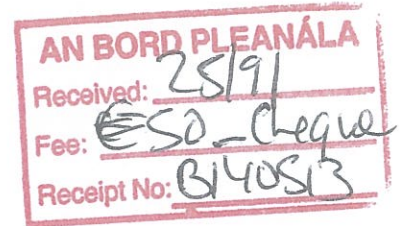


MARSTON

PLANNING CONSULTANCY

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

20th September 2017



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 25th September 2017

Dear Sir/Madam,

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18 are instructed by the following list of local Resident Association's to make a submission in respect of the above proposed development currently being considered by An Bord Pleanála. The Resident Association 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

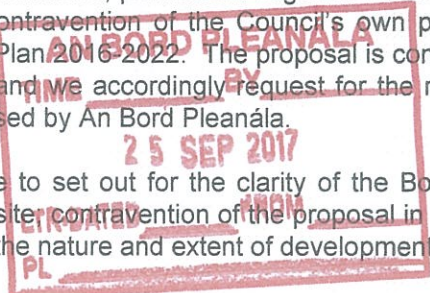
Patrick Westman, Chairperson, 30 Willbrook, Rathfarnham, Dublin 14

We enclose a cheque for €50 which is the appropriate submission fee. In accordance with the need for clarity and fair hearing and the complexity of this case and conflicting objectives of the application, the observers also seeks to request an oral hearing from the Board under the Planning and Development Act 2000.

This submission is accompanied and has been informed by a detailed report on the biodiversity impacts of the proposal, which has been undertaken by Paul Scott, Chartered Ecologist of Scott Cawley Ltd. In addition we have been advised by Condon Drew Associates, a Transportation Planning Consultancy in relation to the transportation elements of this application.

Our client, which represents the Resident Associations of the immediate local community that will be affected by the proposal, are opposed to the proposed development on a number of fundamental planning grounds. The application, in our considered opinion, is ill-considered and poorly conceived by the applicant South Dublin County Council in terms of its negative impact on the environment; permanent negative visual impact on this recognized landscape of high amenity; and its clear contravention of the Council's own planning policies as set out under the South Dublin County Development Plan 2016-2022. The proposal is contrary to the proper planning and sustainable development of the area, and we accordingly request for the reasons set out under this submission that that planning approval be refused by An Bord Pleanála.

Prior to outlining the grounds of the submission it is imperative to set out for the clarity of the Board the context of this application in terms of the sensitive nature of the site, contravention of the proposal in relation to local, regional and national planning policy; and the impact of the nature and extent of development.



1. Overview

This application by South Dublin County Council made to An Bord Pleanála under section 175(3) of the Planning and Development Act 2000 (as amended) proposes a new visitor centre, and increased car parking that will serve as access to improved and managed trails within the Hell Fire and Massy's Wood estate lands owned by Coillte. In considering this application we wish to outline to the Board that a number of these trails are already in place and that both areas are already intensively used for recreation purposes, albeit at a less extensive level within Massy's Wood. This submission sets out clearly that when all matters are considered there will be no real planning gain provided by the proposal that would enable the Board to dismiss the policies and objectives of the Council in relation to these lands. Any reasoned and objective assessment of the proposal must lead to a conclusion that permission be refused.

Contrary to South Dublin County Development Plan 2016-2022

We respectfully submit that the scale and siting of the Dublin Mountain Visitor Centre (DMVC) and associated car parking is completely unjustified in this instance. The policies and objectives of the applicants own South Dublin County Development Plan 2016-2022 clearly sets out that the nature and extent of the visitor centre and its car park, are not permitted under the HA-DM zoning within which they are set. We refer the Board to the fact that the principles of the HA-DM zoning is one that seeks to provide strict controls on proposals to ensure that only small-scale development is permitted within this zone. A two storey visitor centre of 980sqm that is sited on artificially elevated ground that will be visible from short, medium and long distance views cannot, under any reasonable assessment, be considered to be small-scale in nature, and for this reason alone should be refused.

Negative impact on high amenity landscape character

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 the visitor centre into the landscape but is positioned so that it negatively intrudes into this high amenity landscape. There are no grounds for supporting its scale, position and siting within the site. The visitor centre should be viewed as an ancillary and secondary element to such a location and visitor experience. The complete opposite is the case in this instance.

Ill-conceived business plan

We respectfully submit that the business model of the subject proposal is deeply flawed. The application is based on unrealistic future visitor numbers given the tourism and recreation offer that is being proposed in this instance. There is a need for such locations to have a unique draw that this site clearly fails to provide. There is a need for such facilities to be located at the main entrance into the Dublin Mountains. The location clearly fails to meet this important criteria.

Whilst the Hell Fire building and views from it are attractive and appealing to visitors the proposal will not be altering this offer in any meaningful way beyond making sound the building. The business model is based on the attractiveness and scale of the restaurant and its position / views. There is no sound basis for concluding that the site will attract 300,000 visitors within 10 years.

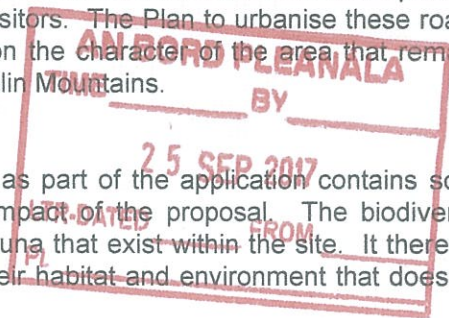
The scale of projected international visitors (100,000 in 10 years-time) is wholly unrealistic given the distances between the tourism / recreational offer; the car parking area and the Hell Fire Club, as well as taking into consideration the local topography as well as transportation infrastructure. When this is added to its location relative to the wider Dublin area the only reasonable conclusion is that it will not provide the draw and unique offer that other sites in the wider Dublin area can provide.

Inaccurate and misleading transportation assessment

The proposal provides completely unsubstantiated and unjustified visitor numbers and modal splits for visitors as part of the Transportation Impact Assessment (TIA). There is no credible basis for reaching a conclusion that the park and ride facility from Tallaght will work and operate at such a high efficiency. If the development attracts the number it purports but fails to achieve the modal splits envisaged then the only conclusion is that cars will continue to park on the public road. The R113 and R115 are both inadequate as main arteries to serve a tourism development attracting 300,000 visitors. The Plan to urbanise these roads, and further curtail their width and capacity, will negative impact on the character of the area that remains rural in nature and will extend the urban area of Dublin into the Dublin Mountains.

Inadequate assessment of the impact on the environment

The Environmental Impact Assessment Report (EIAR) submitted as part of the application contains some deeply flawed assessments of the biodiversity of the site and impact of the proposal. The biodiversity assessment fails to identify some key elements of the flora and fauna that exist within the site. It therefore fails to assess the full environmental impact of the proposal on their habitat and environment 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. It clearly will materially compromise the high amenity landscape character of the area and materially contravenes the overall objective for these high amenity zoned lands within the Dublin Mountains.

Prior to setting out our grounds for submission it is useful to set out the context of the application for the clarity of the Board.

2. Description of the subject site and vicinity

The overall application site comprises of c. 152 hectares of land that are owned by Coillte that consist of the Hell Fire lands and the Massy's Wood properties and sections of the R115 and R113 regional roads from the existing Hell Fire entrance to the built up area of the South Dublin area. The site can be divided in terms of the assessment of this application into two wholly different landscape character and forestry areas that sit either side of the R115. It is notable in making this application that the County Council has not attempted to break down the usage of these two areas in terms of visitors.

Hell Fire lands

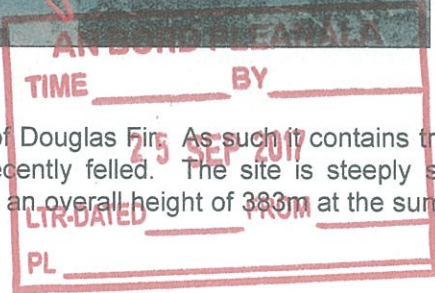
This part of the application site to the west of the R115 extends to some 105 hectares and forms an actively managed commercial coniferous forest around Montpelier Hill, which is currently actively used for recreation, that forms part of the northern hills of the Dublin Mountains. The property contains a vehicular access off the R115 that provides access to a car park with capacity for some 80 cars.

Forestry tracks and trails extend throughout the forestry that provide the primary basis for the recreational use of the lands. Some of these trails suffer from significant erosion. The land holding includes the Hell Fire Club building located within a clearing at the top of Montpelier Hill. The building is a protected structure (South Dublin Record of Protected Structures ref. 388) and was constructed in 1725. The building has been in ruinous form since the early 19th Century. Alongside the Hell Fire Club building are the remains of two ancient tombs. There are other archaeological features within this part of the site.



Aerial view of application site (outlined in red)

The forestry is actively managed by Coillte and consists mainly of Douglas Fir. As such it contains trees of varying ages and maturity as well as areas that have been recently felled. The site is steeply sloping particularly on its eastern side rising some 123m from the road to an overall height of 383m at the summit of Montpelier Hill.



Massy's Wood

The Massy's Wood part of the application site is located to the east side to the R115 and extends to some 47 hectares. It is also managed by Coillte but has an entirely different character to that of the Hell Fire property. Whilst the site is accessible to the public it does not contain any public car parking, and the main pedestrian access is available some 190m to the north of the vehicular entrance into Hell Fire, off the public road. There are also pedestrian entrances along the eastern boundary at the end of Cruagh Lane (a road in private ownership), and at the southern extent of the property off Cruagh Road where the Dublin Mountains Way passes the site.



