



River Vartry Protection Society
RiverRun Studio
Nun's Cross
Ashford
Co. Wicklow

Wicklow County Council
Planning Department

Ref:16363

Monday 7 November 2016

We would like to add this Observation to our Objection on Ref:16363 - In response to the Further Information Clarification Response from Irish Water dated 3rd of November.

We again would remind you that we are a Society of Riparian Owners who's Rights are being ignored by Irish Water and their responsibility not being observed. We ask that Wicklow Country Council does not take part in this challenge against our Riparian Rights and refuse permission to Irish Water.

NO Compensatory Flows

We are all disappointed in the fact that Irish Water has abandoned all negotiations with ourselves and the wider Ashford Community in favour of a very hardline approach "People before Fish!". However, we now all know where we stand and it is absolutely clear as stated by them; Irish Water has no intention to give Compensatory Flows to the river.

In summary, the storage available at Vartry has a limit and if additional water is provided in compensation flows, it will have an impact on Irish Water's ability to provide a sustainable drinking water supply for the region.

Objectives in relation to downstream flows

The Vartry River immediately downstream of the plant has previously run dry when back pumping occurred. Under the terms of this Planning Application, Irish Water are now committing to maintain a set minimum flow in the river immediately downstream of the plant. This will be of major benefit to the river and downstream users.

The objective is to return the river to its 'normal' flow i.e. as it was from 1865 to when the plant started to fail in 2008, but to provide the added benefit now of ensuring a minimum flow is always available.

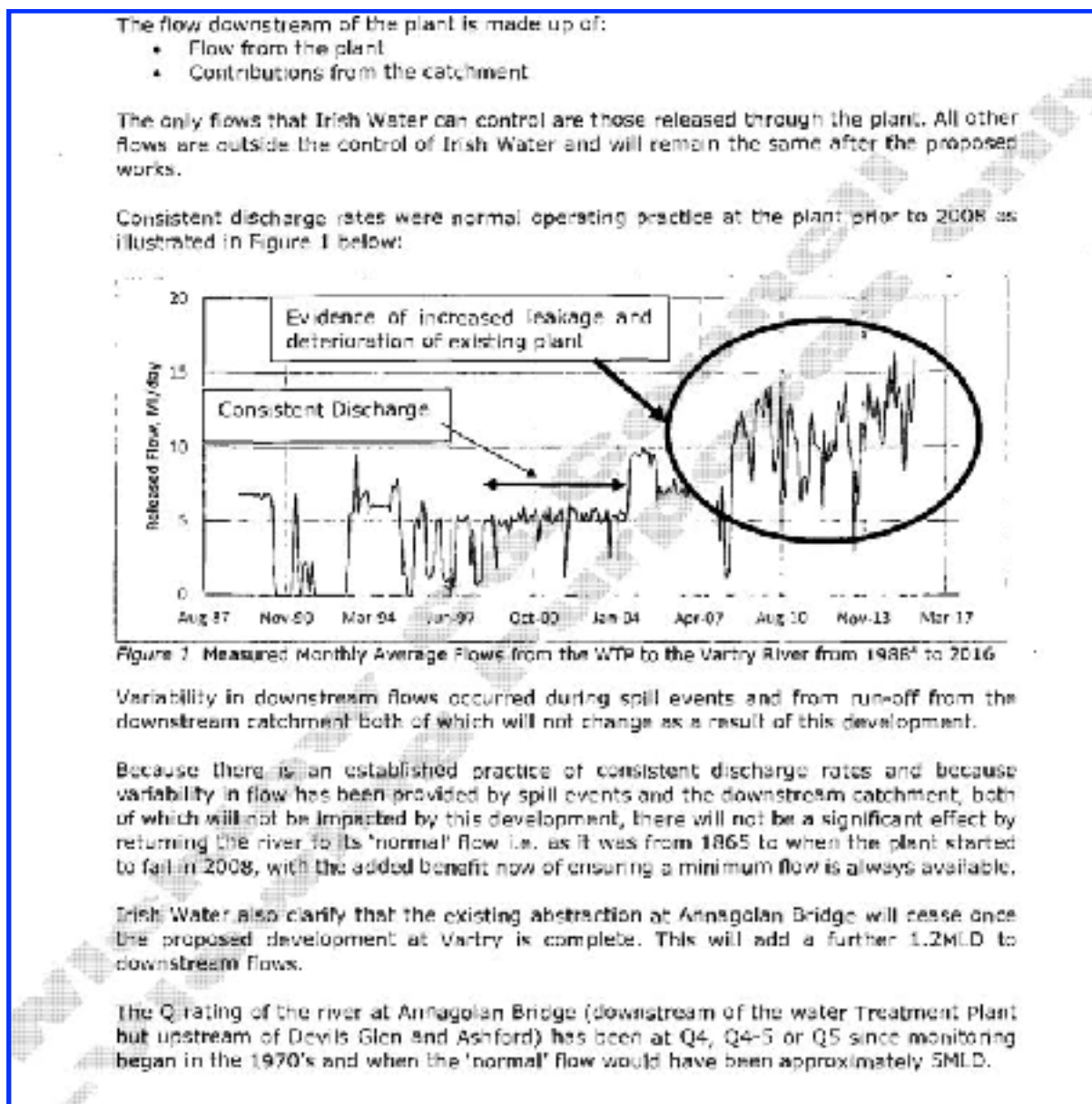
As a result of leaking plant and equipment, Irish Water is aware that the release to the river has increased to an average 10.5 MLD in recent years. Irish Water has reviewed the submissions raised and acknowledges their concerns in relation to the anticipated changes in levels of river flow. Irish Water is seeking to manage flows into the river, cognisant of the planned works, while also fulfilling its statutory duty to supply a secure and reliable source of drinking water to 200,000 people in Wicklow and Dublin.

