

Christine Brennan

From: David Cotter <davidcotter2017@gmail.com>
Sent: Monday 23 March 2020 15:40
To: Kieran Somers; SIDS; Bord
Cc: davidcotter2017@gmail.com
Subject: Fwd: Planning Application Reference No. 06S. JA0040 – Dublin Mountains Visitors Centre and all associated works in the Townlands of Montpelier, Killakee and Jamestown in South Dublin.
Attachments: Final Submission to ABP - March 2020 - Signed.pdf

No 4. Redwood Lawns,
Kilnamanagh,
Tallaght,
Dublin 24.

Mr. Kieran Somers,
Executive Officer,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

21st March 2020.

Re: Planning Reference No. 06S. JA0040 – Dublin Mountains Visitors Centre and all associated works in the Townlands of Montpelier, Killakee and Jamestown in South Dublin – Submission of further significant information to An Bord Pleanála.

Dear Mr. Somers,

On the behalf of Sinéad Ní Bháin, Hilary Wallner, Dermot Deering, Jonathan Barry and myself, I wish to make the following observations and submissions in response to the further significant information submitted by South Dublin County Council, as of the 23/12/2019, and which accompanies the above planning application.

These observations and points are as follows:

General Observations

It is still our agreed position that this proposed development as currently being anticipated is unnecessary and is a total waste of taxpayers'/public monies. The construction of a new build element, the visitor centre itself, will impact negatively on the immediate surrounding landscape and the nearby NATURA 2000 designated conservation sites. We urge South Dublin County Council at this late stage to withdraw its planning application and to go away and reconsider/re-examine the need to proceed with such a development in light of the economic challenges that lie ahead both at a national and international level, such as a potential global economic recession, the challenges of climate change and biodiversity/habitat loss and of course the global impact that COVID-19/Coronavirus is having and will have in the months ahead. The economic necessity for such a development is no longer a certainty as tourism numbers are falling internationally due to climate concerns, global conflicts and the impact that COVID-19 will bear down on this country for the foreseeable future.

The COVID-19/Coronavirus situation has also had a restricting effect on the consultation period for this planning application. South Dublin County Council's Ballyroan Library will have been closed for nine days by Monday 23rd March, denying many individuals and groups the wherewithal to examine the further

significant information documentation. South Dublin County Council offices will have been mostly closed to the public for this period too. There is a strong case for An Bord Pleanála to request South Dublin County Council to extend the consultation period to allow individuals and groups to find other, safe ways of viewing the documentation, if they cannot do so online.

Due to the sheer volume of additional documentation, a lot being scientific in content, and submitted by South Dublin County Council as part of its significant information request, we would urge and request An Bord Pleanála to consider hosting an additional second oral hearing to afford all interest parties a chance to examine and address the substantive issues involved, especially the mitigation measures being proposed by the applicant.

It is still our agreed view that this proposed development, when it comes to visitor and walker needs, is not ideally located near to two main national waymarked trails, i.e., The Dublin Mountains Way (starting point either Tallaght Town Centre or Shankill Village) and the Wicklow Way (starting point Marlay Park, Rathfarnham). Either of these locations would have been a more appropriate location for such a proposed development to be ideally placed. According to the Dublin Mountains Partnership, the Dublin Mountains Way is a 42.6 km national waymarked trail which crosses the Dublin Mountains from Shankill in the east to Tallaght in the west. The Wicklow Way on the other hand covers 128km and finishes in Clonegal, County Carlow.

We note that An Bord Pleanála's request, dated the 06/02/2019, to South Dublin County Council's representative Paul Keogh Architects stated that the Board was not satisfied, having regard to the precautionary principle, that the survey work carried out originally in the summer months of 2018 was adequate and that the potential impact on Merlin which is a qualifying interest of the Wicklow Mountains SPA had been fully addressed. The Board requested South Dublin County Council to go away and undertake additional bird surveys in optimal conditions to address these concerns. We note that the Ornithological Survey Report - Merlin (*Falco columbarius*) Survey of the Dublin Mountains undertaken by Alan Lauder for Roughan O'Donovan, Consulting Engineers, notes one single Merlin bird detection but again this additional survey is based on field visits on dates between the 25/04/2019 and 27/07/2019, basically the summer months of 2019. To truly assess the impact on any raptor species, including the Merlin, South Dublin County Council should have had a survey which includes the other three seasons of a typical year, Spring, Autumn and Winter. We therefore believe that survey is inadequate and does not reflect what was requested originally by the Board.

We note that in the same letter dated the 06/02/2019, the Board having due regard to the precautionary principle, questioned the potential impact of increased visitor numbers using the proposed visitor centre as a new starting point into the Dublin/Wicklow Mountains and therefore questioning, if any, the potential negative impacts on designated European conservation sites such as Glenasmole Valley SAC, Wicklow Mountains SPA, etc. The Board questioned whether this proposed development had been adequately assessed in terms of the potential impact it might have on the qualifying interests within these designated European conservation sites. The Board at that time could not determine whether there was a requirement for mitigation measures by South Dublin County Council, with respect to the potential issue of cumulative effects on these designated European conservation sites.

In the various reports and assessments submitted by South Dublin County Council as part of further significant information, the applicant clearly tries to address the above mitigation concerns and tries to reassure there will be no adverse impacts whatsoever. In the document entitled 'Dublin Mountains Visitor Centre Natura Impact Statement' it states that on page 69 that *'in the absence of appropriate mitigation, the proposed Dublin Mountains Visitor Centre, individually or in combination with other plans or projects, would adversely affect the integrity of two European sites, namely the Wicklow Mountains SAC and the Wicklow Mountains SPA'*.

In the same document it clearly states on Page 61 that *'In the absence of mitigation, the proposed development provides for adverse effects on the integrity of the Wicklow Mountains SAC, in view of its Conservation Objectives for "Northern Atlantic wet heaths with Erica tetralix" and "European dry heaths". These effects include potentially some habitat loss along the trails in the SAC. Mitigation is, therefore, required in order to prevent such effects'*. It further states on page 63 that *'in the absence of mitigation, the proposed development provides for adverse effects on the integrity of the Wicklow Mountains SPA, in*

view of its Conservation Objectives for "Merlin". These effects include a decrease in the extent of available hunting habitat and prey items in the SPA. Mitigation is, therefore, required in order to prevent such effect'.

