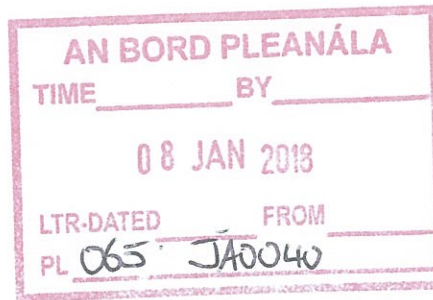


MARSTON

PLANNING CONSULTANCY

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

5th January 2018



Our Ref: 17020

Re: Planning and Development Act, 2000 (as amended) and the Statutory Regulations thereunder. Submission and observation by the Hellfire Massy Residents Association and other Residents Associations in relation to application made by South Dublin County Council to An Bord Pleanála under section 175(3) of the Planning and Development Act 2000 (as amended) for approval of the proposed 'Dublin Mountains Visitor Centre' development on lands owned by Coillte at Hell Fire and Massy's Wood forest properties in the townlands of Montpelier, Killakee and Jamestown in South Dublin.

An Bord Pleanála Ref. 06S.JA0040

Period for making a submission and observation: on or before end of 8th January 2018

Dear Sir/Madam,

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18 are instructed by the following list of local Resident Associations and Groups to make a submission in respect of the Further Information submitted in relation to the above proposed development currently being considered by An Bord Pleanála. The Resident Association/Group name, contact name and address are listed below:

Hellfire Massy Residents Association

Frank Doyle, Chairperson; Montpelier Farm, Killakee Road, Rathfarnham, Dublin 16

Glendoher & District Residents Association

Angela O'Donoghue, Chairperson; 17 Glendoher Close, Rathfarnham, Dublin 16

Dodder Action

Victoria White, Chairperson; 66 Whitebeam Road, Clonskeagh, Dublin 14

Knocklyon Network

Eugene Barrett, Director, IONA Centre, Idrone Avenue, Knocklyon, Dublin 16

Butterfield District Residents Association

Jennifer Dermody, Secretary, 30 Ballyroan Crescent, Rathfarnham, Dublin 16

Moyville Residents Association,

Sean Healy, Chairperson, 40 Moyville Estate, Ballyboden, Dublin 16

Fonthill Residents Association

Geraldine Marron, Secretary, 4 Fonthill Court, Rathfarnham, Dublin 14

Palmer Park & Pearse Brothers Park Residents Association

Brenda Doyle, Secretary, 28 Pearse Brothers Park, Ballyboden, Dublin 16

Willbrook Estate & Willbrook Downs Residents Association

Patrick Westman, Chairperson, 30 Willbrook, Rathfarnham, Dublin 14

We refer the Board to our original request for an oral hearing and submission, copy of receipt attached. Therefore no fee, as is allowed, has been submitted in this instance in accordance with the Statutory Regulations.

The Further Information refers several times to project partners being Coillte and Dublin Mountains Partnership. It should be noted that South Dublin County Council are the sole applicant. Prior to addressing some of the salient points we wish to outline to the Board that the applicant has not addressed the fundamental concerns raised in our original submission in relation to this project. The oversized form and inappropriate siting of the visitor centre is contrary to the zoning and policy of the County Development Plan. We stand behind the content of our original submission as being correct. We would welcome the opportunity to expand upon these and the content of this submission at an oral hearing.

We refer the Board to the attached report on the biodiversity impacts of the proposal, which has been undertaken by Paul Scott, Chartered Ecologist of Scott Cawley Ltd. We submit that notwithstanding the matters raised in this response we would retain the ability to raise any further matters in an oral hearing or subsequent response.

This submission focuses on two key components of the proposal:

- The principle of the Dublin Mountains Visitor Centre at this location is not supported by development and planning policy; and
- the visitor centre is inappropriately located within the site.

It is our contention that in both instances the answer, contrary to the assertions of the first party's representatives, is no, on a number of grounds.

However, prior to addressing the detail of the Further Information submission it is critical that we firmly address the above two points and the conflicting objectives of the application in this regard. The applicant is trying to artificially create a 'wow factor', which by their own admission the site does not contain, by locating the visitor centre in such a visually prominent location, and with such a large restaurant / café. The function of a visitor centre to the Dublin Mountains should be as a means to provide maximum accessibility with a minimum environmental cost that would detract from the amenity it is purporting to encourage use of.

A review of visitor centres serving upland areas in the UK is that they are located generally within existing settlements, within the upland area itself. For example, in Betws-y-Coed and Beddgelert within Snowdonia with views of the surrounding area; within Brecon Beacons in a rural location (but within 2 miles of the main North to South Wales trunk road) but on lowlands with views of the mountains; and in villages within the Peak District National Park. In essence all of these centres achieve a strategic goal in maximising accessibility and providing views of the Mountains as opposed to the opposite in this instance.