Walkway through Massy's Wood



Part of walled garden within Massy's Wood

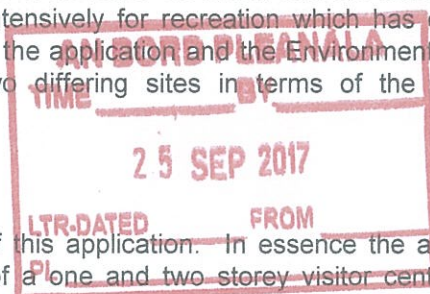
The lack of car parking to serve this part of the site means that the area is relatively lightly used by members of the public (c. 20,000 per annum is referred to in the Business Model submitted with this application although the rationale for this figure is unclear). There are no signs of erosion, and even on the busiest days the wood is not heavily utilised. The lack of car parking means that visitors both use the Hell Fire forest

parking area and cross the R115 on foot, or park on the R115. This results in car parking on the public road during the busiest days. The applicant provides no breakdown on the level of users of this part of the site that park within the Hell Fire car park. The site slopes down from the road to an area of relatively flat but undulating land that leads to the Cruagh stream that flows south to north through the property inside its eastern boundary.

There are no signs of any commercial forestry operations beyond standard woodland management. The Massy's Wood site forms part of the former Killakee demesne, the main house which would have been located to the north-west of this landholding, and is primarily a mixed broadland woodland that includes typical species of a demesne such as this such as Giant Sequoia, Monkey Puzzle, West Himalayan spruce, Monterey Pine, and Western red cedar.

Massy's Wood is rich in cultural heritage features. Most notable is the large, multi-roomed walled garden, the walls of which are predominantly intact. Other architectural features of the property include a gate lodge, an ice house, and the ruins of a cottage on the river bank, a stone well and numerous bridges over the river. These are collectively a protected structure (South Dublin Record of Protected Structures ref. 384). These lands also included what would have formed a formal garden terrace and glass houses linked to Killakee House. A 750m section of the Military Road (South Dublin Record of Protected Structures ref. 385) traverses the property inside the western boundary. This is the last remaining un-paved section of the original Military Road.

The landscape character and recreational use of Massy's Wood contrasts significantly with that of the Hell Fire property. Whereas the Hell Fire lands are exposed due to their elevation and slope and are intensively used for recreational purposes; Massy's Wood is enclosed due to its lower elevation and the narrow valley, and the broadleaved woodland cover. It is used far less intensively for recreation which has created a unique environment with a high biodiversity. It is notable that the application and the Environmental Impact Assessment Report does not differentiate between the two differing sites in terms of the proposed recreational use of the site.



3. Description of the proposed development

The nature of this proposal is critical to the determination of this application. In essence the application amounts to two primary components that are the creation of a one and two storey visitor centre with a combined gross floor area of 980sqm; and the construction of a new car park for 275 cars and five coach spaces. South Dublin County Council state that they aim to create what they have termed the 'Dublin Mountain Visitor Centre' as a gateway to the Dublin Mountains that will ultimately attract some 300,000 visitors to the site. The application contains a lack of detailed information in terms of the overall vision for the lands beyond the two component parts.

However, what is clear and is set out in the application package is that the intention is that the car park will be free for users but that the management and running of the car park and visitor centre will be done by a private operator(s).

The application includes an Operation Management Plan that indicates the intention of the establishment of a permanent management steering group comprised of SDCC, Coillte and the Dublin Mountain Partnership (DMP) to manage the site outside of the area of responsibility of the private operator of the visitor centre, car park and pedestrian bridge. It indicates the intention to provide message signs on roads to indicate car park capacity etc.; and the creation of a park and ride shuttle bus park and ride facility from Tallaght Stadium. The shuttle bus will be run by South Dublin County Council.

New two and one storey visitor centre

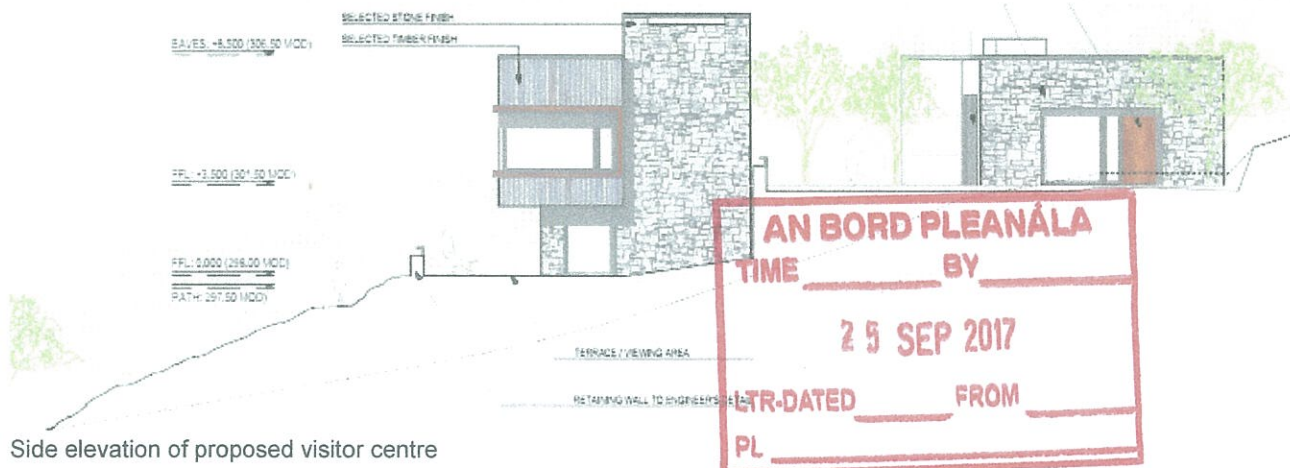
The proposed visitor centre with a gross floor area of 980sqm is to be located on a man-made plateau that will create an artificial feature in the landscape some 137m from the public road, within which the ground will rise some 40m in height. Its positioning is outlined in the application package as trying to provide a wow-factor to the development through its siting and views as well as the scale of the restaurant. We refer the Board to the fact that it is this overall strategy that outlines the incorrectness and misguided nature of this application in trying to create the visitor centre as the primary attraction to visitors.

We refer the Board to the County Development Plan that sets out that development in such areas should avoid the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography. The proposal achieves the complete opposite. It provides an over-engineered solution to this sloping site. This is completely contrary to the principles of good design but particularly in relation to any development in an area of high amenity, and one that the Council cite regularly as a reason for refusal for development in high amenity zoned areas.

We submit that the same principle should apply in this instance. The fact that the applicant is South Dublin County Council in this instance indicates a complete lack of consistency of the applicant in relation to the implementation of its own policies.

The visitor centre is to be constructed in two parts with the front element being two storey, and a lower single storey block to its rear. The ground floor of the two storey block, which is 47.5m in length, will contain offices (45sqm), retail unit (45sqm), Ramblers lounge (43sqm) and coffee kiosk (27sqm) that will open up onto an elevated terrace. The ground floor will also contain a range of support services and plant rooms as well as public toilets. The first floor of this block will contain a café with a gross floor area of 301sqm that include an eating area of 172sqm.

The rear block is single storey and will contain an education room (55sqm), audio-visual exhibition facility (101sqm) and entrance foyer (45sqm). The blocks will also contain ancillary and circulation space and is indicated as being sited at circa the 300m contour line. In this regard we note that the primary height of the two storey block is 8.5m above the finished floor level at ground floor, although this sits some an additional storey (2.8m) above the existing ground level (see below). This in essence means that the visitor centre sits some 3 storeys in height above the existing ground level.



Side elevation of proposed visitor centre

The position of the visitor centre in relation to the Hell Fire Club building and view is an important consideration. The direct path up from the visitor centre is some 500m in length and rises some 85m. A more gentle but nevertheless uphill walk is indicated as being some 1.1km in length.

New car park

The new car park is proposed to be created on three levels with car parking on either side with the lowest level being at approximately the level of the existing car park. Below this are proposed new attenuation ponds. A new and widened entrance off Killakee Road is proposed to provide access to the car park. New walkways will connect the car park with the visitor centre via slowly graded steps or a more direct sharp flight of steps. The more direct route is some 220-400m in length, with the more slowly graded route some 620m from the nearest car parking space.

Pedestrian bridge

It is proposed to construct a 'tree canopy walk'/pedestrian bridge over the R115 to link the two sites. This will connect from some 80m south of the car park to a point some distance to the south-east within Massy's Wood. The function and use of this bridge, and therefore the visitor numbers to both sides of the site, is not addressed in the application. This is a serious failing within the EIAR.

Hell Fire Club

The application also proposes to undertake conservation works to the Hell Fire Club building and the architectural heritage of the Massy's Wood property including the walled garden. The Hell Fire Club will remain in situ.



Hell Fire Club



View from top of Montpelier Hill towards Howth

In addition to the above, the application seeks to install heritage interpretation signage along the network of trails; construct an electricity sub-station; install new water main and sewage pipe from the Hell Fire property to the existing water main and public sewer network as well as the creation of attenuation ponds within the Hell Fire site.

In addition, the proposal seeks to make alterations to stretches of the R113 and R115 to include a footpath (2kms and 1.5kms in length) and advisory cycle lane that will connect to the nearest urban areas of the city to the north and north east. This will require the widening of the existing roadway by 1.2m into Massy's Woods for a stretch of 100m of the R115. This urbanization of the rural area is one that is completely contrary to the aim of the Council to preserve the prospect of this road as well as maintaining the rural character of the area.

The proposal also indicates the intention to convert the commercial forestry to a mixed woodland within the eastern side of Hell Fire. The visitor centre buildings will be visible from a number of houses nearby to the south, and from further away to the east of the site (Jamestown and Cruagh areas). Elements of the parking area, including the prior removal of mature trees, will be visible from a number of houses nearby to the north of the Hell Fire property (Steward's House (which is a protected structure) and the neighbouring houses.

