

MEATH ARCHAEOLOGICAL AND HISTORICAL SOCIETY

Petition to European Parliament Petitions Committee

546/2005 (Petition by letter and email dated 1 June 2005)

Re: M3 (Clonee to Kells) Motorway and its impact on the Tara Archaeological and Historical Landscape, Co. Meath, Ireland

Additional information - to accompany original petition and documents

Breaches of EIA Directive 85/337/EEC (*as amended* by Directive 97/11/EC) in the Environmental Impact Assessment of the M3 Motorway Scheme, with particular reference to **Dunshaughlin to Navan** section and route running through the Tara archaeological landscape

Complaint re breaches/non-compliance with EIA Directive 85/337/EC (as amended by Directive 97/11/EC), Articles 3, 5, 6 and 8

Developers: National Roads Authority and Meath County Council

References: M3 EIS (2002), Volumes 1, 2, 4; M3 Oral Hearing - Inspector's Report (July 2003) and An Bord Pleanála Decision on M3 Motorway (August 2003)

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M3 (Clonee to Kells) Motorway: Dunshaughlin to Navan section

Summary of breaches identified under EIA Directives - Articles 3, 5, 6 and 8:

1. Article 3 breaches: Cultural heritage (Paragraph numbers refer to Part 1 *below*)

The M3 environmental impact assessment process:

- 1.1 Failed to identify, describe and assess the direct and indirect effects of the motorway on the **highly sensitive and uniquely important Tara archaeological landscape**
- 1.2. Failed to identify, describe and assess the direct and indirect effects of the **Blundelstown Interchange** on the Tara archaeological and historical landscape.
- 1.3. Failed to **reflect the findings, warnings and recommendations given in the route selection reports** (archaeology) in relation to the impact on the Tara landscape
- 1.4 Failed to reflect and take into consideration **the latest research** on Tara and its landscape and **failed to consult with the expert archaeologists and historians** who have been researching Tara on behalf of the State-funded Discovery Programme since 1992.
- 1.5 **Failed to take account of existing planning practice and heritage protection policy** in the Tara archaeological landscape as reflected in the Meath County Development Plan and as exemplified in the refusal of the golf course application in the Tara-Skryne valley
- 1.6 **Failed to fully assess alternative options** to the routing of the motorway through the Tara archaeological landscape.
- 1.7 **Failed to fully describe and assess the findings of the geophysical survey** in relation to B2 (chosen route). The geophysical report and the crucial geophysical images **were omitted from the EIS volumes** which contained only a summary of the findings
- 1.8 **Failed to take due account of the “spectacular” findings of the geophysical survey** which should have led to re-examination of alternate route options, in particular the only route “unreservedly recommended” on archaeological grounds, i.e. route P east of Skreen

2. Article 5 breaches - Information (numbers refer to relevant sections of Part 2 *below*)

- 2.1 Environmental effects – EIS failed to reflect the route selection findings
- 2.2 Alteration of information in transfer to EIS
- 2.3 Omission of information
- 2.4 Alternatives studied – narrow interpretation applied in EIS

3. Articles 6 and 8 Breaches – Public consultation and Public participation

- 3.1 Overall process in breach of EIA requirement for meaningful public participation.
- 3.2 Public consultation sessions not conducive to meaningful public participation
- 3.3 Follow-up meetings with consultants unsatisfactory
- 3.4 Environmental Impact Statement (EIS) deficiencies
- 3.5 Oral Hearing deficiencies
- 3.6 Access to information: general breaches of Article 6
- 3.7 Access to Route Selection Reports: difficulties experienced
- 3.8 Access to information on consultations held with statutory bodies

1. ARTICLE 3: IMPACT OF M3 ON “CULTURAL HERITAGE”

Article 3

“The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11, the direct and indirect effects of a project on the following factors:

- *human beings, fauna and flora;*
- *soil, water, air, climate and the landscape;*
- *material assets and the cultural heritage;*

the interaction between the factors mentioned in the first, second and third indents”

Summary of breaches identified: The M3 environmental impact assessment failed to adequately “identify, describe and assess” the “direct and indirect effects” of the motorway on the “cultural heritage” as required by Article 3, with particular reference to the Dunshaughlin to Navan section. In particular, the environmental impact assessment process (in all its stages) failed to “identify, describe and assess”:

- the effects of the M3 motorway on the Tara archaeological and historical landscape,
- the effects of the Blundelstown Interchange on the Tara archaeological landscape
- alternatives to a route running through the Tara archaeological landscape

List of Article 3 breaches (*numbers refer to relevant paragraphs below*)

In relation to Article 3, the M3 environmental impact assessment process:

- 1.1 Failed to identify, describe and assess the direct and indirect effects of the motorway on the **highly sensitive and uniquely important Tara archaeological and historical landscape**, described in route selection as “one of the richest archaeological landscapes in Europe”.
- 1.2 Failed to identify, describe and assess the direct and indirect effects of the **Blundelstown Interchange** on the Tara archaeological and historical landscape.
- 1.3 Failed to **reflect the findings, warnings and recommendations given in the preliminary assessments and route selection reports** (archaeology) in relation to the Tara archaeological and historical landscape, and the likely impact of the route on this landscape
- 1.4 Failed to reflect and take into consideration **the latest research** on Tara and its landscape and **failed to consult with the expert archaeologists and historians** who have been researching Tara on behalf of the State-funded Discovery Programme since 1992. This failure inevitably led to the poorly informed definition applied to the Tara archaeological landscape by the Inspector
- 1.5 **Failed to take account of existing planning practice and heritage protection policy** in the Tara archaeological and historical landscape as reflected in the Meath County Development Plan and as exemplified in the refusal of the golf course application in the Tara-Skryne valley (2003)
- 1.6 **Failed to fully assess alternative options** to the routing of the motorway through the Tara archaeological landscape. Despite the importance and sensitivity of the landscape, **geophysical surveys** were not carried out on any of the route options **before** selection of the chosen route. Geophysical survey was only carried out on the chosen route, and only **after this route had been selected. The geophysical survey did not inform the selection process**
- 1.7 Failed to fully describe and assess the findings of the **geophysical survey** in relation to the chosen route. The geophysical report and images **were omitted from the EIS volumes** which contained only a summary of the findings, as interpreted by the Meath Co Council’s consultants. The separate geophysical report was **not advertised to members of the public purchasing the EIS.**
- 1.8 **Failed to take due account of the “spectacular” findings of the geophysical survey** which, given their potential and their occurrence in this uniquely important area, should have led to re-examination of alternate route options, in particular the only route “unreservedly recommended” on archaeological grounds, i.e. route P east of Skreen (outside the immediate Tara landscape).

1. ARTICLE 3 BREACHES - details:

1.1 Failure to address the impact of the M3 on the Tara archaeological and historical landscape: The M3 environmental impact assessment process (in all its stages) failed to “identify, describe and assess” the “direct and indirect effects” of the motorway on the **highly sensitive and uniquely important Tara archaeological and historical landscape**.

[M3 EIS Vol. 1 (Non-technical summary, para. 5.4) and Vols. 4A, 4C, (Dunshaughlin to Navan) Appendix E (Archaeology), 2002; Inspector’s Report, July 2003; An Bord Pleanála decision on M3, August 2003]

1.1.1 **Tara and its landscape:** The Hill of Tara has long been recognised as Ireland’s premier national monument. In the past 10 years, largely as a result of pioneering research carried out by the State-Funded Discovery Programme, it is now widely recognised that the monumental complex on the Hill is the focus of a **wider archaeological and historical landscape** which is of national and international importance, a landscape which deserves the fullest possible protection

- “... *The Hill of Tara represents the ritual and political core of a far larger territory or landscape. It cannot be regarded, or treated of, in isolation from this broader landscape because this would be to divorce it from its cultural and geographical context. ... all our researches point to the valley between Tara and Skreen as an area of paramount importance throughout the history of Tara.*”

[Conor Newman, archaeologist, NUI Galway, director of the Discovery Programme’s Tara Survey, submission to M3 oral hearing, Sept. 2002]

- “... *I believe Tara and the complex or association of monuments and sacred spaces in its surroundings to be **the most important of their type in Ireland, if not in Europe**. Taken together, this group of monuments constitute an archaeological and cultural landscape which **deserves the fullest and most generous archaeological protection***”

[Dr Pat Wallace, Director of the National Museum of Ireland, letter to the Minister for the Environment, Heritage and Local Government, 16 March 2005]

- “*Archaeological and historical investigation over the past 10 years have conclusively demonstrated that what was understood to be Tara in antiquity consists of the hill and its hinterland. **This area is recognised, both nationally and internationally, as a landscape of extreme importance.***”

[Statement signed by 17 leading archaeologists and historians, 21 September 2004, accompanying letter published in Irish national newspapers]

- “***This is a landscape not just a hill ... it is the hill that is the focus of the more extensive landscape, a landscape that was understood by different generations, different peoples as their own, but all of their understanding rooted in the past.***”

[Dr Edel Bhreathnach, O Cleirigh Institute, UCD, former Research Fellow with the Discovery Programme’s Tara Survey, presentation to MAHS seminar on the M3, 11 June 2005. Session I, p. 4]]

- “*It would be hard to overstate the national and international importance of Tara. The Hill of Tara is only **one element of a wider related archaeological landscape**, the additional richness of which is continually being further revealed.*”

[Dr Brian Lacey, CEO Discovery Programme, presentation to the Oireachtas Committee on the Environment, 2 Feb. 2005]

- *“The monuments and sites at Tara have long been known to be of great historical and cultural importance, but in recent years major new discoveries have come to light, largely through the non-intrusive survey and research work undertaken by the **Discovery Programme**. These discoveries attest not only to a much larger collection of prehistoric monuments on the hill of Tara itself, **but also to a much wider hinterland for the Tara complex**, spreading across the valley and comprising an area of continuous human settlement over thousands of years. It is through this area that the proposed M3 will run!”*
[Meath Archaeological and Historical Society submission to the M3 oral hearing, 12 September 2002]

1.1.2 M3 impact on Tara – concerns of archaeologists and historians: Eminent archaeologists and historians in Ireland and abroad – including the Discovery Programme experts on Tara’s archaeology and history - have expressed grave concern as to the impact which the M3 will have on Tara. They fear that the M3 as presently proposed will:

- destroy the cultural integrity of the Tara archaeological landscape
- irreparably damage the character, appearance and interpretative experience of Tara and Skreen
- destroy numerous archaeological sites and monuments discovered (and yet to be discovered along this section of the route), sites which are “part and parcel” of Tara and which should be treated only as part of a properly designed research plan, and
- inevitably lead to largescale development in the vicinity and landscape of Tara, particularly in the vicinity of the Blundelstown Interchange, further eroding the quality, experience and enjoyment of the landscape
- *“Recent research has demonstrated that Tara is a much more significant complex than previously thought. The proposed motorway will pass through this very sensitive landscape and, in so doing, **will destroy sites we know to be part and parcel of Tara** and will also seriously detract from the setting and environment of this remarkable site.”*

[Dr George Eogan, former Chairman of the Discovery Programme, and former Professor of Archaeology at UCD, Letter to the editor, *Irish Independent*, 2004]

- *“The planned route of the M3 toll-motorway and major floodlit interchange at Blundelstown ... will cut through the heart of this exceptionally sensitive landscape. In so doing it will irreparably damage the cultural integrity of this nationally and internationally significant archaeological complex. The construction of housing and industrial estates that will inevitably follow in its wake will **destroy Tara’s environmental context forever.**”*

[Letter to national papers signed by leading archaeologists and historians, 21 September 2004]

1.1.3 EIS treatment of Tara landscape: Borrowing a phrase from the earlier route selection reports, the EIS acknowledges that the M3 will run through “*one of the richest and best-known archaeological landscapes in Europe*” (EIS Vol. 4C, App. E, Para. 3.1). However, the entire archaeological report contained in the relevant volumes (4A and 4C) fails to reflect the importance, nature and extent of this landscape, and the EIS does not identify, describe or assess the impact of the M3 on this unique landscape.

[EIS Vol. 4C, Appendix E]

[Meath Archaeological and Historical Society]

1.1.4 EIS concentration on individual sites and monuments: In contrast to the earlier route selection reports, the environmental impact assessment (in all its stages) applied a too narrow interpretation to the terms “cultural heritage” and “archaeology”, **concentrating on individual**

- *“ The process of evaluation by which the planning authority agreed to the proposed works in such a culturally sensitive area seems narrow. This is because **it chose to confine its deliberation to Tara on the basis of the requirements of individual sites** and ignored the importance of the place as a complex in the first millennium and later when it was as important as it was in the Iron Age and before”*

[Dr Pat Wallace, Director of the National Museum of Ireland, letter to the Minister for the Environment, 16 March 2005]

1.1.4 EIS discussion on landscape impact misleading. Para. 9, Appendix E of EIS Vol 4C: “Potential impact of the proposed road on the archaeological landscape” is misleading in that it is almost entirely confined to a **discussion of individual sites**, the potential for further discoveries and recommendations for mitigation of these sites, and does not actually address the impact of the M3 on the Tara landscape.

[EIS Vol. 4C, Appendix E, para. 9]

1.1.5 Non-technical summary gives false impression of impact: The Non-Technical summary glosses over the landscape impacts and again concentrates on individual sites, giving the false impression that the motorway will not impact on Tara:

- *“Desk studies and subsequent field walkovers and surveys indicate that the chosen route runs through an archaeologically sensitive landscape. However, the main area of significance, around the Hill of Tara has been avoided by the proposed route alignment”*

[EIS Vol. 1, para. 5.4.1, “Cultural heritage: archaeology”]

1.1.6 EIS and Inspector’s report failed to reflect latest research on Tara. This limited understanding of the archaeological heritage reflects a traditional approach based on individual sites and monuments and is not in accordance with the modern approach – based on the research of the Discovery Programme - which views the heritage in its wider setting. The inevitable consequence of adopting this approach is seen in the narrow and poorly informed definition of the Tara archaeological landscape applied by the Planning Inspector [*see also para. 1.4*]

- *“I am satisfied that the route, as proposed, would not have a significant impact on the archaeological landscape associated with the Hill of Tara **as indicated by the area designated as the core zone on the RMP Map SK 500**”*

[Inspector’s report for An Bord Pleanála, 2003]

1.2 Failure to address the impact of the Blundelstown Interchange

The M3 environmental impact assessment process failed to “identify, describe and assess” the “direct and indirect effects” of the **Blundelstown Interchange** on the Tara archaeological landscape.