No negotiation of Compensatory Flows for the River Vartry, an EU Protected River, is in direct defiance of the River Basin Management Plan both past and present (currently in draft). The fact that the traditional water source of Dublin's and Wicklow's drinking water is above this sensitive ecosystem, does not negate the demands for water, based on the River Basin Management Plan

and ourselves, the Riparian Owners both founded in law. A solution must be found that takes into account that the first priority is to protect the River Vartry in pristine condition. Irish Water is a private company and they have no right to speak as if they are the owners of the water, the treatment works and the River Vartry. They are required to be within the law and find a solution.

The current situation in the River at this date of November 7th is worse at the moment than any time including when water was pumped back to the plant in 1997. Global Warming and other environmental factor have lead to this but the situation is dire. If you look at the chart supplied by Irish Water and their contention that 'Natural Flow' is 5ML per day, you will clearly see that this is not so. The status flow for the past 9 years has been that we have been receiving well over 10 ML (closer to and sometimes above 15ML) each day.

The consistent times when the flow was dropped to zero were way back pre 1993 so we consider the references of Irish Water to the 'Pumping Back' totally irrelevant and should be ignored. **This is their misrepresenting the facts to suit their argument as seen clearly from the only substantial zero flow on the graph below is between the periods of 1991 and somewhere in 1993 and calling this 'natural flow' is poor science. The 'natural flow' must be considered to be the most recent period for almost 10 years from early 2007 to the present. Since this is just a leak, it clearly shows that without the treatment works present, we would 'Naturally' be getting more than this amount.**



What Irish Water are proposing is to cut the 'natural flow' from regular 15ML to 5ML or 1/3 of the current flow. We want your inspector to stand upon the bridge at Ashford and look upon the water running over the weir now, at Spawning Season of one of the most protected and productive Salmon rivers in the EU, and glance at what is really happening.

Try to imagine looking at this with only 1/3 of the water that photo currently show coming down from the treatment works. This will be a dead stream, not an EU protected river. **THIS IS THE LAST CHANCE FOR THE RIVER** by overturning this planning permission and finding a solution that works for the River, not against its survival. The photo was taken on this date of November the 7th.



We have included further photos, taken on November 3rd, to illustrate the impossibility of ignoring the River's fate. They are taken on upstream of Ashford below Devil's Glen where the Salmon and Sea Trout spawn. Where you see exposed rocks and a small stream, should be a substantial stream and none exposed.





These are the actual spawning beds which are below what is feasible for spawning in the as illustrated clearly by the dog. The width and depth does not support spawning.

The Irish Water claim that the SAC, the Murrough, and Devil's Glen will not be affected, is completely unsound as clearly shown by the lack of water flowing and the destruction of the fish caused by no Compensatory Flows. This can not be considered as a sound Environmental Assessment. We dispute this strongly,

Because there is an established practice of consistent discharge rates and because variability in flow has been provided by spill events and the downstream catchment, both of which will not be impacted by this development, there will not be a significant effect by returning the river to its 'normal' flow i.e. as it was from 1865 to when the plant started to fail in 2008, with the added benefit now of ensuring a minimum flow is always available.

Irish Water also clarify that the existing abstraction at Annagolan Bridge will cease once the proposed development at Vartry is complete. This will add a further 1.2MLD to downstream flows.

The Q rating of the river at Annagolan Bridge (downstream of the water Treatment Plant but upstream of Devils Glen and Ashford) has been at Q4, Q4-5 or Q5 since monitoring began in the 1970's and when the 'normal' flow would have been approximately 5MLD.

