

**Shaun McGee**

---

**From:** Bord  
**Sent:** Monday 5 March 2018 10:21  
**To:** SIDS  
**Subject:** FW: Ref:06S JA0040 DMVC addit info comments  
**Attachments:** FIR Re-submit John Lawlor (06SJA0040).docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**From:** John Lawlor [REDACTED]  
**Sent:** Thursday 1 March 2018 16:11  
**To:** Bord <bord@pleanala.ie>  
**Subject:** Ref:06S JA0040 DMVC addit info comments

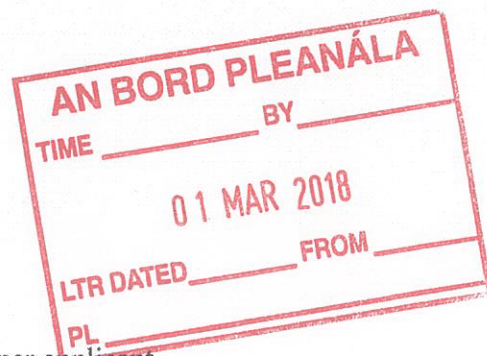
1st March 2018

Ref:06S JA0040

RE; Dublin Mts Visitor Centre.

Additional information submitted by the aspirant developer applicant.

Revised comments by John Lawlor.



Attn: Mr Kieran Somers

Dear sir,

please replace my comments document on Further Information Response submitted by me on the 8th January last with this revised response document.

I had no permission to use the name of an Academic expert mentioned in that document.

Yours sincerely, John Lawlor.

1st March 2018

**Ref:06S JA0040**

**RE; Dublin Mts Visitor Centre.**

**Additional information submitted by the aspirant developer applicant.**

Comments by John Lawlor

Pleas replace my comments document on Further Information Response submitted my me on the 8th January last with this **revised** response document.

I had no permission to use the name of an Academic expert mentioned in that document.

Yours sincerely, John Lawlor.

The Secretary.  
An Bord Plenala,

64 Marlborough St,  
Dublin 1.

1 March 2018

Ref:06S JA0040

RE; Dublin Mts Visitor Centre.

Additional information submitted by the aspirant developer applicant.

Dear Sir/Madam, here are my (revised) responses to Applicants additional Information.

### Red squirrel conservation management plan.

It is recognised in this document by the Applicant/Developer that Red Squirrel and Pine Marten exist on the proposed development site. Both are protected species. The pine martens status in Ireland our *independent* experts are telling us is '*one of the rarest wildlife species in Ireland*'. While the red squirrel is listed as Near Threatened on the Irish Red Data List. It is also recognised that the grey squirrel, an invasive species is also present on the site.

The Applicants commissioned squirrel studies of Nov 2016, Feb 2017 and June 2017 fail to inform of the weather conditions these short studies were executed in, so we are unable to ascertain how meaningful these studies were. But, two out of three days being in the winter months shows us a worse than poor intent to find the wildlife.

The Applicants 'scientific' survey tells us that they saw 'one?' red squirrel in the Hellfire club stand of mature conifers (that's the stand the applicant wishes to remove) and they have not seen ANY squirrels, red or grey, in Massys wood?

So we don't *actually know* how many squirrels, red or grey are present in the area, where they live or where their feeding patterns take them. So it follows that any management plan proposed for this wildlife will be a plan created without sufficient scientific fact and thereby doomed to fail.

We are told that 'one' Pine Marten was spotted on one of the 2 summer nights that were given to survey a critically, world endangered bat population. But the study does not tell us anything about this Pine Marten.

Does this not clearly reveal that the surveys that have been carried out have no real scientific weight to them and thereby cannot be of any foundation to the creation of an authentic red squirrel conservation plan?

Does it not clearly reveal that the Applicant does not show sufficient interest or care for the ecology of this area whereby custodianship for this environment may be granted with any degree of confidence?