It is our agreed belief that the various mitigation measures being proposed by South Dublin County Council do not go far enough and do not guarantee one hundred percent that there be no negative impacts on designated European conservation sites close to the proposed development. A public body such as South Dublin County Council cannot rely on the goodwill of visitors and walkers alike to adhere solely to designated trails, trail signage and notice boards. After all, human nature as it is, has a habit of doing its own thing. There is no guarantees or certainties outlined!

We also note that South Dublin County Council were requested in the same letter to undertake 'additional surveying/monitoring during recognised optimal conditions, inter alia, vegetation and habitats, protected species including bats and otters, and chemical substances and freshwater invertebrates upstream and downstream of the surface water discharge point in Glendoo River'. While aspects of this request were duly addressed by the applicant, we note that detailed vegetation and flora studies were provided although limited in content. There was no survey work undertaken to identify the various species of terrestrial invertebrates located in the area of the proposed development nor any review carried out to assess any potential impacts that this development might have on their numbers and habitats.

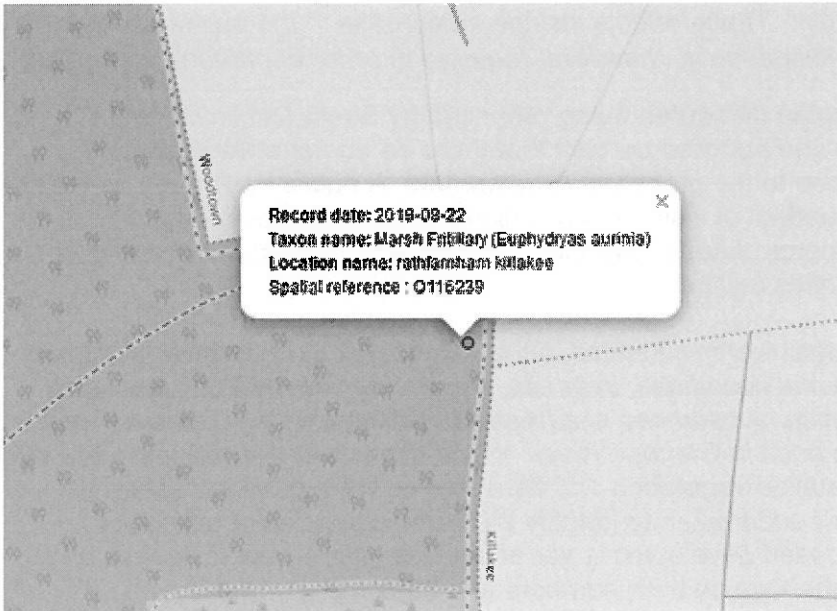
Construction projects can adversely impact on important terrestrial invertebrate species; these include habitat loss and degradation (generally through site clearance activities), fragmentation of habitat and direct mortality of individuals (both during site clearance and during the operational phase of a construction project). It is scientifically accepted that insect populations are declining worldwide at a tremendous rate. More than 40% of insect species are in decline and a third are endangered. The rate of extinction is eight times faster than that of mammals, birds and reptiles and is threatening a "catastrophic collapse of nature's ecosystems". Scientists are calling for a "paradigm shift" in land-use policy to preserve habitat for the likes of butterflies, bugs and flying insects (Reference:

<https://www.sciencedirect.com/science/article/abs/pii/S0006320718313636#ab0005>).

Regarding the document 'DMVC EIAR Vol. 1' and in particular Chapter 6 entitled 'Biodiversity' - Page 83 – Surveys.

The vegetation survey was carried out only once in Summer. What about Spring and Autumn seasons? For example, Winter Heliotrope was seen in January 2020; bluebells, keel-fruited cornsalad, three-cornered garlic and garlic mustard have also been photographed in the springtime in Massy's Estate/Hellfire Wood. Frogs are most visible now, in February and March when spawning. There is no fungi survey. A lot of fungi have been photographed in the woods in the Autumn and Winter periods. 29 species have been recorded by R. McHugh on 24/08/1996 (<https://maps.biodiversityireland.ie/Map/Terrestrial/Dataset/77>).

There is no invertebrate survey, other than those observed in the aquatic survey and a check for Marsh Fritillary caterpillars/larval webs on 19th September 2019. According to the UK Butterfly Monitoring Scheme Factsheet TR1 Ng2: Monitoring Marsh Fritillary Larval Webs, the best time to check for larvae is 'ideally during mid to late August or early September...'. 'Counts can be done into mid/late September but often by then the larvae will have entered hibernation or heavy rain causes the webs to disintegrate.' A Marsh Fritillary has been observed inside the boundary of the Hellfire Wood last August 2019, as recorded here: https://records.biodiversityireland.ie/stats/taxon-stats?county_name=Dublin&date_range=2020-01-01%2000:00:00|2020-12-31%2023:59:59



In the same document, DMVC EIAR Vol. 1, Page 120 – It is stated that a threefold increase in visitor numbers to Hellfire Wood is highly unlikely to result in a significant increase in visitor numbers walking from the Hellfire/Massy's Woods on to Cruagh Wood and beyond. This is based on surveys of current visitor numbers, where the vast majority stay an hour or less. There is no mention here of one major reason for shorter visits, which is the unsecure parking. If the development goes ahead resulting in more secure parking, visitor facilities such as toilets and café and a shuttle bus, this will result in people staying longer and going for longer walks.

The project is also being marketed as a gateway to the Dublin/Wicklow mountains and appealing to the more serious walker – note the 'walkers' lounge' and provision of maps and information to walkers. Depending on how successful this marketing is, it could result in a significant increase in numbers walking through to Cruagh and beyond. To quote from the concept document: *'A place of welcome and orientation for visitors to the Dublin/Wicklow Mountains – acting as the recognised launching point to access the network of walks and trails in the Dublin Mountains'. 'Works to improve the network of trails on Hellfire and Massy's and connection to the wider Dublin/Wicklow Mountains network'.*

On page 123 of the same document, DMVC EIAR Vol. 1, the 'Do nothing scenario' – it's somewhat misleading to say that the current level of woodland management would continue so that the quantity of invasive species would increase, impacting on biodiversity. Coillte is obligated to manage the woods for biodiversity so something would have to be done about the invasive species whether the proposed development goes ahead or not. The results of these surveys inform such future management, including providing a draft management plan to work from. In fact, Coillte's own new body, Coillte Nature, has the specific aim to 'target the delivery of new woodlands facilitating species diversity, biodiversity and carbon sequestration as part of the Government's National Forestry Programme.' (<https://www.coillte.ie/coillte-establishes-new-not-for-profit-coillte-nature/>). Coillte Nature could and should be implementing programmes right now under these aims which involve collecting seed of immediately local native trees and shrubs and growing them to plant in the relevant woods where biodiversity is to be improved. This could be done by their own nurseries and it could also be done as projects carried out by local schools and community groups, with professionally supervised seed collections and planting/growing workshops.