This is accentuated by the poor road linkages and poor public transport connectivity. Coupled with the poor linkage to the overall Dublin Mountains and the Dublin Mountains Way, the only reasonable and considered conclusion for the Board to reach is to refuse permission in this instance.

Will its location engender or will it solely increase the number of trips to Hell Fire Club and Massy's Wood.

It is our contention that there is no evidence for the claim that the proposal will result in it becoming a focal point for users of the Dublin Mountains to visit in order to gain greater access to the wider Dublin Mountains. For example, the existing Dublin Mountains Way runs along local roads to the south of Hell Fire to which there is no connection apart from walking up the R115 that divides the two sites or up through the Massy site to Cruagh (a walk of over 2.5kms).

We submit that there are no grounds for a number of the applicant's claims to justify the location of the Centre. A number of these claims are subjective statements without any grounds to back them up. A fundamental starting place for this is a project that should be for the public good to improve access to the Dublin Mountains. There is no evidence that this will be achieved beyond the subject site. The proposal completely fails in this regard with a lack of connectivity to the wider Dublin Mountains that extends from Shankill in the east to near Tallaght in the west.

We would contend that its location has poor connectivity both in terms of car and public transport access with the wider South Dublin population and not just within the administrative area. In essence its location is not based on any considered or strategic assessment of whether this is the right location within the Dublin Mountains to locate such a development. It would seem pertinent given that Dun Laoghaire – Rathdown are

represented on the Dublin Mountain Partnership that a more strategic consideration of the correct location should have been undertaken.

It is not in contention that National, Regional and Local Planning policy supports the improvement of public access to the countryside. This has never been the basis for our clients' objection to this project. The original aim under the South Dublin Tourism Strategy was the aim to establish an orientation and interpretation centre within its administrative area. This was a generic objective and did not refer to any location but it was clear that 'appropriate scale' was a primary issue that the applicant has not addressed in any of their documentation. In essence the applicant has sought to justify a large scale development based on the need to attract international tourists to the site.

The proposal will not result in the greater recreational use of the wider Dublin Mountains but will function as a stand-alone tourism destination that has artificially created a 'wow factor' by the positioning and scale of the visitor centre that turns its back on the Mountains and focusses on the views of the city instead.

Contrary to planning policy and zoning

We respectfully submit that the applicant's assertion that the proposal is fully supported by the Development Plan lacks an understanding of the zoning and policies of the County Development Plan. It is notable that despite this being an application by the Planning Authority the application contains no statements of support from the Planning Department or Heritage Officer at a pre-planning level or otherwise. We would request the Board to question the reasons for this.

The use of the word guidance within section 11.1.1 of the CDP is one that has been totally misconstrued by the applicants' agent. Their contention that somehow the restaurant / café is somehow ancillary to the overall development is wholly misleading and seems to suggest a lack of understanding of their own proposal as well as the planning definition of what an ancillary use amounts to.

The café /restaurant is some 301sqm and which is specifically stated as not being permitted under the zoning of an overall development of 980sqm. The other elements are largely what can be defined as ancillary uses such as toilets, coffee kiosk and ramblers lounge etc.

The café / restaurant is a primary element of the visitor centre the scale and positioning of which is solely designed to attract visitors to the site, as a result of the lack of a 'wow factor'. It does not form an ancillary use within the visitor centre.

The proposal is not a hub for the amenity of this area but proposes an over-scaled café / restaurant, shops and coffee shop that are in complete contravention of the Council's own policies for this zoning which is to protect this zoning from inappropriate scaled development such as this. In addition we draw the Boards attention to the fact that the siting of the visitor centre is one that in the applicant and their consultants opinion is required to provide a 'wow factor'. It is not based on best planning principles or compliance with the policies of the Council's own Development Plan. The planning and business model for the development is that the visitor centre provides the added attractiveness for the development that will enable visitor numbers to increase from its alleged current 100,000. Whilst we would question the robustness of this 100,000 (which we will address later in this submission) there is absolutely no basis for reaching a conclusion that Development Plan policy in any way supports or provides a basis for supporting this proposal.

We refer the Board again to the Development Plan that sets out under its Economic and Tourism (ET) Policy 5 tourism infrastructure that it is *"the policy of the Council to support the development of a sustainable tourism industry that maximises the recreational and tourism potential of the County, through the implementation of the South Dublin Tourism Strategy 2015."* The applicant appears to take a view that this single objective outweighs every other policy, zoning etc. within the Plan, which is clearly inaccurate.

Objective 3 of this Policy states

"To support the development of a visitor facility in or adjacent to the High Amenity – Dublin Mountains zone (HA-DM), subject to an appropriate scale of development having regard to the pertaining environmental conditions and sensitivities, scenic amenity and availability of services."