[EIS Vol. 1 (Non-technical summary, para. 5.4) and Vols. 4A, 4C, Appendix E; Inspector’s Report; An Bord Pleanála decision]

1.2.1 Blundelstown Interchange: The 26-acre artificially-illuminated Blundelstown Interchange is **located at the foot of the Hill of Tara**, just 1.2km from the core ritual complex on the hilltop. There are serious concerns over this Interchange and its location:

- *“I continue to have a difficulty with this relatively small section of the M3, because of what I sincerely believe to be the unacceptable degree of negative impact which it will inevitably have on the incomparable landscape of Tara and the proximity and scale of the proposed interchange at Blundelstown crossroads.The proposed large-scale interchange at Blundelstown crossroads is only a field and a half away from Rathmiles which is part of Tara. This will have a flyover and will compete with the Hill of Tara with the competitive advantage that it will have 24 hour lighting! In location and in scale it will demean Tara... Why has this interchange to be so extensive and why at this archaeologically sensitive location?”*

[Dr Pat Wallace, Director of the National Museum of Ireland, letter to the Minister for the Environment, Heritage and Local Government, 16 March 2005]

- 1.2.2 **EIS fails to assess impact of Blundelstown Interchange:** Neither the Interchange nor its impact on Tara and its landscape are mentioned, described, discussed or assessed either in the relevant EIS volume (4, Appendix E) or in the Non-technical summary outlining the impacts on the cultural heritage (Vol. 1, 5.4)
- 1.2.3 **Public consultations had no details of Interchange:** Information on the Interchange was not available during the public consultation process, reference being confined to the mention of a “possibility” of an interchange at Blundelstown
- 1.2.4 **Development in wake of Interchange:** The potential for future development in the vicinity of the Interchange and Tara was not addressed in the environmental impact assessment and was not considered in the An Bord Pleanála decision.
- 1.3 **Failure to reflect the findings and warnings of earlier archaeological reports as to the likely impact of the route on the Tara archaeological landscape (preliminary assessments and route selection reports)**

[see also section 2 (Article 5 breaches) below]

- 1.3.1 **Route selection at the heart of the problem.**
The Meath Archaeological and Historical Society believes that **a fundamental mistake was made** in the original decision to consider routing the M3 motorway through the Tara landscape, and that **this mistake was confirmed and compounded** at further stages in the process, i.e. the selection of the chosen route (B2), the EIS, the Inspector’s report and the An Bord Pleanála decision.
- 1.3.2 **Tara area should have been avoided at earliest stage:**
It is difficult to comprehend the decision made in the earliest stages of the process to even **consider routing the motorway** (or dual carriageway as it then was) through the Tara area. Given the significance of Tara, the density of monuments and archaeological complexes already known in this section of the route, the pioneering research being conducted by the Discovery Programme’s Tara Survey (*see 1.4 below*), existing planning practice and heritage protection policy in the Meath Development Plan (*see 1.5 below*), it would not have been unreasonable to assume that:
- responsible planners would have recognised this **as an area to be avoided at all costs**,
- and
- the State’s heritage protection agencies and mechanisms would have made it clear that this area **should be avoided at all costs**

This expectation is arguably borne out when the findings of the early archaeological assessments are taken into account

1.3.3 Recognition of wider Tara landscape, its importance and sensitivity, in preliminary assessments and route selection reports (archaeology)

1.3.3.1 June 1999:

- *“Where before there was a considered respect for the archaeological landscape on Tara, there is now an even higher regard for the complex cultural intricacies that are located within and in proximity to its confines....Tara did not exist in isolation. A glimpse at the distribution of sites around the Hill shows this. A second and more muted centre of activity existed to the east at Skreen, which straddles the eastern boundary of the corridor... **The archaeological landscape is not constructed of isolated monuments and occasional finds. Rather, it is an interactive landscape that stretches beyond the standing remains. It is recommended that all archaeological sites and their environs as identified be avoided. This recommendation is most strongly urged for the area of and surrounding the Hill of Tara, where current archaeological research is continuing to discover more and more sites.**”*

[Archaeological Assessment Paper Survey – Preliminary Area of Interest N3 Dunshaughlin North to Navan South and Navan West, Co. Meath. Valerie J. Keeley Ltd, Archaeological Consultancy, June 1999]

1.3.3.2 January 2000:

- *“The Meath County Development Plan has identified the archaeological sites at Tara and Skreen as areas to be “...protected from development which would interfere with such sites or their setting and character”.*
- *“The Archaeological Assessment concludes that it is not possible to suggest a preference at this stage due to the complexity of the archaeology in the area and that any route is likely to uncover new information. This is especially relevant to the area of, and surrounding, the Hill of Tara where current archaeological research is continuing to discover new sites.”*

[N3 Dunshaughlin to Navan Constraints Report, Final issue]

1.3.3.3 August 2000:

- *“It is obvious that a ritual centre of Tara’s scale **must have had a significant hinterland.** Tara is comparable to sites such as the Bru na Boinne passage tomb cemetery... the ritual complex at Lough Gur, Co. Limerick, and the hillfort at Mooghaun, Co. Clare. These are complex prehistoric ritual sites, all of which are surrounded by hundreds of subsidiary sites, including habitation and ritual monuments. Unlike Lough Gur and Mooghaun, however, the intensive land use in the fertile lowlands around Tara has led to a masking of much of this activity.”*

[N3 Navan to Dunshaughlin Route Selection Report – Archaeology, August 2000. Dr. Annaba Kilfeather, Margaret Gowen & Co. Ltd, for Halcrow Barry, para.4.5]

- *“In recent years, largely as a result of the research of the Discovery Programme, the extent and number of the archaeological monuments in this region has been greatly expanded. **This in turn has led to an expansion of the zone of archaeological protection afforded to Tara, which now encompasses not only the hill itself, but also includes an area approximately six kilometres in diameter**”*
- *“This section of the N3 runs through one of the richest and best-known archaeological landscapes in Europe. At the centre is the Hill of Tara, the seat of the high kings of Ireland, and a focus of ritual, political, social and religious activity for over four thousand years. **It would be virtually impossible to underestimate the importance of the sensitivity of the archaeological and historical landscape in this area.**”*

1.3.3.4 Omission from EIS: It is worth noting that, while most of the last paragraph was included in the EIS volumes, **the final crucial sentence was omitted!**

[M3 EIS Vols. 4A , 4C]

1.3.4 Route options in Dunshaughlin to Navan section

Four primary route options (initially 6 corridors and finally 10 sub-options) were identified for assessment in this section. Incredibly, despite the findings of the preliminary archaeological assessments, of the 4 primary route options (10 sub-options) offered for consideration, **only two (O and P) (amounting to 3 sub-options) were offered which were outside the immediate Tara area, and one of these (O, to west of Tara) was still too close to the sensitive area of the Hill.**

Two of the 4 primary routes (G, O) and option B1 were ruled out entirely by Dúchas (the Heritage Service) in 2000, and only one (P) was “unreservedly recommended” from an archaeological perspective by Meath Co Council’s own archaeological consultants in route selection reports of 2000 and 2001 (The P route was believed to have been also the preferred option of Dúchas, the Heritage Service, but this has never publicly confirmed). Route B2 was selected.

- In effect there was **very little viable choice** offered in the route selection in this section, contrary to the repeated statements of the NRA and others that 10 routes were put forward for consultation
- Given the significance of Tara and the sensitivity of the landscape, the fact that Dúchas had objected to several of the options, and the fact that only one was “unreservedly” recommended on archaeological grounds, it would not be unreasonable to think that the planners at this stage might have recognised that there was a **serious problem with the routing in this section**
- Geophysical survey was only conducted on one of the routes – the chosen route B2 – and this was only done after that route had been selected. [see 1.6 below]
- Analysis of the route selection data in relation to a range of environmental effects – including archaeology - raises **serious questions as to the rationale for the choice of the B route. In effect, the P route comes out best in a number of factors.** In addition, there is evidence for **alteration of some of the data** in transfer to the EIS

[NB: *see also* para. 1.3.5, and Section 2.1 below – which deals with route selection data under Article 5 - Information]

1.3.5 Route selection reports (archaeology): specific findings on route options

1.3.5.1 **August 2000:** After outlining findings on each of the route options, and rejecting several outright, the route selection report of August 2000 outlined its clear preference for the P route east of Skryne which was “unreservedly recommended” from an archaeological perspective. In addition to P, 3 sub-options (B2, B3 and B4) “could be considered”, even though the reports had earlier identified many limitations and difficulties with each of these options.

The report warned as to the sensitivity of the entire area and the impact of the motorway:

- *“In summary, the sensitivity of this area cannot be underestimated. **Any development, particularly on the scale of the proposed roads, will have an immense impact on the landscape.** The monuments around Tara cannot be viewed in isolation, or as individual sites, but must be seen in the context of an intact archaeological landscape, which should not under any circumstances be disturbed, in terms of visual or direct impact on the monuments themselves. As all the routes cross the archaeologically rich plateau around Tara and Skreen, it is highly probable that new archaeological monuments will be discovered during the course of the construction.” [7.2.]*
- *“**For these reasons, the only unreservedly recommended route in this discussion is P.** It avoids the areas of highest archaeological potential, does not cross the Boyne (although this will need to be addressed when a route is chosen for the Navan Bypass), and has the **inestimable advantage of being largely invisible from the Hill of Tara.** The area through which it travels is characterised by well-defined medieval clusters, and, while the possibility of uncovering subsurface archaeology cannot be ruled out, the potential is much lower than for the other routes.” [7.4]*

[N3 Navan to Dunshaughlin Route Selection – Archaeology. Dr. Annaba Kilfeather, Margaret Gowen & Co. Ltd, for Halcrow Barry, August 2000]

1.3.6 Chosen route – B2:

Incredibly, the B2 route was chosen. This runs right through the Tara archaeological landscape, cutting through the Gabhra valley (between the hills of Tara and Skreen), the Boyne Valley, and the historic demesnes of Lismullin and Dowdstown, and includes a 26-acre lighted interchange at Blundelstown crossroads, located at the foot of the Hill of Tara, just 1.2km from the ritual complex on the Hill.

- *“If Council were the body with decision making powers on this issue it is most unlikely that it would have chosen this new route. This is based on a wide appreciation of the historic landscape in the Tara-Skreen Valley and the important place of Tara in the construction of Irish identity.It is obvious that during the road design process consideration was given to Tara and cultural heritage. However, **given the international significance of Tara it is a matter of debate if sufficient weighting was placed upon heritage in the matrix of criteria used to inform the decision making process.**”*

[Michael Starrett, CEO, Heritage Council, submission to Oireachtas Committee on the Environment 2 Feb. 2005]

- *“In the knowledge of the singular cultural importance and sensitivity of the Tara landscape it is hard to fathom that the National Roads Authority (NRA) and Meath County Council (MCC) could have contemplated a development of this scale and invasiveness through the Tara/Skryne valley. In this instance one would have thought that **absolute priority would have been given to cultural heritage** and environmental issues above all else and this specific route option avoided at all costs. Unforgivably, it was not and the route through the valley was quickly adopted as the so-called ‘emerging preferred route’. **This decision is all the more damning as unequivocal warnings were given by the NRA/MCC’s own***

consultants of the folly of driving a motorway through the valley at the very earliest stages of the route selection process. Shamefully this expert advice was diluted to the point of impotency for inclusion in the Environmental Impact Statement (EIS). It would appear, therefore, that the EIS amounts to little more than an expensive and rather cynical exercise in ‘window dressing’.

[Joe Fenwick, Archaeology Dept. NUI Galway: “The Geophysical Survey of the M3 toll-motorway corridor: a prelude to Tara’s destruction?” *Riocht na Midhe*, Vol. XVI, 2005, p. 8-21]

NB: For a further analysis of the route selection report findings (comparing routes B and P), and the overall environmental effects data *see below Section 2.1* (Article 5 breaches).

1.4 Failure to reflect and consider latest research on Tara

The environmental impact assessment process failed to take due consideration of the research on Tara conducted and published by the State-funded Discovery Programme and **failed to consult with the expert archaeologists and historians** who have been researching Tara on behalf of the Discovery Programme since 1992. This led to a limited understanding applied in relation to the landscape and the impact of the motorway on it

1.4.1 Discovery Programme research available: The Discovery Programme’s ongoing research was available for study by the archaeological consultants for the EIS and is referred to in the bibliography for Vol. 4. Regrettably, this research is not reflected in the EIS study and the Discovery Programme’s Tara research archaeologists and historians i.e. Conor Newman, Dr Edel Bhreathnach, and Joe Fenwick, were not consulted at any stage of the process

1.4.2 Limited understanding of landscape reflected in EIS: The EIS reflects a limited understanding of the nature and extent of the Tara archaeological landscape as seen in the assumptions made in Vol 4C, App. E (para. 10, “Conclusions and mitigation”) in relation to the newly discovered sites.

- *“The route that has been selected, although travelling between Tara and Skreen, two substantial and important archaeological sites, travels through the damp valley floor and is therefore less likely to produce archaeological material or features directly related to Tara, or indeed Skreen, than a route closer to Tara might do. The route seeks to avoid passing between sites that could be seen as outliers to Tara itself, and most of the sites crossed or approached by it are probably later in date than the great prehistoric complex on the hill.”*

[M3 EIS, Vol 4C, Appendix E, para. 10.1)

1.4.3 Mitigation: rescue excavations not suitable in Tara landscape. Contrary to the EIS assumptions, the sites discovered in this section are part and parcel of Tara and, as such, should **only be investigated as part of a properly designed research plan**, instead of the rescue/salvage excavations carried out in advance of the motorway.