The EIAR identified that the development *will* kill the red squirrel in the medium term...in acceptable numbers I suppose, except that we don't have any numbers for them in the first place to define acceptable...and this is for a protected and endangered species? So what we have here is a development plan that proposes to wipe out a critical habitat area for squirrels without establishing what numbers of red squirrel that may be.

#### **2.2 Distribution.**

First paragraph..the scientist states..(or is it the Applicant states, hard to know who is talking here)

*...There are several populations of red squirrel in south Dublin, including small populations on Killiney hill/the scalp and a larger pop in the connected woodlands of Montpellier Hill, Massys wood, Tibbradden, Kilmashogue and Ticknock. Other than Massys wood, these woodlands are entirely coniferous plantations where red squirrels are better adapted to eating the seeds than grey squirrels. THEREFORE these areas represent an important resource for red squirrels in south Dublin.*

Would the developer/Applicant be so kind as to tell me then, if these areas represent an important resource for red squirrels in south Dublin and they recognise this, why then did they clear fell the site before doing the EIS and before making their planning application?

Why, also do they propose to clear fell a key habitat for the red squirrel which by their own admission will remove the red squirrel from this area for some years?

If there was ANY real interest in the preservation of this sites ecosystem from an environmental perspective by the Applicant/developer surely they would be striving to avoid destruction of the habitat from the outset. No sign of this exists.

### **3.2 Habitat Fragmentation**

The Applicant ( or the Scientist, who knows, its impossible to tell?) states here..

*...Clearfelling results in red squirrels having to travel over open or exposed ground to reach other areas of woodland making them vulnerable to predation from foxes, dogs....etc.*

Add the above statement by the Applicant to these irrefutable facts ...

...Approx 150/200 acres of mature conifers stand beside and around the proposed development site. This industrial stand of trees, already recognised in this conservation plan as a habitat of major importance for the red squirrel will be clear felled at some stage in the not too distant future which will result in the total loss of the red squirrels secondary habitat on Montpellier Hill. The Jekyll and Hyde scenario of the developers being partly an industrial forestry clearfelling company AND an environmentally sensitive ecology interpretive/tourist attraction centre developer could not be more clearly seen here.

In this light the 'Blue Peter' proposals within the Red Squirrel Conservation Management plan which includes the placing of a few dainty little bunker boxes for squirrel and Pine Marten is akin to making a plan for the issuing of band-aids to a population before a nuclear strike.

*Pre Construction Surveys* offer band-aids to the wildlife and ecology and without deep and meaningful studies in the planning stages PCS's are a mechanism to protect the movement forward of a developers interest, not a protection for the ecology of an area facing an inappropriate development threat.

In other words PCS's are being used by this developer to excuse shallow and insufficeint EIS studies. 'Sure if this study isn't enough for you, we'll be doing another just before we start.'

One of the leading Ecology authorities in Ireland on red/grey squirrels and Pine Martins, when informed of the study times put in to make this conservation management plan reacted by laughing. Tragically.

It is very difficult not to feel some contempt for this kind of cut and paste dishonest and manipulative behaviour. It is attempting to use environmental legislation to destroy rather than protect environment. It is so obvious. And the funding of these specious, shallow and dishonest studies are being paid for by us, by the taxpayer? With this development proposal the environment is being ignored in the same way as the wildlife and the human community. The red squirrel conservation Management plan is actually a Red Squirrel Eradication Plan. As it stands at the moment this is what we can clearly read here.

## Further Information Response Document.

### 7.1 Overview

Here the applicant states...*The multidisciplinary walkover survey was carried out over a two-day period by experienced, professional ecologists.*

An Bord Plenala in their 'request for more information' letter to the Applicant specifically requested details on time dates and days surveys were done. Again deficient, we get the month Dec and the year 2016, where are the days here?