The wording of this objective clearly supports our previous and remaining conclusions that the proposal would be contrary to the HA-DM zoning of the site. A visitor facility is not defined within the Development Plan. However, we draw the Board's attention to the wording of this objective that refers to any such visitor facility being of an appropriate scale of development having regard to environmental sensitivities, scenic amenity and availability of services. It also refers to it being located in or adjacent to the High Amenity – Dublin Mountains zoning. It is also notable that the objective refers to a facility rather than centre. Whilst this is subtle it reflects the aim of the over-riding policies that a facility should be small scale.

The café / restaurant use remains contrary to the HA-DM zoning for the reasons set out in our original submission. The only reasonable conclusion for the Board to make is that the scale of the proposal and mix of commercial uses and scale of car park, none of which are permitted, in this instance is the complete antithesis of the primary purpose of the zoning and we request the Board to conclude that it therefore would materially contravene the HA-DM zoning and that they refuse permission in this instance.

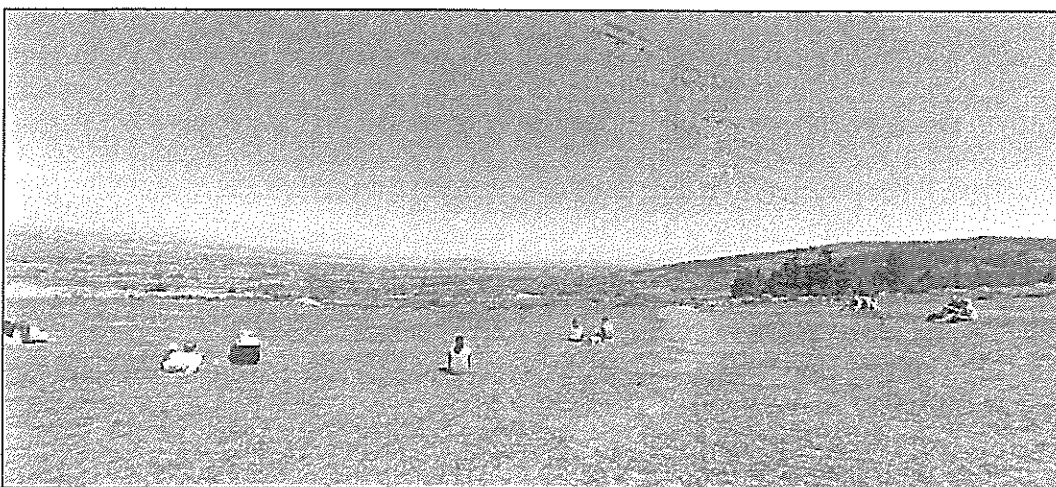
Objectives of the development

We draw the Board's attention to section 13 of the Cunnane Stratton Reynolds (CSR) submission that outlines the objectives of the development and the one that relates to the higher volume of use of the subject site is supported by policy at national and local level. This is misleading on a number of levels in that the strategic policy objectives are for the improved recreational use of the entire Dublin Mountains. The focus entirely on a single site will over concentrate visitors as opposed to an overall strategy to widen the appeal of the Dublin Mountains. It is notable that only the hardiest of walkers will extend their visit beyond the subject site. The proposal will therefore fail to achieve the strategic goals of improving access to the Dublin Mountains.

Development concept

The visitor centre's design, scale and siting is being proposed by the applicant so as to try create a 'wow factor' to this development. By definition it is clearly the opinion of the various planning and tourism consultants employed by the County Council that the site currently lacks such a 'wow factor'. The applicant even goes as far as stating they are 'seeking to create a tourist attraction' (pg. 33 of CSR report). In exploring the development concept the applicant has sought to ignore the Dublin Mountains themselves but focus on a view of the city.

This is a key element for the consideration of the Board. In essence the removal of the need to create a 'wow factor' to attract tourists (ill-conceived as it might be) would require a materially different scale and form of visitor and interpretation centre, and would enable a wholly different siting and positioning within the site or indeed wider area. There is only one single reason for the positioning of the visitor centre and that is the view of the city as a misconstrued means for attracting international tourists.



View from Hell Fire Club to north-east across city

The quality and attractiveness of the view, relative to the Dublin Mountains, is one that we have given careful consideration to in making this response. Whilst the view from the summit is indeed panoramic it is not one that has the level of 'wow factor' to attract international tourists. The view from the visitor centre is less

panoramic and is entirely focused on views across the city that sits on a relatively flat topography and away from the Dublin Mountains that this development seeks to promote.

We refer the Board to page 11 of our original submission that indicates the projection by the applicant themselves that the development will attract 100,000 foreign visitors of which 70% (70,000) will arrive by public transport. The potential of the shuttle bus from Tallaght to achieve these numbers must be severely questioned. The ability of the site to link with other wider tourism attractions such as Glendalough, Powerscourt and Avoca that are the primary focus of coach tours within the Dublin / Wicklow mountains must also be questioned.

It is our professional and considered contention that there is no basis for the development to attract such visitor numbers, and no reason as to why existing visitors to Cruagh (30,000) will now opt to visit the subject site instead. This in essence reduces the base number of visitors to Hell Fire and Massy's Wood to only 70,000 as opposed to the 100,000 often stated in the applicants documents.