We still contend that the visitor centre element of this proposed development is completely unnecessary, that the Steward's House would be the most suitable and logical place to develop visitor facilities, as outlined in our previous submissions. Furthermore, building a new building when a historic building exists alongside the location flies in the face of council policy. On Page 101 of the South Dublin County Council Climate Change Action Plan 2019-2024 it is a specific target to *'Renovate and reuse architectural heritage structures and features'*. In the Cultural Heritage Section, a Strategic Environmental Objective is: *'To preserve and protect the special interest and character of the CCAP lands architectural heritage with regard to entries to the Record of Protected Structures, the Architectural Conservation Area and their context within the surrounding landscape where relevant'*. (Appendix III: Strategic Environmental Assessment Monitoring Measures).

The proposed car park is excessive in size and should be reduced to two aisles instead of three aisles. Encouraging up to 300,000 people per year to visit this site is an unworkable plan. One only has to witness the congestion caused by motorists on a sunny Sunday in March, due to cars parked along the roadside, to realise that if part of the R115 in this area is made a one way system that the same congestion will still arise on this narrow road. If an emergency service vehicle needed to get through it would have great difficulty doing so. The woods were so crowded that 2metre social distancing could not be safely maintained. Putting more emphasis on a shuttle bus service should be prioritised. It could be used to go to Killakee, Cruagh and Tibbradden Woods too and be in keeping with local and national climate action plans.

The bus could stop in Firhouse and Ballycullen (at the No. 15 bus terminus) as well, all stops to occur on the way down as on the way up. This service need not wait for a decision on the proposed development as it is badly needed now. See this article in the Irish Independent which has a video on the traffic congestion yesterday, 22/03/2020 - <https://www.independent.ie/world-news/coronavirus/this-is-not-a-holiday-period-its-a-national-emergency-39066478.htm>!. Unfortunately, a bus may not be able to operate at the moment because of COVID-19 restrictions. Another suggestion is to have digital signs on the main approach roads which indicate to motorists well in advance when the car park is full or how many spaces are available. Again, this need not even wait until there is a decision on the proposed development, it could be implemented as quickly as local planning rules and technology installation allow. It could also be done as an online app or counter on the Coillte website.

The proposed opening and closing times are too long in the winter. The times should be in keeping with the daylight of the time of year. That way no artificial outside lighting would be needed, except in exceptional circumstances, thus causing no disturbance to animals and no light pollution that can affect bat populations.

Botanical and Ecological Survey Data and Reports

To assist us with a greater understanding of the significant botanical and ecological survey data and reports submitted by the applicant, we consulted with two well respected and experience ecologists/botanists, Mr. John Wann MSc., BSc., MCIEEM and Dr. Declan Doogue N.T., PhD, FLS who in conjunction with ourselves have drawn up additional observations, queries and possible mitigation measures which we present to the Board for consideration.

Observations have been conducted on a voluntary basis with no payment or benefit in kind received by John Wann in the course of their preparation and include the following:

There are many positive proposals associated with the proposed development which An Bord Pleanála might reflect on including the habitat enhancements along the Glendoo Brook, works in the Walled Garden, conversion of conifers to broadleaves and the red squirrel bridge.

As many bat/bird boxes as possible on remaining trees. No unnecessary removal of ivy on walls unless it is a threat to its structure. Birds like to nest in dense ivy while it can also conceal cavities that support roosting bats.

Investigate putting swift boxes on Hellfire Club building. They must be carefully sited to ensure that the swifts have a direct flight line into the entrance.

Allotments could be incorporated in the Walled Garden as part of a complete restoration.

Repeat ecology surveys post construction if it goes ahead (birds, bats, red squirrels, habitats, water quality monitoring etc.) etc. to see any deviation from the baseline surveys.

About special events, what will be the maximum allowed at them? Certain types of events would be completely inappropriate, such as pop concerts. How will increased litter, visual disturbance and noise be managed at these events? Such events such only be passive recreational pursuits (walking, photography, and birdwatching).

All lights to be turned off at night especially along bat foraging/feeding routes. Follow guidelines such as the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (Institute of Lighting Professionals).

How will the trails be constructed? Example of guidelines: 'Principles and Standards for Trail Development in Northern Ireland' (Outdoor Recreation NI, 2013).

The proposed landscaping plan and planting schedule should be made publicly available before it is implemented and be reviewable by public and professionals alike. Only native trees, shrubs and perennials should be planted and as much as possible be attractive to pollinators as well in line with all-Ireland Pollinator Plan.

Wildflower meadow derived from seeds of local provenances should be used on any green roof rather than using sedum.

Dr. Declan Doogue's observations are attached with this submission and are copied further below for the Board's consideration.

For all the reasoning and given observations and submissions submitted by us since 2017 to the present date in relation to this proposed development, we still would urge An Bord Pleanála to refuse permission for this 'Dublin Mountains Visitors Centre' proposed development as it currently stands and to encourage South Dublin County Council to re-evaluate their findings and to reconsider other possible locations in a more suitable urban setting without the need to destroy a natural landscape by introducing an unnecessary man made structure into it.

Yours sincerely,

David Cotter

David Cotter

and on the behalf of Sinéad Ní Bháin, Hilary Wallner, Dermot Deering and Jonathan Barry.

Observations on the EIA prepared in connection with the proposed development of a Dublin Mountains Visitors Centre at Hell Fire Club and Massey's Wood.

Declan Doogue N.T., PhD, FLS.

The following commentary and observations below has been prepared by me in the light of over fifty years of research into the flora of Ireland and in particular County Dublin.

These comments are offered in order to draw to the attention of An Bord Pleanála to several matters relevant to the proper conduct and evaluation of Environmental Impact Statements, particularly in relation to base-line studies of flora and habitat classification.

I declare that these observations have been conducted on a voluntary basis and that I have received no payment or benefit in kind in the course of their preparation.