- *“It is fair to say that Tara completely dominates documentary sources from Early Medieval Ireland. Consequently, the proposition before us ... that because the monuments directly threatened by the proposed motorway are not of prehistoric date they are not connected or related to Tara is fundamentally flawed. **Of course they are related to Tara, even the potentially Medieval ones...**”*

[Conor Newman, director of the Discovery Programme’s Tara Survey, submission to oral hearing, Sept. 2002]

- *“This is a landscape that **requires to be managed to the highest standard** and with the utmost comprehension of its significance. Any invasive intrusion (namely, excavation) or surveying in this landscape **must be undertaken only as a result of a carefully constructed***

[MAHS Petition to European Parliament re M3 motorway and Tara: Breaches of EIA Directives]. Page 12
research plan with the aim of seeking to answer specific questions. Archaeology undertaken as part of the construction of a motorway, no matter what precautions are taken or how many assurances might be given about the adequacy of the process, is not appropriate to this type of landscape.”

[Dr. Edel Bhreathnach: ‘Defining the historical landscape of Tara.’ Ríocht na Midhe, VOL XVI, 2005, pp. 1-7]

1.4.4 EIA definition of Tara landscape out of step with research:

The environmental impact assessment **failed to reflect the latest research in relation to the definition of Tara.** This failure led inevitably to the poorly informed and unscientific definition applied to the landscape by the Planning Inspector in which he restricted it to the “area designated as the core zone”, i.e. the monumental complex on the Hill:

- *“I am satisfied that the route, as proposed, would not have a significant impact on the archaeological landscape associated with the Hill of Tara as indicated by the area designated as the core zone on the RMP Map SK 500”*

[Inspector’s report for An Bord Pleanála, 2003]

1.4.5 Up-to-date research-based definition: Tara is part of a wider landscape

Heritage Council:

- *“The debate is currently focussed on the definition of the boundaries of the Tara archaeological landscape. The Co Meath Record of Monuments and Places, which is a series of maps showing known archaeological sites, identifies two foci, the Hill of Tara and the Hill of Skreen. Such an approach could be considered as a traditional approach based on individual sites. A second definition is one based on the archaeological and historical work carried out by the Discovery Programme in the 1990s. This approach has formed the basis for defining Tara as part of a wider landscape, with the area to the east of the Hill forming part of the Royal Demesne in the early medieval period.... **The Heritage Council concurs with the need to view archaeological sites in their wider landscape setting** and has actively engaged with the practical issues of defining and managing archaeological landscapes.”*

[Michael Starrett, CEO, Heritage Council, presentation to the Oireachtas Committee on the Environment, 2 Feb. 2005]

Director of the National Museum of Ireland:

- *“You will be aware of the controversy that presently rages about what constitutes the core area of Tara. **I accept the most up-to-date definitions of this from the archaeological and historical standpoints.**”*

[Dr Pat Wallace, Director of National Museum of Ireland, letter to the Minister for the Environment, 16 March 2005]

1.4.6 NRA and Meath County Council: contrasting views of the Tara landscape

In various statements since the An Bord Pleanála decision in 2003, the NRA and Meath County Council have sought to downplay the significance, nature and extent of the Tara landscape. This of course contrasts with both the views of the route selection archaeological consultants (see 1.3) and the accepted research-based definition of Tara

- *“The Tara Valley already has a network of roads, entrances, farm buildings, houses, agricultural plant, septic tanks and business premises. It is a landscape largely sculpted in the 18th/19th centuries. Archaeological sites lie hidden beneath the soil throughout the Irish*

[Michael Tobin, Chief Executive, NRA, *Sunday Tribune* article, December 2004; also contained in NRA full page advertisement published in various national and local newspapers]

- *“The landscape in the Gabhra valley does not constitute a pristine or intact archaeological/historical landscape.... To suggest that such a landscape is an intact archaeological one and hence a national monument is wrong and attributes an integrity to that landscape which does not exist in reality..... Whether any connection, either archaeological or historical, ever existed between the Hill of Tara and Skryne is anyway debatable.”*

[Daire O’Rourke, NRA Senior Archaeologist, affidavit in High Court proceedings, *Salafia v. Minister for the Environment*, 2006]

- *“This landscape is not a pristine archaeological landscape. It is a cumulative landscape which has changed often since prehistory... Contrary to the assertion ... that the road will cause a ‘detrimental effect’ on the experience of visiting the hill’, I say that the planned road when complete will be no more visible than the existing N3 which is closer to the Hill.”*

[Mary Deevy, Meath County Council Project Archaeologist, affidavit in High Court proceedings, 2006, paras. 20 (ii) and (iii)]

1.4.7 Chief archaeologist in the Department of Environment: views on Tara landscape

In his advice to the Minister for the Environment in relation to the 38 sites discovered along the route of the M3 in this section, the Chief Archaeologist (in the Minister’s own Department) dismissed the claims in relation to the landscape and repeated the phrase constantly used by the NRA that the proposed route is “farther away from the Hill than the existing N3”. This view of course contrasts strongly with the position taken by his own agency [formerly known as Dúchas] in their advice at the route selection stage for the M3, and in their objection to a golf course application in the Tara-Skryne valley [see *para. 1.3. above* for details on route selection, and *1.5.3 below* for details on the golf course decision]

- *“The landscape through which the route proposed for the M3 passes in its current visible form was created in the relatively recent past.... It is clear the landscape in the Tara/Skreen area has been altered many times in the past. The landscape as it exists today does not resemble the landscape as it may have appeared at any period in prehistory. Succeeding generations have altered the landscape to suit their requirements and in so doing have in many cases removed all visible surface representations of the works of their predecessors. The landscape was not regarded as sacrosanct in the past and it is difficult to see what argument is now being presented to justify, on archaeological grounds, the freezing in time of its current form.”*
- *“The construction of the motorway will not impact on the National Monuments on the Hill of Tara itself and the proposed route is farther away from the hill than the existing N3 and when the motorway is completed and landscaped **it will not have a major impact on the amenity of the National Monuments on the hill.**”*

[Brian Duffy, Chief Archaeologist, Dept. of Environment, Heritage and Local Government, letter to the Minister, 3rd December 2004]

1.5 Failure to take into account existing planning practice and policy

The environmental impact assessment process **failed to reflect and take account of existing planning practice and heritage protection policy** in relation to the Tara archaeological landscape.

While the EIS acknowledged an expanded “zone of archaeological protection” around Tara (based on the Discovery Programme research), neither this protection, nor protections given in the Meath County Development Plan – were given due consideration.

- The inconsistency between the M3 environmental impact assessment process and existing planning practice and protections is dramatically exemplified in the decision of Meath County Council (July 2003) to refuse planning permission for a golf course in the Tara-Skryne valley (a decision made just 4 weeks before the An Bord Pleanála decision on the M3 scheme). Ironically, the refusal of permission for the golf course was upheld by An Bord Pleanála in March 2004, just 7 months after the same body had approved the motorway without any specific conditions as to the Tara area!

1.5.1 **EIS statement as to expanded zone of archaeological protection**

Using the words of an earlier route selection report, the EIS acknowledges existing practice in relation to an expanded zone of archaeological protection for Tara. However, this statement stands alone in the document and does not inform any of the later discussion.

- *“In recent years, largely as a result of the research of the Discovery Programme, the extent and number of archaeological monuments known in this region has been greatly increased. This in turn has led to an expansion of the zone of archaeological protection afforded to Tara to encompass **not only the hill itself but also an area approximately six kilometres in diameter**. The Discovery Programme also studied an outer zone extending beyond the hill, including an area approximately twelve kilometres in diameter that can be seen as Tara’s immediate hinterland. The inner zone is recognised as the area of archaeological potential observed by the Sites and Monuments Record of Duchas, the Heritage Service...”*

[M3 EIS Vol. 4C: Dunshaughlin to Navan, Appendix E
(Archaeological Report), Para. 3 “Landscape and archaeology”, s. 3.4]

[Meath Archaeological and Historical Society]

1.5.2 **Meath Development Plan.** The landscape and setting of Tara, and its significance, is recognised in the Meath County Development Plan which seeks to protect the views from Tara and *‘to protect the Hills of Skreen and Tara from visually damaging development or proposals that would cumulatively erode the landscape quality’* [s.2.8.4]

- The Development Plan states at S. 3.6.6 that the area *‘is extremely sensitive to all categories of development insofar as it would detract from the character appearance and interpretative experience of the region’ and that ‘The Hills of Tara and Skreen are particularly sensitive to intrusive development’.*

1.5.3 **Planning practice - Golf course application refused:**

The “landscape character”, “interpretative quality and experience” of the Tara environs, and the view between the Hills of Tara and Skreen, formed the main grounds for the refusal of permission for a golf course development in the Tara-Skreen valley in July 2003, decision upheld by An Bord Pleanála in March 2004.

[Meath Co. Council Planning Register Ref. NA/30145;
An Bord Pleanála Ref. PL 17.204029]

- It is noteworthy that the initial decision to refuse permission was made just **4 weeks before** the An Bord Pleanála decision approving the routing of the M3 motorway through the valley without any conditions as to the Tara section, and the golf course appeal was **refused by An Bord Pleanála only 7 months after the M3 approval**, at a time when the debate on the M3/Tara issue was raging in the national press!
- It is worth noting also that the **Heritage and Planning Division of the Department of the Environment objected to the development proposal** and its concerns were noted in the decisions taken - in contrast to the position later taken by the Chief Archaeologist in his advice to the Minister concerning the 38 sites discovered in this section of the route
[see para. 1. 4.7 above]

1.5.3.1 **Grounds of refusal for golf course:**

The first ground of refusal in the golf course case was the

- *“impact on visual amenity especially between the historic heritage and archaeological sites of the Hills of Tara and Skreen”.*

The proposed development was found to be

- *“visually intrusive in this sensitive landscape”,*
and one which
- *“would detract from the character, appearance and interpretative experience of the region*

1.5.3.2 An Bord Pleanála decision on golf course – extracts [ref. above]

Views, character, appearance and interpretative experience:

- *“It is considered that the proposed development, which would be visible from and in the direct line of sight between the important historic heritage and archaeological sites on the Hills of Tara and Skreen, **the views from which are protected in the current Development Plan** and on which are located a number of protected structures, would, by reason of its scale and nature, be **visually intrusive in this sensitive landscape**, would adversely impact on the locational context of the protected structures and views which are listed for protection in the Development Plan **and would detract from the character, appearance and interpretative experience of the region**”*

Heritage and Planning Division objections:

- *“A report from the Heritage & Planning Division of the Department of the Environment dated 3rd, July 2003 notes that the proposed development is immediately adjacent to and partially clips the constraint area of the....Hill of Tara Archaeological Complex which is subject to statutory protection. **The Hill of Tara represents one of the nation’s most important national monuments and is of international significance.** ...*

“The report states that:

1)“.... the proposed development will have a **significant negative visual impact on the landscape character of the environs of the Hill of Tara.** ...

2)“... the view to and from the Hill of Tara and the settlement at Skreen are **integral to the appreciation of both sites.** The proposed development, which will be visible from both the Hill of Tara and Skreen, will have a **negative impact** on the views currently enjoyed.

3) “Research in the area **continues to reveal more sites of archaeological significance** in the area

1.5.3.3 Inspector’s Report on golf course appeal (20 February 2004): extracts

- *“..... It is further submitted [by the appellant] that the proposed development will not be unduly damaging to the visual amenities of the area. In this regard it is argued that the site and clubhouse buildings will be suitably landscaped to reduce the visual impact of the proposed development. It is also argued that the traditional field pattern and character of the site has been altered by changes in agricultural practices and that the traditional field pattern has been lost.”*
- *“... The site of the proposed development is located within an area designated as an ‘Area of Visual Quality’ in the Development Plan. Furthermore, the Development Plan states at S. 3.6.6 that the area **is extremely sensitive to all categories of development insofar as it would detract from the character appearance and interpretative experience of the region**’ and that **‘The Hills of Tara and Skreen are particularly sensitive to intrusive development’.** S. 2.8.4 of the Development Plan seeks to protect the Hills of Tara and Skreen from ‘visually damaging development or proposals that would cumulatively erode landscape quality. Views from the Hills of Tara and Skreen are also protected in the Development Plan.”*

Landscape quality and character:

- “...I note that the landscape quality and character of the area in which the site of the proposed development does not derive from dramatic features that are instantly apparent. In my opinion, the **quality, character and visual amenities of the area derives from the overall interpretative experience.** Thus, an appreciation of the landscape quality and character of the area perhaps involves a slower process than would be the case in more visually dramatic landscapes.”

Rich archaeological and historical significance of the area:

- “The area must be appreciated within the context of its rich historical and archaeological significance. In this regard, I consider that the policies and provisions of Development Plan in relation to the protection of the landscape from inappropriate development, the protection of views etc. are appropriate....”
- “... The submitted grounds of appeal assert that the traditional character of the site has already been altered as a consequence of changes in agricultural practices. It is further submitted that the proposed golf course will have a parkland appearance and the inclusion of a number of local tree species will assist in its integration into the landscape mitigating its impact when viewed from local vantage points including the line of sight between the Hills of Tara and Skreen. ... I consider that this argument could perhaps be accepted in the context of a landscape with similar physical characteristics, **but lacking the historic and archaeological significance of this area.** However, in the current context **I do not accept the validity of this argument.** While the appearance of the landscape in the vicinity of the Hill of Tara and in the area between the Hills of Tara and Skreen may be changing as a consequences of changes in agricultural practices, I consider that these changes are of a significantly **less dramatic nature and scale than the impact associated with the proposed development.** As has been stated in reports to the planning authority and to the Board from the Heritage & Planning Division of the Department of the Environment the Hill of Tara represents one of the nation’s most important national monuments and is of international significance.”
- “Furthermore, the proposed development will have a significant negative visual impact on the landscape character of the environs of the Hill of Tara. **The views between the Hill of Tara and the settlement at Skreen are integral to the appreciation of both sites and the proposed development, which will be visible from both locations will diminish the views in both directions. In these circumstances, I consider that the proposed development would diminish the character and overall interpretative quality and experience of the area.**”

[Paddy Keogh, Senior Planning Inspector, Report on golf course application, 20 February 2004, contained in An Bord Pleanala decision Ref. PL 17.204029]

1.5.3.4 Serious questions arise at this point:

- If a golf course could have such an impact, how is it that the M3 motorway – routed through the valley between Tara and Skreen - was considered not to have a significant impact by either the EIS, the Planning Inspector or An Bord Pleanala?
- How is it that the Blundelstown Interchange was apparently not considered to have a significant impact on the visual amenity of Tara?
- How is it that Duchas/Heritage Service (now the National Monuments Service) did not apparently make such a strong intervention in relation to the M3 routed through the Tara Skreen valley and failed to make any mention of the Blundelstown interchange?
- In the light of the reasons given for the golf course refusal, how can the views of the NRA, Meath County Council and the Chief Archaeologist in the Department of the Environment be explained?

