

**Press Release. Meath Archaeological and Historical Society,
1st. April 2008.**

MEATH ARCHAEOLOGICAL AND HISTORICAL SOCIETY

*Presentation to the European Parliament Committee on Petitions,
1 April 2008*

Re: M3 Motorway and the Tara archaeological landscape in County Meath, Ireland
Lismullin national monument and the National Monuments Amendment Act 2004

Meath Archaeological and Historical Society will make a presentation on the Tara/M3 issue to the European Parliament Committee on Petitions in Brussels on Tuesday 1 April.

Assistant Secretary, **Martin Dier** (Navan) will deliver a slide presentation and will also present a written submission compiled by Julitta Clancy (a former President of the Society), containing a number of observations and recommendations as well as detailed responses to the Petitions Committee report following their visit to Tara last year, and the Commission's reply to the MAHS petition of June 2005.

Extracts from the Society's submission to the Petitions Committee 1 April 2008:

A. Observations:

'We first approached your committee in June 2005 at a time when we believed it was still possible to avert a major cultural disaster i.e. the destruction of the 6,000 year old Tara archaeological and historical landscape in County Meath by the needless routing of a section of the M3 motorway through its heart.

We approached you as a last resort, having, along with many others, expended considerable energies over many years in an attempt to persuade our own authorities to intervene and to initiate a re-examination of this short section of the lengthy tolled motorway scheme.

In the past two and a half years we have witnessed the steady destruction of this uniquely important landscape – a destruction akin to the Taliban's destruction of Afghanistan's cultural heritage. We have also witnessed the further destruction caused to numerous new archaeological sites and complexes around Tara (including the Lismullin national monument) – sites which should have been preserved for future generations. And even existing (supposedly protected) national monuments associated with Tara have not been spared: the motorway is coming dangerously close to the Rath Lugh promontory fort (one of the defensive outposts for Tara) – a danger highlighted in the oral hearing and in numerous articles etc since.

All through our involvement with the process we have experienced ignorance, incompetence, obstruction, inequality, wilful misinformation, 'ticking of the boxes' exercises dressed up as public consultation, and the pervading influence of vested business and political interests. Our hopes that our own authorities would make the courageous decision to re-examine the project in this section were long ago disappointed and now our hopes that somehow Europe could make a meaningful intervention would seem also to have been dashed (despite the efforts of the Committee on Petitions).

We believe that the M3/Tara situation is a glaring example of the inadequate protections given to our archaeological and cultural heritage – in Irish and European law – particularly when such heritage comes into conflict with a government sponsored tolled motorway scheme wrapped up in a Public Private Partnership and promoted as part of the National Development Plan.

We believe it is also a glaring example of the inadequate provision – in Irish and European law - for public consultation and meaningful participation in environmental decision-making.

These are issues which both the Committee on Petitions and the Commission must address as a matter of urgency.'

B. Summary of issues that require to be addressed.

'The M3/Tara issue exposes **major inadequacies and deficiencies** relating to:

- Cultural heritage protection mechanisms in Ireland and in the European Union
- European environmental impact assessment requirements
- Enforcement of European legislation, particularly legislation relating to the environment
- Non-adoption and non-implementation of European conventions involving planning and the rights of the citizen (e.g. Aarhus Convention) in countries such as Ireland
- Public consultation and access to justice in environmental and planning matters
- Transport infrastructure planning and sustainable development requirements
- European Commission's independence of national governments
- Powers of the Committee on Petitions to adequately and independently examine issues contained in petitions

C. Recommendations of the M.A.H.S:

(1) 'We call on the European Commission to:

- carry out their own **independent investigation into all aspects of the M3/Tara issue** (including all issues raised in MAHS petition no. 546/2005) and not rely on the one-sided and clearly misleading evidence provided by the NRA [ref: Commission letter of 23/03/07]
- take action now in relation to the **National Monuments Amendment Act 2004** and its incompatibility with European law, with particular reference to the treatment accorded the **Lismullin national monument**
- immediately address the **inadequacies in the Environmental Impact Assessment Directive** as highlighted in the Petitions Committee report of 30 September 2007 and so as to ensure that alternatives are clearly defined, cultural heritage and archaeological landscapes are given adequate protection, meaningful public consultation and access to justice are provided, and the EIA process is conducted entirely on independent lines

