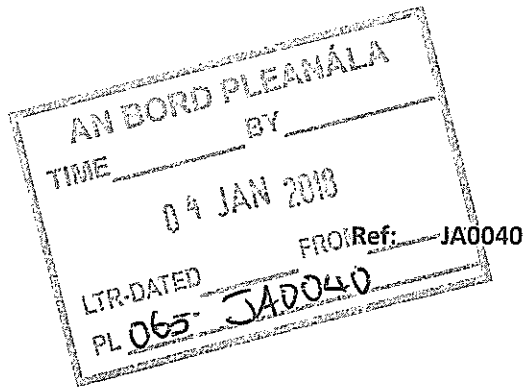




An Roinn  
Cultúir, Oidhreachta agus Gaeltachta  
Department of  
Culture, Heritage and the Gaeltacht



04 January 2018

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1

**Re: Application to ABP by South Dublin County Council under Section 175(3) of the Planning & Development Act 2000 (as amended) for permission for a proposed Dublin Mountains Visitor Centre at the Hellfire Club and Massy's Estate, Killakee Road, Rathfarnham, Dublin 16**

A Chara,

I refer to the notification of the receipt of further information in relation to the above-proposed development.

This Department previously expressed nature conservation concerns with regard to the appropriate assessment screening, red squirrels, pine martens, bats, deer, badgers, birds (particularly tree nesting merlins), flora, the Glendoo Brook, vegetation clearance (in relation to nesting birds), impact on hedgerows and of lighting (if any) along approach roads in relation to bats, and the adequacy of the construction management plan. Further information (FI) has now been sent to An Bord Pleanála in relation to these issues. The nature conservation comments of the National Parks & Wildlife Service of this Department on this further information are set out below.

#### **Appropriate Assessment Screening**

Merlins are a special conservation interest of the Wicklow Mountains SPA. Please see the comments with regard to Merlins below, under the heading of "Birds".

#### **Red Squirrels**

This Department welcomes the red squirrel conservation management plan including plans to control grey squirrels and enhance pine marten habitat. However, this Department remains of the view that in order to protect red squirrels, which are an important biodiversity species on this site, the removal of conifers is counterproductive. As stated previously in the submission of 25<sup>th</sup> September, *"the proposal to replace all conifers with broadleaved species in the longer term, and to clear fell some conifers in the shorter term, will therefore need to be modified"*. The aim of the conservation management plan should surely be to ensure that the stated medium term impact envisaged on red squirrels does not happen, and that there is no short, medium or long term negative impact on red squirrels.

An Bord Pleanála are referred to the *"All-Ireland Species Action Plan Red Squirrel"* which can be downloaded from [https://www.npws.ie/sites/default/files/publications/pdf/2008\\_Squirrel\\_SAP.pdf](https://www.npws.ie/sites/default/files/publications/pdf/2008_Squirrel_SAP.pdf)

In particular Section 1.6 highlights the use of conifers along with hazel by red squirrels. Section 5.1.1 relates to ensuring the needs of red squirrels are taken into account in planning applications and procedures.

#### **Pine Martens**

This Department notes and welcomes the fact that the red squirrel conservation management plan deals with the pine martens and that their habitat will be enhanced.

#### **Bats**

This Department notes that the FI details the fact that the Hellfire club and walled garden structures were assessed for bat suitability and found to have negligible potential for bats. This Department welcomes the

fact that the tree canopy walk will no longer have lighting and that all the lighting will be turned off at night when the last people leave, in order to avoid impacts of night lighting on bats.

#### **Hedgerows**

It remains unclear to this Department whether the proposed new footpaths along the approach roads (Military Road and Gunny Hill) will result in impacts on hedgerows and whether or not they will have lighting. Any reduction of the hedgerow and any lighting is likely to negatively impact on the bat species which currently forage along these hedgerows. An Bord Pleanála may therefore need to clarify this issue. Any loss of hedgerow should be mitigated for by planting new hedgerow with native species.

#### **Birds**

An Bord Pleanála should note that the preferred nesting location of Merlins in the Dublin and Wicklow mountains is in trees, and not in heath or blanket bog as stated in section 7.2.6 of the FI. This tree nesting habitat is described in Anthony McElheron's publication entitled "*Merlins of the Wicklow Mountains*" published in 2005. Within this book the research showed that of 25 nesting sites only two were not in trees. In addition the birds were site faithful, i.e. they tended to return to the same nesting sites each year. This Department therefore remains of the view that a survey of the trees for nesting merlins should have been carried out, and that it now should be carried out in 2018 during the merlin nesting season.

#### **Badgers**

This Department notes that it is intended to carry out a pre-construction badger survey to identify new setts and determine whether any existing setts are active or not. This work should be carried out by a competent person with relevant expertise. In reaching a decision, An Bord Pleanála should be cognisant of the protection afforded to badgers and their setts under section 22 of the Wildlife Acts 1976-2012.

#### **Flora and Habitats**

This Department notes the reasons for not doing a more detailed flora survey at the correct time of the year. This Department remains of the view however that a flora and habitat survey outside the optimum season is not in line with best practice and a complete list of plants could not have been recorded.

#### **Glendoo Brook**

This Department notes the FI with regard to the Glendoo Brook, but reiterates its view that in order to adequately monitor the Glendoo stream, and any potential impacts of construction on it, baseline surveys of water quality, including chemical and macro invertebrate sampling, should be carried out prior to construction, during construction and then annually as per the monitoring proposed for KERs.