4. Grounds of submission

The full grounds of our submission to the Board is based on a number of factors that relate to planning matters and the content and lack of comprehensiveness of the Environmental Impact Assessment Report (EIAR).

Material contravention of HA-DM zoning under the South Dublin County Development Plan 2016-2022

The application site is located primarily within the HA-DM zoning objective of the County Development Plan, with part of the north-east of the Massy's Wood site being zoned RU. It is within the HA zoning that the primary development works of the visitor centre, car park and pedestrian bridge are being proposed. The objective of the HA-DM zoning is 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'.

A review of the permitted in principle and open for consideration uses clearly sets out that the nature of the proposal is excessive in scale to a level that would amount to a material contravention of the County Development Plan relative to the HA-DM zoning.

A car park is deemed to be permitted in principle under the zoning subject to it being not above 350m; and that it is for small-scale amenity or recreational purposes. Whilst the car park is below the 350m contour it is unequivocal that the nature of the proposed amenity / recreational purpose of the proposal cannot be defined in any way as being small in scale.

The scale of the proposal is stated within the application package as having potential to attract up to 300,000 visitors within ten years, and includes a car park with 275 car parking spaces plus 5 coach parking spaces.

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The car park will not be serving what can be described as a 'small scale amenity or recreational' facility. The car parking element must therefore be viewed as being in complete contravention of the zoning objective.

The applicants have argued in their submission that the fact that a recreational facility is open for consideration, provides significant strength to the conformity of this proposal within the zoning objective. In this regard we refer the Board to the definition of a recreational facility under the Council's same Development Plan that states:

"A building or part thereof or land which is available for use by the public on payment of a charge or free of charge for the purpose of recreation and may include facilities to support indoor or outdoor physical activities in the form of structured games or active pursuits for the purpose of recreation or amusement."

It is clear in our considered opinion that the only element of the visitor centre that could be viewed as being a form of a recreational facility is the ramblers lounge. No other element of the visitor centre conforms to this definition and therefore the only conclusion that can be reached is that there are no grounds for concluding that the overall visitor centre is a recreational facility.

A restaurant / café and a local shop are also open for consideration under this zoning subject to two conditions that require them to be located within an existing premises and below the 350m contour line. The nature of the conditions means that both need to be complied with for them to be viewed as being open for consideration. It is without doubt and unquestionable that the shop and café/restaurant (which forms the driver and main component of the visitor centre) are not located within an existing premises. Given this we implore upon the Board that they must be treated as being not permitted under the zoning.

Their scale, particularly in relation to the café / restaurant is also one that cannot be viewed as being ancillary to the overall development. 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 that the applicant clearly is of the opinion that it lacks. In essence by default or design the proposal is creating a destination restaurant / café that is entirely modelled on the 'Avoca' type model that will generate significant level of trips to the café / restaurant only that is completely contrary to the stated aim of the applicant. This is clearly set out within the Business Model, which accompanies the application that states that it is this restaurant / café that is the driving force to attracting such high levels of tourists to the subject site.

A cultural use is also open for consideration if it is directly linked to the heritage and amenity value of the Dublin Mountains. The Development Plan defines a cultural use as being:

"Use of a building or part thereof or land for cultural purposes (such as educational lectures, the communication of heritage information, concerts, music recital, performance and the display or exhibition of items of interest) to which the public may be admitted on payment of a charge or free of charge."

We submit that the interpretation centre and education centre elements can be viewed as being open for consideration under the zoning. However, in this context the nature of each of the various uses must be considered primarily as a single entity. From that perspective, it is clear that both in quantum floorspace and in the potential to draw visitors to the site the café / restaurant is the primary use of the visitor centre.

When the not permitted nature of the café / restaurant; shop, coffee dock and scale of car park are considered; and the primacy for small scale development and use of existing premises within this zone, the only reasonable and objective conclusion to reach is that the proposal is entirely in contravention of the HA-DM zoning of the site.

In the context of this zoning we refer the Board to the fact that 'open for consideration' uses in the land use zoning tables may be acceptable subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the Plan. Proposed uses in this category will be subject to full assessment on their own merits and particularly in relation to their impact on the development of the County at a strategic and a local level. Such uses may only be permitted where they do not materially conflict with other aspects of the County Development Plan. In this regard it is only the ramblers lounge, education room and interpretation centre that can in any way be considered open for consideration.

The Development Plan states that uses that have not been listed under the land use zoning tables will be considered on a case-by-case basis in relation to conformity with the relevant policies, objectives and standards contained within the Plan, particularly in relation to the zoning objective of the subject site and its impact on the development of the County at a strategic and local level.

We also refer the Board to the decisions the Planning Authority have made in relation to various development proposals that include new or an increase use of accesses onto the Killakee Road within this HA zone. In almost all cases the Council have concluded that proposals would result in a traffic hazard and / or would have a negative visual impact within the HA zone and therefore set an undesirable precedent. There are no reasons why the Board should conclude in any other way in this instance.

What is clear is that in this instance the nature of the primary use (restaurant / café) is not permitted and the primacy of the zoning is that development shall be small scale and shall utilise existing premises to reduce development within this zone. Therefore if the Board are mindful to treat the visitor centre as a use that is not listed under the zoning matrix, and therefore on its own individual merits, the only reasonable conclusion to reach is that the application should be refused.

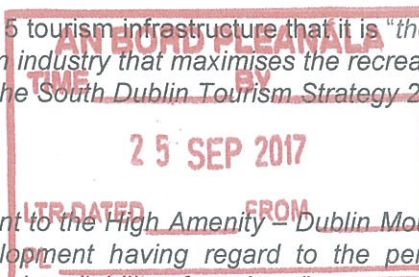
The scale of the proposal and mix of commercial uses and scale of car park, none of which are permitted, in this instance is the complete antithesis of the primary purpose of the zoning and we request the Board to conclude that it therefore would materially contravene the HA-DM zoning and refuse permission in this instance.

Contrary to other Development Plan policy

The Plan 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."*

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 conclusions in the previous section of this submission 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 Boards 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.

A reasoned and objective consideration of the proposal must lead to a conclusion that its scale, visual impact and impact on the environment is contrary to this objective. The visual impact is one that is significant and negative, and which we will address in detail further in this submission. The impact on the environment is also one that has not been fully considered given the deficiencies in the EIAR submitted with the application particularly having regard to the biodiversity of the site, and transportation.

The applicant states that the Economic and Tourism (ET) Policy 5, Objective 3 somehow alleviates the not-permitted nature of the proposed uses under the zoning objective of the area. They state that the visitor centre building is ancillary to the site's primary function as a recreational resource. There is no basis for such an assessment under the County Development Plan, and the principles of the HA-DM zoning is one that seeks to avoid any development above small-scale development within this zone.

Our considered assessment of the application is backed up by the policies and objectives throughout the Council's own County Development Plan. Section 9.2.2 for example states that as well as offering significant recreational value the HA zonings are of high value and sensitivity and that the **protection of this landscape** (on which the application is located) and its environment **is a priority** of the Plan. Policy CL 9, Objective 1 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 that is of a scale and form, and siting that would have a materially detrimental impact on this sensitive landscape zone.

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 number 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.

Protected views

The County Development Plan sets out a range of protected views and prospects. Section 9.2.2 of the Plan states that the County contains many scenic views and prospects (distant objects) of places of natural beauty or interest. These include localised views and panoramic prospects. Montpelier Hill is identified in Table 9.2 as a Prospect to be 'Preserved and Protected'.

Either side of the immediately adjacent public road, and from others where the development will be visible from, are identified as having significant views that need to be protected and preserved. We refer the Board again to section 9.2.2 of the Plan that outlines the high sensitivity of this area and the zoning that reflects the need to control new development. The visitor centre, is recognized in the visual impact assessment, and in the overall strategy to create views from it, as being highly visible from surrounding areas, irrespective of potential maturing landscaping in the future to a level that would impact negatively on protected views and prospects.

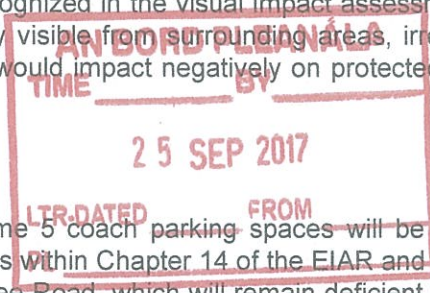
Car parking and modal split

It is proposed that some 275 car parking spaces with some 5 coach parking spaces will be provided to replace the circa 75/80 spaces (referred to as only 75 spaces within Chapter 14 of the EIAR and TIA) as part of the proposal. A new and widened entrance off the Killakee Road, which will remain deficient in parts, will be created to provide access to this enlarged car parking area. This parking area will require the removal of a large area of trees and will be stepped up the side of Montpelier Hill at 3m – 4m heights with retaining walls to the rear on each step. The highest step is at a height of c. 277m MOD.

The application package states that in this instance the car parking requirement of 275 car parking spaces has been calculated on the basis that current maximum demand is some 120 spaces based on anecdotal evidence with all trips by private car. The EIAR states that it is estimated that car park demand will be between 227 and 270 spaces at peak when 300,000 visitors are expected, and depending on the mode share of public transport.