(2) 'We call on the European Parliament Committee on Petitions to:

- call on the Irish government to **substantially review the impact of the M3** on the Tara archaeological landscape and to **call for less intrusive alternative routes to be designated** (as outlined in the Petition Committee's report of 30/09/07)
- ensure that the Commission, when investigating an issue contained in a petition to the Committee, **carries out a full and independent investigation** [ref: petition 546/2005]
- make a clear recommendation to the government of Ireland to **immediately implement the Aarhus Convention**. Ireland is one of the most prosperous states in the EU yet it has been unwilling to implement citizens' rights as envisaged in the Convention.

- make a clear recommendation to the Irish government to **make proper provision for the protection of Ireland's (and Europe's) rich cultural heritage** which is under increased threat from development and neglect
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D. Response to European documents in reply to the M.A.H.S. petition of June 2005 (546/2005)

1. European Commission letter to the European Parliament Petitions Committee, 23/03/07
2. Report of the European Parliament's Petitions Committee, 30/09/07

1. European Commission letter to the European Parliament Petitions Committee, 23/03/07

(i) Alternatives: in relation to alternatives, the Commission's findings are informed purely by the replies as set out by the National Roads Authority (NRA) and do not seem to be informed by their own independent investigations.

- The NRA replies are factually incorrect in stating that 10 route options were considered – there were in fact 6 primary routes which subsequently were varied to 10 options.
- **The most important element of this is that of all these route options, the majority (70%) went through the Tara archaeological landscape.**
- Is that what the Commission considers as adequate alternative investigation?

It is clear that alternatives were not adequately explored, bearing in mind that:

- the significance, nature and extent of the Tara archaeological and historical landscape were well-known at the time of the route selection and EIA process and were indeed highlighted in the pioneering research carried out by the Discovery Programme's Tara Survey since 1992, and indeed the views from Tara and Skryne (Skreen), and the area of the Gabhra Valley were effectively protected against inappropriate development in the Meath County Development Plan (a protection quoted by the Planning Appeals board in two major planning decisions since the M3 approval), and
- none of the possible alternative routes was ever fully evaluated (e.g. geophysically surveyed etc). In fact the chosen route was itself only fully evaluated (geophysically surveyed) **after** it was adopted as the route for the M3.

(ii) Lismullin: in relation to the Lismullin national monument and its ensuing treatment, we believe that the Commission has not taken effective action to enforce EU law:

- In early 2007, as part of the soil-stripping process for the M3, an entirely new monument was found in the Lismullin area (close by the national monument at Rath Lugh – one of the acknowledged defensive outposts for Tara). This site had not been found in the archaeological testing and was not covered by the Ministerial directions issued in 2005. Its size and importance led to its being designated as a national monument, a status which should have led to its preservation. However, this highly sensitive site was left for too long exposed to the elements and inevitably it was excavated and effectively destroyed.
- The Commission stated repeatedly during 2007 that there are questions to be asked as to whether the National Monuments Amendment Act 2004 is in breach of European law as it does not provide for a new EIS where new sites such as Lismullin

are discovered. The Commission clearly stated its intentions to proceed against Ireland on this basis yet to date no action has been taken, the site has been destroyed, the motorway construction work has continued and **the impression is given is that the Commission is prepared to wait until construction on the motorway is completed before it takes such action. This brings European law into disrepute and questions the independence of the Commission.**

We call on the Commission to carry out their own independent investigation and not rely on the one-sided and clearly misleading evidence provided by the NRA, and we call on them to take action now in relation to the National Monuments Amendment Act 2004

(iii) Other issues raised by the petition of the Meath Archaeological and Historical Society: in our petition we raised many other salient issues, some of which we expanded upon in great detail, yet we have seen no reference to them in either the Commission report to the Committee or the Report of the Petitions Committee itself. Our only conclusion is that our resources were inadequate to bring these most important issues to you in the necessary detail but we would ask both the Commission and the Petitions Committee to look into the issues raised. Had the Aarhus Convention provisions been available to us, we believe that we and others could have more fully addressed these issues both at the oral hearing and subsequently – we would at least have been in the position to take legal advice and employ experts to rebut the NRA assumptions.

