

An Roinn  
Cultúir, Oidhreachta agus Gaeltachta

Department of  
Culture, Heritage and the Gaeltacht

Ref: JA0040

25 September 2017

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

AN BORD PLEANÁLA	
TIME _____	BY _____
25 SEP 2017	
LTR DATED _____	FROM _____
PL 065 JA0040	

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

A Chara,

I refer to the notification in relation to the above-proposed development. Outlined below are the archaeological, built heritage and nature conservation recommendations of the Department of Culture, Heritage, and the Gaeltacht.

#### Archaeological assessment

The proposed development is located within an area rich in archaeological remains and includes six Recorded Monuments which are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994:

DU025-001001-	Megalithic tomb - passage tomb	Montpelier
DU025-001002-	Megalithic tomb - passage tomb	Montpelier
DU025-001003-	House - 18th/19th century	Montpelier
DU025-021001-	Standing stone	Killakee
DU025-021002-	Enclosure	Killakee
DU025-022----	Megalithic tomb - wedge tomb	Killakee

The Environmental Impact Assessment Report (EIAR) also details (Section 11.3.7) further potential archaeological remains within the portion landholding proposed for the provision of additional vehicular parking.

While construction works associated with the proposed development do not appear to impact directly upon any Recorded Monuments, there will be a direct impact from groundworks upon previously unrecorded potential archaeological remains.

The EIAR (Section 11.6) sets out general archaeological mitigation measures to address the predicted impact of the proposed development, both on the known Recorded Monuments and the previously unrecorded potential archaeological remains.

#### **Archaeological Heritage – recommended conditions**

Given the potential for the discovery of hitherto unrecorded archaeological remains it our recommendation that the following conditions be attached to any grant of permission that may issue in relation to this application:

1. The Archaeological Mitigation Measures detailed in Section 11.6 of the Environmental Impact Assessment Report shall be implemented in full;

2. All accessible areas of proposed construction works (either temporary or permanent) shall be subject to walkover survey to inform any subsequent archaeological test excavations and/or archaeological monitoring;
3. Having completed the archaeological test excavations, the archaeologist shall submit a written report to the Local Authority and to the Department of Culture, Heritage and the Gaeltacht. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, services trenches and other sub-surface works associated with the development will affect the archaeological remains. This should be illustrated with appropriate plans, sections, etc.;
4. All archaeological excavation works, both archaeological testing and monitoring, shall be undertaken subject to Section 26 of the National Monuments Act 1930;
5. Details of the proposed monitoring of potential visitor impact upon the Recorded Monuments as referenced in Section 11.6 of the Environmental Impact Assessment Report should be submitted to the Department of Culture, Heritage and the Gaeltacht.

### **Built Heritage**

The Architectural Heritage Advisory Unit of the Department has assessed the application for the Hellfire Club from an architectural standpoint. It is included in the National Inventory of Architectural Heritage (Ref. 11220022) and rated of Regional significance. It is also, with the two adjoining passage tombs, included on the South County Dublin Record of Protected Structures (Ref. 388).

The Hellfire Club is a former hunting lodge built c.1725. Its architect is unknown, but it is sometimes attributed to Edward Lovett Pearce, although there is no documentary evidence for this attribution. It is suggested that stone from the adjoining passage tombs may have been used in its construction. The building was severely damaged by fire in the 1750s, following which its decorative stonework was removed for use elsewhere. Its survival, as a ruin, for over 250 years is testament to its solid construction.

The Department welcomes the proposed plan is to carry out minimal conservation and repair works to the fabric of the Hellfire Club and to preserve the building as a visitable ruin.

The planning drawings indicate that there will be some lighting installed within and around the building. However there are no details of what is proposed or any indication as to how the electrical supply is to be brought to the top of the hill. It will probably require trenching from the proposed Visitor Centre.

It is unclear if any conservation works are proposed on the two tombs.

A circular area is shown on the drawings around the Hellfire Club and the two tombs. The proposed finish of this area is unclear. Currently it is grassed.

The Department would recommend:

- A detailed conservation survey and analysis of the existing fabric be made prior to any works and that these survey drawings should be lodged, together with as built drawings, with the Irish Architectural Archive.
- That the details of any lighting installation be agreed with the Department of Culture, Heritage and the Gaeltacht.
- That the surface finish of the area around the Hellfire Club and the two tombs be agreed with the Department of Culture, Heritage and the Gaeltacht.

The trenching of the site, and possible works on the two tombs, will require an archaeological input from National Monuments.