The monitoring of flow ended in 1970 not began and 'Normal Flow' is what we currently have at 15ML per day. In almost 10 years, the fish have begun to restore and adapt to this regime and the ecosystem is in reasonable health. This perfectly coincides with when the leaks started and is not a coincidence. The fish quality has ONLY been restored to high quality over the same period of the leakage. Please refer to IFI to confirm that this increase of fish is in direct correlation to the leakage from 2007, if you have any doubts of our claim.

We ask that based on this hardline approach taken by Irish Water that the planning permission is denied and support given to the River.

Plant Discharge

On the subject of discharge to the River Vartry we have a great deal of concern. Foremost the new approach illustrates the lack of trust that you can place with what Irish Water says. We questioned their approach to retreating the discharge by running it through the old sand filters and the long term viability of maintaining the old beds. We questioned what they would do with the blocked up water when a discharge 'event' had occurred. Wicklow County Council supported us in this and asked in the clarification for details to answer our concerns. Irish Water now say that they are going to pump the discharge back to the Reservoir rather than retreat it. Does this not reflect badly on their previous plan and whether they were to be trusted to actually perform on this commitment? Does this point to "poor science", lack of correct technical expertise, or poorly constructed solution? Or does this point to intentional deception on their part? We no longer believe them in their solutions.

Clarification in relation to 1(i) to 1(iii) - Discharge Quality

Irish Water note the clarifications raised by Wicklow County Council in relation to the quality of the proposed discharge. While it is the preference of Irish Water to discharge treated process water, Irish Water wish to address any concerns relating to the quality of water discharged from the plant. For this reason, Irish Water clarify that all treated process water will be returned to the head of the works. There will therefore be no discharge to the River Vartry from the new water treatment plant and the existing discharge from the slow sand washings will cease.

Irish Water will ensure there is a continuous flow of reservoir water downstream of the plant by diverting water abstracted from Vartry Reservoir through site pipework into the existing spillway channel.

The above clarification will ensure there is no risk to water quality during the operation of the proposed development and addresses items 1 (i), (ii) and (iii) of the clarification request. An updated Appropriate Assessment Screening is attached to take account of this clarification.

Any additional works, required to ensure that there will be no discharge of treated water to the River Vartry by means of returning all treated process water to the head of the works, shall be contained within the application site and will be of a scale consistent with the proposal. In the event of a grant of permission Irish Water shall submit compliance drawings showing the final layout of the development.

We believe that taking the discharge, high in Alum, and putting it back into the reservoir is not a process that can be recommended anywhere in the world. Again we do not believe this is really the plan, but if it were so, then an ABSOLUTE condition imposed by Wicklow County Council on the Planning permission must be to revoke all and any discharge licenses currently and in the future from the Roundwood Treatment Plant regardless of Irish Water's own future or management. This includes the current license for 1.7ML at two locations and the proposed 4.0ML at four locations.

The other concern is that we understood that the original offer was for this discharge to reach the river with a further 5ML of water always below the EU standard of high water quality . We are now to understand that we will only get 5ML per day **total** to the river.

We believe that the Wicklow County Council must clarify just how and the science behind dumping 4ML per day back into the Reservoir at the outlet end is going to be sustainable and produce quality water for Dublin considering the high concentration of pollutants such as Alum as well as many others. This will eventually lead to contamination of the reservoir and require "adjustment" involving dumping to the river.

We ask that this planning permission be denied base on the dumping of the discharge back into the reservoir.

Source of Flow to the River

We ask the question which is not addressed in their new submission, “What is the source of the proposed 5ML flow to the River?” Again the plant does not have the facility to release water to the slipway and the only water that is available for running down the discharge pipe is fully treated water containing Chlorine and Fluorides.

This again is not well thought out and are further indication of the lack of real concern towards the environment by Irish Water or their consultant.

We ask that planning permission is denied since they have demonstrated their lack of thoroughness in all of their submissions. Asking another third Further Information is unacceptable from our standpoint.

An EIA is Required

We again emphasise the lack of professionalism in all of the submissions from Irish Water and continually turning back on what they just said. Their research has been shown to be poor, their science flawed, their reversals suspect and their continual ignoring of the need River Vartry shocking. This is emphasised by including the statement that “if they give compensatory flows it will have an impact their ability to provide drinking water to the region”. This clearly indicates the vested interest of a business ignoring the environment in favour of a lucrative solution. How can the Wicklow County Council **not** require an EIA? Irish Water can not be trusted to cover the environment in an Impact Statement without being biased by the income created by going ahead with this plan. An EIA is required by law as outlined in our previous submissions and by their own failings in presenting a sound and believable assessment of the Environmental Impact on the EU Protected River Vartry.

We ask that you deny permission until which time a full independent EIA is carried out with the River Vartry Protection Society, representing the Riparian Owners as an interested party.

Thank you for your help in this matter and we hope that you will listen to us for the greater good of Wicklow and the environment.

Matthew Weiss - Spokesperson

for the River Vartry Protection Society