#### 7.1.3 Seasonality of the surveys

Applicant states...*While the habitats recorded within the footprint of the proposed development, i.e conifer plantation, recently-felled woodland and beech woodland, provide habitats for a range of protected species, they are not important, rare or protected habitats and it is considered that surveys of these habitats, while not within the preferred survey season, provided an accurate and adequate description thereof.*

Perhaps if the co-developer (Coillte) did not clear-fell the 'footprint of the proposed development' before making application we might have found some 'important rare intact habitats'? Putting that aside it is the view of this observer that seasonality of the surveys are critically important to ascertain the numbers of species using the area, how they use the area and when they use the area. Two of the red squirrel survey days were in winter...a time when squirrel activity would be expected to be quite reduced. Is this why we have no count for the actual squirrel population either red or grey?

As the survey times are so acutely small the omission of weather conditions on the days of survey is unacceptable especially when we consider the extraordinary weather changes and temperatures we are experiencing in these times..seasonality means in this context more than the month or day a study has been carried out in, but the prevailing weather conditions on the given day.

I also express the opinion that the development footprint envelops all of Massys Wood, not just the building site area for there can be no doubt that the objective of the developer is to treble the foot-fall in the woodland which will dramatically affect the woodland of Massys, therefore the important habitats of Massys must be properly and **fully** assessed, that includes flora and fauna and the studies must embrace the critical importance of seasonality and giving weather information of the days which is severely lacking in these edited proffered studies.

#### 7.1.4 Detailed Botanical surveys.

Applicant states..*It was decided not to undertake detailed botanical surveys.*

If a detailed botanical survey was carried out we would have a clear and REAL picture of what the woodland floor of Massys held...so would the aspirant custodian. The development plan proposes to hand over the responsibility of the Massys Wood environment to a commercial concern. This cannot be allowed without a FULL inventory being made.

#### 7.2.1 Bats

Already I have commented on the extraordinarily short study made on Bats, protected Internationally as endangered throughout the world presently and protected by the most powerful International laws and here the commissioners of these studies, Coillte, The county Manager of SDCC

and a suspect body called the DMP have allocated funds for...what was it.. a 10 hrs of darkness bat count? What was the weather conditions the study was carried out in, we dont know.

But let me say this ..a serious bat study of the area, by that I mean, a study to record the numbers and types rather than a study to conceal most certainly would have included a study of the occupied and unoccupied 18th Century old buildings of Killakee house. This building backs onto the extant car park and the proposed clear-felling area which is Red squirrel habitat. Why has this building not been included in the bat survey? Or has the survey results been excluded from submission? Its seems incomprehensible for these buildings to be ignored if they were.

HOW IS IT POSSIBLE THAT SCIENTIFIC STUDIES TO FULFIL EUROPEAN ENVIRONMENTAL LAW CAN BE INTERFERED WITH BY A DEVELOPER TO AID THEIR APPLICATION BY DOWNGRADING THE FINDINGS. IS THIS THE TERRITORY OF IRELANDS INCONVENIENT TRUTH?

Why is it not a law criteria that whatever scientific studies are done in an EIS the studies are delivered into a pdf form of document where it is IMPOSSIBLE for a developer to interfere with and POSSIBLE then for a ruling body to properly assess the SCIENCE within?

#### 7.2.4 Pine Marten

Applicant states...

*..Pine Marten was not included as a key ecological Receptor ..because..*

The three reasons given why the Pine Marten has been excluded as a key Ecological Receptor cannot be regarded as 'reasons' surely, either scientific or rational.

1. **'No den or potential den was identified.'** *Identification did not happen because no search was carried out.'*
2. **'Likely to already nest away from the site as a result of existing disturbance by people and dogs.'** *Likelihood does not science make.*
3. **..this species is widespread in Ireland'**. *A clear contradiction of recent Irish scientific expert opinion.*

And then is it not pure gall for this report to state ( in the 'Further Information Response document' page 5, that... *in the operational phase the Pine Marten will continue to inhabit the area? Says who? This is the Pine Marten that has not been studied.'one of the rarest wildlife species in Ireland'?* Is it the scientists studied opinion that the Pine Marten will live through the building stage? May WE see where your confidence comes from please when you have not even ascertained where the Pine Marten *actually lives?*

Clearly the voice of developer interest is speaking in a pseudo science construct. For the ecologists who are on the ground, knowledgeable of and committed to Pine Marten conservation, the Pine Marten is one of Irelands rarest wildlife species. The professional opinion that the Islands population has risen to possibly 2700 after near extinction is the same professional voice thats stating.. the Pine Marten is Irelands rarest wildlife species.