The development concept illustrates a complete misunderstanding of how local recreation access to the Dublin Mountains occurs. Whilst the promotion of the Dublin Mountains does form part of the "*Dublin – a breath of fresh air*" initiative, the proposal in no way will help to increase the use of the Dublin Mountains beyond this single site. The only reasonable conclusion is that this is an inappropriate location, scale and siting for a visitor centre to maximise the Dublin Mountains as a recreational and tourism resource.

Other visitor centres

We respectfully submit that all of the referred to visitor centres (page 31 and 34 of CSR report) are of little relevance to this proposal given the wholly different experience that these sites offer or are located. They are primarily managed visitor experiences. The most appropriate examples are from visitor centres serving other similar amenity upland areas that are used for a range of recreational activities that are managed in a sustainable manner. None of the visitor centres apart from the Lake District one, that utilises a lowland area with excellent accessibility, seek to achieve the managed recreation and tourism of an upland area.

The applicants argue that there is a need for the scale of café / restaurant within the visitor centre. It is not in question that a café / restaurant can make a visitor centre more attractive. **The question for the Board to answer is whether the visitor centre is appropriately located on the site; and whether the overall site is the appropriate location for a visitor centre.**

In our considered opinion the visitor centre will function primarily as a destination for trips to visit the café only. The scale of the café and restaurant and focus towards the city clearly indicates that it will function as a singular draw for people to visit the DMVC and where they will not then experience other elements of the site.

Siting and design

We note the arguments made by the applicant in relation to the siting and scale of the visitor centre. We would fundamentally disagree with their analysis of its siting and design. We refer the Board to Objective 1 under the HA-DM zoning that states that it is an objective to ***restrict development within areas designated with Zoning Objective 'HA-DM' and to ensure that new development is related to the area's amenity potential or to its use for agriculture, mountain or hill farming and is designed and sited to minimise environmental and visual impacts.*** (own emphasis)

The application will result in the complete opposite of what the Council seek to achieve in promoting a development to widen the appeal of the Dublin Mountains that is of a scale and form, and siting that would have a materially detrimental impact on this sensitive landscape zone. A visitor centre should work on the basis of having as minimal impact on the landscape character as possible that is sited to open up the area it promotes to act as a centre for.. By its scale and positioning the proposal achieves the complete opposite.

Consideration of alternatives

It is notable that the applicant in this instance is solely South Dublin County Council and the strategic need for this centre to be built, whether correct or otherwise, has not been addressed by the consideration of alternatives outside of the County Council boundary within the EIAR. Despite the opportunity offered by the

Further Information request from the Board, in which the applicant has taken the opportunity to counter all submissions made, they have failed to address the issue of the consideration of alternatives in terms of strategic alternatives (eg within the wider Dublin Mountains area including within Dun Laoghaire – Rathdown County Council area). The EIAR Guidelines refer to the need for this to be particularly pertinent in the case of public sector projects such as this (page 34).

There is a need to consider a wider range of alternatives for projects such as this than for private sector projects. The applicant has failed to address this. This, we submit is a critical consideration of the Board and a significant failing of the location and concept of the development. There is a need when it comes to strategic projects such as this to prove this is the best and most viable location within the entire Dublin Mountains area, or that it is being developed as part of an overall strategy of creating improved access points into the Dublin Mountains. We would request the Board to conclude that no assessment of strategic alternatives has been undertaken and therefore the EIAR has not met its requirements under Directive 2011/92/EU as amended by Directive 2014/52/EU.

Biodiversity

We have included with this submission a detailed appraisal by Paul Scott, a Chartered Ecologist from Scott Cawley Ltd., Ecological Consultants of the adequacy of the information for decision-making; completeness and accuracy of information and judgements; and consistency with good practice and planning scheme requirements. These issues formed the basis of the Further Information request of An Bord Pleanála. Despite the Board's clear direction there remains:

- insufficient site-specific data on usage of the proposed development site by bird species, insufficient detail on impacts during the construction stage and insufficient detail on nesting Merlin and impacts thereon;
- insufficient site-specific data on usage of the proposed development site by Pine Marten and insufficient detail on impacts during the construction stage
- insufficient site-specific data on usage of the proposed development site by bats and insufficient detail on impacts during the construction stage
- insufficient site-specific data on habitats within the zone of influence of the proposed development site
- no impact assessment of the effect of the construction works on the red squirrel
- absence of light spill modelling during construction, its impact on light sensitive fauna cannot be fully assessed by An Bord Pleanála
- a number of impacts on biodiversity have not been identified, described, evaluated and mitigated accordingly

There remains significant deficiencies, despite the Board's clear direction on these matters, that is compounded by their failure to address the cumulative impacts of potential increase in visitor numbers on the European Conservation sites outlined by the Board.