The applicant team has allowed for a significant modal split within the existing and new visitors. A very simplistic interpretation of the car parking demand of 300,000 visitors should therefore treble the car parking demand of the existing visitor numbers (if they are indeed 100,000). This creates a demand for 360 car parking spaces. However, this does not allow for the increased visitor time, which the applicant has estimated as being 4hours from its current 2-3 hours, and the potential for any modal share to public transport. These clearly have the potential to cancel each other out in terms of car parking demand. We have summarised the traffic assumptions of the applicant for the 300,000 visitor numbers, which the entire development is predicated on, in the following table for the clarity of the Board:

We refer the Board in particular to the modal split envisioned for the development on achieving 300,000 visitor numbers. This is wholly unrealistic and it is notable that this is not set out in detail apart from within section 14.4.2 of the EIAR. The implications of this is clear in that a failure to achieve the modal split could,



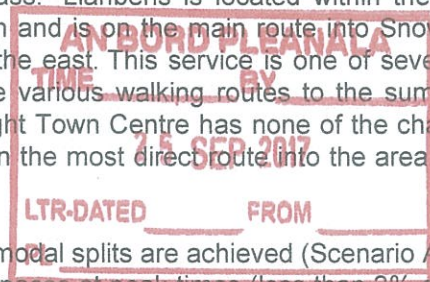
based on the applicants own assumptions, result in a parking demand of significantly above the 227-270 spaces referred to in the EIAR. Based on the methodology of the applicant only a 10% modal split, which would in our considered experience remain highly unlikely given the nature of the development, require a car parking provision of 324 spaces.

	Visitor numbers	Modal split		Modal split	
		Public transport	car	Public transport	car
Dublin amenity visitor	130,000	0-30%	70-100%	0-39,000	91,000-130,000
International tourists	100,000	70%	30%	70,000	30,000
Domestic tourists	66,000	30%	70%	19,800	46,200
Others (eg school groups)	4,000	100%	0%	4,000	0
TOTAL	300,000	31.3 – 44.3%	55.7 – 68.7%	93,800-132,800	167,200 - 206,200

We respectfully submit that the modal splits envisioned within the entire transportation impact assessment of the EIAR are deeply flawed and should be dismissed by the Board. There is no grounds given its location; its connectivity via public transport (both existing and planned, including the shuttle bus) to reach a conclusion that the modal splits can be achieved.

We note that the TIA states in section 3.5.2 that the network of access trails through the site will be available for shared use by cyclists. These trips will need to be made by private vehicles as visitors wishing to cycle are unlikely (or unable) to travel by shuttle bus/coach. This raises further questions about the suggested modal share used in the TIA.

Section 3.3.4 of the TIA suggests that the proposed shuttle bus provision is similar to that operating in Snowdonia, North Wales between Llanberis and Pen-Y-Pass. Llanberis is located within the Snowdonia National Park on the north western side of Mount Snowdon and is on the main route into Snowdonia from Caernarfon (where many tourists will be based) and from the east. This service is one of several services forming the Snowdon Sherpa bus service that connect the various walking routes to the summit and the surrounding villages. A shuttle bus operating to/from Tallyho Town Centre has none of the characteristics, links or draw that this service has, and furthermore is not on the most direct route into the area from Dublin City Centre.



We submit that even in the highly unlikely scenario that the modal splits are achieved (Scenario A), Table 5.7 in the TIA identifies that there will only be 5 spare parking spaces at peak times (less than 2% of the overall provision). A failure to reach the modal share target, or should the base data used in the TIA be proved to be incorrect, will mean that vehicles will park on the adjacent regional roads.

Furthermore, the TIA fails to explain how the shuttle bus will access the site and drop-off/pick-up passengers. There is also no information on the costs of this service (in contrast to stating that car parking will be free of charge). This has clear implications in terms of usage. Furthermore, the swept path of a single deck bus entering and existing the site (Appendix A) shows that any vehicles waiting to exit the site (particularly to turning right) will be hit by buses entering the site.

The TIA (section 8.3) identifies demand for the shuttle bus at 770 passengers per day. Based upon a 20-30 seater vehicle (say 25 seats) this equates to over 30 full buses arriving each day. If they are assumed to arrive between 9am and 5pm (on average) then that is nearly 4 full buses per hour. The frequency of the proposed shuttle buses is suggested to be every 15 to 30 minutes, which means every bus will need to be completely full if the mode share targets are met and the calculations inherent in the TIA correct. This is considered extremely unlikely and unrealistic, and is indicative of this ill-considered application.

Car parking requirement

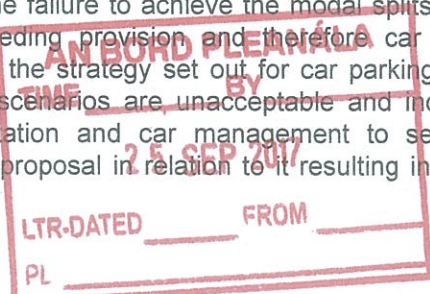
The following table has sought to break the car parking requirement under the Development Plan as well as the car parking demand based on the applicants own existing parking demand of some 120 spaces. This would appear based on aerial photograph to be a reasonable assessment of peak demand (source: Google Earth).

It is noted that no attempt has been made in the application to address how the provision of 275 spaces complies with the Development Plan standards for car parking as set out under section 11.4.2. We refer the Board to the fact that these standards are maximum standards and that the subject site is located within zone 1 of these car parking standards. A straightforward method for assessing the car parking requirement of the development is to breakdown the floor area of the visitor centre and each element within it and the required car parking provision as well as allowing for visitor numbers. We also note that the Development Plan states that 10% of new car parking spaces should include electronic charging points. An inadequate number of charging points are proposed by the Planning Authority.

Proposed use	Floor area	Development Plan standard	Development Plan requirement
Café / restaurant	175sqm (seating area only)	1 per 15sqm	12
Exhibition and education room	161sqm	No standard applied (allow for ratio of 1 per 10sqm)	16
Shop	45sqm	1 per 15sqm	3
Coffee kiosk	27sqm	1 per 15sqm	2
Offices	55sqm	1 per 50sqm	1
Total car parking requirement of visitor centre			34 spaces
Existing provision			75
Existing demand (peak)			120
Potential future demand	5% modal split		342
	10% modal split		324
	20% modal split		288
	40% modal split		216

In terms of sports and recreation development the Plan states that the Council will seek to provide car parking and/or lay-by for cyclists, hillwalkers and mountain climbers at access points to walking/cycling trails in scenic areas. No car parking ratio is provided. What is abundantly clear is that the achievement of the 300,000 visitor numbers will only work at the subject site if a significant modal shift occurs. Evidence throughout Ireland, UK and Europe has clearly established that such modal shifts work only if car parking is restricted in some way, and that the draw is strong enough to push people from the use of their car to using public transport. In this instance it is clear that there is no such restriction to car parking and that no information is provided in relation to cost of public transport. This element of the application is highly contradictory and raises significant questions in terms of the reliability of the TIA.

There is clearly a number of scenarios as a result that could ensue if the development was permitted as proposed. The achievement of 300,000 visitor numbers and the failure to achieve the modal splits set out under the EIAR will result in demand for car parking exceeding provision and therefore car parking continuing on the Killakee Road; or could lead, irrespective of the strategy set out for car parking, to car parking being subject to a charge at Hell Fire. Both these scenarios are unacceptable and indicate a complete lack of a coherent strategy in terms of transportation and car management to serve the development. We therefore request the Board to dismiss the proposal in relation to it resulting in a clear traffic hazard due to its overall car parking strategy.



Inadequacy of access roads to Hell Fire

All of the access routes along the R113 and R115 are relatively narrow and bendy and are no more than 5-6m in width. These roads have considerable landscape character, which is recognized by the applicant, and they state that there is no need to widen them. Their ability to accommodate a safe shared access with cyclists must be questioned and be viewed as being wholly unrealistic that will create a traffic hazard in this instance. The capacity of the Killakee Road is not in question in terms of vehicle numbers. It is the alignment and width and the greater potential for non-car users and how the applicant is dealing with this matter that raises significant concerns.

As part of the proposal the applicant seeks to build a 1.8m wide footpath (reduced to 1.5m in parts) from the entrance to the site to the edge of the urban area to the north and north-east. This will require the further reduction in width of the road by some 0.3m but up to 0.9m in places as well as reducing the road to being

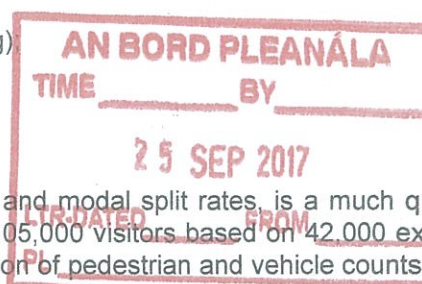
single lane width for a 120m stretch of road. The road works will also include the extension of the road width into Massy's Wood by some 1.2m over a 100m stretch of road adjacent to Stewards House. It is unclear how this affects the increased use of the regional roads by shuttle buses and coaches that will result from the suggested increase in visitor numbers to this area. The applicant has not provided tracking details of such movements and has failed to include such vehicles in the cross sections included in Appendix A.

We respectfully submit that the nature of the proposal will have significant and negative implications on the landscape character of these rural roads. This is completely unacceptable and unjustified in relation to the development and we request the Board to dismiss this element of the application.

Overstated projected visitor numbers

The car parking provision being proposed is based on the number of projected visitors and their breakdown into domestic amenity visitors; international visitors; domestic visitors and others such as school trips. This they have calculated as potentially amounting to 300,000 visitors per annum. The application team have broken this down as follows:

- Domestic Amenity visitors: 130,000 (30% growth on existing)
- International Tourists: 100,000;
- Domestic Tourists: 66,000;
- Others, e.g. School Groups: 4,000



The basis of this, and allowing for the highly questionable growth and modal split rates, is a much quoted reference that the Hell Fire site currently attracts some 100,000 / 105,000 visitors based on 42,000 existing car visits per annum. The TIA states in section 4.2 that a combination of pedestrian and vehicle counts were undertaken at sites within the Dublin Mountains. A vehicle occupancy factor of 2.5 has been used to convert pedestrian counts to vehicle numbers and vice versa. However, there is no evidence to justify the use of this figure at all. Thus, the number of existing visitors to the Dublin Mountains is unclear and using this data to estimate the number of future visitors is clumsy and unreliable.