2) Response to the EP Petitions Committee report of 30.09.07 (Tara section, pages 8-10)

(i) Errors and misinformation in the report:

1) We draw your attention to the 4th paragraph (page 9) in this section of your report in which it states that:

‘...the whole Tara domain is now said to be of greater historic value covering a wider area than originally known.’

- The fact is that the significance, nature and extent of the Tara cultural landscape did not just come to light in 2005 or in 2007 as indicated in your report. This knowledge was **well known at the time of the route selection and EIA stages (1999-2002)**, it was attested to at the oral hearing in 2002 by none other than the Director of the Discovery Programme’s Tara survey (Conor Newman), and the landscape was given practical protection against inappropriate development in the Meath County Development Plan (a protection recognized by the Planning Appeals Board in 2 major planning decisions subsequent to the M3 approval).

2) In the 5th paragraph of this section of the Report (page 9) it is stated that:

‘everything indicates that the planners acted diligently in assessing the practical options given the knowledge available at the time. Both geophysical and magnetometer surveys were conducted which, it turned out, led to the discovery of the Lismullin site....’

- The ‘knowledge available at the time’ was quite extensive. There was clear evidence available in the public domain - at least since the Discovery Programme’s 1st report in 1997 - of the significance, nature and extent of the Tara landscape.
- Geophysical surveys were not carried out in the initial M3 investigations (1999-2001) and the only route geophysically surveyed before the oral hearing was the present route and this was only surveyed after the route was adopted.
- The Lismullin site was found at soil stripping stage after having already endured heavy machinery. It was not identified in the original geophysical survey or the archaeological testing in 2004-05. It is situated very close to the national monument

at Rath Lugh and, once its significance became obvious, it could have been covered up and preserved until a full decision could have been made which might not have resulted in the necessity to excavate it.

(ii) Alternative route options: in the 6th paragraph of the Report (page 9-10) in relation to alternatives and the facts available, can we remind the Committee that **over 70% of the route options went through the Tara archaeological landscape.**

In the 7th paragraph (page 10) the Report states:

'Here we are confronted with the limitations in assessing the application of the EU Directives and indeed the inherent weaknesses in the Directive itself. The EIA Directive says alternatives must be considered but it does not indicate which ones.'
[page 10]

Surely the Committee should call on the Commission to redefine the Directive in terms of its scope in relation to the examination of alternatives?

(iii) Review of environmental impact of M3: in the 9th paragraph of the report, it is stated that:

'The delegation is however perplexed by the choice of route and by the damage done to the integrity of the many sites in the Tara area and the Gabhra Valley which have been vividly drawn to our attention by petitioners... It is also concerned as to why it has been deemed necessary to build one of the largest M3 intersections precisely at this most vulnerable location in terms of Ireland's national heritage, which **destroys forever the intact archaeological landscape of the area.** This, and subsequent analysis by the European Commission since the designation of the Lismullen site as a national monument by the Irish authorities, motivates a clear call by this Committee for a substantial review of the environmental impact of the M3 and for less intrusive alternative routes to be designated which should safeguard this area for the Irish nation.'

In the context of what the Committee has clearly identified, the Committee should call on the government of Ireland to

- **immediately implement the Aarhus Convention which, if it had been in force at the time of the planning decision (2003) would have permitted a far more exhaustive examination of this wonderful landscape** which is now being destroyed and therefore would have informed a better outcome
- **substantially review the impact of the M3 on the Tara archaeological landscape and to call for less intrusive alternative routes to be designated** (as outlined in the your report)

For further information see the M.A.H.S. petition to the Parliament (546/2005 – letter of 1 June 2005 and additional information supplied in detail afterwards and to support petition no. 840/2004. These are available on our website www.community.meath.ie/mahs
