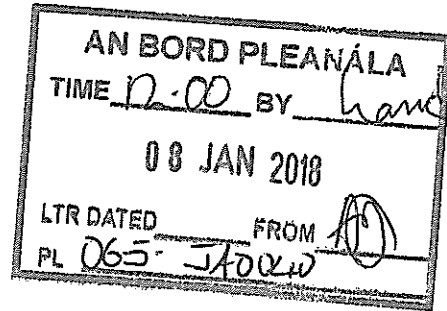


An Bord Pleanála
64 Marlborough St
Dublin 1

Name: Anna and Dermot Collins
Address: Blue Dawn, Mt Venus Rd, Woodtown, Dublin 16.

Development: Dublin Mountains visitor Centre (DMVC) Strategic Development Initiative
Location: Hellfire Club/Montpelier Hill/Massey's Wood
Planning Authority: South Dublin County Council (SDCC)

Your reference no: 065. JA0040



Dear Sirs,

Further to our previous submission in September 2017 and in response to the applicant's Further Information Response (FIR) we submit the following points in support of our opposition to the DMVC.

Nature conservation

1. Seasonality of the surveys

SDCCs reply in their FIR to the concerns of ABP and the Dept of Culture, Heritage and the Gaeltacht (DCHG) is derisory. SDCC states [FIR. 7.1.3. p9]: "While the habitats recorded within the footprint of the proposed development, i.e. conifer plantation, recently-felled woodland and beech woodland, provide habitats for a range of protected species, they are not important, rare or protected habitats and it is considered that surveys of these habitats, while not within the preferred survey season, provided an accurate and adequate description thereof". That the surveys were not done within the correct ("preferred") season makes them invalid. SDCC is ignoring ABP and DCHG's legitimate concerns and cannot be allowed to progress with this development.

2. Flora and Habitats

SDCC has failed to respond adequately to ABP and DCHG as to the unsuitability of the season during which the putative flora and habitat "survey" was carried out. Again, no satisfactory study methods, transect details etc were provided to ABP. On the basis of SDCCs failure to supply sufficient information for ABP to properly assess the impact of this development on flora and fauna you cannot give permission for this development.

3. Quality of Surveys

The ROD ecologists (Patrick O'Shea and Kate Moore – EIA Vol 1 6.2.6. p75) engaged by SDCC did not use methodologically sound techniques for assessing flora and fauna. Each KER (Key Ecological Receptor) merits a detailed report. This has not been provided. Poorly recorded non-transected "multi-disciplinary walkover surveys" of flora and fauna do not constitute proper surveys. It is possible that these ecologists were only permitted a very limited

number of hours for their investigations/surveys, with the result that they could not be carried out properly. A more worrying interpretation might be that the applicant wishes to avoid proper, formal, thorough surveys of all species in the study areas. Correctly recording (using proper methodology) and demonstrating the huge diversity and abundance of species at Hellfire/Massy's would we believe, undermine SDCC's application for this ecologically destructive development.

4. Bats

Despite the DCHG and ABP stating the bat survey is inadequate SDCC has still not rectified this. On this basis this development cannot be allowed to proceed.

According to Bat conservation Ireland's Bat Survey Guidelines¹ "the surveyor contracted to undertake this work must have a demonstrable track record or experience in surveying bats and preferably be a member of an appropriate professional body such as the Institute of Ecology and Environmental Management (IEEM). For example, a minimal standard would be a bat specialist with experience of similar types of bat surveys in the Republic of Ireland or in the UK in a variety of habitats and locations, who is competent in the use of bat detectors and identification of bat species. We note that neither Mr O'Shea nor Ms Moore appears (from their Linked-In profiles) to be a bat specialist.

5. Birds

SDCC has still failed to carry out a bird survey, despite the concerns expressed about its absence by the Dept of Culture, Heritage and the Gaeltacht (DCHG) (letter dated 25th Sept 2017 to APB). In ignoring the need for a bird survey SDCC has also ignored concerns about possible impacts on Wicklow SPA (site Code 004040).

I have personally sighted barn owl in Massy's Wood in 2017 (on the military road approximately 500m from the Kilakee Rd entrance). The barn owl is a red-listed bird of conservation concern in Ireland due to a decline of over 50% in their population during the past 25 years and is mentioned in the FIR. They are listed as a Species of European Conservation Concern (SPEC 3) having an unfavourable conservation status in Europe. As SDCC lists the barn owl in the NBDC records for the relevant hectads [FIR p6, Table 6.6] they must carry out a survey of this bird.

All of the birds listed on the Official Irish list (available to download on the Irish Rare Birds Committee website)² are protected under both the EU Birds Directive [2009/147/EC] and The Wildlife Act, 1976 (including amendments made in SI 283/1980 and SI 397/1985]. If a bird that is not on the list turns up in the wild in Ireland then it is also afforded protection under the same national and European legislation.