1.6 Failure to fully assess alternative route options

The environmental impact assessment failed to undertake a **full assessment** of alternative options to the routing of the motorway through the Tara archaeological landscape.

1.6.1 **Geophysical surveys should have been carried out on all routes:**

Given the importance and sensitivity of the landscape, and the limited options offered, full **geophysical surveys** should have been carried out on **all** the route options **before** selection of the chosen route. In fact, limited geophysical survey was only carried out on **one route** - the chosen route B2 – and this survey was only carried out **after this route was selected as the preferred route**. The findings did not inform the selection process.

[EIS Vols. 4A, 4C, Appendix E]

- *“Geophysical survey was conducted along the so-called ‘emerging preferred route’ through the Tara/Skryne valley in 2000. This technique provides a cost-effective and non-invasive means of ‘seeing beneath the soil’ to reveal the hidden archaeology. The geophysical investigation was limited to this ‘preferred’ route and so did not inform the selection process”*

[Joe Fenwick, archaeologist, NUI Galway, article in Meath Chronicle, May 2004]

1.6.2 **Recommended alternative route not surveyed:**

The one route “unreservedly recommended” on archaeological grounds in the route selection reports (i.e. route P east of Skreen) was not subjected to geophysical survey at any time.

- This deficiency was referred to in the Inspector’s report where he stated that, on this basis, one could not “compare apples with apples”, the implication being that he did not have the data to assess whether the P route would have had less severe impact on the cultural heritage.

1.7 Failure to fully describe the findings of the geophysical survey of route B2 (chosen route)

The EIS failed to fully describe and assess the findings of the **geophysical survey** in relation to B2 (chosen route).

1.7.1 Geophysical report and images omitted from EIS: the geophysical report and the crucial geophysical images were omitted from the EIS volumes (4A and 4C) which contained only a summary of the findings in respect of individual sites, as interpreted by the Meath Co Council’s consultants.

1.7.2 Geophysical report not advertised to the public. The geophysical report was not advertised to the public and the general public was unaware that it could be purchased separately from the EIS volumes. The Meath Archaeological and Historical Society was not informed, when inspecting the relevant volumes prior to making a submission, that this report was available for inspection and purchase. In his submission to the oral hearing, Conor Newman indicated that he was possibly the only person (outside of the developer’s team) who had an opportunity to study the geophysical images:

-
- *“I am one of the very few people (possibly the only person) on this side of the house to have seen the geophysical images. **They were not included in the Environmental Impact Statement.** no one with whom I have spoken who bought the EIS was informed by Meath County Council/NRA that the geophysical report was readily available for purchase as a separate volume...If I were a conspiracy theorist, I might have concluded that the geophysical evidence was part-buried because it proved so spectacularly the enormity of the archaeological dimension to this section of the motorway. At any rate, good and all as the*

[Conor Newman, director of the Discovery Programme's Tara Survey, submission to M3 oral hearing, Sept. 2002]

1.8 Failure to take due account of findings of geophysical survey

The environmental impact assessment **failed to take due account of the "spectacular" findings of the geophysical survey** which, given their potential and their occurrence in this uniquely important area, should have led to re-examination of alternate route options, in particular the route "unreservedly recommended" on archaeological grounds, i.e. the P route east of Skreen (outside the immediate Tara landscape).

1.8.1 EIS interpretation of geophysical findings:

In Vol. 4C, Appendix E (archaeological report) of the EIS (paras. 8 and 10) the results of the geophysical survey are summarised and recommendations are made for their treatment.

- Para. 8.4 (pp. 23-30) stated that 30 sites indicated archaeological potential, and that seven of the sites were of "high archaeological significance."
-
- Para. 10 (p. 33-4) stated that "*the sites discovered by the survey.... demonstrate that archaeological features survive in considerable quantity beneath the surface. As in all cases of archaeological activity, it would be recommended that these sites, particularly the more elaborate ditched enclosures, should be avoided by the road...*". Where these sites "cannot be avoided by the road" it is recommended that they are "fully excavated."

1.8.2 Discovery Programme assessment of geophysical survey findings: In his submission to the oral hearing, Conor Newman, archaeologist and former director of the Discovery Programme's Tara Survey, described the results of the geophysical survey and outlined its limitations:

- "*The results are quite spectacular and have more than justified the expenditure, both of time and money. They prove what was suspected, namely that the valley between Tara and Skreen is chock-a-block with archaeological monuments, and interesting and complex ones at that: indeed it is a wonder that with such results appearing at regular intervals along this route, why was the whole route not surveyed. In this sense, the archaeological section of the EIS falls a long way short of the amount of preparatory research and survey expended, for example, in the case of the proposed motorway near Stonehenge, a monument and landscape that is no more or less important.....The geophysical survey between Tara and Skreen was carried out in what is called 'scan mode'.*

[Conor Newman, submission to M3 oral hearing]

[Meath Archaeological and Historical Society]

Discovered sites the ‘tip of the iceberg’:

- *“The technique is quite standard but **clearly it has limitations**.....There is nothing wrong with the geophysical survey as implemented, but it would be grossly erroneous to think that we now have the full picture. On the contrary, as I said earlier, it **simply confirms the great density of archaeological monuments in this area because it has revealed a little more of the tip of this particular iceberg**.....”.*
- *“They [the monuments and features] could date from virtually any period. The only certainty is that they are there, they are big and complex and **they obviously have a relationship with Tara** as prehistoric temenos, Early Medieval inauguration site or Medieval manor.”*

[Conor Newman, submission to M3 oral hearing]

1.8.3 Conclusion: Given the importance of Tara, the density of known monuments, the number and nature of the sites indicated in the geophysical survey and the obvious potential for the discovery of more sites, the results of the geophysical survey should have led to re-examination of the suitability of the preferred route. At the very least, these results should have been taken into account in the ranking of environmental factors for the routes, and the only “unreservedly recommended” route from an archaeological perspective (P route) should have been equally surveyed.

- *“The results of the geophysical survey are little short of spectacular. The clarity and detail contained in some of the geophysical images is remarkable. It requires little in the way of interpretation to appreciate the significance of these new sites and monuments. A number of these can be more accurately described **as archaeological complexes and cover areas between one and two hectares in extent**... How then can one explain the repeated and consistent assertions of the NRA spokespersons in the press, radio and television, that the geophysical survey has found only three sites?... There can be little doubt of **the unusually high concentration of archaeological sites and monuments identified along this short stretch of the proposed motorway**... Would it not have been wise at this stage to reconsider the ‘emerging preferred route’ and look again at some of the alternatives and equally viable options?”*

[Joe Fenwick, archaeologist, NUI Galway, “The Geophysical survey of the M3 toll-motorway corridor”. article in *Riocht na Midhe*, Vol. XVI, 2005, pp. 9-22]

[Meath Archaeological and Historical Society]

END OF SECTION 1: ARTICLE 3 BREACHES

2. ARTICLE 5: INFORMATION TO BE SUPPLIED BY DEVELOPER

Article 5 and Annex IV

5.3: *“The information to be provided by the developer in accordance with paragraph 1 shall include at least:*

- *a description of the project comprising information on the site, design and size of the project,*
- *a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects,*
- *the data required to identify and assess the main effects which the project is likely to have on the environment,*
- *an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects,*
- *a non-technical summary of the information mentioned in the previous indents*

ANNEX IV – Information referred to

1. *“Description of the project, including in particular:*

- *a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases,*
- *a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used,*
- *an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed project.*

2. *An outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account the environmental effects.*

3. *A description of the aspects of the environment likely to be significantly affected by the proposed project, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.*

4. *A description (6) of the likely significant effects of the proposed project on the environment resulting from:*

- *the existence of the project,*
- *the use of natural resources,*
- *the emission of pollutants, the creation of nuisances and the elimination of waste,*
- *and the description by the developer of the forecasting methods used to assess the effects on the environment*

5. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.”*

Summary of Article 5 breaches

The M3 environmental impact assessment (Dunshaughlin to Navan section) failed to satisfy the requirements of Article 5 and Annex IV in terms of information supplied (and interpretation of the information) in relation to:

- 2.1 Environmental effects – EIS failed to reflect the route selection findings
- 2.2 Alteration of information in transfer to EIS
- 2.3 Omission of information
- 2.4 Alternatives studied – narrow interpretation applied in EIS

Also, having failed to “identify, describe and assess” the effects of the M3 on the Tara landscape (as required by Article 3), the assessment **failed to put forward measures designed to offset the significant adverse effects of the M3 on this landscape** as required by Article 5

2.1 Environmental effects of alternative route options – EIS failed to reflect the route selection findings

Note: The following analysis of the environmental effects of the alternative route options is drawn from the submissions of the Meath Roads Action Group and the Bellinter Residents Association to the oral hearing on the M3. The analysis is based on a study of the Route selection reports (2000 and 2001) and the EIS

The route selection report data:

- is not adequately **reflected in the EIS**
- raises serious questions as to the **rationale for the choice of the B route**
- was partly altered in transfer to the EIS

[Refs: N3 Navan to Dunshaughlin Route Selection – Archaeology, by Dr. Annaba Kilfeather, Margaret Gowen & Co. Ltd [Halcrow Barry, August 2000]; *Dunshaughlin to Navan Route Selection Report*, Vol. 1 [Halcrow Barry, September 2001]

2.1.1 Routes: Four primary route options (initially 6 corridors and finally 10 sub-options) were identified for assessment in this section:

Orange (O): one option (O1) (west of Hill of Tara)

Green (G): three options (G1, G2, G3) (2 between the Hill of Tara and the N3 and 1 to west of the Hill of Tara)

Blue (B): four options (B1, B2, B3, B4) (between the Tara and Skryne, east of the N3 in part, and crossing back over the N3 c. 1.2km from the northern end of the Hill of Tara)

Pink (P): two options (P1, P2) (east of Skryne, 4km from Hill of Tara)

2.1.2 Environmental factors assessed in route selection reports:

Archaeology, Built Heritage, Flora, Fauna & Habitat, Water Quality & Subsurface, Landscape and Visual Effects, Air, Noise & Vibration.

Below is an analysis of the data on **Archaeology** (routes B and P compared)

2.1.3 Archaeology: EIS failed to adequately reflect route selection findings:

Preliminary assessments and route selection reports were carried out between 1999 and 2001.

Para. 1.3 *above* (Article 3 breaches) summarises the warnings contained in the archaeological reports at preliminary assessment and early route selection stage in relation to the sensitivity of the landscape.

- In effect, the EIS downplayed the landscape, failed to provide full information on the alternative route options studied, and failed to provide a logical rationale for the chosen route.

Therefore, in this aspect, the EIS was in breach of both Articles 3 and 5

[see also para. 1.3 above]

2.1.3.1 Blue route B1

2001 report, p. 44 – “ **The northern section of B1 passes through the archaeologically sensitive landscape of a stream valley.** The Discovery Programme suggests that the valley was the focus for earlier prehistoric activity associated with Tara, when the local community was exploiting the wetland landscape of the valley. The wet character of the area makes it possible that organic material might be preserved here and monuments such as fulachta fiadh, which are located in such areas, are also likely to be preserved....”

Mitigation: “The affect of this route on the Hill of Tara and on its outlying monuments is **profound and would have severe implications from an archaeological perspective.** It is unlikely that cost effective proposals to meet the mitigation requirements could be supported for this route in this area.”

- Note, para. 6.5.3 of Aug. 2000 report stated: “No mitigation would remove the effects of this route on the Hill of Tara or on its outlying monuments. It would have extremely severe implications from an archaeological perspective.”

2.1.3.2 Blue route B2

[Emerging Preferred Route/chosen route]

2001 report p. 45 - “.....The northeastern end of route B2 follows the same proposed line as that of B1 [changed from G1 in Sept. 2000 report], and **its route and river crossing carry the same archaeological implications [see above].** B2 then turns east near the foot of the Hill of Tara and joins B3/B4 at Blundelstown, continuing along that route **with the same archaeological implications.** The only unique section of the route passes to the north of the Rath Miles ringfort.

Mitigation: “The unique section of this route has no direct additional impact on known archaeological sites, and **the rest of the route carries the same implications as the sections it shares [see above B1].** It passes to the north of the Hill of Tara, although not as close as B1 [G1 in Sept. 2000 report], and its visual impact would be significant without mitigation. Intensive field survey would be needed, particularly in the area of the northern slopes of Tara Hill.”

2.1.3.3 Blue routes B3 and B4

2001 report, p. 46 - “This combination of routes is perhaps that which comes closest to the largest number of known archaeological sites with the exception of the Green route options. The starting point of route B3 coincides with that of Green G2 and Pink P1, with a proposed river crossing just north of Ardsallagh House. Route B4 is coincident with the less intrusive option of route P2. **It follows the same stream valley as B1/B2, whose landscape implications have been explained above, but joins it further to the north.**

Mitigation: “With minor amendments to the northern part of these routes it may be possible to avoid infringing the individual monuments and avoid damaging historic features within Lismullin Demesne. **It remains, however, an area of high archaeological potential....”**

2.1.3.4 Pink routes – P1 & P2

2001 report, p. 43 - “**These routes are the least intrusive, and, archaeologically, have the least impact.** As the proposed routes are to the east of Skreen they are **also the least visually intrusive in terms of the Hill of Tara,** being screened by the Hill of Skreen for much of the route.

“The archaeology around Skreen is generally different from the area around Tara. .. It is characterised by medieval rather than prehistoric remains, most of which are above ground, and which cluster in clearly defined and recognisable groups. There are, however, prehistoric monuments in the area... It is likely that more such monuments may turn up in the course of any archaeological investigation”... “It is clear that the majority of the visible monuments....are medieval in date. **They are clearly identifiable, and far less likely than the prehistoric landscapes in the centre and west of the plateau to produce large numbers of sub-surface monuments.**”

Mitigation: “From the desk top study, **there appears to be no need for mitigation in the case of this route.** A field survey would be required to check for above ground monuments and features but... most of the archaeology in this area is well defined and recognisable in the field. **The route does not come particularly close to, or cross through, any of the archaeological features in the area.**”

- Clearly, the only viable route archaeologically is Route P, as stated by the consultants. However, B2 was chosen.