#### **Deer**

Contrary to the situation set out in the section on deer in the Further Information submitted by the applicants, except for the remote high level plantations in Ballinascorney Upper, it is our understanding that it is not the policy of Coillte Teo to lease out shooting rights for deer in Co. Dublin. Because of the high human usage of Coillte's Co. Dublin plantations (often even after dark) and therefore the necessity of extreme caution when shooting with large calibre rifles, deer culling in these areas, including the Hell Fire Club Plantation and Massy's Wood, has been restricted to two or three specialist Coillte personnel for at least the last twenty years. Under licence from the National Parks & Wildlife Service of this department, most of this shooting has been carried out after dark (usually after 12 midnight) from vehicles fitted with spotlights. Notices are posted in the plantations when this shooting is being carried out to warn members of the public not to enter.

Despite these culling operations by Coillte personnel, damage to neighbouring farms by deer emerging from the Coillte's Dublin plantations has remained high over the years. This has particularly been the case in the vicinity of Massy's Wood and the Hell Fire Club Plantation. Grazing land, silage and a berry farm have been severely impacted in Killakee and Jamestown to the east of Massy's Wood, and grazing and silage land in Piperstown and Montpelier to the west and north of the Hell Fire Club Plantation. There have also been outbreaks of bovine TB on farms in these areas, in which deer are suspected of being involved as vectors of the disease. These TB outbreaks have locked up farms for long periods with major consequences for particular farmers. Because of the deer damage on these farms, NPWS has been obliged to issue

licences to the relevant farmers to have deer shot outside of the usual open seasons on a repeat annual basis for twenty years or more, contrary to best practice.

Within the Hell Fire Club Plantation the high density of deer present has influenced a change in planting policy. Second rotation planting here has largely been restricted to Sitka Spruce, which in its early stages of growth is less vulnerable to damage than other species of conifers such as Douglas Fir planted in the first rotation, before the Sika-type hybrid deer, now so abundant in the Dublin Mountains, had colonised this area. Even in the case of Sitka Spruce, damage in the early stages of development can affect the quality of the timber produced when trees are eventually felled (information supplied by the forester then in charge of the Hell Fire Club Plantation to the local Conservation Ranger in connection with a lamping licence application circa 2012).

When designing the replanting of the clear felled areas of the Hell Fire Club Plantation it is therefore sensible to redesign their spatial layout to incorporate deer lawns overlooked by high seats to allow easier control of deer. Incorporating deer lawns overlooked by high seats in plantations is a recommended technique for facilitating the control of deer, and has been implemented for instance in the Boleyhorrigan section of Coillte's Ballinastoe plantations near the Wicklow Way above Luggala in the Wicklow Mountains. With the proposed Dublin Mountain Visitor Centre in the Hell Fire Club Plantation planned to increase the number of visitors to this area threefold, controlling deer numbers in this area is going to be even more difficult than heretofore. The establishment of deer lawns overlooked by high seats on sections of the clear felled areas in the Hell Fire Club Plantation to aid the control of deer becomes therefore even more of an imperative if development of the visitor centre is to go ahead. During times when shooting takes place on the deer lawns, most likely around dawn, access of the public would of course have to be restricted, as is the present practice when shooting is taking place. At other periods the high seats could be made available for visitors to watch deer. The possibility of establishing deer lawns in Massy's Wood in the future should also be considered.

In its original submission to Bord Pleanála on this proposed development the Department suggested a deer management plan would be required for the Hell Fire Club Plantation and Massy's Wood, including the provision of deer lawns and high seats for shooting. Such a plan should also make provision for the employment of personnel to census and shoot the deer in these areas by whatever entity takes responsibility for managing them, as it is understood that the specialist Coillte personnel involved in deer control in the Dublin and Wicklow areas have in the last year been transferred to other duties and not replaced.

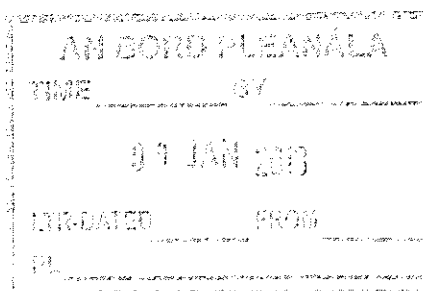
#### Vegetation Clearance

Article 5 (d) of the Birds Directive (Directive 2009/147 EC), should be taken into account by an Bord Pleanála when considering the issue of vegetation clearance. Therefore consideration should be given to protecting the nesting habitat of wild birds and vegetation should not be cleared during the bird nesting period (March 1st – 31st August).

In addition, if the construction of the facility involves the removal of vegetation (trees, scrub, isolated patches of scrub etc. - or other habitats likely to be used by nesting wild birds) then a condition should be attached to any planning consent ensuring that at least an equal area of habitat (trees, groves of trees, shrubbery etc.) is provided and maintained for nesting birds into the future. It is recommended that only native species of trees and shrubs are provided.

#### Construction Management Plan

An Bord Pleanála should ensure they have adequate information to allow an assessment of construction impacts.



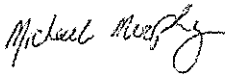
Kindly forward any further information received; or in the event of a decision being made a copy of same should be forwarded to the following address as soon as it issues:

The Manager, Development Applications Unit,  
Department of Culture, Heritage, and the Gaeltacht,  
Newtown Road, Wexford Y35 AP90

Preferably, documentation associated with the above can be referred electronically to the DAU at the following address: [manager.dau@chg.gov.ie](mailto:manager.dau@chg.gov.ie)

In addition, please acknowledge receipt of these observations by return.

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Michael Murphy,  
Development Applications Unit  
Tel: (053) 911 7516