The bird survey does not exist. It is mandatory. You cannot grant this application without the proper assessments.

6. Pine Marten

We have serious concerns about the lack of adequate and proper response by SDCC to the concerns raised by ABP and the DCHG [letter dated 25/9/17 to secretary of ABP from Michael Murphy, Development Applications Unit, DCHG] re. pine martens.

¹ Bat conservation Ireland. Wind turbine/Wind Farm Development Bat Survey Guidelines. Version No 2.8 December 2012.

² Go to www.irbc.ie to download the Irish List as on 31 Dec 2015

The DCHG comments that the pine martens are important in helping red squirrel populations to grow (by predated on grey squirrels). They state: "pine marten conservation in the area would also be an important factor to include in any plan" and that "it is not clear why this [the pine marten] was not also made a key ecological receptor (KER), particularly in its likely role in controlling grey squirrels as mentioned above".

SDCCs response to this concern [FIR p5, 4.0] is inadequate for these reasons:

- SDCC has still not carried out any survey of pine martens, ignoring APB and DCHG's concerns as to why the pine marten was not made a KER. SDCC has failed to justify its decision to exclude the pine marten as a KER.
- SDCC states [FIR p5, 4.0] that pine martens are "nocturnal and elusive" and "are unlikely to be affected by the project as a result of existing disturbance by people and dogs, which may result in them being habituated to human disturbance or nesting away from the area of the development". SDCC here implies that the current scale of disturbance (dogs, people mainly on weekends) is the same as that which will be brought about by at least a year of heavy construction, followed by a 66%+ increase in visitor numbers.
- SDCC claims that pine martens may be habituated to human and canine disturbance but can give no example of pine martens being active in the type of suburbanised, high traffic volume, commercial-style development they propose with the DMVC.
- SDCCs original EIAR [Vol 1, p96 6.5.4.5.] states "the proposed development will result in habitat loss, disturbance and displacement to the fauna that reside within and adjacent to the proposed development. Where fauna of ecological significance or potential habitat for such species was recorded these were included as Key Ecological Receptors [KERS] and are described in Section 6.5.2.3." This statement by SDCC is untrue as the pine marten (spotted accidentally during bat survey) is of ecological significance.
- The pine marten is protected under the Wildlife Act of 1976 and are also included in Annex V of the EU habitats Directive 1992, Appendix III of the Berne Convention 1979 and the Wildlife (Amendment) Act 2000. The pine marten MUST be included as a KER, be formally surveyed, and a proper impact assessment carried out.
- In the EIAR Vol 1 6.4.2.1. SDCC state "no suitable den or refuge sites were identified within the study area. It is considered that the proposed development will not impact significantly on the species and, therefore, it is not included as a key ecological receptor and no further surveys are required". However, SDCC has carried out NO survey of pine martens whatsoever. To mention "further surveys" of pine marten is a nonsense as none exists in the first place.
- SDCC quotes Declan O'Mahony's 2011³ conference paper in support their statement that "pine martens have large territories" when in fact Dr O'Mahony's paper says that "core ranges were small" (ranging in size from 5.6 to 66.9 hectares). O'Mahony states in the same paper that pine martens are solitary. Their territories do not intersect. He also writes (on the mammals-in-Ireland website) that adults only interact during the mating season and only breed once. Dr O'Mahony states that pine marten are slow breeders mainly due to small numbers of young produced, the age at which reproductive maturity is reached (2 years), and the comparatively small numbers of young (kits) which survive. The lone pine marten "visually recorded" by SDCC's ecologists during their bat survey may be the only pine marten for quite some distance. This would indicate that construction could have a catastrophic effect on this individual (and others, if multiple ranges are impacted). SDCC has not attempted to provide any evidence that the construction and post construction phase of their proposed DMVC will not have a deleterious effect on this rare species.
- Furthermore, a separate paper by the same author [O'Mahony et al (2012)] states that "there is little or no evidence of any recent expansion from core population areas (18% of land area) on the island

³ O'Mahony, Declan (2011) Spatial ecology of pine marten in commercial forest plantations in Ireland.

of Ireland despite recent increases in forest cover and full legal protection". This survey used scat-based transect surveys and DNA analysis to confirm scat identity in 258 10km grid squares. SDCC would need to be presenting this depth and quality of survey in order to prove there would be no impact on pine marten numbers due to the construction of the DMVC. O'Mahony goes on to state that "the pine marten is one of the rarest wildlife species in Ireland and, based on our studies, an evidence-based conservation strategy that promotes a sustainable future for the species needs to be developed". SDCC has presented no meaningful strategy at all, evidence-based or otherwise.