2.1.4 Summary of environmental effects data – rationale for B route questioned

An analysis of the data contained in the Route Selection Report raises serious questions about the decision to select the B route as the emerging preferred route

Archaeology: the report recommends the P route

Built Heritage: the P route is the least affected

Flora, Fauna & Habitats: P route is the preferred option

Water Quality: no recommendation is made

Landscape and Visual Effects: P route is least affected

Air Quality: P routes have the lowest pollution levels

Noise Levels: P route is best option

- In no environmental category does the route selection report actually recommend the B Route

2.1.5 Oral Hearing and Inspector's Report

The Bellinter Residents and Meath Roads Action Group analysis of the environmental effects data was raised during the oral hearing but had no impact on the eventual decision

Inspector's Report, page 466 [cross-examination of Margaret Gowan, Consultant Archaeologist by Brendan Magee on behalf of Meath Roads Action Group]

- *“Mr. Magee asked if she stood over her comment of Route P being the only unreservedly recommended route and Ms Gowan said it had the least impact. Mr. Magee then asked if she would accept her evidence could be construed as biased since it made no mention of another route being more viable than what was in the EIS. Ms Gowan said she did not accept it was biased at all. She said the EIS was conducted on the EPR and the impact assessment was on that. When Mr. Magee said she had produced a report which said another route was archaeologically more viable, Ms Gowan said that **once a route had been selected their task was to assess the impact of that route.**”*

Inspector's Report, pages 425 & 426 [cross-examination of Mr. Nairn, Consultant Ecologist]

- *“Mr. Magee said the Route Selection Report showed the B Routes to have a higher number of sites affected than the P Routes and asked if his statement of the P route being the preferred option still stood. Mr. Nairn replied that they would certainly have preferred Route P but he and every other consultant **accepted the preferred route was a compromise between all of the various impacts** and was not simply based on one specialist's recommendations”.*

2.2 Alteration of information in transfer to EIS

Alteration of data in transfer to the EIS – ratings and rankings

Analysis of the data reveals that **some of the information contained in the route selection report was altered in transfer to the EIS**. A number of the ratings and rankings used to ascertain the best route option were disputed at the oral hearing. The flaws highlighted and agreed were not taken into account and re-ranked tables were not issued. Had this been done the revised values in the tables would have clearly shown that the proposed route was far from the preferred option.

[Meath Archaeological and Historical Society]

The following is extracted from the Bellinter Residents submission to the oral hearing.

- *“Going on to examine the Assessment Matrix - Scheme Ranking and to compare it with the EIS Volume 2, Table 4.2 we can clearly see that many of the rankings given to the EPR, Blue Route B2, are incorrect and in conflict with EIS and the submissions of a number of consultants & sub-consultants. Further there are several instances where the impact has been reduced in value in the EIS Volume 2, Table 4.2 vis-à-vis the Assessment Matrix - Scheme Ranking (P31)*
- *“Then if we go on to Table 4.2 in Volume 2 of the EIS we find that Route B2 is rated =3rd in the rankings. Again, clearly not the optimum route. Again we dispute many of the rankings that you have adopted as we have already detailed and were these included at their correct values, Route Blue 2 would slip even further back in the rankings.*
- *“Therefore on the basis of either table it can be clearly seen that Route Blue 2 was not the best choice and it is made even less desirable when you take on board the correct values for the disputed areas. (P33)*
- *“In conclusion, it appears to us that there is indisputable evidence that the route chosen has not been done on the basis of a fair analysis of the impacts and benefits. (P35)*
- *“It is my opinion that you, Mr Devlin, must ask how such rankings were established and expose them for the "sham" that they are. (P35)*
- *“Moreover it is clearly evident that Dúchas have been misled and believe that Route P is the selected option, as evidenced in their letter to the Ombudsman of the 28th May 2001 and again in a further letter of 5th September 2001 in which it is clearly stated that, although they have some reservations, Route P to the east of Skreen is the best option of the various routes under consideration.” (P12)*

[For Ombudsman’s letter in relation to Duchas, see below para. 3. 9.2 in relation to Article 6 breaches]

2.3 Omission of information

2.3.1 Geophysical report and geophysical images of B2 route omitted from EIS.

As mentioned in paras. 1.6 and 1.7 above, a geophysical survey was conducted along only one of the routes – the chosen route B2 – and this was carried out only after the route was selected. The geophysical survey identified a wealth of new archaeological monuments and the actual report and images are **crucial for a proper analysis of the findings**. However, the EIS only contained a summary of the geophysical findings (Vol. 4C), a summary prepared by the EIS consultants themselves and based on their interpretation. No opportunity was given to groups challenging the routing to study the geophysical images, as the public were not made aware of the existence of a separate volume containing the geophysical survey and images. [see also paragraph 1.7 above]

2.3.2 Other information omitted

Detailed route selection data as described above (2.1) should also have been included in the EIS. The route selection reports were not available at the venues where the EIS was on display, nor were they available at the public consultations. In fact, very few people actually had an opportunity to study the route selection reports at all!

[see further Section 3 below – Article 6 breaches]

2.4 Alternatives studied – narrow interpretation applied in EIS

2.4.1 **Scope of EIS narrowed deliberately to avoid major infrastructural issues.**

In our view, the NRA deliberately reduced the scope and physical extent of the EIS assessment in order to avoid major infrastructural issues in relation to **capacity and proximity to other major roads** (e.g. M1, N2 and M50 congestion). This deliberate skewing and narrowing of the scope has produced a document that, within the normal criteria of the EU, could not be remotely construed as representing an EIS.

2.4.2 **Rail option should also have been assessed:** This is a 63 km road, a major investment of c. 700 million euro. In that context, because of the extent and scale, its impact on the transport infrastructure should have been assessed more thoroughly, and it should particularly have been assessed against a rail option. Thus again, the EIA was found wanting.

- *“The original brief for the entire project – and consequently for the EIS and the environmental impact assessment procedure – was flawed from the beginning in that it relates only to roads development. There was no provision for the consideration of alternative approaches to the traffic and commuting problems, particularly the possibility of reopening the rail link between Dublin and Navan. Reopening the rail line would have less impact on the archaeological heritage and landscape than the construction of two motorways, and would also, of course, reduce commuter traffic on the roads and therefore result in less damaging effects on the overall environment....Overall transport strategies, and alternatives to motorways – such as a reopened rail link – should have been studied from the outset, and examination of these options should have been included in the EIS.”*

[Meath Archaeological and Historical Society submission to M3 oral hearing, 12 September 2002]

2.4.3 **M3 approach to Dublin and connection to M50 flawed:**

The M3 is proposed to connect into the M50 by joining the N3 before the Blanchardstown Interchange. The NRA capacity figures for the M50 show severe under-capacity in respect of this road. This is exasperated by the fact that the N3 runs through the vast suburb of Blanchardstown, with major routes connecting in to the N3 from this suburb. This is already under capacity and has been for some years past.

- *“There are 20,000 vehicles queuing a day at the N3 Blanchardstown roundabout. They predict that is going to go to 44,000 vehicles a day”*
[James Nix, transport consultant, at seminar on M3 organised by MAHS and Tara Heritage Preservation Group, 11 June 2005]
- *“We can build the M3, we can build motorways here, there and everywhere, we are not going to build our way out of the traffic chaos we have created. You add lanes to the M50, more cars will join the M50. We have to get away from this mentality that roads will solve all our problems”*

[Derek Wheeler, rail consultant, at seminar on M3 organised by MAHS and Tara Heritage Preservation Group, 11 June 2005]

2.4.4 Sustainable development requirements not taken into account in EIS

Sustainable development is a very important aspect of EU policy and should have informed any study of alternatives. However, the EIS failed in this regard.

- *“Is this going to be a viable solution for this region? Is it going to be sustainable? Even if we do deal with the heritage issues and manage them correctly, if that has to come about, are we going to have this as a solution for sustainable development for this region, or are we just going to encourage sprawl out into the countryside, and more unsustainable development, and more congestion, and more implications for the city of Dublin regarding more cars into the city.... to be catered for, when there are other options that obviously have not been considered.”*
- *“We don’t have in Ireland a transport policy into the future. There is no such policy.it is appalling that we are going down the road of producing motorways that don’t seem to have any reason other than to cause more and more development scattered out into the countryside, **more and more unsustainable developments that are going to lead to huge problems for the people that move into this region, and for the people in this region that will not be able to transport into Dublin City or elsewhere, because of the lack of a sustainable infrastructure...**”.*

[Duncan Stewart, producer and presenter of “Eco Eye” series (RTE TV) chairing seminar on M3 organised by MAHS and Tara Heritage Preservation Group, 11 June 2005]

2.4.5 Alternative motorway proposal not considered or assessed

An alternative proposal (combining the M2 and M3 proposals) was presented to the NRA on 13th Nov. 2000 by the Bellinter Residents Association. This queried the need for two motorways (M1 and M2) less than 10 kilometres apart and proposed instead one new motorway between the two, with a connection to the M50 away from the Blanchardstown Interchange. This proposal was further developed by the Meath Roads Action Group and presented by them at the Oral Hearing. Despite having many merits as well as moving the road away from the sensitive Tara area, this proposal was never seriously studied by the NRA. The MAHS supported this proposal in their submission to the oral hearing:

- *“The Meath Archaeological and Historical Society is not opposed to roads development, or indeed motorways per se, but we are extremely concerned for the archaeological and wider cultural heritage. **We question the need for four motorways to run through Meath - in particular we feel that two of the proposed motorways, the M3 and the M2, might well have been combined from the outset, or at least combined in part, thus minimising the effects on our archaeological and historical heritage. The need for four motorways and the proximity of two of the motorways in particular was not addressed in the EIS and we feel it must be taken into account in the overall environmental impact assessment.**”*

[Meath Archaeological and Historical Society submission to M3 oral hearing, 12 September 2002]

[Meath Archaeological and Historical Society]

END OF SECTION 2: ARTICLE 5 BREACHES

3. ARTICLES 6 and 8 – PUBLIC CONSULTATION/PARTICIPATION

Article 6

1. *“Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities are given an opportunity to express their opinion on the request for development consent. Member States shall designate the authorities to be consulted for this purpose in general terms or in each case when the request for consent is made. The information gathered pursuant to Article 5 shall be forwarded to these authorities. Detailed arrangements for consultation shall be laid down by the Member States.*

2. *“Member States shall ensure that any request for development consent and any information gathered pursuant to Article 5 are made available to the public within a reasonable time in order to give the public concerned the opportunity to express an opinion before the development consent is granted.*

Article 8

“The results of consultations and the information gathered pursuant to Articles 5, 6 and 7 must be taken into consideration in the development consent procedure”.

Summary of Articles 6 and 8 breaches

- 3.1 Overall process in breach of EIA requirement for meaningful public participation.
- 3.2 Public consultation sessions not conducive to meaningful public participation
- 3.3** Follow-up meetings with consultants unsatisfactory
- 3.4 Environmental Impact Statement (EIS) deficiencies
- 3.5 Oral Hearing deficiencies
- 3.6 Access to information: general breaches of Article 6
- 3.7 Access to Route Selection Reports: difficulties experienced
- 3.8 Access to information on consultations held with statutory bodies

The analysis in the following sections is drawn from the submissions to the oral hearing made by three local groups: Bellinter Residents Association (BRA), Meath Roads Action Group (MRAG) and Meath Archaeological and Historical Society (MAHS). In their submissions all three groups recorded deficiencies they experienced – inadequacies and inequities in the overall public consultation process and specific breaches of the EIA

In the experience of these groups, the M3 environmental impact assessment process failed to provide for full public consultation and failed to provide for meaningful public participation so as to enable a transparent decision-making process, as envisaged in the EIA Directives

Breaches/deficiencies were found **at all stages of the process**, i.e. in the public consultation sessions, the EIS, the Oral Hearing, the development consent procedure, and the appeals process

The most common difficulties found related to

- Access to “hard” information
- Insufficient information supplied
- Omission of information and incomplete information
- Access to expertise, advice and resources
- Access to oral hearing
- Consideration given to consultations etc in development consent procedure
- Access to justice/appeals system

3.1 Overall process in breach of EIA requirement for meaningful public participation.

The public consultation/participation process experienced in this Scheme could not be described as “consultation”, let alone meaningful public participation aimed at enabling an effective, responsible and transparent decision-making process as should be necessary for such a lengthy and complex motorway scheme, and as envisaged in Articles 6 and 8 of the EIA Directives.

3.1.1 Cosmetic exercise: The perception throughout the process was that the public consultation process entered into was nothing more than an expensive and elaborate cosmetic exercise, a “ticking the boxes” process designed to satisfy the letter of the EIA Directives rather than a real effort to arrive at the best possible solution in terms of transport needs and environmental effects.

Minor matters might be adjusted, and minor concessions made, but **key decisions made at the very outset** – e.g. the decision to route the M3 motorway through the Tara area, the decision to investigate only motorway alternatives, and the decision to route the new motorway into the already seriously congested M50 interchange at Blanchardstown – **were not going to be altered in any way.**

These perceptions were confirmed in the decision of An Bord Pleanála to approve the motorway in 2003, a decision which attached no specific conditions as to the Tara landscape, no conditions as to the Blundelstown interchange, and which took no consideration of either the necessity for an integrated transport solution or even the difficulties of the routing into Blanchardstown.

The fact that An Bord Pleanála was under pressure to implement government policy, that this motorway was part of the National Development Plan, and that to date An Bord Pleanála had not rejected a motorway scheme did not help to inspire trust in the decision-making process.

3.1.2 **Inequality of arms:**

Another major aspect in which the process failed as a means of enabling meaningful public participation, was the glaring inequality inbuilt into the whole system. This was the longest single-contract motorway in the history of the State, necessitating many preliminary studies and a massive EIS, yet incredibly, **no resources or funding was afforded to local groups** (all voluntary) with genuine heritage and environmental concerns. The members of these groups had to invest considerable expense, time and energy in accessing and interpreting vast amounts of documentation in order to make their submissions, and in attending daily at the lengthy oral hearing, where, again they found themselves in the unequal position of having to pit their wits against an array of lawyers and experts called in by the developers, in a situation where neither the NRA themselves nor the State’s heritage agency were obliged to attend or be cross-examined.