Whilst the international tourism market is one that is being targeted as providing a strong expansion of the Dublin tourism market the nature of the offer at Hell Fire is not one given its location, accessibility and offer in terms of archaeology, architectural heritage and amenity that would attract significant levels of international tourists. In essence it does not provide the unique heritage value and ease of access that sites such as Powerscourt, Glendalough and Bru Na Boinne offer. It is these locations, irrespective of car parking strategies (both Glendalough and Brú Na Boinne include a charge for visiting / car parking), that the subject site would be competing against. It is clear that these sites offer both a unique heritage experience and accessibility that the subject site cannot offer.

We refer the Board to Table 4.2 of the Business Plan submitted with the application. In this it states that it has been estimated by DMP that there are 100,000 visitors per annum to a combination of Hell Fire (50,000); Massy's Wood (20,000); and Cruagh (30,000). How this is arrived at, and how it relates to the aforementioned car trips and visitors is not outlined in the report. This is clearly misleading given the other assumptions in terms of visitor numbers.

The Transportation Impact Assessment that forms the basis for Chapter 14 of the EIAR states that it has been assumed that the average visitor stay will be 4 hours and that visitor numbers will increase to 300,000. There appears no justified basis for this calculation in terms of length of stay or visitor number increase. The existing average duration that a vehicle is parked is just over an hour. The assumption that this will increase to 4 hours as a result of the "extended range of services" (i.e. a new building and car park) is questionable to say the least.

The basis of the business case for this development and the potential 200% (3 times) increase in the numbers of visitors is in our considered opinion deeply flawed. It is not in question that the existing site is almost exclusively visited by private car by domestic amenity visitors. We would request the Board to seriously question the robustness of the indicated increase in overseas visitors and domestic tourists to this site. We submit that such visitor numbers are not achievable, and therefore the scale of the visitor centre, which is predicated on such numbers is wholly unjustified.

Section 5.2 of the TIA states that few international tourists will have access to private vehicles and thus will be heavily reliant upon on public transport or tourist coaches. Another alternative is that they won't come at all as the tourist offer is limited (relative to other attractions in the Dublin area) and because the shuttle bus option is convoluted and unattractive.

The application indicates that the intention is that the park and ride shuttle bus from Tallaght stadium will serve a significant proportion of the international visitors as well as a small level of domestic amenity visitors. The applicant cites an example in the UK in relation to this where a shuttle bus connects Nant Peris at the base of the Llanberis valley in Snowdonia with Pen-y-Pass, which forms the shortest walking route up Snowdon, and where there is a significant curtailment of car parking spaces (circa 80 spaces). It is the curtailment of car parking spaces and the attraction of walking up the highest mountain in England Wales that enables this park and ride to function both efficiently and economically as well as its location on a main artery through Snowdonia and its linkages to a public transport system that connects the entire area. The same does not apply in this instance given the lack of a significant and unique draw that offers a unique experience to the visitor, and the readily availability of a significant level of car parking.

The modal share assumed and attractiveness of the park and ride shuttle bus in this instance must be severely questioned in that the applicant has assumed that 70% (70,000) of international tourists; 30% of domestic tourists (19,800); and 0-30% of amenity visitors (0-39,000) will arrive by public transport, even allowing for some coach trips, it is our considered opinion and based on our experience of tourism to such sites both in the UK and Ireland that this has been significantly over estimated by the application team.

The applicant has assumed that circa 120,000 visitors per annum will arrive by public transport. We respectfully submit that there is no basis for this modal split and the nature of the shuttle bus, and its destination will not encourage anywhere like such a modal split particularly given the extensive and excessive car parking proposed. In summary we would request the Board to conclude:

- The number of potential visitors that the overall site can attract is significantly overplayed;
- The number of overseas visitors is significantly overstated given the lack of a key attraction; and
- The attractiveness to overseas visitors of the site is significantly curtailed as a result of topography.

Environmental Impact Assessment Report

The EIAR is deeply flawed as we have already set out in terms of its transportation impact assessment. However, it is also deeply flawed in terms of its assessment of the visual impact of the proposal and the impact of the proposal on biodiversity.

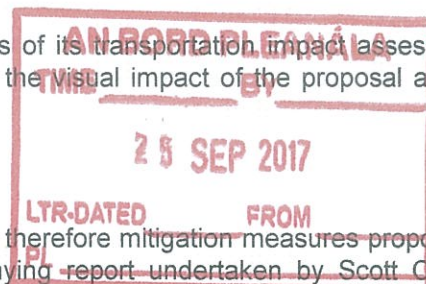
Biodiversity

The EIAR is significantly deficient in terms of its assessment and therefore mitigation measures proposed in relation to Biodiversity. We refer the Board to the accompanying report undertaken by Scott Cawley, Consulting Ecologists. This clearly sets out the deficiencies and inadequacies of the biodiversity assessment as part of the EIAR.

This included deficiencies and inadequate surveying of the red squirrel dreys and habitat; bat population, badger; pine marten and birds. This included a failure to identify dreys and feeding areas for red squirrels within Massy's Wood. A failure to identify a badger sett within Massy's Wood, and the failure to recognize potential for birds in the area. Merlin and Peregrine are of particular concern as they are of special conservation interest for the Wicklow Mountain Special Protection Area. In addition we note that a Habitats Directive Annex I habitat *petrifying springs with tufa formation* was recorded in at least two locations which are crossed by two paths.

We submit that insufficient information has been provided to inform the planning decision and additional information would be needed to complete the collection of scientific data and to clarify specific impacts and the detail of some of the mitigation measures. In the absence of such data it is suggested that An Bord Pleanála cannot complete out the EIA or the AA Screening and therefore are obliged to refuse the application.

The Board is reminded of the statements set down in Circular NPWS 01/07, 02/07, which state the need to have adequate information on potential effects and necessary mitigation measures as set down in the EIA



Directive as revised. These circulars are reminded that the completion of information cannot be addressed by compliance conditions for Annex IV species such as bat species and otter and that an application for derogation for these species should be made in advance of seeking approval under Part 8 of the Planning and Development Regulations, 2011.

Adverse visual impact on the character of the landscape of the area

The visual impact assessment of this significant and overscaled development is a key consideration for the Board in relation to this application given the nature and conditions in relation to the majority of uses within the HA-DM zoning. The assessment includes views from positions within the site; immediate environs as well as middle and long distance views. The scale and positioning of the visitor centre means that its impact on the landscape character of this high amenity zoned lands is one that is negative and long term / permanent. In relation to views from within the site we draw the Boards attention to view 4. The impact of this view is very significant but, contrary to the claim of the applicant, is not one that can be viewed as being neutral. We submit that the permanent impact from this view will be significant and negative.



View 4 from approach to new building

We also draw the Boards attention to view 5. The impact of the proposed visitor centre on this view from above the proposed new visitor centre is in our considered opinion one that has a high sensitivity given its position in the forefront of a long distance view towards Dublin Bay. Contrary to the claims of the applicant the view is wholly uncharacteristic in the context. The impact of the scale of the visitor centre on this view will not diminish over time and should be viewed as remaining significant and negative.

In relation to the assessment of the visual impact of the proposal from local views we refer the Board to view B4 from Cruagh Wood car park. The Development Plan identifies this view as being designated to "Protect and Preserve Significant Views". The view, as per its Development Plan designation is of high sensitivity. Whilst the changes to the forestry has a neutral/positive impact the impact of the visitor centre is one that is negative and permanent in nature.

The visitor centre will be highly visible from Views B5, B6 and B8. These are at a private residence on the R116; a Third Class Road at Jamestown and the Mount Venus Cemetery. The later has a particularly high sensitivity. The magnitude of the change is in our considered opinion significantly underplayed within these local views and should be assessed as having a medium to high magnitude of change generally, and that the significance will remain negative in both the short and long term. It is notable that in relation to long distance views, and particularly Views C1, C2, C7 there is a High Sensitivity that will have both a short and long term negative impact on these views.

The applicants' assessment of the impact of the proposal on local, medium distance and long distance views, has failed to address its zoning as High Amenity and the primary function of that zoning which is to protect and enhance the outstanding natural character of the Dublin Mountains Area. The visual impact of the proposal is compounded by the applicants aim to create a 'wow-factor' by its setting high up the hillside on the Hell Fire site to provide views across the city and Dublin Bay. This approach to development within the HA zoning should be viewed negatively by the Board given the objective for the zoning and overall approach to development in this zone. We respectfully request that the Board should dismiss this application on grounds of the negative and permanent visual impact the proposal will have on the sensitive landscape character of the area.

Archaeology

The increase in visitor traffic has the potential to result in wear in tear, as a result of new trails. There is clearly potential without careful management and care, and ongoing assessment, for the impact on the archaeology to have residual impacts above and beyond what is being caused currently. There is a complete lack of clarity how the impact of the proposal will be measured if permitted.

5. Conclusions

The policies and objectives of the applicants own South Dublin County Development Plan 2016-2022 clearly sets out that the nature and extent of the visitor centre and its car park, are not permitted under the HA-DM zoning within which they are set. We refer the Board to the fact that the principles of the HA-DM zoning is one that seeks to provide strict controls on proposals to ensure that only small-scale development is permitted within this zone. A two storey visitor centre of 980sqm that is sited on artificially elevated ground that will be visible from short, medium and long distance views cannot, under any reasonable assessment, be considered to be small-scale in nature, and for this reason alone should be refused.