Conclusions

The Further Information submission has not altered our considered view in relation to the ill-conceived nature and extent of the proposal. In addition to the fact that the large scale of the visitor centre and its car park are not permitted under the HA-DM zoning it is clear that the proposal is one that will fail to open up the Dublin Mountains to visitors but will, due to its poor location and accessibility create a single site only.

We refer the Board to the fact that the impact of the visitor centre on the landscape character of the area is one that is designed to have the maximum impact as a result of its artificial positioning within the site. It is not designed to integrate into the landscape but is positioned so that it negatively intrudes into this high amenity landscape. There are no planning grounds for supporting its scale, position and siting within the site nor within the wider Dublin Mountain area.

The proposal fails to offer a unique draw and is not located at a primary entrance into the Dublin Mountains. In short it can be concluded that the proposal is the wrongly scaled, sited and located. The proposal is solely based on the attractiveness and scale of the restaurant and its position / views.

The application continues to contain significant deficiencies in terms of the assessment of the impact of the proposal on the biodiversity of the area and impact on bird species which are Special Conservation interests

for the Wicklow Mountains Special Protection Areas. The application therefore continues to fail to assess the full environmental impact of the proposal on protected species and habitats that does not able the Board to make a decision in this instance.

We respectfully submit that the grounds for refusing this application are clear and unambiguous. We respectfully request An Bord Pleanála to refuse permission in this instance on the basis that the location of the development, and in this instance the visitor centre on lands to the west of the Killakee Road (R115) on elevated ground would materially contravene the High Amenity – Dublin Mountain zoning objective for this site; and would be of such a scale that would be contrary to the principle policies and objectives of that zoning.

The development if permitted would set an undesirable planning precedent for other tourism related development within such high amenity and landscape sensitive locations within both the Dublin and Wicklow Mountains. For this reason alone it is incumbent on the Board to refuse permission in this instance.

We therefore request the Board to refuse permission in the context of good planning practice, and the proper planning and sustainable development of the area including the preservation and improvement of amenities thereof. We trust that the Board will give due consideration to the grounds set out in this submission and will notify us of its decision in due course.

Yours faithfully,



Anthony Marston
Marston Planning Consultancy

Enclosed /

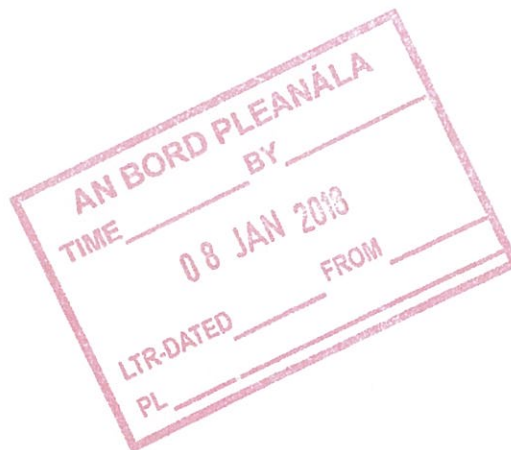




Appraisal of Ecological Information provided as a Response to the Request for Further Information

Proposed Dublin Mountains Visitor Centre. ABP Reference: 06S.JA0040

30th December 2017



Scott Cawley, College House, Rock Road, Blackrock, Co. Dublin, Ireland

Tel+353- (0)1 6769815 Fax +353-(0)1-6769816

Scott Cawley Limited, a Company registered in Ireland, Company No: 453222,
Registered address: 71-73 Rock Road, Blackrock, Co. Dublin, Ireland. Directors: A.Cawley, P.Scott.

Appraisal of Response to Request for Further Information received on the Application for Permission for proposed Dublin Mountains Visitor Centre. ABP Reference: 06S.JA0040

1. Purpose and scope of appraisal

- 1.1 Scott Cawley Ltd were requested by Marston Planning Consultancy to carry out an independent appraisal of the further information provided by South Dublin County Council to An Bord Pleanála for the development of a proposed Dublin Mountains Visitor Centre at the Hellfire Forest and Massey's Estate, Killakee Road, Dublin 16 under Section 175(3) of the Planning and Development Act 2000 (as amended).
- 1.2 The appraisal was undertaken by Paul Scott CEcol, CEnv, MCIEEM, Director at Scott Cawley Ltd, Ecological Consultants. Mr Scott has over 15 years' experience of ecological impact assessment and environmental impact assessment and has familiarity of the area of the proposed application.
- 1.3 The scope of the appraisal of the further information was oriented on ecological (biodiversity, fauna and flora) issues but had overlap with other related issues as described further in this report. The scope of this assessment has included addressing the following key issues:
- Adequacy of the information for decision-making;
 - Completeness and accuracy of information and judgements;
 - Consistency with good practice and planning scheme requirements

Legal compliance aspects may be touched upon but this does not purport to be a legal opinion in any form.