<b>AN BORD PLEANÁLA</b>	
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### Nature Conservation

#### **Screening for AA**

While the site is not designated for nature conservation it is close to the Wicklow Mountains Special Protection Area (SPA) (site code 004040), designated under the EC Birds Directive (Directive 2009/147 EC). This Department believes that Massy's Woods and the Hellfire Club plantation are likely to support birds such as long eared owl, woodcock, peregrine falcon and possibly nesting merlins. Peregrine falcons and merlins are special conservation interests for the Wicklow Mountains SPA, therefore any impacts on these two species at this site could result in ex-situ impacts on the SPA. The EIS has not included any survey for birds so it is not clear therefore whether merlins nest on the site or not and therefore whether there is potential for ex-situ impacts or not.

Since it is envisaged that the new visitor centre could form a starting point for the Dublin Way route, the issue of cumulative impacts on the nearby sites of the Glenasmole Valley Special Area of Conservation (SAC) (site code 001209) designated under the EC Habitats Directive (Council Directive 92/43/EEC), the Wicklow Mountains SAC (site code 002122), and the Wicklow Mountains SPA, needs to be assessed cumulatively in terms of any increase in visitor numbers and how they might impact on the conservation objectives of the three European sites.

An Bord Pleanála needs to consider the above issues when carrying out their appropriate assessment screening.

#### **EIS and associated documents**

While the proposed development is not in any designated site it does contain protected species and is close to three European sites as outlined above. In addition to the issues outlined above under the heading of Appropriate Assessment Screening, An Bord Pleanála should consider the issues below when reaching a decision, and, if necessary, should seek further information.

#### **Red Squirrels**

The presence of red squirrels in the Hellfire club plantation is a significant feature from a wildlife conservation point of view and the site is likely to be of County importance for this species. The stands of coniferous trees in the Hellfire Club plantation, which in forestry terms are mature or (as adjacent to the car park) are over mature, are a valuable habitat for this species, occurring here in a contact zone with grey squirrels. Red squirrels have probably been present in the Hellfire Club plantations since the conifers became mature enough to support them circa the 1960's. Presumably the red squirrels would have migrated in from Massy's Wood at that time. Probably about the late 1990's grey squirrels colonised Massy's Wood and are most likely the dominant species there today as the deciduous trees there provide good habitat for grey squirrels.

This Department recommends that a red squirrel conservation management plan should be drawn up by the Local Authority and Coillte. This plan should reference the "All-Ireland Species Action Plan Red Squirrel" which can be downloaded from [https://www.npws.ie/sites/default/files/publications/pdf/2008\\_Squirrel\\_SAP.pdf](https://www.npws.ie/sites/default/files/publications/pdf/2008_Squirrel_SAP.pdf)

Any new planting or tree removal will need to take account of the red squirrel plan for this site, in particular retention of existing mature conifers and planting with new conifers (Scots Pine) are recommended. The proposal to replace all conifers with broadleaved species in the longer term, and to clear fell some conifers in the shorter term, will therefore need to be modified. The plan should encompass the management all of the Hellfire Club plantations.

This Department notes on page 8 of section 6.5 of the appendix to chapter 6 in volume 2 of the EIAR entitled "supporting information for a licence application to destroy red squirrel (*Sciurus vulgaris*) dreys for the purposes of development" that such planting should include coniferous species such as scots pine alongside hawthorn, blackthorn and rowan. This recommendation should be implemented.

The red squirrel management plan may also need to involve controlling the grey squirrel population. It should be noted that since the action plan was written there is a view that red squirrel populations may be increasing due to the predation of grey squirrels by an increasing population of pine martens. Therefore pine marten conservation in the area would also be an important factor to include in any plan.

### **Pine Martens**

This Department notes that a pine marten was observed during the bat survey and it is not clear why this was not also made a key ecological receptor (KER), particularly in view of its likely role in controlling grey squirrels as mentioned above.

### **Bats**

This Department would have expected, due to the habitat types present, that natterers, long-eared, and probably whiskered bats, would also have been present, and is of the view that the two nights of survey for bats was not adequate. Apart from tree roosts there may also be bat roosts in the Hellfire club and/or the walls of the walled garden. This Department notes that works will be carried out on these structures and they should therefore be surveyed for bats.

Lighting may impact negatively on bats, including any construction lighting at night. To avoid such an impact artificial lighting should be minimised. Ideally for bats no exterior night lighting should be installed. See also further comments on bats below under the heading of hedgerows.

### **Hedgerows**

It is unclear to this Department whether the proposed construction of footpaths on existing roads to the new visitor centre will impact on any existing boundary hedgerows or not. It is also not clear whether there will be any lighting along the proposed footpaths. These issues need to be clarified because these hedgerows currently provide valuable foraging habitat for bats, as recently observed by the Conservation Ranger for the area. Hedgerows should be protected where possible. New hedgerows made up of native species, should be planted and maintained to replace any hedgerows removed as part of the development.

### **Birds**

The site is close to the Wicklow Mountains SPA (site code 004040). This Department believes that Massy's Woods and the Hellfire Club plantation are likely to support birds such as long eared owl, woodcock, peregrine falcon and possibly nesting merlins. Peregrine falcons and merlins are special conservation interests for the Wicklow Mountains SPA.