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 the visitor centre 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. The visitor centre should be viewed as an ancillary and secondary element to such a location and visitor experience. The complete opposite is the case in this instance.

The application is based on unrealistic future visitor numbers given the tourism and recreation offer that is being proposed in this instance. 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.

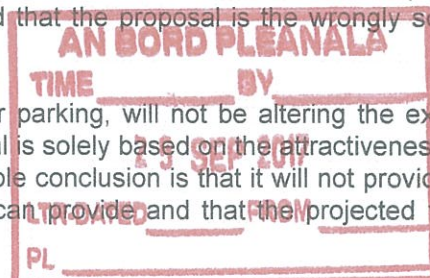
The proposal will, apart from the visitor centre and increased car parking, will not be altering the existing tourism and recreational offer in any meaningful way. The proposal is solely based on the attractiveness and scale of the restaurant and its position / views. The only reasonable conclusion is that it will not provide the draw and unique offer that other sites in the wider Dublin area can provide and that the projected visitor numbers will not be achieved.

The proposal provides completely unsubstantiated and unjustified visitor numbers and modal splits for visitors as part of the Transportation Impact Assessment (TIA). There is no credible basis for reaching a conclusion that the park and ride facility from Tallaght will work and operate at such a high efficiency. If the development attracts the number it purports but fails to achieve the modal splits envisaged then the only conclusion is that cars will continue to park on the public road. The R113 and R115 are both inadequate as main arteries to serve a tourism development attracting 300,000 visitors. The Plan to urbanise these roads, and further curtail their width and capacity, will negative impact on the character of the area that remains rural in nature and will extend the urban area of Dublin into the Dublin Mountains.

The Environmental Impact Assessment Report (EIAR) submitted as part of the application contains some deeply flawed assessments of the biodiversity of the site and impact of the proposal. The biodiversity assessment fails to identify some key elements of the flora and fauna that exist within the site. It therefore fails to assess the full environmental impact of the proposal on their habitat and environment 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. It clearly will materially compromise the high amenity landscape character of the area and materially contravenes the overall objective for these high amenity zoned lands within the Dublin Mountains.

We therefore 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.



Having regard to its zoning on elevated ground we submit that by reason of its bulk, scale and positioning it will form an intrusive feature within this sensitive landscape and therefore be detrimental to the visual amenities of the area and contrary to the proper planning and sustainable development of the area. The scale of the visitor centre and car park are predicated on unrealistic and unjustified visitor numbers and therefore are excessive in scale and should be refused on that basis. 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

Proposed Dublin Mountains Visitor Centre. Reference: 06S.JD0027

19th September 2017



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

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

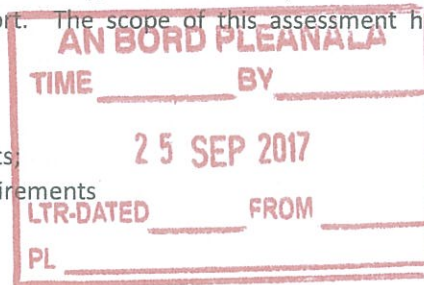
Scott Cawley Limited, a Company registered in Ireland, Company No: 453222,
Registered address: 71-73 Rock Road, Blackrock, Co. Dublin, Ireland. Directors: A.Cawley, P.Scott.

Appraisal of Ecological Information received on the Application for Permission for proposed Dublin Mountains Visitor Centre. Reference: 06S.JD0027

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 planning application made 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 assessment 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



- 1.4 Legal compliance aspects may be touched upon but this does not purport to be a legal opinion in any form. The documents that informed the assessment were held on the SDCC website and were accessed on various dates between 9th August and 17th September 2017:

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

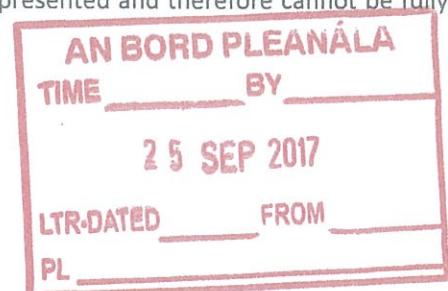
- 1.5 The documentation that has formed the focus for the assessment included the following:

- Screening Statement for Appropriate Assessment (prepared by Simon Clear and Associates);
- Ecology Report (prepared by Deborah D'Arcy) ; and
- other relevant information pertaining to ecological issues submitted as part of the planning application.

- 1.6 The appraisal was facilitated by a site familiarisation walkover on 5th September 2017 with Mr. Frank Doyle and Mr. Paul Feenan.

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

- 2.1 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.



2.2 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 5¹ of the SDCC County Development plan makes specific reference to construction-phase light spill. In the absence of light spill modelling during construction, its impact on light sensitive fauna cannot be fully assessed by An Bord Pleanála.

3. Appraisal of Environmental Impact Assessment Report

3.1 Chapter 6.0 presents the information regarding biodiversity.

Habitat Survey Methodology and Results

3.2 The qualifications and experience of the surveyors and other staff involved in the preparation of the EIAR should be presented to demonstrate their competencies in accordance with good practice and the requirement of the EIA Directive.

3.3 Section 6.2.6 states the following:

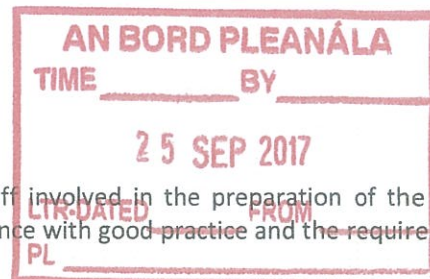
"The desk study and initial walkover surveys identified features of sufficient value as to be material in the decision-making process and for which potential impacts are likely (Key Ecological Receptors) in the study area. However, areas that were identified as being of limited ecological value were not subject to further survey work."

3.4 It is stated in Section 6.2.7 of the EIAR that sensitive habitats were defined in December 2016. This is not within the optimum period for habitat surveying (which is noted by the EIAR authors) but the justification that this is not a limitation because the habitat was woodland and felled woodland is not explained further. Reference to the Transport Infrastructure Ireland guidance "Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes" Appendix II – Optimal Seasonal Survey Timings clearly identified the December month as being within the category of "Surveys not appropriate". It would not possible to accurately describe the full vegetation community present in the woodland habitat without surveys in the optimum period. There are many ground layer flora which flower briefly in early spring in woodland and fungi, bryophytes and other lower plants that would only be evident in the late summer. Therefore, it is likely that the true ecological value of the woodland habitats has been underrepresented.

3.5 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.

3.6 Several habitats listed under Annex I of the EC Habitats Directive have been overlooked during the habitat surveys and were recorded during the site walkover. These include dry heath habitat alongside the tracks around the Hellfire Forest characterised by *Erica cinerea*, *Ulex sp* and *Calluna vulgaris*. More significant in terms

¹ 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."



of its omission are at least two areas of calcareous springs, likely to have affinity to the Annex I priority habitat type *Petrifying springs with tufa formation* [7220]. These are located at the northern end of Massey's Wood and will be in the proposed new link path (see Plate 1). Its omission is regarded as a significant deficiency due to the level of protection for this habitat under the EC Habitats Directive and the European Communities (Environmental Liability) Regulations 2008, S.I. 547 of 2008. It is suggested that An Bord Pleanála cannot assess the impact of the proposed development on this habitat type until it fully surveyed by qualified and experienced botanists who can determine its affinity to the Annex I priority habitat type.



Plate 1: Outflow from Calcareous spring showing organic debris “petrified” in calcacrous crust.

- 3.7 Fields containing high densities of Devil’s-bit Scabious *Succisa pratensis* were recorded in fields on the north-facing slopes to the east and west of the Hellfire Club. This species is the food plant for the Marsh Fritillary *Euphydryas aurinia*, listed on Annex II of the EC Habitats Directive. Whilst the habitat was not regarded to be of high suitability for this species, the density of food plants was high enough to justify concern that this species has not been ruled out as being present.



Plate 2: Fields of abundant *Succisa pratensis*.

AN BORD PLEANÁLA	
TIME _____	BY _____
25 SEP 2017	
LTR-DATED _____	FROM _____
PL _____	

- 3.8 In the EIAR a number of bryophytes are listed as having been recorded from the zone of influence. These are listed in Table 6.4 (data from NPWS) and Table 6.7 (NBDC data) of the EIAR (incorrectly referred to as Table 6.6 in the text). There appear to be a few errors in these tables (summarised below in Table 1). Key texts (Lockart et al., 2012²) and Hodgetts et al. (2015³) do not appear to have been referred to when assessing rare and protected bryophyte species (Dr. J. Denyer, pers.comm, 2017).
- 3.9 There does seem to have been any assessment as to whether a) these species actually occur within the zone of influence (as some of these may be hectad records, they may have been recorded from outside of this area); b) the habitats within the zone of influence are suitable for any of these species; and, c) if there is any potential impact to any of these species. Without this assessment, there is little use in including the data in the desktop study (Dr. J. Denyer, pers. comm, 2017).