Construction Method Statement

In this section the sections in bold are copied from the Construction Method Statement. The observations beneath each section, in italics, are my observations.

• Site Foreman shall read, sign and abide by the Construction Method Statement. A signed copy will be submitted to the District Conservation Officer of the National Parks and Wildlife Service.

Observation: Does it follow that the Site Foreman having signed the document and having supplied it to the DCO of the NPWS, will therefore be personally responsible for any damage incurred and consequent to the actions envisaged in the Operational Management outline?. Is NPWS in a position to check with the various parties to ensure that the schedule of actions is followed correctly? If not, what does NPWS propose to do?

Furthermore, will the intended Ecological Clerk of Works have sufficient executive authority to prevent and over-rule actions initiated and endorsed by the Site Foreman as included in the Management Plan? If so, to whom is the ECoW answerable? Furthermore, is the ECoW permitted to report directly, promptly and where necessary pre-emptively to NPWS? Is it anticipated that NPWS will respond in the event of such notifications?

If not, then what is the ECoW doing there?

• Works Team will be inducted on the ecological considerations listed in the Construction Method Statement by the Site Foreman.

Who will be responsible for this induction process and, whatever the intention, will that individual have sufficient independence of thought and action to ensure that the pivotal species and habitats will not be degraded by the construction process and the consequent alterations in landscape and ecological function within and out with the site? On the basis of the information provided by the applicant, the successful progression of this induction seems highly unlikely.

• Fallen trees, standing dead trees and stumps outside the footprint of the proposed car park, visitor centre and canopy bridge will be retained as habitat for invertebrates, bryophytes and fungi. Similarly, native trees that are felled to facilitate the proposed development will be moved to areas of the Hell Fire Club where they will provide dead wood habitat.

Elsewhere in the reports these actions are represented as being of benefit to bryophytes. The success of this action seems highly implausible given the critical humidity, light and shade tolerances of bryophytes. An opinion as to the effectiveness of the proposed actions, should be procured from the consultant bryologists. The invertebrates likely to benefit from this action have not been identified in the statement, and no listing of the relevant soil and decaying-log invertebrates has been provided.

- **An Ecological Clerk of Works (ECoW) shall be appointed by SDCC prior to the commencement of works. It shall be their responsibility to supervise and provide recommendations on the execution of any and all works which have the potential to give rise to negative effects on biodiversity/ecological integrity. The ECoW will have similar professional experience of recreation-based projects and be a member of the Chartered Institute for Ecology and Environmental Management (CIEEM).**

It is not clear as to why the ECoW should have to be a member of CIEEM. Many excellent floristic botanists and zoologists are not members of that entity. Indeed, most of the base-line botanical distribution data for the Dublin area has been compiled by individuals who are not and have never been members of that organisation. If this constraint is applied, it may be seen as a form of restrictive practice and has the potential to set an unfortunate precedent, the effect of which would be to exclude most of the pro-bono expert naturalists in the country.

More seriously the paradigm that recreation-based projects can be designed and allowed to intrude, without damage, into areas of high nature conservation value needs to be rigorously challenged.

- **The exact route of the canopy bridge, new trail and surface water drainage in Massy's Estate will be agreed with the ECoW and a qualified arborist, and will adapted to retain as many trees below the proposed visitor centre as possible and minimise damage to tree roots.**

The ECoW is to be given responsibility but no executive authority and is expected to negotiate the position of the bridge, but not to decide whether a bridge of this character is suitable in an area such as this. While SDCC are appointing the individual, it's not clear who will be paying the salary, nor is the identity or position of the supervisory officials of the ECoW within SDCC indicated.

Vegetation Clearance/ Invasive Species

Attention has been focused on the potential stress to mammals, but no consideration has been extended to the composition and significance of the vegetation intended for clearance. Has NPWS been offered the opportunity to comment on the vegetation of the area and the future impact of visitor pressure, consequent upon the non-arrival of the comprehensive requested flora and vegetation survey as requested by ABP?

- **Tree planting the Hell Fire Club will consist of at least 10% Scots Pine and shrub planting will include 20% hazel. In the context of the wider landscape and the South Dublin red squirrel population, which currently depends on monocultures of conifers that are subject to clear-felling, permanent native woodland will be a positive impact.**

What about the other 90% (trees) and the 80% (shrub) species? Why is the species-mix not stated and why is the action represented as being of benefit to a single disturbance-sensitive mammal species? No substantial body of evidence has been presented as to the composition of the existing flora at the Hell Fire Club and no commentary has been offered in relation to its phytosociological affinity and geographical significance in the greater Dublin area. A clear statement of impact is required and included in the (still missing) comprehensive site-specific flora and vegetation reports.

Bryophytes and Tufa Springs

- **In order to protect the area containing *Orthotrichum stramineum* in the vicinity of the proposed canopy bridge and the population of *Plagiothecium laetum* in the vicinity of the proposed visitor centre, a pre-construction survey will be carried out to determine the abundance of these species.**

The importance of these bryophytes and their associated habitat cannot be understated, especially in the context of County Dublin. Determining their range and abundance is a useful first step but far more intensive consideration is required for these and other key species. The relevant planning entity is SDCC and not the greater Dublin and Wicklow area. Therefore, it is imperative that SDCC forms judgements which are related to its sphere of responsibility and influence.

- **The populations of *O. stramineum* will be marked by the ECoW and the populations will be protected from damage during construction.**

What is the character of this protection? Marking an area in order to prevent heavy machinery from driving over the colonies of these rare species during the construction phase may have a slight symbolic value but greater considerations include potential alterations in the hydrological regime and the admission of light onto the habitat of shade demanding species. The necessary protective provisions have not been stated

But what about after construction? The anticipated consequences of the induced pedestrian traffic and uncontrolled recreational usage coupled with the various works necessary to provide safe access and egress to this area are not specified nor is their consequent impact considered.

- **The paths near the proposed visitor centre will be routed locally to avoid the populations of *Plagiothecium laetum*.**

*This proposal can only be enacted meaningfully when the populations of *Plagiothecium laetum* have been comprehensively mapped and the direct and indirect effects of the paths' construction and induced pedestrian attrition quantified and evaluated.*

- **The populations will be protected during the operational phase by fencing, as directed by the ECoW.**

Will the ECoW have a sufficient level of hydrological knowledge and awareness of the ecological tolerances of the relevant bryophytes to predict the effects of interference with groundwater movements before, during and after the operational phase?