- 1.4 The documents that informed the assessment were held on the SDCC website and were accessed on 30th December 2017:

<http://www.sdcc.ie/services/parks-and-recreation/dublin-mountains-project/dublin-mountains-project-an-bord-plean%C3%A1la-application-ref-ja0040>

- 1.5 The documentation that has formed the focus for the appraisal included the following:

- Letter from An Bord Pleanála to applicant dated 9th October 2017.
- Response from Applicant dated 30th November including RFI Response Report, Revised Operational Management Plan and Red Squirrel Management Plan.
- Submission made by the Department of Culture, Heritage and the Gaeltacht.

- 1.6 Section 2 below summarises the appraisal of the further information received and provided our professional opinion as to whether An Bord Pleanála, as competent authority, has the information required to support a decision as to whether to consent or refuse the project.

- 1.7 Section 3 presents the remaining deficiencies which we believe are still present in the application despite the submission of further information.

2. Appraisal of "Response to Further Information Request".

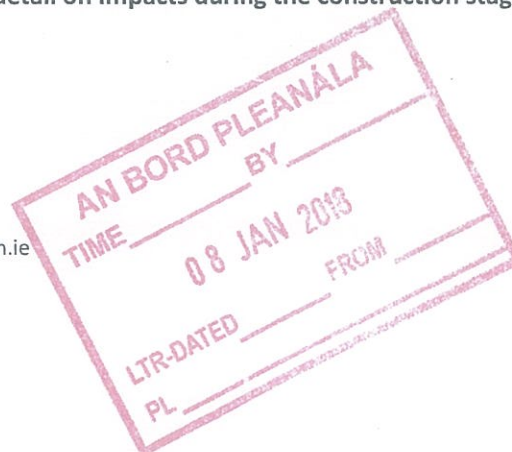
Birds and Appropriate Assessment

- 2.1 Section 2.0 addresses the lack of information initially provided on the impact on bird species which are Special Conservation interests for the Special Protection Areas. The applicant has indicated that the proposed development site is not suitable for nesting Peregrine and that the conifer is less preferable for nesting Merlin. The former is likely to be correct but the latter less so. Merlin in the Dublin/Wicklow mountains are predominantly tree-nesting species (only 1 out of 24 nests reported by McEleron in 2005¹ was on the ground, the rest in trees) due to disturbance by fire, predators and livestock at ground level. Therefore, the potential for Merlin nesting sites within the zone of influence of the proposed development has not been ruled out as surveys have not been undertaken to determine use of the area.
- 2.2 The assessment of impacts on birds in the EIAR and the additional information has focused on nesting sites and on disturbance during the *operational phase* (including impacts of increase in walkers). This ignores the different type and magnitude of disturbance that will be caused by the *construction phase* and the risk of displacement of birds that will occur over this time. The references to disturbance studies (e.g. Forestry Commissions) relate to operational disturbance and therefore does not fully justify the impact predictions.
- 2.3 The impact on prey species abundance and distribution during both construction and operation has not been described. If the construction phase resulted in displacement from the woodland area over several weeks it is not possible to ensure that all bird species will return to the modified environment.
- 2.4 **Therefore it is still our position that there is insufficient site-specific data on usage of the proposed development site by bird species, insufficient detail on impacts during the construction stage and insufficient detail on nesting Merlin and impacts thereon.**

Pine Marten

- 2.5 In the absence of any Pine Marten surveys, the prediction for the local population and impact assessment is based on unsubstantiated assumptions. One would have expected at least some scat surveys, camera monitoring or breakdown of habitat suitability to determine the areas most important for this species. Den absence is almost impossible to conclude as the dens have a low incidence of discovery.
- 2.6 Data on the distribution of this species in Co. Dublin is very poor but is suspected to be colonising northwards through suitable habitat.
- 2.7 Whilst there may be a degree of habituation during the operational phase, this assumes that they will not be displaced by the construction phase activities, which are different in nature and magnitude to the operational activities.
- 2.8 **Therefore it is still our position that there is insufficient site-specific data on usage of the proposed development site by Pine Marten and insufficient detail on impacts during the construction stage.**

