

The Secretary
An Bord Pleanála
Marlborough Street
Dublin 1

23/03/2020 15:57

From : CONCERNED RESIDENTS OF KILLAKEE

Re: JA0040

We wish to make the following observations concerning the Further Information submitted to An Bord Pleanála to enable it to make its appropriate assessment. The Stage 2 legal test is not satisfied as it has not been demonstrated beyond reasonable scientific doubt that the project will not interrupt or cause delays in the achievement of the Conservation Objectives of the neighbouring European sites and accordingly, this application should fail.

1. There is absolutely no evidence that provision of signage and way-markers, no matter how aesthetically pleasing, will be sufficient to eliminate or even to reduce at all the impact of increased footfall, both in terms of nesting habitat for Merlin and in terms of the potential erosion of European dry heaths and North Atlantic wet heaths as set out in the NIR.
2. Accordingly, there exists a potential lacuna and, applying *Sweetman v. An Bord Pleanála* [2013] Case C-258/11., the Board cannot be sure beyond reasonable scientific doubt that the relevant sites will not be adversely impacted.
3. Further, assessment and mitigation are premised on only a 'slight increase' in visitors on the basis of the distances involved from the neighbouring SACs and SPA but, given the stated aim to draw tourists into the region and the proximity both Dublin and Wicklow Mountains Ways, the Board cannot be assured that the increase and therefore the impact will not be far greater.

More generally, while the provision of better parking facilities and the turning over of a substantial portion of the land in question from coniferous to deciduous forest is welcome, the vast scale of the centre itself and the inevitable impact it will have ecologically and visually, is entirely disproportionate to the benefits to be gained by increased numbers of tourists.

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