastructure project will be challenged, in the European courts if required.

I look forward to seeing the creation of a Louth County Development Plan 2021-2027. Thank you for inviting us to share our thoughts with you as you create a thoughtful plan for our county in these most troubling environmental times.

I trust that my submission will be taken into consideration and that Ardee Bog will be protected from any and all threats, including the N52 Ardee Bypass. This road project must get resolved in a timely and ethical manner, with no more destruction to the land, to the local ecology, or to our watershed.

Wishing you all a happy and healthy end to this strange & troubling year. Best wishes for the new year.

Yours sincerely,

Katie Holten