- **The tufa springs adjacent to the paths, including their sources, will be marked out by the ECoW and protected during the path upgrades.**

The varying ground-water supply to many tufa springs is precarious and susceptible to many local and external influences. The importance and vulnerability of this habitat type has not been afforded sufficient prominence in the evaluation process. Path upgrades need to take into consideration the seepage process both above and down-slope of the spring. Admission of extraneous light will have an inimical effect on most shade-dwelling bryophytes.

- **The northern link path which was proposed in the original EIAR has been removed from the design to avoid the potential for impacts on the tufa springs.**

It is a matter of on-going concern that the presence of tufa springs was not acknowledged and afforded due consideration in the original EIAR.

Newts & Amphibians. *Newts ARE amphibians.*

- **The three ponds will be retained.**
- **The scrub and grassland habitats within 25m of the pond where newts were recorded (Pond 1) will not be disturbed.**
- **Prior to the construction phase the ponds will be demarcated during the construction phase to prevent accidental damage.**
- **Six ponds will be constructed as part of the drainage plan which will provide wetland habitat for amphibians (See previously submitted EIAR: Volume 1 Chapter 8 Water & Hydrology). One of these ponds will be permanently wet; the others will be ephemeral. This will create a wetland habitat mosaic with a mixture of permanent and seasonal ponds, which will provide habitat for a variety of wildlife.**
- **The use of a pond lining may be required and will be determined by the local ground conditions.**

- **The creation of the ponds will follow the guidance in Guidance on good practice in the management and creation of small water bodies in Scotland (SEPA, 2000) in order to maximise their biodiversity potential.**

Is it really necessary to invoke recommendations of this sort from this source? Can we, by now, not make our own decisions? Indeed, more disturbingly, are we going down the route of single-species protection by the creation of non-natural habitat as exemplified by the proposal to deploy pond liners?

The implications of the drainage plan need to be re-assessed in relation to the potential impact of such actions on the native wetland flora of the site. No precisely located floristic data and impact analysis have been provided by the applicant

- **During the construction phase, to prevent/minimise potential negative effects as a result of the introduction and/or spread of invasive during the operation of the proposed development, SDCC will adopt an invasive species management plan, a draft of which is presented in Appendix S10.**

As a draft (S10) the Invasive Species Plan is well-presented. Of great concern is the manner in which herbicides will be deployed and their subsequent effect on the native flora. This operates in two ways – the direct killing of native plants and secondly the clearing of the ground, thus opening up opportunities for weed species to spread, usually by air-borne seeds, into the cleared areas. It is also worth bearing in mind that the removal of one invasive species is often followed by rapid colonisation by other non-native species.

- **The invasive species management plan adopted by SDCC will seek to eradicate invasive species in Massy's Estate and at the Hell Fire Club and promote the regeneration of native species.**

The measures by which the regeneration of native species can be achieved needs to be considered carefully. The ecological assumptions and ethical paradigms are not stated convincingly. The action plan and consequences need to be re-visited. Which native species are under consideration for regeneration, and will the clearance of invasive species be of benefit to these native species?

- **Herbicides will be used in accordance with the European Communities (Plant Protection Products) Regulations, 2012(S.I. No. 159 of 2012) and the (Sustainable Use of Pesticides) Regulations, 2012, (S.I. No. 155 of 2012) (as amended).**

*To do what? Why? and in view of the non-appearance of the properly focused flora study showing the precise location of sites of highest nature conservation value and the presence of exceedingly rare native species such as *Festuca altissima*, where? How can the contractor be expected know what to avoid in view of the generalised nature of the flora report?*

- **Landscaping of the proposed development shall use native species of plants of national provenance only and, insofar as possible, soil reused from on-site excavations. If soil/substrate needs to be imported to the site for the purposes of the proposed development, the Contractor shall ensure that the imported soil/substrate is free from invasive species.**

The rationale behind importation of native species of alleged national provenance lacks clarity. Whatever the intent, this is precisely what landscapers do in order to create a natural effect. But that is all it is. How does the applicant propose to validate the native provenance of the species mentioned?

But what about non-invasive species.? How does the Contractor propose to import soil which is foreign to the site without introducing its included seeds?

- **The track on the western side of the Glendoo Brook within Massy's Estate will be realigned further west/uphill (away from the Glendoo Brook) and will comprise the upgrading of an existing earthen track along the nearby small stream, which is a less ecologically sensitive corridor, located within a mature Beech wood. The route will connect to the existing river trail where the eastern route already crosses the river, avoiding the need for a new crossing of the**

watercourse. This will minimise works along the Glendoo Brook and allow this area to remain undisturbed by a formalised new trail and increased visitor numbers.

The ecological and floristic basis upon which it was determined that the earthen track to be upgraded is positioned within a less ecologically sensitive corridor is neither explained or justified.

In a letter (06S.JA0040) of 6th February 2019, from An Bord Pleanála to Paul Keogh Architects, the Board drew attention to the inadequacy of the baseline studies preliminary to an evaluation of the potential impact of increased visitor numbers on the natural habitats and species of the area.

Despite an unambiguous statement for further information, this request has not yet been properly addressed or complied with. The applicant was clearly required to address these concerns by conducting comprehensive surveys of vegetation and habitats in view of the potential impact of the proposed development on the ecology, biodiversity, flora and fauna of the area. Yet, with the exception of the Bryophyte survey, this has not happened. Despite this extraordinary lacuna, a series of actions has been proposed by the applicant, as if these studies had actually been adequately conducted, authenticated and accepted as meaningful contributions to the creation of a comprehensive and properly focused base-line study.

The various images associated with the archaeological reports provide convincing evidence of the presence of substantial ground flora and under scrub. These areas have significant colonies of woodland species of flora and the molluscan assemblages of the wooded areas (and their significance) are well known to bona-fide naturalists. There is no study included, comparable in competence and comprehensiveness to the Bryophyte report.

Accordingly, the matter should be referred back to the applicant for further closely supervised study.

BIODIVERSITY

Chapter 6.

The applicant has consulted the data sets of NPWS and requested information on rare and protected species of flora occurring in the hectads (10km squares) within 5 km of the site.

The records of these rare and protected species have been included in the Biodiversity report, without comment. It is not clear whether the applicant has taken the trouble to actually check the provenance and accuracy of these potentially significant records.