- SDCC states "during operation Pine Marten will continue to inhabit the area" [Further Information Response Annex B – DMVC Responses Biodiversity Theme. 3.61]. As explained above, this is wishful thinking rather than evidence-based fact (by SDCC).
- SDCC has consistently failed to present evidence that the DMVC as proposed will not have a detrimental effect on pine martens and their habitat.

A survey for pine martens for the DMVC does not exist. It is mandatory as pine marten is an important species. In the absence of proper, detailed, extensive surveys this application cannot be granted.

7. Red Squirrels

SDCC's FIR cites a paper by Gutzwiller & Riffell (2008)⁴ which includes description their intensive methods used to determine red squirrel numbers, distribution and impact from occasional human presence. Examining this study serves to further underline how the applicants survey of red squirrels at Hellfire/Massy's is derisory by comparison. A full survey of any species is not done through an informal "walkover survey" of the type carried out by SDCCs' team. A survey of any species needs to be a detailed, formal document outlining study methods, times, dates, transect details and even the clothing worn by the ecologists (which should be of a type to minimise awareness of the presence of humans).

Red squirrel habitat at Hellfire Massy's extends to the SAC in Glenasmole via hedgerows. Destruction of habitat at Hellfire/Massy's could affect the SACs. It is incumbent upon SDCC to prove NO impact on the ecological receptors both in Hellfire/Massy's and the Glenasmole SAC from the DMVC. They have failed to do this.

We have personally seen red squirrels in both the Hellfire Club car park and in Massy's Wood (in 2017). Erecting squirrel boxes ("artificial dreys") while destroying habitat of pinemartens which prey on grey squirrels (keeping them down) is not an adequate management plan for red squirrel. To allow the environmental destruction needed for the DMVC proposal, with the inadequate EIAR (and FIR) would be a travesty of the planning process. You cannot allow this development to go ahead. None of the flora/fauna has been adequately assessed.

8. Deer

DCHG is concerned that deer have not been mentioned in the EIAR. Michael Murphy's letter dated 25/9/17 from DCHG to APB suggests deer management, possibly by way of providing

⁴ Gutzwiller, Kevin and Riffell, Samuel (2008) Does Repeated Human Intrusion Alter Use of Wildland Sites by Red Squirrels? Multiyear Experimental Evidence Journal of Mammalogy Vol. 89, No. 2 (Apr., 2008), pp. 374-380

deer lawns and high seating for shooting, to control numbers. SDCCs response to this suggestion is that "erecting high seats and deer lawns for shooting deer on the site, which currently has 100,000 visitors per year, is considered a health and safety risk to members of the public who use the area and it is considered more appropriate to concentrate deer control in areas outside these publicly accessible lands". That appears to indicate SDCC have no interest in a deer management plan, despite being advised to develop one by DCHG.

Our concerns re the lack of interest by SDCC in the ecology relevant to the proposed development have not been addressed by the FIR.

9. Appropriate ongoing monitoring

As SDCCs species surveys are so inadequate how can it possibly suddenly achieve high quality monitoring of species (e.g. red squirrels, badgers) if this project is approved by ABP? In the light of the inadequate surveying to date, "ongoing monitoring" is a meaningless aspiration.

10. Potential for cumulative environmental damage from increased visitors

This issue has been ignored by SDCC despite the DCHG's concerns. SDCC envisages the visitor centre as a starting point for the Dublin Way route, further increasing footfall in receiving area. Although DCHG refers to cumulative impacts on nearby Glenasmole valley SAC (Site Code 00129), Wicklow Mountains SAC (Site Code 002122) and Wicklow Mountains SPA (Site Code 004040) SDCC has ignored the issue of future further damage to the DMVC's receiving area. It is SDCC's obligation to prove that there is no potential for damage to the above-mentioned areas in order for the DMVC to go ahead.

Nowhere has the continuing impact on the environment (post-construction operational phase) been assessed or even considered by SDCC. We believe this is a serious omission.

Other Issues

1. Traffic and enforcement

The FIR [Conclusions for Transport Impacts (f) p25] states that "a fully sustainable transport access strategy will serve the site".

To illustrate how unsustainable and inappropriate the proposed development is for the local area we should look at the current traffic fiasco due to closure of Edmondstown Road (due to subsidence).

Local roads such as Edmondstown Rd, Mt Venus Rd, Stocking Lane and Ballycullen Rd were already at maximum carrying capacity throughout 2017 with stressed motorists (rushing to avoid M50 etc) speeding dangerously at peak times. As locals, we witness daily the effects of the increasingly urban sprawl in Stocking Lane and Ballycullen Road. These two roads are the main access routes to Hellfire/Massy's (Montpelier Hill). As the DMVC projects 200,000 extra visitors per annum this will significantly increase vehicular traffic, putting even more pressure on these country roads. Therefore a sensible traffic management plan and further information re construction and operational phases are essential. We have huge concerns about the paucity of information supplied by SDCC on these matters.