¹ McEleron, A. (2005) Merlins of the Wicklow Mountains. www.currach.ie



Bats

- 2.9 It is noted that some issues raised in the submission on the original EIAR have been addressed but the principle issue of providing accurate impact predictions based on robust baseline data has not been addressed.
- 2.10 The applicant has provided further details on the bat surveys and has stated that additional survey effort or survey types would have been “inconsequential” not have made a difference to the impact assessment. This has not considered the scenario whereby what habitat and roost protection may have been recommended had rare bat species or significant bat populations been recorded. Contrary to the statement of the applicant, it is our view that survey effort and design was not in accordance with good practice guidelines with regard to both surveys of potential roosts and of bat activity.
- 2.11 It is clearly acknowledged that lighting design has been adapted to protect against adverse effects in bats. Yet there will be no way to know if this is effective as there is no specific monitoring proposed and no adequate baseline data to compare it to even if it was envisaged to take place.
- 2.12 The applicant states that there will be positive impacts on the bat population as a result of the broadleaved woodland and ponds. However, displacement of the local bat population during the construction phase is inevitable and there is no guarantee that they will return to the site. Recolonisation of the site may be limited to certain bat species as the habitats mature. Therefore, it is likely that there will be a sharp decline in bat populations during habitat removal and no assurance that recolonisation on the short-medium term will occur. There is also no detail on the biodiversity value of the ponds and how and when they provide positive impacts.
- 2.13 The applicant states that preliminary roost assessments found “*no potential to support roosting bats*”. This included the Hellfire Club, bridges and the Masseys Walled Garden. This is a remarkable observation considering that an independent examination of the same structures found numerous crevices and voids in all structures that could be used by bats particularly during hibernation as well as use as night roosts. Since these structures may be worked on directly (Hellfire Club) or are close to areas where machinery will be working (Massey’s) it would have been appropriate to determine their importance for the local bat population.
- 2.14 The approach proposed by the applicant (i.e. carry out preconstruction surveys and deal with impacts at that stage) is not in accordance the EIA Directive and case law which requires the competent authority to be aware of all likely significant effects prior to issuing a consent.
- 2.15 **Therefore it is still our position that there is insufficient site-specific data on usage of the proposed development site by bats and insufficient detail on impacts during the construction stage.**

Habitat Surveys

- 2.16 Previous submissions raised the concern that habitat surveys were not undertaken in the optimum season. The applicant has responded stating that the habitats within the proposed zone of influence were of such an unimportant nature so as not to warrant surveys in the optimum time of year. This statement has not been backed up with any scientific data. The presence of rare bryophytes in Massey’s Wood is just one example of why the overall woodland unit is indeed of high ecological value and warrants more attention than is currently paid in the EIAR.
- 2.17 Habitat surveys were not in accordance with good practice guidelines.

2.18 It is acknowledged that Table 6.6 has been updated, but there has been no commentary as to the implications of the revisions.

2.19 **Therefore it is still our position that there is insufficient site-specific data on habitats within the zone of influence of the proposed development site.**

Red Squirrel

2.20 There has been no impact assessment of the effect of the construction works. It would be sensible to assume that there will be displacement during the construction phase over several months.

2.21 The statement that the population of Red squirrel is of local level of importance, as opposed to County-level appears to be based on speculation and is not supported by any data. In the absence of data on the landscape connectivity for the overall Dublin population it cannot be automatically assumed that adverse impacts will not be significant.

Newts

2.22 Paragraph 7.2.8 states that *“Smooth Newt utilises a range of features for overwintering, including rock piles, vegetation and mud. No specific features that could provide winter refuges were identified. Therefore, no mitigation for winter refuges is proposed.”* This statement is not supported by independent examinations of the areas near the ponds where there is a n abundant supply of logs, brash, stone and dense tussocky vegetation.

Annex I Habitat

2.23 The applicant has responded to the submission that Annex I habitat Dry Heath is present at the edges of the access tracks by stating that it does not resemble this habitat type. However the applicant’s rebuttal has not been supported by any scientific data (e.g. releves or species lists).

3. Issues still unresolved.

Appraisal of “Night time Photomontages - Night DUBLIN MOUNTAINS VISITOR CENTRE Drawings (Chris Shackleton Consulting)

3.1 Section 4, 5 states that “The development will only be open during daylight hours.” and that it is recommended to the Board that this is included as a condition if granted consent although it should be noted that this conflicts with the stated opening hours in the Operational Management Plan.

3.2 The photomontages would suggest limited although perceptible light spill due to the proposed development after 5 years. However, it is noted that the modelling shows the predicted scenario in mid-summer when maximum screening effect of foliage occurs. The light spill in winter and early spring when tree foliage is less dense would represent the worst-case scenario but this has not been presented and therefore cannot be fully assessed by An Bord Pleanála.



3.3 The predicted light spill is that after 5 years, whereas much of the disturbance of light-sensitive fauna will take place during construction and the early stages of operation when the vegetation has not grown as high as it would do after 5 years. In order to fully assess the impact of light spill on sensitive fauna it would have been preferable to show light spill from construction works and security lighting during construction and post-construction (completion) development. Reference to G3 Objective 5² of the SDCC County Development plan makes specific reference to construction-phase light spill. **In the remaining absence of light spill modelling during construction, its impact on light sensitive fauna cannot be fully assessed by An Bord Pleanála.**

3.4 Section 6.2.8 notes the Glendoo Brook as being within Massey's Wood but does not state what ecological surveys were undertaken to establish its value. Given that this is a receiving watercourse for the surface water run-off from the entire proposed development it would be necessary to establish the quality of the stream through freshwater invertebrate sampling upstream and downstream of the proposed discharge point. This would also be important for providing baseline monitoring data. Section 6.4.2.4 states that no in-stream works will be undertaken, hence the lack of surveys. However, the quality of the stream can be affected by other activities besides in-stream works.