*The table includes species such as *Betonica officinalis* (Betony) and *Carex divisa*. Instead of listing these species in their original state (i.e. as cited and published by the originators/creators of the records), rather than as supplied by some intermediate data provider, greater clarity might have been obtained.*

*It would have been helpful, for instance if the applicant had researched and disclosed that the record for *Betonica officinalis* had been recorded by Walter Wade from "Near Abbotstown" and published in 1804. Similarly, the last Dublin record for *Carex divisa* dates from 1894 on the North Strand and was believed to have been exterminated by 1903. The authors of the Bryophyte study had no difficulty in coping with this reality.*

I raise this point at this juncture in order to illustrate and convey to ABP the manner in which the EIA process, on this and other sites, is being conducted and to bring the attention of the board to the standards which are now becoming acceptable and which in effect by-pass the authenticated body of phytogeographical knowledge. Under the soubriquet of desk top research, these data are simply downloading from other sources, incorporated and stripped of provenance, as if they were as authentic as they might appear, to the unfamiliarised eye.

To this end I draw to the attention of the Board, to the unusual fact that the standard work of reference for botanical records in County Dublin prepared by the Dublin Naturalists' Field Club has not been consulted and the floristic context within which the study area lies has not been taken into consideration. The basis for this omission requires considered explanation by the applicant. It may also be a matter for

consideration by An Bord Pleanála as to whether this manner of data-handling and reporting is acceptable in many other instances. Downloading is not primary research.

In view of the stated request to NPWS and the reliance placed by the applicant on this and other downloaded material, from that particular source, the applicant might wish to explain how these records can be deemed to have been made from sites within in hectads (i.e. 10km squares) of the proposed development, assuming of course that the applicant has actually checked the historical background to these and other records. I suggest that full consideration be extended to establishing the veracity (and hence relevance) of these records and the attributable interpretations included, within the hectad / 5km boundary by the applicant

Less endearing is the willingness to saturate the report with largely irrelevant contributions from NPWS relating to the character and significance of designated sites. As a result, although the pages of the application documents are occupied with text, there is very little of substance included in the small portion of the report assigned to original content, as derived from direct examination of the site.

The actual consequences to the flora and habitats by the proposed development have not been adequately and clearly stated. Nor is the significance of the proposed landscape alterations, particularly those relating to the hydrological regime, declared. An unequivocal clarification is here necessary. Diagnosis leads to prognosis. In this instance, both components are tangentially present at a level sufficient to tick a box but little more.

An example of good practice in relation to historical records is provided in the important Bryophyte Study, the major import of which unfortunately has been relegated to an Appendix in Volume 2. Similar standards and scrutiny should be applied to the suggested re-examination of the Higher Plants and Vegetation surveys and the manner of their detailed reporting. In such circumstances it may become possible to commence a competent evaluation of the immediate and cumulative effects of the proposed development

Supplementary Appendix S2

Bryophyte Survey Report.

The authors are well-known and respected bryologists with considerable relevant experience and appreciation of the historical significance of moss and liverwort records. They display an ability to interpret their on-site discoveries and to set them in the broader context of Ireland and Dublin. Bryophytes are particularly significant in the context of County Dublin in view of the paucity of habitats, given the base-rich/base poor contrasts in soil types, evidenced in the south Dublin area.

The survey identifies key sites and species and it is noted that as a result meaningful avoidance measures have been identified and included in the Operation Plan. This is a good example of how studies of this nature should proceed.

A few minor geographical errors are noted- e.g. Lough Bray Lower is in Wicklow, not Dublin.

Supplementary Appendix S6

Higher Plant List.

The updated study, as presented, consists of generalised species listings for the two major areas, but precise location details are not provided. In view of the request by ABP for further work of an appropriate focus and standard, this is an extraordinary omission and as a result the direct and indirect consequences of the proposed development cannot be evaluated. The report should be sent back for serious revision and re-focus.

The vegetation survey, consisting of a small number of relevés is completely inadequate for a project of this scale and significance. No serious diagnosis of the vegetation types present is possible from this extremely small number of samples and the quadrat samples have not been distributed throughout the site.

The list of Higher Plants has a number of very unusual (or possibly significant) inclusions as follows:

The taxon listed as Polytrichum commune is in fact a well-known moss and certainly not a "Higher Plant". Elsewhere (Appendix S7) it is listed as Polytrichum communis.

Yellow Weasel-snout, Lamiastrum galeobdolon is listed without addressing the distinction between the rare native and the very common garden subspecies. In view of the inclusion of the native subspecies on a list provided by NBDC, this matter requires serious consideration. The native subspecies, if present, would require very specific conservation measures in view of its national rarity.

More significantly the discovery and inclusion of Festuca altissima requires comment. This is a very rare species of mountain glens and shaded river gorges. Its discovery in a new site in Dublin is of considerable significance, but it is included here without comment. The inclusion of this species but the omission of any commentary on the significance of its occurrence is extraordinary.

The taxon listed as Taraxacum majus does not appear in the standard text on this genus for Britain and Ireland. It is native to central Asia and the record, if true, requires considerable amplification as its occurrence would indicate a significant increase in its global range and would merit considerable positive conservation actions on the part of the applicant.

The listing of Elmus glabra is probably an error for Ulmus glabra.

----- Forwarded message -----

From: **David Cotter** <davidcotter2017@gmail.com>

Date: Mon, Mar 23, 2020 at 3:12 PM

Subject: Re: Planning Application Reference No. 06S. JA0040 – Dublin Mountains Visitors Centre and all associated works in the Townlands of Montpelier, Killakee and Jamestown in South Dublin.

To: <bord@pleanala.ie>, <K.Somers@pleanala.ie>, <sids@pleanala.ie>

Cc: <davidcotter2017@gmail.com>

Mr. Kieran Somers,
Executive Officer,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

Dear Mr. Somers,

Please see the attached submission/observations in relation to the above planning application. Due to the outbreak of COVID-19/Coronavirus and the health and safety restrictions in place, we thought it best to email our submission first and post an original signed copy in due course to your offices. Hoping that is agreeable with the Board? We would be grateful for confirmation by the Board of receipt of our submission, if possible.

We hope that An Bord Pleanála will take on board the various points raised.

Yours sincerely,

David Cotter

David Cotter

and on the behalf of Sinéad Ní Bháin, Hilary Wallner, Dermot Deering and Jonathan Barry.