We have no confidence in SDCCs assurances about ongoing management of the DMVC development and surrounds. In the case of the Edmondstown Road subsidence (in 2017) SDCC identified the problem in 2009 (risk of subsidence due to interference) but failed to

enforce any mitigation measures. SDCC was unable to address this serious public safety issue on Edmondstown Road. Given this track record, how can the applicant's assurances that they will properly monitor and enforce DMVC-related traffic/road issues be relied upon.

SDCC has failed to remotely allay our concerns concerning traffic and roads. The DMVC and its traffic implications are contrary to sustainable development and display a lack of proper planning.

2. Failure to re-examine alternative sites for DMVC

Seamus Murphy, the owner of Stewards House, an 18th century historic building on Kilakee Road in the lee of Montpelier Hill, made a submission re this project (Sept 2017). In this he described the potential suitability of his property to being converted to at least part of the DMVC (perhaps the restaurant, as it has a history of this use) and that using a historic property would enhance the visitor experience. We agree with this, and believe it is scandalous that such a beautiful and historic building not be utilised in this project. After all, SDCC's own development plan advocated that only pre-existing buildings should be allowed to house new restaurants, cafes or shops.

The applicant should have re-examined the possibility of using Stewards House as part of the DMVC once they reduced the size of their proposed building (reducing size of cafe to 75-seater).

The applicant has provided no explanation for their failure to reconsider Stewards House as the DMVC or part thereof.

3. Public opinion

12,000 people have now signed the petition asking to drop the proposed development. At no point has there been an acknowledgement by the applicant of any of the signatures submitted to the email address supplied by SDCC (for members of the public to comment on the DMVC proposal).

Over 12,000 people believe the current DMVC proposal will destroy that which makes Montpelier Hill/HFC an attractive place to visit, namely its semi-wilderness and freedom from inappropriate commercialisation or suburbanisation⁵. These people believe the Dublin Mountains are a precious resource to be preserved, not concreted over, urbanised and unsuitably commercialised. Why should the opinions of 12,000 people have no relevance in whether this application is rejected or approved?

4. Our right to our health and wellbeing by having access to the natural environment.

Like many of these people we are recreational users of Massey's Wood and Montpelier Hill (Hellfire Club) which is vital for our health and wellbeing. Massey's and Hellfire are the only natural landscape not in private ownership which are easily accessible for us to use on a regular basis. These landscapes will be detrimentally affected if this development proceeds. We as individuals have a constitutional right to our human dignity by access to the natural environment since this became law in 2017.

Subverting the natural environment by allowing an inappropriately-scaled and destructive urban style development on Coillte land does not comply with our constitutional rights.

⁵ Nearby there is Timbertrove Cafe (Kilakee Road, almost opposite Hellfire Club car park) and Hazel House (Mutton Lane, near Cruagh – 8 minutes drive from HFC) for those who would like refreshments.

Conclusion

This is a unique wilderness especially as it is SO close to our capital city. It deserves proper protection for all our sakes.

The applicant has failed to adequately answer any of the concerns raised in our initial submission regarding zoning, amenity value, traffic/roads, archaeology, ecology, inappropriate over development, site management nor visitor centre alternatives.

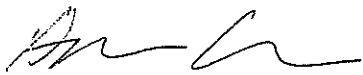
Furthermore, regarding ecological impacts the applicant has never submitted an impact assessment but rather a screening for an impact assessment. SDCC submits that they have screened the proper assessment off. SDCC has not remotely addressed the concerns of DHCG (nor ourselves).

We reiterate our original conclusion that the combination of inadequate/inaccurate wildlife and plant surveys and total omission of some key species is unacceptable. The unnecessary repetition in the FIR (and EIAR) and a general reluctance to acknowledge the large-scale destruction the DMVC would wreak on biodiversity in the receiving area makes the surveys the applicant has done almost meaningless.

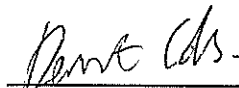
The applicants EIAR and FIR do not constitute a valid foundation on which to make a decision about the impact of the development. The FIR is incomplete, inaccurate and unprofessional in the extreme as was the EIAR. This development is in direct contravention of the applicant's stated aim of protecting our biodiversity and natural environment.

In brief, no proper EIA has been done, no proper surveys have been done, no proper management plan has been done and therefore ABP has insufficient information to support this project. We strongly urge you to refuse this application.

Yours faithfully



Anna Collins

 5/1/18
Dermot Collins

5/1/2018