Therefore this ONE Pine Marten is hugely important especially if a REAL red squirrel conservation plan is to be put into place as the pine Martens taste for grey squirrels is well documented.

Additionally Applicant states.. *It was determined that the species will not be significantly impacted by the proposed development..*

Can we have a clue as to how this determining came about with such a dearth of scientific information on this Pine Marten?

## 7.4 Invasive Alien Species

Applicant states.. *An invasive species survey will be undertaken as part of the pre-construction surveys (PCS's) and the result of this survey will inform the Invasive Species Management Plan to be developed and implemented by the contractor.*

This is unacceptable as it must be determined *before* an application is granted and included as a critical part of a woodland management plan for Massys wood. We must be assured that the environment and ecology of the area is going to be PROPERLY and PROFESSIONALLY managed. We can only determine this when all proposals for management of the ecology of the site are delivered. Pre-construction surveys are mechanisms to delay critical studies for the purpose of giving advantage to a developer and disadvantage to the ecology and bio-diversity of the area needing protection.

Which brings me to opine that a development plan that envelops a 100 acre woodland that was designed as the first urban woodland in Ireland for the pleasure of the population of the city cannot go forward without a woodlands management plan.

This application has NO woodland management plan and its application for development must fail because of this.

The numerous rare and exotic species that exist throughout the area proposed for development have no provisions being made for them and therefore have no protection. The present owners or custodians, Coillte, have presented this unique urban woodland for development at a time when the woodland is suffering from the most long term disgraceful neglect.. this is the opinion of a retired Independent forester with 40 yrs experience of forestry in Ireland and the opinion of an active young independent forester working here in Ireland today. And they will gladly march to the European courts to voice this..simply because they love and care for this woodland.

### 9.2.5 The Proposed road widening of the R117

150 paces are needed to bring you from the entrance to Massys wood on the R117 to the entrance of Hellfire Car park where the proposed roundabout is envisaged. At least 100 trees will need to be cut down if the road is to be widened along this stretch. Varying ages the trees are oak, sycamore and beech mainly but at least 6 of them are great mature trees that have been present when Massys estate house was still inhabited, the remains of the tiered gardens of the house can be seen from the road 100 metres away as the crow flies. Entering the driveway of the woodland the first giant on your right is an oak which could easily be a few hundred yrs old, theres a huge beech further along and two or three more ancient ones along the line of the road and the wall of the estate. If these huge trees are sacrificed its likey the risk of windfall will strike into Massys wood along this point and wreak havoc within as these huge mature giants have been protecting the edge of the woodland for a very long time.

The line of mature trees create the line of the majestic straight entrance into the woodland at this point. This is a very old avenue of trees which will be destroyed and the ancient atmosphere of entrance will be severely lost.

150 yards of the Massys Estate and woodland wall boundary will be removed forever. How old is this wall? How old is this entrance?

Ireland has the lowest tree cover in Europe and it has been so for a long time. Removal of ancient trees cannot be allowed to aid development unless EXTRAordinary circumstances reveal themselves. Facilitating an easier turn in and out of a car park for tour buses is not an acceptable reason to fell such an historical copse of trees. It is 2018, climate change is upon us and the violence of weather disruption is beginning to reach our core on this Island. This country must transform its attitude concerning trees from the Industrial to the holistic and this application is the one where we can change our attitude and approach.

### 9.5.1 Statutory Consultees.

Was Dr Rosaleen O'Dwyer SDCC Heritage Officer consulted at all stages of the design process as boasted here on page 20 of the FIR document? I don't happen to believe that.

### 10.3.1 Archaeology/Cultural Heritage

Applicant/developer states...