Christine Brennan

From: David Cotter <davidcotter2017@gmail.com>
Sent: Monday 23 March 2020 15:12
To: Bord; Kieran Somers; SIDS
Cc: davidcotter2017@gmail.com
Subject: Re: Planning Application Reference No. 06S. JA0040 – Dublin Mountains Visitors Centre and all associated works in the Townlands of Montpelier, Killakee and Jamestown in South Dublin.
Attachments: Final Submission to ABP - March 2020 - Signed.pdf

Mr. Kieran Somers,
Executive Officer,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

Dear Mr. Somers,

Please see the attached submission/observations in relation to the above planning application. Due to the outbreak of COVID-19/Coronavirus and the health and safety restrictions in place, we thought it best to email our submission first and post an original signed copy in due course to your offices. Hoping that is agreeable with the Board? We would be grateful for confirmation by the Board of receipt of our submission, if possible.

We hope that An Bord Pleanála will take on board the various points raised.

Yours sincerely,

David Cotter

David Cotter
and on the behalf of Sinéad Ní Bháin, Hilary Wallner, Dermot Deering and Jonathan Barry.

No 4. Redwood Lawns,
Kilnamanagh,
Tallaght,
Dublin 24.

Mr. Kieran Somers,
Executive Officer,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

21st March 2020.

Re: Planning Reference No. 06S. JA0040 – Dublin Mountains Visitors Centre and all associated works in the Townlands of Montpelier, Killakee and Jamestown in South Dublin – Submission of further significant information to An Bord Pleanála.

Dear Mr. Somers,

On the behalf of Sinéad Ní Bháin, Hilary Wallner, Dermot Deering, Jonathan Barry and myself, I wish to make the following observations and submissions in response to the further significant information submitted by South Dublin County Council, as of the 23/12/2019, and which accompanies the above planning application.

These observations and points are as follows:

General Observations

It is still our agreed position that this proposed development as currently being anticipated is unnecessary and is a total waste of taxpayers'/public monies. The construction of a new build element, the visitor centre itself, will impact negatively on the immediate surrounding landscape and the nearby NATURA 2000 designated conservation sites. We urge South Dublin County Council at this late stage to withdraw its planning application and to go away and reconsider/re-examine the need to proceed with such a development in light of the economic challenges that lie ahead both at a national and international level, such as a potential global economic recession, the challenges of climate change and biodiversity/habitat loss and of course the global impact that COVID-19/Coronavirus is having and will have in the months ahead. The economic necessity for such a development is no longer a certainty as tourism numbers are falling internationally due to climate concerns, global conflicts and the impact that COVID-19 will bear down on this country for the foreseeable future.

The COVID-19/Coronavirus situation has also had a restricting effect on the consultation period for this planning application. South Dublin County Council's Ballyroan Library will have been closed for nine days by Monday 23rd March, denying many individuals and groups the wherewithal to examine the further significant information documentation. South Dublin County Council offices will have been mostly closed to the public for this period too. There is a strong case for An Bord Pleanála to request South Dublin County Council to extend the

consultation period to allow individuals and groups to find other, safe ways of viewing the documentation, if they cannot do so online.

Due to the sheer volume of additional documentation, a lot being scientific in content, and submitted by South Dublin County Council as part of its significant information request, we would urge and request An Bord Pleanála to consider hosting an additional second oral hearing to afford all interest parties a chance to examine and address the substantive issues involved, especially the mitigation measures being proposed by the applicant.

It is still our agreed view that this proposed development, when it comes to visitor and walker needs, is not ideally located near to two main national waymarked trails, i.e., The Dublin Mountains Way (starting point either Tallaght Town Centre or Shankill Village) and the Wicklow Way (starting point Marlay Park, Rathfarnham). Either of these locations would have been a more appropriate location for such a proposed development to be ideally placed. According to the Dublin Mountains Partnership, the Dublin Mountains Way is a 42.6 km national waymarked trail which crosses the Dublin Mountains from Shankill in the east to Tallaght in the west. The Wicklow Way on the other hand covers 128km and finishes in Clonegal, County Carlow.

We note that An Bord Pleanála's request, dated the 06/02/2019, to South Dublin County Council's representative Paul Keogh Architects stated that the Board was not satisfied, having regard to the precautionary principle, that the survey work carried out originally in the summer months of 2018 was adequate and that the potential impact on Merlin which is a qualifying interest of the Wicklow Mountains SPA had been fully addressed. The Board requested South Dublin County Council to go away and undertake additional bird surveys in optimal conditions to address these concerns. We note that the Ornithological Survey Report - Merlin (*Falco columbarius*) Survey of the Dublin Mountains undertaken by Alan Lauder for Roughan O'Donovan, Consulting Engineers, notes one single Merlin bird detection but again this additional survey is based on field visits on dates between the 25/04/2019 and 27/07/2019, basically the summer months of 2019. To truly assess the impact on any raptor species, including the Merlin, South Dublin County Council should have had a survey which includes the other three seasons of a typical year, Spring, Autumn and Winter. We therefore believe that survey is inadequate and does not reflect what was requested originally by the Board.

We note that in the same letter dated the 06/02/2019, the Board having due regard to the precautionary principle, questioned the potential impact of increased visitor numbers using the proposed visitor centre as a new starting point into the Dublin/Wicklow Mountains and therefore questioning, if any, the potential negative impacts on designated European conservation sites such as Glenasmole Valley SAC, Wicklow Mountains SPA, etc. The Board questioned whether this proposed development had been adequately assessed in terms of the potential impact it might have on the qualifying interests within these designated European conservation sites. The Board at that time could not determine whether there was a requirement for mitigation measures by South Dublin County Council, with respect to the potential issue of cumulative effects on these designated European conservation sites.

In the various reports and assessments submitted by South Dublin County Council as part of further significant information, the applicant clearly tries to address the above mitigation concerns and tries to reassure there will be no adverse impacts whatsoever. In the document entitled 'Dublin Mountains Visitor Centre Natura Impact Statement' it states that on page 69

that *'in the absence of appropriate mitigation, the proposed Dublin Mountains Visitor Centre, individually or in combination with other plans or projects, would adversely affect the integrity of two European sites, namely the Wicklow Mountains SAC and the Wicklow Mountains SPA'*.