3.5 Common lizard were not regarded to be Key Ecological receptors but the rationale for this is not clear and the following paragraph is contradictory:

"Common (Viviparous) Lizard (Zootoca vivipara) are widespread and can be found in a range of habitat types, reaching highest densities on bog, heath, coastal habitats and the margins of coniferous Woodland where these habitats provide basking sites; refuges, foraging areas; and hibernacula. Habitat features likely to be of particular importance for this species were not identified during the multi-disciplinary walkover survey and therefore this species has not been included as Key Ecological Receptors of the proposed development."

Bog and heath habitat and the edges of coniferous woodland are found throughout the Hellfire Forest site yet have been disregarded. Common lizard have been recorded on this site (F. Doyle pers. Comm) and the lack of surveys is noted as a significant deficiency.

3.6 Cross reference to the other documents provided with the application have suggested that the following impacts on biodiversity have not been identified, described, evaluated and mitigated accordingly:

- The installation of the surface water pipe and culvert under the R115 to channel surface water into the Glendoo Brook. This could result in habitat loss, construction related impacts on surface waters and construction disturbance in the woodland.
- Construction works associated with the footpath and foul water sewer/drain alongside the R115, the widening of the road and all associated road works down to the suburban fringes and the corresponding impacts on the habitats alongside. The Tree Survey Report does not include an assessment of tree loss alongside the road.
- Installation of concrete bases for the treetop walk need to be identified as far as possible so that additional trees loss can be predicted or avoided. The removal of vegetation beyond that described in the EIAR cannot be permitted as it would not have been assessed as part of the EIA process and could qualify as a significant impact.

² G3 Objective 5: *"To restrict the encroachment of development on watercourses, and provide for protection measures to watercourses and their banks, including but not limited to: the prevention of pollution of the watercourse, the protection of the river bank from erosion, the retention and/or provision of wildlife corridors and the protection from light spill in sensitive locations, including during construction of permitted development."*

- The impact of the construction of the swales and 6 ponds on the slopes beneath the Centre has not been assessed nor are any measures in place to maximise the biodiversity in the ponds.
- The landtake required for site compounds, spoil and materials storage (including temporary) has not been described nor assessed in terms of the need to remove habitats or impact on fauna.
- Works required to the stonework in the stone footbridge, walled garden and other structures has not been described nor assessed in terms of loss of flora and disturbance of birds and bats which may be using it as a breeding or resting place.
- The impacts of the habitat loss, landscape planting and the recovery of the disturbed environment is not described in terms of the rates of recovery.
- Steward's House has been described in the Design Report as being likely to contain bat roosts but this was not subject to any surveys or impact assessment. Given its proximity to the road and car park which may be bat foraging areas for any roosts nearby, this is a significant deficiency.
- The Tree Survey Report notes that *"This survey can only therefore be regarded as a preliminary assessment."* Therefore, it cannot be relied upon as an accurate and complete description of tree loss to inform the impact assessment process. It implies that additional work is required to provide a full assessment and as such, An Bord Pleanála would not be able to assess the full impact of tree loss.

Mitigation measures

- 3.7 There is no reference to any mitigation associated with the construction works associated with the pipe that "opens up" into a small natural stream to the Glendoo Brook.
- 3.8 The reference to undertaking an Annual Review is without detail on the types of surveys that will be undertaken. There is no detail as to how a habitat or species "condition/prevalence" will be assessed and what baseline data is being used as a comparison.
- 3.9 Statements such as the following are lacking in sufficient detail that would be required to give An Bord Pleanála comfort that a clear, detailed and strategy is in place to mitigate for habitat loss for red squirrel:

"Rope bridges will be constructed to allow safe passage for Red Squirrel across the R115 and areas where Woodland and treelines have been removed."

"Planting should seek to establish new linkages and connections at the landscape scale, and the planting mix should maximise foraging opportunities for red squirrels and minimise those for greys. Compensation should focus on the creation of Woodland habitat, incorporating a diverse range of native tree and shrub species."

- 3.10 Planting of treelines and hedgerows has been recommended but no reference to which native species and where this planting will take place to address the connection of linear habitats across the wider landscape.



Our Ref: 06S.JA0040
P.A.Reg.Ref:

Your Ref: Hellfire Massy Residents 17020

Anthony Marston
Marston Planning Consultancy
23 Grange Park
Foxrock
Dublin 18

29th September 2017

Re:

Dublin Mountain Visitors Centre and all associated works
in the:
Townlands of Mountpelier, Killakee and Jamestown in South Dublin.

Dear Sir/Madam,

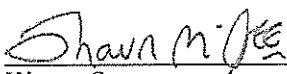
An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. A receipt for the fee lodged is enclosed.

Please note that the proposed development shall not be carried out unless the Board has approved it or approved it with conditions.

If you have any queries in relation to the matter please do not hesitate to contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Kieran Somers
Executive Officer
Direct Line: 01-8737107

Encls.
JA02.LTS