*...With regard to Montpellier Hill the landscape design proposal specifically proposes to recreate the historic beech woods (also a part of Killakee demesne), remnants of which are found on the hill..*

There is good history and there is bad history.. replacating a monoculture woodland of beech will create a barren forest floor already described by the Applicant in the Red squirrel conservation management plan. It will be an unfriendly environment to the red squirrel, an unfriendly environment to all flora and fauna of this area as bio-diversity is very poor for the beech forest floor. We all know this now thanks to the developers interest. I don't understand how the developer can say this here and elsewhere announce the planting of a bio-diverse broadleaf woodland to replace the monoculture industrial tree crops? Perhaps the Jekyll and Hyde contra influence of the developer and the true ecology scientific voice reveal themselves once again.

Replacation of a beech woodland is not a good idea for this site. Beech have shallow roots and grow super heavy.. the coming winds of climate change will be super challenging for them.Wrong idea.

And how does this declaration fit with the contradictions the developer gives us when elsewhere in the application native broadleaf tree plantings are declared as the tree planting plan?

### page 25/ 2.1 Parking

*Mountaineering Irelands welcoming of extra car park space at massys/Hellfire ..*

...would quite possibly be even more warmly welcomed if they were informed that no building or extending of original facilities were needed, thereby saving the continued integrity of the ecology, as there already exists a fine landscaped carpark in Massys wood which if opened on busy times for walkers would end the dangerous congestion made on the road from the roadside parking that regularly happens when times get busy.

Yes there is a fine car park designed and built in the late 80's and never opened 100 metres on from the Hellfire car park entrance. Isn't it amazing..its just waiting there all these years for us to remember its existence. But listen don't tell anyone it will weaken our application.

### 12.0 Principle of the development and policy support

Applicant states.. *The proposed development is entirel policy driven.*

I don't think this is quite true.. Policy drives good development? Perhaps. If it does then it should not be driving bad development.

This development will donate a sewage pipe that will run down the road to Gunny lane delivering.. in the words of the SDCC engineer in charge of this *proposed* work, critical services that will facilitate the building of '100 houses max', well taking the constraint of the minimum diameter sewage



pipe needed for the visitor centre, 100 it is. But as it may turn down Gunny lane or continue on toward stocking lane there would be no problem in widening the diameter of that pipe to a greater size to facilitate green field sites for thousands of houses.

The sewage pipe will open the zoned agricultural lands to gross developer pressure for rezoning on the last green belt lands of this part of the city and will destroy the wonderful opportunity of keeping green the edge of the city for the softer feel of the living experience which we all need to live a well life.

Is this development about putting the wrong tourism in the wrong place for the right reason? I think there is evidence to show this is so. It will make millions for some, destroy and dissolve any remaining green belt and create an enviable CV entry for someone else who may be seeking elevation.

You cannot create a valid interpretive/visitor centre within *and* using, a woodland that has no woodland management plan for it.

It is the integrity of the environmental science studies that deliver the foundations to good management plans. The honouring to do right by those good plans gives confidence for the handing over of a safe custodianship empowerment. It is those foundations that give authenticity to the creation of a learning /interpretive visitor centre. Without that you have the makings of a Blarney tourism that does nothing for education, nothing for the community or the beautiful wildlife that is still doing pretty well up here and it does nothing for our culture.

---

A great opportunity exists here for planners for this part of the county. Farming is still here. Many fields and meadow with rich hedgerows full of wildlife exist. The deer, although a problem came down to the fields beside Lidl..up to last summer.. the field now has 20 new houses built in the early stages of a new and large housing estate.

If we can lift this project out of the hands of building developer/personal ambition interest we can put it into the hands of real bio-diversity developers. The growing population will thank us if we can arrest further building development and lock off a long overdue green belt...that holds. Ever since the M50 came through this area and the assurances of containment of development within its ring was broken, (I believe the housing overflowed the cordon before the road was even opened,) we have needed a serious rebirth of green belt borders.

There is a great alternative idea for the site thats going around, I hope an oral hearing can facilitate its airing.

The boast of the developer that extensive consultation has happened is untrue. The greater community around the site has not been approached or informed.

Thank you kindly,

John Lawlor.