Table 1: Corrections to bryophyte desktop data listed in EIAR

Name in EIAR	Corrected name	Status in EIAR	Actual Status
<i>Diplophyllum obtusifolium</i>		WA	Listed as Near Threatened on the Bryophyte Red Data list
<i>Grimmia orbiculari</i>	<i>G. orbicularis</i>	WA	Not listed on WA or FPO 2015. Listed as Vulnerable on the Bryophyte Red Data List
<i>Polytrichum commune</i> var. <i>perigoniale</i>		WA	Not Evaluated (Data Deficient) on the Bryophyte Red Data List
<i>WEIARsia controversa</i>	<i>Weissia controversa</i> (var. <i>crispata</i> or var. <i>densifolia</i>)	WA	Neither variety listed on WA, FPO 2015 or Bryophyte Red Data List
<i>Weissia longifolia</i>	Presumed <i>Weissia longifolia</i> var. <i>angustifolia</i>	WA	Removed from FPO in the 2015 revision. Vulnerable on the Bryophyte Red Data List

- 3.10 There was no dedicated bryophyte field survey and no bryophytes are listed in the survey results. The habitats recorded were not assessed for their potential to support rare or protected bryophyte species (including those listed in the Desktop survey results).
- 3.11 The survey work was undertaken in December, which is an ideal time for bryophyte survey (in contrast to vascular plant survey timing). The site is located in the Dublin Mountains and is north facing with mature woodland and watercourses. It has a high potential to support a bryophyte flora of at least local (if not County) value due to the habitat present. These habitats are rare in county Dublin. It is considered that some assessment (ideally including a bryophyte survey by an experienced bryologist) should have been included in the EIAR (Dr. J. Denyer, pers.comm, 2017).

² Lockhart, N., Hodgetts, N. & Holyoak, D. (2012) Ireland Red List No.8: Bryophytes. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.

³ Hodgetts, N., Lockhart, N. & Campbell, C. (2015) Revision of the bryophyte schedule for the Flora (Protection) Order, 2015. Irish Wildlife Manuals, No. 87. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Ireland.



Red Squirrel Survey Methodology and Results

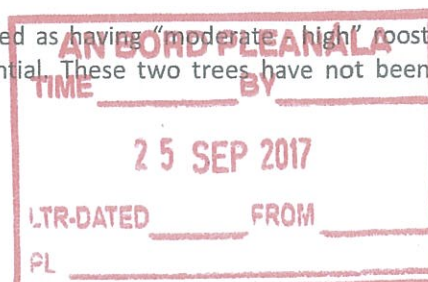
- 3.12 According to Section 6.2.11, the survey for red squirrel comprised a systematic search of all woodland and scrub and claims to be in accordance with best practice. No further detail has been provided on the transect routes alignment across the Study Area or other detail about the survey. It is therefore not possible to determine if the surveys were appropriately scaled to the site area and habitats present.
- 3.13 The locations of “feeding signs” as reported in Section 6.4.2.1 are not mapped so it cannot be determined if the proposed development will impact on these areas or not. Feeding signs (eaten pine cones) were found in Massey’s Wood on 5th September.
- 3.14 There is no information regarding dreys in Massey’s Wood despite them being easily found in the site visit on 5th September. A drey recorded along the western boundary was directly above a proposed equestrian track. See Plate 3 below:



Plate 3: Squirrel Drey, Massey’s Wood.

Bat Survey Methodology and results

- 3.15 Section 6.2.9 described the methodology used to record the use of the site by bats. It focused on the use of the site for roosting and appears to have been limited to identifying potential tree roosts. There have been no surveys undertaken to record usage of any part of the proposed development area by foraging bats or for autumnal swarming, which may occur in Massey’s Wood due to the cluttered and tunnel-like landscape along the river. No surveys have been undertaken to determine usage of the Hellfire Club building itself, despite the proposals to block chimney flues and have internal lighting (both potential sources of impacts). Works to the Walled Garden have also not been addressed by appropriate baseline surveys. Since all bat species are listed in Annex IV of the EC Habitats Directive and are therefore strictly protected, it is necessary that An Bord Pleanála have all the information on the likely significant impacts on local bat populations before any decision is made on the application. It would appear that the information provided is wholly deficient by not including bat activity surveys across the site and not surveying buildings that may be used by bats.
- 3.16 Table 6.11 within Section 6.4.2.1 lists the nine trees that were identified as having “moderate-high” roost potential for bats, although several are listed as being of “low” potential. These two trees have not been



marked up on the maps nor has there been any detail on how the emergence and re-entry surveys have been undertaken, what equipment was used and what the climate conditions were during surveys. There is no recognition that trees may require pruning near proposed equestrian tracks and no cross reference to the Tree Survey Report.

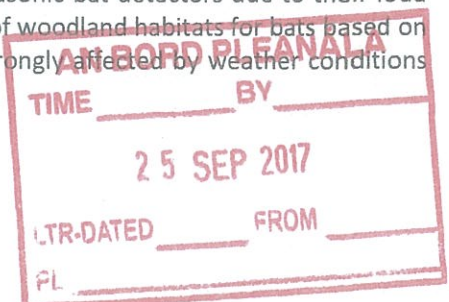
- 3.17 There has been no assessment of the three U-class trees proposed for felling/monolithing according to the Tree Survey Report. In fact, the trees that have been surveyed for bat roosts do not feature in the Tree Survey Report at all.
- 3.18 Reference to *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins , 2016 – which the authors claimed to have followed) clearly highlights the limitations of surveying from ground level and the level of confidence that can be applied to emergence and re-entry surveys where no bats are recorded. The relevant text is reproduced below:

Surveying trees for bat roosts can be more challenging than surveying buildings because many species that use trees for roosts are known to exhibit roost switching behaviour, including barbastelle, Bechstein's bat, Daubenton's bat, Natterer's bat, Leisler's bat, noctule, common pipistrelle and brown long-eared bat (Harris and Yalden, 2008, Dietz et al., 2011). Some UK examples are as follows: Smith and Racey (2008) observed roost switching in Natterer's bat on average every 3 days; and Waters et al. (1999) observed roost switching in Leisler's bat between every 2 and 10 days. Frequent roost switching has also been observed in barbastelle (Billington, 2003; Greenaway, 2001; Zeale, 2011) and Bechstein's (Palmer, 2013), two of our rarest species.

Additional difficulties inherent in finding tree-roosting bats are as follows: droppings do not persist in trees in the same way as they do in buildings; some tree-roosting bats echolocate very quietly (and sometimes not at all) and are therefore difficult to detect using bat detectors; some tree-roosting bats emerge from their roosts very late and return very early; and emergence surveys are often constrained due to the height of tree roosts above ground level and restricted observation due to foliage or lack of light under the canopy. The chances of discovering a roost, even if one is present, are relatively low. However, some of our rarest species are heavily reliant on tree roosts.

Due to these limitations and from what is known about the ecology of tree-roosting bats, it is arguable that all trees with bat roosting potential should be considered part of a resource that will be used at one time or another by tree-roosting bats in order to determine the extent of impacts. Survey work on individual trees may confirm presence but is unlikely to conclusively confirm absence. Precautionary measures are likely to still be essential during works even where surveys have not identified occupancy.” Section 6.1 (Collins, 2016).

- 3.19 No surveys of the trees in question at height were carried out.
- 3.20 Section 6.4.2.1 does not clearly state what the results of the bat surveys were and if the trees surveyed contained roosts or not. It simply lists the bats recorded during the survey and described activity as “low”- albeit without any description as to what this actually means in terms of bat “passes” recorded. There are no photos of any of the potential roost features on trees.
- 3.21 The bats species recorded included two Pipistrelle bat species and Leisler's Bats. These are the most commonly-occurring species in Ireland and also those most easily detected on ultrasonic bat detectors due to their loud calls. It would not be regarded to be best practice to estimate the value of woodland habitats for bats based on two nights of survey effort using manual survey techniques as this is strongly affected by weather conditions



and the timing within the season. Use of static detectors over several nights across the development area would have been able to capture data over a longer period of time and would have been likely to record the quieter Myotis species and Brown-long eared bats. Myotis species of bats (probably Whiskered bats *Myotis mystacinus*) were recorded at Killakee House and would be highly likely to be found in the area.

Badger Survey Methodology and Results

3.22 Section 6.2.10 states:

“The Badger survey was conducted adhering to best practice guidance (TII, 2006c; 2009) and involved a systematic search of all fence lines, Woodland and scrub habitats for physical evidence of Badger e.g. setts, latrines, badger paths of all Stage 1 Route Options in September 2015 and the full extent of the study area of the proposed development in January 2016.”

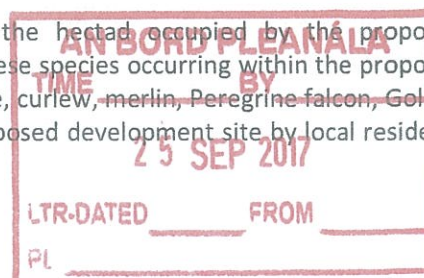
- 3.23 There is a sett that was located alongside a fenceline at the eastern end of Massey’s Wood that has not been recorded. This sett had >6 entrances and appeared to be well-used and likely to be a main sett. It would appear to be away from the development area so as not to give rise to concern over significant effects upon the sett but does call into question as to whether the (extremely large) area of development has been fully surveyed to the desired level.
- 3.24 The sett in the Hellfire Forest is described as being disused but the evidence for the lack of use is not strong. In the absence of monitoring with motion-activated cameras it is impossible to accurately describe activity levels at these entrances. The site visit undertaken on 5th September 2017 noted that several entrances were actively used with fresh digging and badger hairs nearby and would suggest that these setts were active. It is not clear why the authors were not definitive as to the need for a licence under the Wildlife Act as the distance to the track which is proposed to be upgraded could have been measured and the risk of disturbance predicted. It is therefore not possible for An Bord Pleanála to either assess the impact on this sett or to conclude as to whether a licence will be applied for or not in this instance.