3.1.3 **Access to justice denied:**

The final injustice was the effective denial of a right of appeal, due to

- the prohibitive costs in taking a High Court judicial review action,
- the limited procedural grounds allowed for such an action,
- the limited time available in which to study the extensive documentation,
- the absence of any other means of appealing even part of the motorway decision, and
- the *locus standi* provisions which allowed only people who had made submissions to take any further action in the matter.

3.1.4 **National issue reduced to a local planning matter – no opportunity for wider debate**

Tara is Ireland's premier national monument and the Tara landscape is of national and European importance. However, in allowing this landscape to be subsumed into a local planning issue, no opportunity was afforded for a national debate on the impact of the M3 on this ancient landscape, and no real opportunity was offered to the wider public – in Ireland and Europe – to give their opinions on the issue. In addition, the downplaying of the impacts in the EIS gave many people the false impression that there would be no real effect on Tara.

3.1.5 Absence of independent assessment

Where major State infrastructural development is concerned, particularly one with potentially significantly adverse impacts on the environment, it would surely be preferable to have an independent assessment of all the impacts, with full consultation at the earliest stages so as to minimise the negative effects and arrive at a more viable solution.

This did not happen. The M3 was part of the National Development Plan and that pressure must have informed the whole assessment process.

In addition, there was no independent heritage assessment – Duchas could not be seen as independent as it was operating from a Government Department, and in any case, its preference for the P route was not reflected in the choice of route.

3.2 Public consultation sessions not conducive to meaningful public participation:

3.2.1 The public consultation process in this Scheme has been frequently referred to by NRA and Meath County Council spokespersons, and others involved in promoting the Scheme, and the impression is given:

- that the public – including people outside Meath - were fully informed as to all the ramifications and impacts of the routes being proposed, including their impact on Tara, in such a way as to enable them to make informed submissions
- that the views and submissions of the public were fully taken into account by the Design team, and
- that the route selection decision was informed and influenced by the views and submissions of the public received during this process

[see 3.3.2 below]

It is our contention that this was not the case!

3.2.2 NRA and MCC comments on the public consultation process

Two public consultation sessions were held for this section of the M3

- *“An important part of a route selection process is a process of public consultation... The first public consultation session for the Dunshaughlin to Navan section of the Scheme took place on 15 December 1999, attended by approximately **100 people**. Thereafter, members of the Design team made themselves available to communicate with the public through appointments at their offices or by phone or by written correspondence. The issues raised in the course of this consultation process were evaluated as part of the selection of the preferred route...”*

- “A second public consultation process was held over four days from 22-25 May 2000 at two locations in Meath.... The public consultation processes were widely advertised.... The purpose of this second consultation process was to inform the public about the Emerging Preferred Route and to collect the public’s views, comments and contributions thereon.... This round of public consultation generated enormous public interest and **approximately 750 people** attended these sessions over the three days. In addition, numerous submissions were received in writing.”
[Gerry Murphy, NRA, affidavit in High Court proceedings, 2006]
- “The constraints study and route selection was carried out between June 1999 and June 2000. During this period, **over 4,000 people** attended the various consultations on the project.”
[Geraldine Fitzpatrick, NRA, presentation to the Oireachtas Committee on the Environment, 1 June 2004]
- “A number of main issues have been raised in regard to the M3. One is the lack of consultation. **Over 4,000 people attended public consultations.**”
[Daire O’Rourke, NRA, presentation to the Oireachtas Committee on the Environment, 1 June 2004]
- “There was a highly publicised process of public consultation prior to a final route being chosen and members of the public were given ample opportunity to make submissions and express their views.....”
[Affidavit of Gerry Murphy, NRA, para. 21]

3.2.3 Division of communities:

From the very beginning, the seeming multiplicity of route options in the Dunshaughlin to Navan section – of 10 possible options given, 7 were routed through the immediate Tara landscape - had the result of dividing communities to be affected in this section of the route, thereby **preventing a meaningful and coherent consensus on the route to be brought forward, which might have resulted in a more viable route being chosen**, involving better protection for the Tara area.

- “The NRA and its colleagues at local level have almost gone overboard in respect of consultation in recent years, to the extent that we are beginning to think we are undertaking **too much consultation**. Under the system that has been pursued in recent years, route options are made public when they have been identified. The public is given an opportunity to comment, positively or negatively, on the options. People who are affected by four or ten routes may consider that a road will be built on their lands, farms, homes or businesses. **A significant number of people who think the project will land on them start to get into a tizzy, despite the fact that just one route will be pursued.** The emerging view is that we are ruffling many feathers to no great gain. The NRA may publicly state that it is considering between six and ten routes, but many people prefer to believe in a conspiracy theory instead. They are convinced that somebody in a back room has placed in a drawer a map that outlines the route that is eventually to be pursued. **They think that the consultation process is a lot of palaver and of no meaning.** It is hard to know how we can win. We engage in a very extensive level of consultation, if anything.”

[Michael Tobin, NRA, presentation to Oireachtas Committee on the Environment, 1 June 2004]

3.2.4 Limited number of consultations:

The NRA failed to adhere to their own guidelines and only held two Public Consultations for this section instead of the recommended three [this emerged at the oral hearing].

3.2.5 Insufficient information and interpretation supplied at public consultations

- The public consultation sessions consisted for the most part of displays of maps on which the various route options were marked, together with questionnaires for return. **Route selection archaeological reports or other relevant information were not available** at these sessions.
- While junior members of the consultancy teams were available at the venues, **no independent expertise or advice was available at any time to enable a better understanding of the impacts of the Scheme**, particularly its impacts on heritage. The State Heritage Agency, Dúchas, was not present at any of the public consultation sessions and Dúchas did not attend the oral hearing.
- Crucially, there was no information on the proposed 26-acre Blundelstown interchange just 1km from the Hill of Tara. The only mention made at the public consultation sessions related to a “possible interchange”, and no information was supplied – either in the public consultations, the EIS or the oral hearing – as to the impact which this interchange would have on the archaeological heritage and the archaeological landscape of Tara

3.2.6 Insufficient information was available in relation to the nature of the scheme.

Originally, an upgraded N3 road proposal was planned and this was the subject of the public consultation process. The proposal was changed to a motorway scheme **only after all the public consultations had taken place**. The public was not consulted in relation to this major alteration.

At a later date again the decision was taken to toll the motorway – **again only after all the public consultation had taken place** and the route was adopted etc. The public was not consulted in relation to this major decision.

- In addition, **a section of the chosen route was never part of the consultative or planning process**. This is a section where they joined up two sub-sections as part of the EPR.

[Appendix A1 of the MRAG Submission to the Oral Hearing].

- Also, the **Blundelstown Interchange** was not displayed or explained – it was merely noted as a “possible” interchange

3.2.7 Results of public consultations not taken into account in selection of route

Over 4,000 people attended public consultations but the majority of respondents to the various route options were **against the routes located in the Tara/Skryne valley**. The evidence for this is contained in the developer’s own document, the Route Selection Report. However, this opposition was not reflected in the final selection of the route.

- *“A total of 293 completed questionnaires were received and the most heavily favoured routes were F [= P route east of Skreen] and A [= O route, west of Tara]. In fact the percentage of people whose 1st preference was route F or A was at least double that of any other route option. This could possibly reflect the number of attendees who live immediately adjacent to the existing N3. This is supported by the most important impact being identified as “Least impact on people living near the selected route”.*

[Page 130, Section 9, Consultations: 9.3 Public Exhibition]

3.3 Follow-up meetings with consultants unsatisfactory

During and following the public consultations, a number of groups did take the opportunity to meet with various members of the consultancy team. These meetings for the most part were frustrating in that the group members came away with the impression that their contributions might be listened to, and perhaps minor matters addressed, but that they were effectively irrelevant to the route selection decision in this section – the road was going to go through the Tara landscape one way or the other.

[MAHS Petition to European Parliament re M3 motorway and Tara: Breaches of EIA Directives]. Page 33
Again, no opportunity was afforded for local groups to understand all the heritage impacts – there was no opportunity to speak with officials from Duchas, no information was available as to the recommendations made by Dúchas, and information supplied by developers’ consultants was insufficient and could not be seen as independent.

3.4 Environmental Impact Statement (EIS) deficiencies

- 3.4.1 Excessive costs:** The costs of purchasing the entire set of volumes was in the region of 700 euro. This was prohibitive for most local groups and individuals. In addition, some of the CDs of the EIS were found to be defective and the EIS was not available on the Internet
- 3.4.2 Location and time available to study EIS.** Four venues in Meath were listed where the EIS could be studied. These were small offices open only within limited office hours and not suitable for detailed study of the documentation. There was no facility for photocopying at these venues and there were no experts available for clarification or explanation of the data included in the EIS
- 3.4.3 Omissions from EIS:** Geophysical report and images in relation to route B2 were not contained in the EIS and the public were not made aware of the existence of a separate geophysical report volume. In addition, the route selection archaeology reports were not available at the venues where the EIS was on show. [*see sections 1 and 2 above*]

3.5 Oral Hearing deficiencies

- 3.5.1 Access to oral hearing:** The lengthy (28 day) oral hearing was located in Drogheda, in a neighbouring county to Meath, i.e. Louth. For most people affected along the M3 this would have meant a round trip journey of from 30 - 60 miles per day. This factor effectively excluded participation by many persons affected and persons genuinely concerned about the impact of the M3 on the heritage.
- 3.5.2 Access to expertise and resources:** again no provision was made for voluntary groups concerned about the environment
- 3.5.3 Cosmetic exercise:** All through the process, the feeling was that the key decisions were already made and no significant alteration could be considered. This carried over into the oral hearing – detailed submissions were made in relation to the routing through the Tara landscape but these were totally ignored in the decision-making process

3.6 Access to information – General breaches of Article 6

3.6.1 Difficulties in accessing “hard” information: Each of the 3 groups experienced difficulties in getting “hard” information from Meath County Council (MCC) and the National Roads Authority (NRA): while there appeared to be a readiness to answer questions it was felt the answers obtained were very minimal. Several groups felt that the NRA and their consultants were being ‘deliberately obstructive’ in terms of releasing information to the public (examples below).

Meath Archaeological and Historical Society: In their submission to the M3 oral hearing, the MAHS felt it necessary to refer to the difficulties which voluntary groups had experienced and were continuing to experience in accessing ‘hard’ information.

- *“If public involvement in the environmental impact assessment procedure is to be taken seriously, and if a proper assessment is to be made, all relevant information in relation to the proposed road development, including initial planning and route selection procedures and guidelines, experts’ submissions and reports etc., should be made available for inspection, as well as the EIS. In practice, voluntary groups and individuals usually have to find out for themselves what information to ask for, and can in some cases be denied information simply because they did not ask for the documentation or report by the correct title. This flies against the spirit of the EU Directive. Full access to information is essential for the assessment of the likely effects of development and no information should be withheld for technical or bureaucratic reasons.”*

[MAHS submission to oral hearing, September 2002]

Bellinter Residents Association and Meath Roads Action Group: The Bellinter Residents Association submission contained 9 pages documenting specific examples of the difficulties they had experienced in extracting information from Meath County Council and the National Roads Authority throughout the process. The MRAG submission also highlighted difficulties experienced:

3.7 Access to Route Selection Reports – difficulties experienced

3.7.1 Route selection reports not available to public:

Spokespersons for the developers have stated publicly since the An Bord Pleanála decision (2003) that the Route Selection Report “*was available for inspection*”. While technically correct, the fact is that few people knew about it as they were not made aware of its existence.

3.7.2 Bellinter Residents: For the Bellinter Residents’ Association, its existence only came to light when the group pressured the NRA for information. The NRA then produced a specially created 50-page document titled “Summary of Environmental Impacts (Extracts from Route Selection Report) July 2001”.

- *“Since this Oral Hearing commenced every “objector” raised the problem of getting information from the National Roads Authority and Meath County Council.”*
- *“The first offer of information from the NRA was a 50-page document titled: Summary of Environmental Impacts (Extracts from Route Selection Report) July 2001. (See Supporting Document No 1.) This was not what was asked for, and was seen as an attempt to prevent us getting the information requested. In fact, we discovered later that the content of this document appeared to have been “edited” and “changed” from the original Route Selection Report.*
- *“Finally, in December 2001, we were advised that the files requested were available for inspection. However, inspection of these files revealed that all of them ended in April 2000 and there appeared to be many gaps in the information. For example, although the motorway is proposed to go through the Hill of Tara area, there was no information about archaeology”.*

[Bellinter Residents Association submission to oral hearing, pages 37-39; full details of these ‘differences’ can also be found on pages 11 to 13 of the MRAG submission]

- 3.7.3 Differences between documents:** When the group compared the actual Route Selection Report with the “Summary of Environmental Impacts (Extracts from Route Selection Report) July 2001”, which was specially created for them, they found a number of differences between them. The NRA was asked for an explanation for these ‘differences’ but refused to give a reason.
- 3.7.4 Missing information:** As well as ‘differences’ between the two documents, the Bellinter Residents Association also discovered **entire sections were missing**. The most important of these was, the entire 10-page section on archaeology. The NRA was well aware that archaeology was one of the main planks of our objection, so it can only be assumed it was a deliberate attempt to prevent us getting information.
- 3.7.5 Other missing sections:** The Summary Report is titled: “Summary of Environmental Impacts (Extracts from Route Selection Report) July 2001”, however Archaeology, Water Quality, Land Use and Air Quality, were omitted!

3.8 Access to information - consultations held with statutory bodies

3.8.1 Duchas, The Heritage Service.

Dúchas was the State agency concerned with protection of the heritage (at the time of the M3 decision). The Duchas position on the route options was of public interest yet it was never published and Duchas never appeared at any of the public consultation sessions nor were they present for cross-examination at the oral hearing. Rumours on the position of Duchas were circulating at the time of the oral hearing and one or two groups had accessed some information mainly to the effect that Duchas had rejected the western route and had approved the route east of Skreen (P). This was indicated to the Bellinter Residents Association in a letter from the Ombudsman (3.8.2. below) which was raised in their submission to the oral hearing.