In order to protect nesting birds it should be a condition of any permission granted that if tree felling is necessary then all stands of trees are felled outside the nesting season. Any loss of trees should be taken into consideration in terms of replacing the loss. As a condition of consent and in order to account for the loss of any trees the Department recommends that the developments landscaping and site management plan should involve a tree planting (using native species) and maintenance plan.

### **Badgers**

This Department notes a licence application to disturb a main badger sett and a subsidiary sett, both of which were deemed to be inactive during the February 2017 walkover. The EIS details that they were also deemed inactive when surveyed in September 2015 and January 2015. However it is possible that they may be used from time to time and their current and/or future use cannot be ruled out. It is therefore possible that a licence to destroy a badger sett may be required prior to construction. The setts will therefore need to be monitored for badger activity in advance of any vegetation clearance or construction works.

### **Flora and Habitats**

It is noted that the habitat survey was carried out in December 2016 and the invasive alien species survey was carried out in December 2016 and February 2017, and it is acknowledged that these were not optimum times. Given that the site was surveyed for bats in May and June it is surprising that the opportunity was not taken to produce a more complete list of plant species at that time. The flora survey is therefore deficient as all the spring and summer flowering plants were unlikely to have been recorded.

The baseline data given from the desktop survey is somewhat confusing. The contents of Table 6.7 on page 83 of chapter 6 of the EIS, which deals with invasive alien plant species, appear to be missing, and the title appears to have been added to the contents of table 6.6.

### **Glendoo Brook**

In order to adequately monitor the Glendoo stream, and any potential impacts of construction on it, baseline surveys of water quality, including chemical and macro invertebrate sampling, should be carried out prior to construction, during construction and then annually as per the monitoring proposed for KERs.

### **Deer**

Deer appear not to have been mentioned in the EIS. Deer species are protected under the Wildlife Acts of 1967-2012. However, there is an open season to hunt deer. In addition, they can be controlled out of season where they are causing damage as detailed in section 42 of the Wildlife Acts. Each year this Department issues licenses to shoot deer out of season on many of the lands adjacent to the proposed development site where deer are competing for grazing with domestic livestock and/or are suspected of being implicated in TB breakdown in cattle. A deer management plan will be required for the site to control deer, which could include providing deer lawns and high seating for shooting.

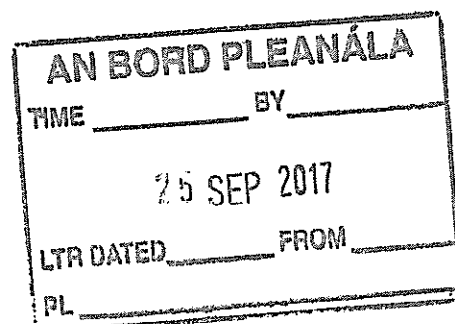
### **Vegetation Clearance**

Consideration should be given to protecting nesting habitat of wild birds (March 1st – 31<sup>st</sup> August). If the construction of the facility involves the removal of vegetation (trees, scrub, isolated patches of scrub etc. - or other habitats likely to be used by nesting wild birds) then a condition should be attached to any planning consent ensuring that at least an equal area of habitat (trees, groves of trees, shrubbery etc.) is provided and maintained for nesting birds into the future. It is recommended that only native species of trees and shrubs are provided.

### **Construction Management Plan**

An Bord Pleanála should satisfy itself that the outline construction plan supplied in the document entitled "Outline Construction and Traffic Management Plan" is adequate to allow an assessment of impacts on habitats and protected species. The outline construction management plan supplied does not specify any measure to prevent the introduction or spread of invasive alien species. In addition there is no detail given of the source of soil or type of seeding to be used on cut slopes as detailed in section 2.2 on page 6. Care needs to be taken that no alien invasive species are introduced when spreading soil and seeding.

It is the view of this Department that complete project details, including construction management plans (CMPs), need to be provided in order to allow an adequate assessment to be undertaken. Applicants need to be able to demonstrate that CMPs and other such plans are adequate and effective mitigation, supported by scientific information and analysis, and that they are feasible within the physical constraints of the site. The positions, locations and sizes of construction infrastructure and mitigation, such as settlement ponds, disposal sites and construction compounds, may significantly affect habitats, and species in their own right and could have an effect for example on drainage, water quality, habitat loss, and disturbance. If these are undetermined at time of the assessment, all potential effects of the development on the site are not being considered. If applicants are not in a position to decide the exact location and details of these at time of application, then they need to consider the range of options that may be used in their assessment so that all issues are covered.



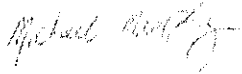
Kindly forward any further information received; or in the event of a decision being made a copy of same should be forwarded to the following address as soon as it issues:

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

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

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

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