

9th June 2019

Dear Sir / Madam,

I am a County Councillor for the Clane - Maynooth municipal district with Kildare County Council. The site at Ballinderry is located within my municipal district.

I wish to make the following observation in relation to the licence request by GCHL Ltd.

The man made lakes within the site are now home to at least three species of wild birds. The environmental impact assessment does not make any reference to this fact, and therefore it is no longer an accurate assessment of the potential impact to the environment that the proposed development would have.

### Mute Swans

Chapter 4 of the applicant's Environmental Impact Assessment Report (EIAR) refers to the sighting of a number of mute swans on the largest lake during the 2018 walkover (as shown below).

The 2017 Appropriate Assessment Screening (Roger Goodwillie & Associates, 2017) also records a number of bird species commuting across the Site, including wood pigeon *Columba palumbus*, rook *Corvus frugilegus*, jackdaw *Corvus monedula* and magpie *Pica pica*. A small colony of sand martin *Riparia riparia* was also noted nesting at the Site, along the north facing sediment slopes along the south of the larger pond. A total of 30 pairs were noted. During the 2018 walkover, a number of mute swans *Cygnus olor* were observed on the larger pond, near the reedbed.

*Extract from EIAR Chapter 4, Page 4-6*

The observation that was made during the 2018 walkover was not a chance occurrence. The lake is home to a family of three mute swans. The swans were seen at 07:36 on Saturday, 8th June, 2019 (<https://www.youtube.com/watch?v=CSgwKP9VQJ8>) and again at 18:37 on the following day, Sunday, 9th June, 2019, as shown below.



*Mute Swans on Ballinderry Pit Lake - 9th June 2019*

### Moorhens

Moorhens have built a nest on the water of the largest lake and can be seen to be living on the lake also. There is no mention of the birds in the application documents.



*Moorhens and Mute Swans on Ballinderry Pit Lake - 9th June 2019*



*Moorhen Nest on Ballinderry Pit Lake - 9th June 2019*

#### Ducks

Ducks were observed swimming on the middle lake on Saturday, 8th June, 2019. There is no mention of ducks in the application documents.

#### Conclusion

Given that the lakes are now home to a variety of wild birds, and that some of those birds have built nests on or around the lakes, the application must be refused on the basis that it would be illegal to destroy the lakes under the Wildlife Acts, 1976 - 2012.

I note also that, according to the Kildare County Development Plan 2017 - 2023, that "it is the policy of the Council to protect and promote the conservation of biodiversity outside of designated areas and to ensure that species and habitats that are protected under the Wildlife Acts 1976 - 2012, the Birds Directive 1979 and the Habitats Directive 1992 are adequately protected".

### **13.7 PROTECTED HABITATS AND SPECIES OUTSIDE DESIGNATED AREAS**

The county supports a range of plant, animal and bird species that are deemed to be rare and threatened under European and Irish legislation and which are known to exist outside of designated sites such as Natura 2000 sites or Natural Heritage Areas. This includes nationally rare plants, plants listed in the Red Data Lists of Irish Plants, Flora (Protection) Order of 2015 (or other such Orders) and their habitats and animals and birds listed in the Wildlife Acts of 1976-2012 and subsequent statutory instruments.

It is the policy of the Council to protect and promote the conservation of biodiversity outside of designated areas and to ensure that species and habitats that are protected under the Wildlife Acts 1976 - 2012, the Birds Directive 1979 and the Habitats Directive 1992 are adequately protected.

*Extract from Kildare County Development Plan 2017 - 2023*

Thank You,  
Cllr. Brendan Wyse