To this day (March 2006), the full account has never been published but in affidavits to the High Court heard in early 2006, further information has appeared as to the Duchas position which indicates that Duchas had objected to several of the route options.

- 3.8.2 Ombudsman’s letter:** The Bellinter Residents Association , on 17th Nov. 2000, sought the help of the Ombudsman because of failure of the Department of Arts, Heritage and the Gaeltacht to respond to their questions about the impacts of the Emerging Preferred Route on the Tara area . Despite much correspondence over a long period including an appeal to the Taoiseach , they had received nothing more than acknowledgements. Finally from the office of the Ombudsman in a letter dated 5th Sept .2001 the residents received the following response:

“I refer again to the complaint you made to this Office concerning a failure on the part of the Department of Arts, Heritage, Gaeltacht and the Islands to reply to your correspondence regarding plans by Meath County Council in relation to development proposals in your area. I regret the delay in dealing with your queries. However at the outset I must advise you the National Roads Authority is outside the Ombudsman’s remit therefore he would not be in a position to examine the substantive issue of your complaint with that body. With regard to your reference to Route “P” I must apologise for an omission in section N3 Dunshaughlin to Navan Road Improvement Scheme of my correspondence to you of 28th May 2001. This should have read as follows which I hope will clarify the matter for you. Officials from the Department have had ongoing discussions with Halcrow Barry, Consultant Engineers and Margaret Gowen & Co., Archaeological Consultants, regarding the proposed route options for the above scheme. In addition, the department also received archaeological reports, prepared by Margaret Gowen & Co., Archaeological Consultants, namely ‘Archaeological Constraints Study-dated 8/10/99’ and ‘N3 Navan to Dunshaughlin Route Selection Archaeology –dated 14/8/00’.

“The latter report ,which is quite detailed,assesses the various route options based on a desktop study and details the archaeological implications of the routes under consideration. The Archaeological Consultants recommends the route which they consider to be ‘the least intrusive

“The report also pays attention to the impact on the Hill of Tara and its surrounding landscape. It also states in the report that ‘all routes carry with them a high likelihood of disturbing archaeological features, given the nature of the landscape and the location of the proposed roads within one of the richest archaeological landscapes in the country’. The report also points out ‘while the proposed Route P is not without the potential to produce archaeological features ,it is the most archaeologically viable’. The proposals / reports received have been assessed from both the built (archaeology) and natural (nature conservation) heritage perspectives.”

- It seems quite clear from the above that Dúchas were misled and in fact believed that Route “P” was the selected option.

[cf: Bellinter Residents Association submission, Sept. 2002, pages 41-43, 45; Appendix No. 9: “note” of meeting between Duchas and Halcrow Barry; Appendix No. 14: DO Letter, Ref. 01N31884, 1st July 2002. See also pages 17 and 18, and appendices C6 and C7 of MRAG submission to Oral Hearing, 2002]

4. CONCLUSIONS:

- The M3 Environmental Impact Assessment breached Articles 3, 5, 6 and 8 of the EIA Directives.
- Tara is a national issue and should not have been subsumed into a local planning application
- A fundamental mistake was made in routing a section of the M3 motorway through the Tara archaeological landscape. This mistake was compounded at every stage of the planning process. This mistake could have been rectified.
- Cultural heritage of national and European importance has very limited protection when it comes into conflict with State infrastructural development proposals. An Bord Pleanála has no remit under the National Monuments Acts and the limited protection available at the time of the M3 decision has been further reduced by the passing of a new National Monuments Act in 2004.

ENDS

<p><i>Compiled by</i> Julitta Clancy, Asst Secretary, Meath Archaeological and Historical Society With assistance of: Claire Oakes, Bellinter Residents Association and Tara Heritage Preservation Group, and John Clancy, M.A.H.S. and Tara Heritage Preservation Group. March 2006</p>

MEATH ARCHAEOLOGICAL AND HISTORICAL SOCIETY

“The Proposed M3 Clonee to Kells Motorway Scheme and the M.A.H.S.”

Appendix to M.A.H.S. Annual Report 2004-05,

Julitta Clancy, Assistant Secretary, Annual General Meeting, 6 April 2005

Contents:

1. Brief history of the M3 proposal (with special reference to Tara section)
 2. Summary of MAHS involvement with M3 and related issues 1999-2004
 3. Summary of action taken by the MAHS on the M3/Tara issue during 2004-05
 4. Addendum
-

1. Brief history of the M3 proposal (with special reference to Tara section)

1999-2002:

In 1999, Meath County Council signed off on a proposal for improvements to the N3 including the bypass of Dunshaughlin and a dual carriageway from Clonee to north of Dunshaughlin. This proposal was later subsumed into an extended upgrading covering 63km from Clonee to north of Kells, as part of the National Development Plan, and later again this was designated as a tolled motorway scheme under a single PPP contract. The entire route was divided into 5 sections for the purposes of environmental impact studies

Archaeological reports and investigations:

Archaeological and other consultants were commissioned to investigate and report on the likely impact of the various routes proposed. In the Dunshaughlin to Navan section, 6 routes were offered (later subdivided into 10), of which 5 went through the Tara cultural landscape, described in several reports as “one of the richest archaeological landscapes in Europe.” The archaeological consultants repeatedly stressed the sensitivity and importance of the Tara/Skryne landscape, and at the end of this process, the only route in this section “unequivocally recommended” by the consultants was the P route east of Skryne (outside the Tara landscape) which was also favoured on several other environmental grounds.

Route selected: The B2 route, between the hills of Tara and Skryne and including a major 26-acre interchange at Blundelstown, just 1km from the northern end of the Hill of Tara, was selected. A geophysical survey was then commissioned by Meath County Council into this section, the results of which were described as “spectacular” by several archaeological experts, with over 23 areas indicating possible archaeological remains, some quite complex. 7 of these sites were described as of “high archaeological significance” by the consultant archaeologists employed by Meath Co Council. (The road was later amended to avoid 3 of these)

In 2002, the Environmental Impact Statement for the M3 was published, containing 17 volumes. It should be noted that the geophysical survey was not included in the EIS and was not advertised to the public. Only a summary and interpretation of the geophysical survey results was included in the relevant volume (4) of the EIS which listed at least 37 sites for further investigation, including 2 recorded monuments.

Oral hearing and Board decision: The An Bord Pleanála oral hearing commenced in late August 2002 in the Boyne Valley Hotel, Drogheda. Julitta Clancy, then President of the Society, presented the MAHS submission on 12 September and the hearing itself – on the entire M3 route – continued until November 2002.

2003-2005: The Inspector’s report, comprising over 1,000 pages, was delivered to An Bord Pleanála in late July 2003 and the Board’s decision, granting full approval to the motorway, was issued 3 weeks later (August 2003). Of the 10 conditions, none related to archaeology, and only one – relating to a cultural survey of the route - took into account the submission of the Meath Archaeological and Historical Society. However, in the course of the hearing the NRA and Meath County Council committed themselves to providing sufficient funds and time for full archaeological excavations of all sites found along the entire route. (Meath Archaeological and Historical Society were unable to take a judicial review of the Board’s decision due to (i) prohibitive costs, (ii) limited procedural grounds allowed)

Following the Board's order, and for almost a full year, NRA spokespersons stated that only 5 sites were impacted in the Dunshaughlin to Navan section. This took into account the 2 recorded sites and only 3 of the sites uncovered in the geophysical survey. Further archaeological investigation, involving extensive test trenching, was carried out in March-May 2004. Interim findings published in May 2004 indicated 28 archaeological sites in the Dunshaughlin to Navan section, and the number was increased to 38 sites in the final reports published in September 2004. (This figure included only a portion of the sites discovered in the geophysical survey).

Addendum: On May 11th 2005, the Minister for the Environment, Heritage and Local Government issued directions for the excavation of the 38 sites found in this section and excavations commenced in June 2005. A total of 156 sites were confirmed along the entire motorway route and excavations in the remaining sections commenced in July 2005. Excavations commenced in June 2005.

2. Summary of MAHS involvement with M3 and related issues 1999-2004

1999-2000:

MAHS Council members attended consultations on the N2 (Ashbourne bypass) and N3 upgrading proposals and met with residents' groups, Council engineers, roads consultants, local politicians, Duchas officials and various archaeologists and historians. The archaeological implications of the 4 motorway and dual carriageway proposals to be routed through Meath were discussed at numerous MAHS Council meetings, MAHS lectures, Journal launches, Annual General Meetings etc. during the period in question. A sub-committee of the Council, chaired by Enda O'Boyle, was formed to examine and report on the archaeological dimension of roads development in the county.

2001:

In the Spring and Summer of 2001, a delegation of Council members, accompanied by Society Patron, Professor George Eogan, visited a number of archaeological sites under excavation along the M1 Northern Motorway route. In June 2001, the Society hosted a major seminar in conjunction with the Louth Archaeological and Historical Society, which focused on archaeological excavations along the M1 and the archaeological dimension of other proposed routes, as well as the implications of the Code of Practice on roads archaeology.

2002:

Following publication of the Environmental Impact Statement the Society hosted a briefing by NRA archaeologist Mary Deevy who reported on some of the spectacular discoveries found as a result of the geophysical survey carried out on the selected route in the Dunshaughlin to Navan section. On 12 September 2002 the MAHS submission on the M3 was presented to An Bord Pleanála oral hearing, Boyne Valley Hotel, Drogheda by Julitta Clancy. The submission was published in *Riocht na Midhe* 2003. In October the MAHS co-hosted another major public seminar on the archaeological dimension of roads proposals, including the M3 scheme, at the Boyne Valley Hotel, Drogheda

2003-2004:

Following the An Bord Pleanála decision in late August 2003, the September meeting of the MAHS Council entrusted Assistant Secretary, Julitta Clancy, to represent the Society in relation to the M3 issue, and specifically to represent the Council on a committee to be formed following a public meeting in Dalgan Park. Several other council members and ordinary members took part in the meetings of this committee leading to the major archaeological seminar held in Dalgan Park on 13th March 2004, attended by over 200 people including many MAHS members. (The Society formally withdrew its representation from this committee in May 2004 due to irreconcilable differences).

2004-2005:

At the AGM of the Society on 31st March 2004, the M3 issue was discussed.

Three resolutions were voted on and two of these were passed. The action taken by the Council following these resolutions is outlined below.

3. Summary of action taken by the MAHS on the M3/Tara issue, 2004 – 2005

At the AGM on 31st March 2004, two resolutions on the M3/Tara issue were passed:

1. *“That the MAHS write to the Taoiseach respectfully requesting that the section of the proposed M3 motorway which would pass through the Tara-Skryne Valley be reconsidered and completed in such a way as to preserve the integrity of the Hill of Tara and the valley itself.” The resolution further asked that “a copy of such letter be forwarded to other relevant government ministers, the National Roads Authority, Meath County Council, local politicians and the Meath Chronicle.”*

2. *“That the MAHS calls for Tara and its unique archaeological landscape to be designated a World Heritage Site, and that the MAHS write to the Taoiseach and the Minister for the Environment asking them to apply formally to UNESCO for such designation.”*

A further proposal, to host an information meeting for Meath County Councillors and candidates in the June local and European elections, was also passed.

Below is a **very brief summary** of the action taken by the Society in the past year in relation to the M3/Tara issue. In addition to the actions itemised below, the issue was also discussed at most MAHS Council meetings during the year and several Council members gave up a great deal of their own time undertaking research, writing and presenting papers on various aspects of the issues involved, sharing information and attending formal and informal meetings with academics and other local groups. Meetings were also held with the NRA project archaeologist and several members of the Council were invited to visit some of the sites affected on the motorway route. Unfortunately, despite many letters, submissions, meetings and appeals over the past two years – including appeals by a large number of academics in Ireland and abroad - arguments for a reconsideration of the contentious section of the route have not been accepted and even our simple requests for a meeting with the Minister for the Environment, Heritage and Local Government have not been acceded to.

One of the most regrettable aspects of the M3/Tara issue has been the division it has caused among some of the people and communities in Meath, a division which has prevented Meath people from coming together to debate, work out and press for a solution which would allow for the preservation of this unique part of our heritage as well as delivering the much-needed and long overdue transport reliefs.

Throughout our campaign on the M3/Tara issue the Society has often been misunderstood and frequently misrepresented. At all times we have sought to act constructively and responsibly, seeking to inform and educate ourselves, the public, the media, the heritage agencies and our own politicians as to the crucial heritage issues at stake, in line with the aims of our Society to “preserve, examine, publish and illustrate the antiquities, records and traditions connected with the territory of the Ancient Kingdom of Meath”. We have never threatened litigation. Conscious of the urgent transport problems of Meath, we have also tried to be constructive in researching and putting forward suggestions and ideas as to how this unique part of our national heritage could effectively be preserved in conjunction with effective resolution of our transport needs

2004 (April 2004 – December): Outline of principal activities and meetings attended

April 4th: meeting with NRA and Co Council officials at which MAHS and other local groups, as well as independent archaeologists and historians, made presentations

April 27th: The MAHS Council hosted a seminar in the Ardboyne Hotel for Meath County Councillors, Urban Councillors and candidates in the local and European elections. The seminar was addressed by archaeologists Conor Newman and Joe Fenwick and Historian Dr Edel Bhreathnach, former members of the Discovery Programme’s Tara Survey. Councillors present agreed to propose a debate in Meath County Council following the elections.

April 28th: MAHS submission to the Joint Oireachtas Committee on the Environment presented by Asst. Secretary Julitta Clancy. This was accompanied by a detailed written submission

May: The Council of the MAHS formally withdrew its representation on the committee of the Save Tara Skryne Valley Group due to irreconcilable differences. A notice was published in the Meath Chronicle informing the public of this decision

May 17th : Society President, John Gavin, and Vice-President, Fr. Gerard Rice, sent a formal letter to the Taoiseach reciting the members’ wishes as expressed at the AGM, calling for World Heritage Site status for the Tara

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archaeological landscape and urging for a reconsideration of the Dunshaughlin to Navan section of the proposed M3. This letter was copied to the Ministers for Environment and Transport, all local TDs and councillors, the NRA and the Meath Co. Manager. A summary of the contents of the letter was published in the Meath Chronicle and the full text is reproduced in *Ríocht na Midhe* 2005. The letter led to a very strong editorial in the Meath *Chronicle*

June 1st: a delegation from the MAHS Council attended a further hearing into the M3 held by the Joint Oireachtas Committee on the Environment at which the NRA presented their submission in the course of which they reiterated their previous statements that 5 sites would be impacted in the Dunshaughlin to Navan section.