Pine Marten Survey Methodology and Results

- 3.25 Despite a Pine Marten being recorded during a bat survey, this record has not been mapped so it is not possible to determine where this record is relative to the proposed development.
- 3.26 Sightings of Pine Marten in this area are rising and dead individuals have been seen on the R115 and live sightings in nearby properties (F. Doyle, pers. Comm.). Therefore given the suitable habitat and availability of prey in the woods this area could be an important refuge for this species.
- 3.27 Given that it has the same level of legal protection as badgers and red squirrel, it is surprising why it is not regarded to be a key ecological receptor. Proving absence of den sites and refuges is notoriously difficult. It would have been more useful to appraise habitat appropriately, including differentiating blocks of woodland of high and low quality in terms of foraging and denning opportunities.

Birds

- 3.28 Table 6.7 in Section 6.3.4.3 lists the bird species recorded in the hectad occupied by the proposed development. No comment has been made as to the likelihood of these species occurring within the proposed development’s zone of influence. Several species including red grouse, curlew, merlin, Peregrine falcon, Golden Plover and Lapwing, all of which have been seen over or on the proposed development site by local residents



(F. Doyle pers. Comm). Merlin and Peregrine are of particular concern as they are of special conservation interest for the Wicklow Mountain Special Protection Area.

3.29 Table 6.11 in Section 6.4.2.1 notes a woodpecker hole in Tree 1. Great spotted woodpecker have been sighted and heard in the woods by local residents and is now a breeding species in Ireland having expanded into the country since 2005.

3.30 Section 6.4.2.2 states:

"The habitat assessment undertaken as part of the multidisciplinary walkover surveys did not identify habitats that would likely support important assemblages or significant populations of birds of conservation concern. Further detailed breeding or wintering bird surveys were not required."

3.31 Given the potential presence of several upland bird species of conservation concern in the vicinity of the Hellfire Club and iconic species such as the Great Spotted Woodpecker in the woodland, the lack of bird surveys is a significant deficiency. In the absence of such data, An Bord Pleanála cannot assess the impact of habitat loss, construction noise and disturbance from significant increases in visitors to the Hellfire and Massey's Woods, on breeding birds and birds that rely on the habitats at other times of year.

Reptiles and Amphibians

3.32 There is little detail provided on the ponds which were regarded to be suitable for smooth newt despite Section 6.2.8 stating that the assessment was based on a "modified habitat suitability index based on Oldham et al. (2000)". One would have expected a description as to how the ponds scored against the suitability index to have been included.

3.33 At least one pond further west of Pond 1 has been omitted from the survey results and could have been missed.

3.34 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."

3.35 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.

Invasive species

3.36 Given the presence of several invasive species in the woodland, it would have been regarded as good practice to have had these mapped and presented in the EIAR to allow An Bord Pleanála to assess the impact of the proposed development on the potential spread of these species. Mapping the distribution of these species would have also informed an Invasive Species Management Plan.

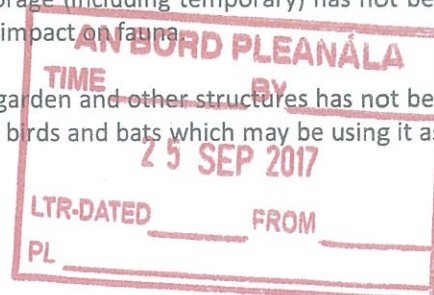


Ecological Valuation of Key Ecological Receptors

- 3.37 Red squirrel has been valued as Local Importance (Higher Value) whereas reference to TII (2009) would suggest that their relative rarity within County Dublin would make them important at a County level.
- 3.38 Pine marten should have been included as a species valued as County importance for similar reasons.

Impact Predictions

- 3.39 Impacts of habitat loss are not objective or quantitative and loss of the individual habitat types identified is described in very generic terms.
- 3.40 There is no breakdown of loss of habitats due to different elements of the proposed development. For example, will upgrading the forest tracks to NTA specification require treatment to the edges, possibly affecting heath habitat?
- 3.41 In the knowledge of the potential presence of Annex I priority habitats that may be directly affected it is regarded that the impact assessment is fundamentally deficient as specific impacts have not been fully described, evaluated and mitigated where required.
- 3.42 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:
- Lighting along treetop bridge in handrail (Section 3.17, Design Report, Paul Keogh Architects) which could have an adverse impact on bat flight paths as they may result in light spill in the height zone that bats use for foraging and commuting.
 - 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.
 - 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 to 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.
- It is noted in the Trails proposal that

"The proposed layout is a guide as detailed design and layout of trails requires on-site planning and adjustments to accommodate localized site gradients, variations and obstacles as well as opportunities."

3.43 However, in the knowledge that there are significant constraints in the form of Annex I priority habitats potentially in the path of proposed new link paths, it is regarded that the assessment cannot be completed by An Bord Pleanála where there remains uncertainty as to the existence and magnitude of such potential impacts.

- The Tree Survey Report notes that

"This survey can only therefore be regarded as a preliminary assessment."

3.44 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

3.45 Section 6.6.2.1 states:

"The Construction Erosion and Sediment Control Plan will have particular regard to in-stream works, concrete works and drainage works and works within, adjacent to and over the Glendoo Brook, which will follow 'Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters' (IFI, 2016)."

3.46 This conflicts with earlier statements that in-stream works will not be required.

3.47 Section 6.6.2.1 also states that:

"Artificial lighting will be shut off at night when not in use or when works cease at the end of the day in order to minimise the effects of light pollution and disturbance to crepuscular and nocturnal species."

3.48 However, this would suggest there is no requirement for temporary security lighting at site compounds or storage areas which is normally required. There is no reference to any mitigation associated with the construction works associated with the surface water outfall to the Glendoo Brook.

3.49 It is stated that:

"All trees identified as having Moderate or High potential for roosting Bats will be subject to emergence/re-entry surveys or climbing surveys to establish if roosts are present."



3.50 It is noted that Table 6.11 within Section 6.4.2.1 does not contain any trees of high potential. It is regarded that emergence/re-entry surveys are not suitable methods for identifying tree roosts. It is also noted that there is no reference to the requirement for a derogation licence to be in place if felling a tree would result in disturbance to bats or loss of a roost site.

3.51 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.

3.52 With regard to provision of replacement squirrel dreys, it is not possible for An Bord Pleanála to assess the feasibility of the mitigation without further information as to where the receptor sites will be. Furthermore, the existence of dreys in Massey's Wood needs to be acknowledged and addressed accordingly.

3.53 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."

3.54 There is no detail provided as to the number or location or type of bat boxes that may be required as insufficient data has been collected to quantify the impact of tree and habitat loss.

3.55 There is no recommendation to monitor and control light spill if it exceeds the safe threshold for impacts on nocturnal fauna.

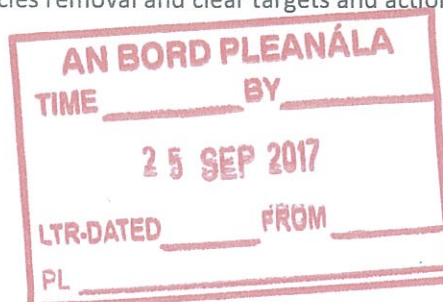
3.56 No measures have been proposed to address the disturbance of amphibians in winter refuges away from the ponds or to minimise mortality during spring migration to breeding sites.

3.57 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.

3.58 The term "no net loss" is only stated in reference to Glendoo Brook but not in relation to any of the other impacts. There is no reason why this approach should not apply to the other ecological features recorded on the proposed development area.

3.59 The description of the *Realignment of Tracks and Trails* describes the area close to the Annex I Priority habitat *Petrifying Springs with Tufa formation*. Therefore, this realignment may itself not be a mitigation measure but have an adverse impact itself.

3.60 The description of *Habitat Enhancement* is rather generic and aspirational. It would have been appropriate to provide maps of enhancement, invasive species removal and clear targets and actions for specific areas.



Residual Impacts, Cumulative Impacts and Conclusions

3.61 The descriptions of residual impacts, cumulative impacts and the overall conclusions to the chapter on Biodiversity is deemed to be inaccurate considering the weaknesses outlined above. It is regarded that the residual impacts would also extend to loss of Annex I priority habitats and possibly to other ecological features which have not been fully or accurately described, such as birds, bats, pine marten, badger, Sika deer⁴ and Marsh Fritillary.

4. Appraisal of Screening for Appropriate Assessment

4.1 As stated above, the presence of Merlin and Peregrine Falcon has been noted by local residents. There is also suitable hunting habitat and breeding habitat for Merlin adjacent to and within the proposed development. Both species are Special Conservation Interests for the SPA and therefore linkages between the proposed development site and the SPA populations cannot be ruled out in the absence of data to the contrary. Breeding bird surveys would have helped to describe the usage of the proposed development site by these species but have not been undertaken. It is our opinion that An Bord Pleanála cannot rule out any possibility of likely significant effects on the European sites, either individually or in combination with other plans or projects in view of best scientific knowledge and the Conservation Objectives of the site(s).

5. Conclusions

5.1 Overall it is regarded that insufficient information has been provided to inform the planning decision and additional information would be needed to complete the collection of scientific data and to clarify specific impacts and the detail of some of the mitigation measures. In the absence of such data it is suggested that An Bord Pleanála cannot complete out the EIA or the AA Screening and therefore are obliged to refuse the application.

5.2 The Board is reminded of the statements set down in Circular NPWS 01/07, 02/07, which state the need to have adequate information on potential effects and necessary mitigation measures as set down in the EIA Directive as revised. These circulars are reminded that the completion of information cannot be addressed by compliance conditions for Annex IV species such as bat species and otter and that an application for derogation for these species should be made in advance of seeking approval under Part 8 of the Planning and Development Regulations, 2011.

Yours sincerely,



Paul Scott, Chartered Ecologist
Director, Scott Cawley Ltd



⁴ No surveys to record this protected species were undertaken.