June: having received the interim report on the archaeological testing which had confirmed a minimum of 28 sites in the Dunshaughlin to Navan section, the Asst. Secretary wrote to all Meath Co Councillors asking for a debate on the M3/Tara issue in the light of this new evidence

July 5th: MAHS council members attended the first Meath County Council debate on the M3 issue at which 13 out of the 17 councillors who spoke expressed concern over the routing of the motorway through the Tara area and called for reconsideration. A vote was taken to invite the NRA to report to them and answer the questions raised. A proposal was also made that the Councillors meet with the Ministers for Environment and Transport

August: MAHS members and Tara Heritage Preservation Group met with new MEP Mairead McGuinness and brought her on a tour of Tara

September 6th: MAHS Council members attended the second Meath Co Council debate on the M3. *The* MAHS proposal that the Council invite archaeologists Conor Newman and Joe Fenwick to brief the councillors following the publication of the final report on the archaeological testing was agreed to (at a venue outside the Council Chamber)

September 21st: Project archaeologist Mary Deevy briefed the MAHS Council on the findings of the archaeological testing and reported that 38 archaeological sites had now been confirmed in the Dunshaughlin to Navan section. The great majority of these sites were previously unknown and the figure included only 9 of the 23 possible sites previously discovered by the geophysical survey conducted for the EIS

October 1st: MAHS Council members, along with members of the Tara Heritage Preservation Group, met with the Co Manager, Mr Tom Dowling and Council officials, at which the concerns over the impact of the M3 on the Tara landscape were stated, and the issue of the waste site at Philpotstown was raised

October 6th: MAHS council members attended the third Meath Co Council debate on the M3, to hear the NRA presentation. One Fianna Fail councillor read into the record a letter by senior archaeologists and historians calling for preservation of the Tara landscape (the letter had been forwarded to all councillors by the MAHS). Later in the month MAHS council members attended the special briefing given to the Co Councillors by the members of the Discovery Programme's Tara Survey (in the Newgrange Hotel, Navan)

October: The NRA and the National Monuments Service were contacted by the MAHS in relation to a report received from an MAHS member as to damage reportedly done to two of the newly discovered archaeological sites in the course of intensive development works connected with the waste site at Philpotstown just 1km from the Hill of Tara

November 1st: Letter sent to the Chairman of the Oireachtas Environment Committee requesting a further hearing on the M3 in the light of the new evidence as to the number of sites to be impacted (which had not been raised at the NRA presentation on 1 June)

November 23rd-25th: Several members of the MAHS Council, including the President and the Hon. Treasurer, as well as patron Dr George Eogan, attended the Dail and Seanad debates on Tara and the M3 which arose out of a Labour Party motion in the Dail. The Society had been previously invited to brief the Labour Party spokesperson on environment and heritage issues, Eamon Gilmore TD.

December 2004: The Chair and members of the Oireachtas Environment Committee visited Tara and were conducted around some of the sites to be impacted by Professor George Eogan and Mary Deevy, NRA archaeologist. The MAHS wrote to the Oireachtas Transport Committee asking for a hearing into the M3

2005 (January to April)

January 19th 2005: MAHS Vice-President Fr Gerard Rice and Asst Secretary Julitta Clancy made a further presentation to the Oireachtas Environment Committee along with Society member Claire Oakes (representing the Tara Heritage Preservation Group). A written submission was also handed in. Also making submissions that day were Dr George Eogan and members of the Discovery Programme Tara Survey, Conor Newman, Dr Edel

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Bhreathnach and Joe Fenwick. Following these presentations, the Chair of the Oireachtas Committee, Sean Haughey TD, invited presentations from the Director of the National Museum, Dr Patrick Wallace, the CEO of the Heritage Council, Michael Starrett, the CEO of the Discovery Programme, Dr Brian Lacy and the Chief Archaeologist, Brian Duffy. (The Heritage Council and the Discovery Programme accepted the invitation and gave strong presentations. However, the Director of the Museum was not permitted to attend and the Chief Archaeologist declined the invitation.)

February 1st 2005: Asst Secretary Julitta Clancy made an oral submission to the Oireachtas Transport Committee, summarising the main points of a detailed written submission outlining the background to the road scheme, and putting forward a combination of integrated transport solutions – including rail, motorway and bus routes - which would give choice to the commuter, greater benefits for the environment and for communities in Meath while also preserving the Tara landscape for posterity. The delegation included other MAHS Council members and ordinary members of the Society

March 2nd, 2005: Letter sent to Chief Archaeologist Brian Duffy re Philpotstown waste site and concerns re future commercial and residential development in the vicinity of the Blundelstown interchange. The letter was copied to the Minister for Environment and others, and further letters were sent to the Minister requesting a meeting with the Society. [Editor: No reply has yet been received from the Chief Archaeologist. Autumn 2005]

Media: During the year, the Asst. Secretary who had been entrusted by the Council to represent them in relation to the M3, gave interviews on LM/FM radio, RTE Radio, RTE television, Newstalk 106, TV3 and BBC Northern Ireland, and letters and items written by Society members were published in a variety of papers including the *Meath Chronicle*, the *Drogheda Independent*, the *Irish Times*, the *Irish Independent*, the *Irish Examiner*, the *Irish News*, the *Guardian*, the *London Independent*, *Village Magazine*, the *Sunday Tribune*, the *New York Times* and the *International Herald Tribune*

Addendum: May/June 2005. Ministerial directions. On 11th May the Minister for the Environment, Heritage and Local Government, Dick Roche T.D. issued directions (under the National Monuments Amendment Act 2004) authorising excavation of the 38 archaeological sites confirmed in the Dunshaughlin to Navan section. In total, over 156 sites were discovered along the entire M3 motorway route. Excavations commenced in June 2005, paving the way for the construction of the tolled motorway to commence in 2006.

Dr Pat Wallace, Director of the National Museum of Ireland: Following the Minister's directions, we received (under the Freedom of Information Act) a copy of the letter written to the Minister on 16th March 2005 by the Director of the National Museum, Dr Patrick Wallace, in his role as statutory consultee under the National Monuments (Amendment) Act 2004. In the course of his letter Dr Wallace made a strong plea for reconsideration of the Tara section of the proposed motorway, arguing for an alteration of the route and pointing out the possibilities of designating the area as "an archaeological area" as provided in the national monuments legislation:

"... I believe Tara and the complex or association of monuments and sacred spaces in its surroundings to be the most important of their type in Ireland, if not in Europe. Taken together, this group of monuments constitute an archaeological and cultural landscape which deserves the fullest and most generous archaeological protection. The process of evaluation by which the planning authority agreed to the proposed works in such a culturally sensitive area seems narrow. This is because it chose to confine its deliberation to Tara on the basis of the requirements of individual sites and ignored the importance of the place as a complex in the first millennium and later when it was as important as it was in the Iron Age and before. I would respectfully point out that under s. 5. (2)(b) of the 1987 Act you have the power to designate important complexes as "archaeological areas"....

"... Tara is a unique cultural landscape, which has a significance for our national heritage that extends beyond the sum of its individual archaeological components. It is one of a small number of monumental complexes that are of more than usual cultural importance from the standpoint not only of archaeology but also of history, mythology, folklore, language, place-names study and, in the case of Tara, even of national identity..... I continue to have a difficulty with this relatively small section of the M3, because of what I sincerely believe to be the unacceptable degree of negative impact which it will inevitably have on

[from letter of Dr Patrick Wallace to Minister Dick Roche, TD, 16 March 2005]

Seminar, 11 June 2005: On June 1st, the Society sent a formal petition to the European Parliament, and on June 11th, the Society, in association with the Tara Heritage Preservation Group, hosted a major seminar "*The M3 and its Impacts*" at Dalgan Park, which was chaired by Duncan Stewart (architect and broadcaster) and Michael Reade (LMFM radio). The seminar, attended by over 100 people, focused on the heritage, development and transport impacts of the proposed M3 and was addressed by a wide range of scholars, transport consultants and heritage experts, including the CEO of the Heritage Council, Michael Starrett, Dr Edel Bhreathnach (formerly of the Discovery Programme), the Chair of An Taisce, Frank Corcoran and An Taisce's heritage officer, Ian Lumley. The seminar was also addressed by the director of the excavations in the Dunshaughlin to Navan section, Mr Donald Murphy, who outlined his methodologies and addressed some of the academics' concerns. Regrettably, neither Meath County Council, the NRA, nor the Depts of Environment and Transport, attended the seminar, and only one locally elected representative, Cllr. Phil Cantwell, took part. (*Transcripts of the main papers delivered at the seminar are available on request.*)

March 2006. The MAHS petition to the European Parliament was ruled admissible and a detailed document outlining breaches of the EIA directives in the M3 Environmental impact assessment process was compiled by Julitta Clancy and sent to the Petitions Committee of the European Parliament.

ENDS

Julitta Clancy, 6 April 2005 and later postscripts

[Note: the above report on the Society's involvement with the M3 was published in the Society's Journal, *Riocht na Midhe*, 2006]

Acknowledgments: Grateful thanks due to: Council of the Meath Archaeological and Historical Society and members of the Tara Heritage Preservation Group. Special thanks to Dr George Eogan, Dr Edel Bhreathnach, Conor Newman and Joe Fenwick (Discovery Programme), to MAHS Council members Ann O'Reilly (Treasurer) and Reginald O'Reilly, Fr Gerard Rice (Vice-President), John Gavin (President), Seamus MacGabhann (Hon. Editor), Oliver Ward (Secretary) and Patrick O'Rourke (Asst. Treasurer) and to the dedicated members of the **Tara Heritage Preservation Group in Co. Meath:** Susan Brennan, John Clancy, Martin Dier, Brenda Ferris, Tommy Hamill, Claire Oakes, Fr Pat Raleigh, Jimmy Rafter, John Rooney and Kathryn Walley.

*Compiled by Julitta Clancy, Assistant Secretary, Meath Archaeological and Historical Society
Parsonstown, Batterstown, Co. Meath*

MEATH ARCHAEOLOGICAL AND HISTORICAL SOCIETY

Petition to European Parliament 1 June 2005 (on line)

Petition No. 546/2005 [543?]

Cultural heritage: Tara and the M3 Motorway (Co. Meath, Ireland)

Environment: Ireland's Planning and Environmental Impact Assessment Process
Access to Justice in Environmental issues

Subject of petition:

Cultural heritage and public interest.

Threat to a unique archaeological landscape due to proposal for a portion of a tolled motorway to run through the landscape. The landscape is an essential part of Europe's collective memory. The motorway could be altered slightly to avoid the landscape and preserve it for future generations. The motorway has gone through the planning process but we believe the decision was wrong. However we were unable to appeal on cost grounds

Request:

Some initial questions:

1. Can the Parliament consider petitions relating to cultural rights, specifically in relation to protection of the archaeological heritage?
2. Can the Parliament consider petitions relating to a motorway proposal which has gone through the planning and environmental impact assessment process but which will seriously affect a unique part of Ireland's and Europe's archaeological and cultural heritage, part of Europe's collective memory?
3. Can the Parliament investigate Ireland's planning and environmental impact assessment process for State infrastructural projects, particularly in relation to (i) access to information, (ii) access to funding and resources for citizens and voluntary groups who wish to object on cultural grounds, and (iii) access to justice for citizens and voluntary groups who wish to appeal but find the costs prohibitive and the grounds too restrictive and narrow?

Specific Request:

Our specific request relates to a very important archaeological landscape associated with Ireland's premier national monument, **Tara**. The cultural integrity of this landscape (which has been acknowledged by a huge body of academic and heritage opinion) is in imminent danger of being destroyed due to a short section of a lengthy tolled motorway (M3 Clonee to Kells) proposed to run through it. The motorway proposal has gone through the planning process in 2002 and received full approval in August 2003.

The Meath Archaeological and Historical Society is a voluntary society which made a submission on the M3 motorway scheme on archaeological heritage grounds and made a presentation at the oral hearing in September 2002. (The oral hearing/inquiry was conducted by an inspector of the Planning Board as part of the EIA process).

We were unable to take a judicial review of the Planning Board decision (issued in August 2003) due mainly to the prohibitive costs involved in taking an action in the High Court.

Since the decision we have sought to plead with the government and road authorities to reconsider this portion of the scheme and alter the route in the section running through the cultural landscape of Tara. However, despite all appeals, including appeals from over 350

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academics and the Director of the National Museum of Ireland, Ireland's Minister for Environment, Heritage and Local Government issued directions on 11 May 2005 permitting excavation of 38 archaeological sites in this section of the route (most of which sites were not included in the EIS), paving the way for the construction to begin on the motorway.

The archaeological excavations are due to commence within the next month and will involve the destruction of many sites associated with the Tara complex. Construction of the motorway will commence shortly after completion of the excavations. This matter is very urgent. We believe the landscape can be preserved and the motorway built with variation of the route in this section

We ask the European Parliament to urgently

- (a) consider our request to examine and discuss this issue and in particular our request for a variation of the road scheme to avoid the Tara landscape
- (b) consider how our cultural heritage is being protected under Ireland's planning and EIA processes
- (c) investigate Ireland's planning process for State infrastructural projects with particular attention as to how the concerns of citizens and voluntary groups are being considered and treated: the rights of citizens to information and resources and the rights of citizens with genuine public interest concerns to appeal decisions without having to incur enormous financial costs.

Thank you

Julitta Clancy, Assistant Secretary, Meath Archaeological and Historical Society
Parsonstown, Batterstown, Co. Meath

Reply received: Your petition has been sent.

“May we remind you that if you wish to add any annexes to your petition, you should send them to: European Parliament Members' Activities Division L-2929 LUXEMBOURG”

Annexes sent by post (10 documents)

Secretariat of the Committee on Petitions

Brussels

ENDS

MEATH ARCHAEOLOGICAL AND HISTORICAL SOCIETY
PETITION TO THE EUROPEAN PARLIAMENT 1 JUNE 2005
Re: M3 MOTORWAY AND THE TARA ARCHAEOLOGICAL LANDSCAPE
Additional document March 2006: Breaches of EIA Directives

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