In the same document it clearly states on Page 61 that *'In the absence of mitigation, the proposed development provides for adverse effects on the integrity of the Wicklow Mountains SAC, in view of its Conservation Objectives for "Northern Atlantic wet heaths with Erica tetralix" and "European dry heaths". These effects include potentially some habitat loss along the trails in the SAC. Mitigation is, therefore, required in order to prevent such effects'*. It further states on page 63 that *'in the absence of mitigation, the proposed development provides for adverse effects on the integrity of the Wicklow Mountains SPA, in view of its Conservation Objectives for "Merlin". These effects include a decrease in the extent of available hunting habitat and prey items in the SPA. Mitigation is, therefore, required in order to prevent such effect'*.

It is our agreed belief that the various mitigation measures being proposed by South Dublin County Council do not go far enough and do not guarantee one hundred percent that there be no negative impacts on designated European conservation sites close to the proposed development. A public body such as South Dublin County Council cannot rely on the goodwill of visitors and walkers alike to adhere solely to designated trails, trail signage and notice boards. After all, human nature as it is, has a habit of doing its own thing. There is no guarantees or certainties outlined!

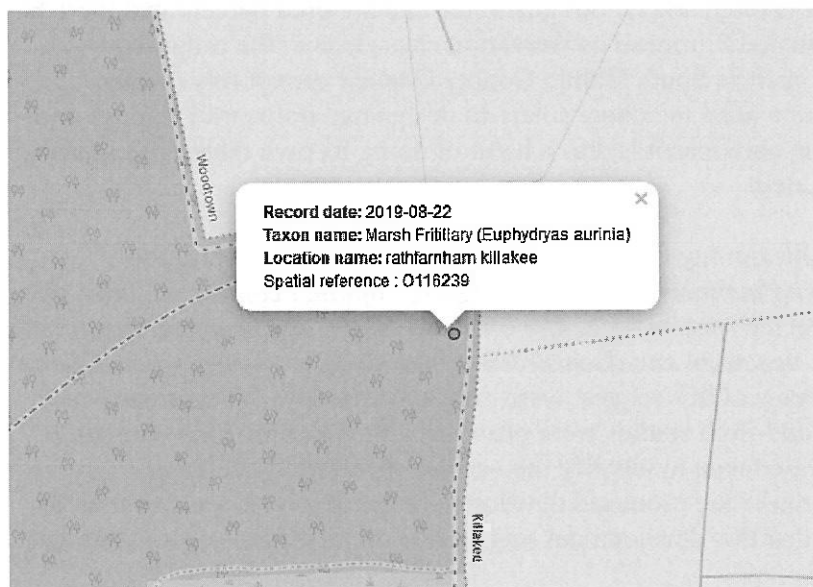
We also note that South Dublin County Council were requested in the same letter to undertake *'additional surveying/monitoring during recognised optimal conditions, inter alia, vegetation and habitats, protected species including bats and otters, and chemical substances and freshwater invertebrates upstream and downstream of the surface water discharge point in Glendoo River'*. While aspects of this request were duly addressed by the applicant, we note that detailed vegetation and flora studies were provided although limited in content. There was no survey work undertaken to identify the various species of terrestrial invertebrates located in the area of the proposed development nor any review carried out to assess any potential impacts that this development might have on their numbers and habitats.

Construction projects can adversely impact on important terrestrial invertebrate species; these include habitat loss and degradation (generally through site clearance activities), fragmentation of habitat and direct mortality of individuals (both during site clearance and during the operational phase of a construction project). It is scientifically accepted that insect populations are declining worldwide at a tremendous rate. More than 40% of insect species are in decline and a third are endangered. The rate of extinction is eight times faster than that of mammals, birds and reptiles and is threatening a "catastrophic collapse of nature's ecosystems". Scientists are calling for a "paradigm shift" in land-use policy to preserve habitat for the likes of butterflies, bugs and flying insects (Reference: <https://www.sciencedirect.com/science/article/abs/pii/S0006320718313636#ab0005>).

Regarding the document 'DMVC EIAR Vol. 1' and in particular Chapter 6 entitled 'Biodiversity' - Page 83 – Surveys.

The vegetation survey was carried out only once in Summer. What about Spring and Autumn seasons? For example, Winter Heliotrope was seen in January 2020; bluebells, keel-fruited cornsalad, three-cornered garlic and garlic mustard have also been photographed in the springtime in Massy's Estate/Hellfire Wood. Frogs are most visible now, in February and March when spawning. There is no fungi survey. A lot of fungi have been photographed in the woods in the Autumn and Winter periods. 29 species have been recorded by R. McHugh on 24/08/1996 (<https://maps.biodiversityireland.ie/Map/Terrestrial/Dataset/77>).

There is no invertebrate survey, other than those observed in the aquatic survey and a check for Marsh Fritillary caterpillars/larval webs on 19th September 2019. According to the UK Butterfly Monitoring Scheme Factsheet TR1 Ng2: Monitoring Marsh Fritillary Larval Webs, the best time to check for larvae is 'ideally during mid to late August or early September...'. 'Counts can be done into mid/late September but often by then the larvae will have entered hibernation or heavy rain causes the webs to disintegrate.' A Marsh Fritillary has been observed inside the boundary of the Hellfire Wood last August 2019, as recorded here: https://records.biodiversityireland.ie/stats/taxon-stats?county_name=Dublin&date_range=2020-01-01%2000:00:00|2020-12-31%2023:59:59



In the same document, DMVC EIAR Vol. 1, Page 120 – It is stated that a threefold increase in visitor numbers to Hellfire Wood is highly unlikely to result in a significant increase in visitor numbers walking from the Hellfire/Massy's Woods on to Cruagh Wood and beyond. This is based on surveys of current visitor numbers, where the vast majority stay an hour or less. There is no mention here of one major reason for shorter visits, which is the unsecure parking. If the development goes ahead resulting in more secure parking, visitor facilities such as toilets and café and a shuttle bus, this will result in people staying longer and going for longer walks.

The project is also being marketed as a gateway to the Dublin/Wicklow mountains and appealing to the more serious walker – note the 'walkers' lounge' and provision of maps and information to walkers. Depending on how successful this marketing is, it could result in a significant increase in numbers walking through to Cruagh and beyond. To quote from the concept document: *'A place of welcome and orientation for visitors to the Dublin/Wicklow Mountains – acting as the recognised launching point to access the network of walks and*

trails in the Dublin Mountains'. 'Works to improve the network of trails on Hellfire and Massy's and connection to the wider Dublin/Wicklow Mountains network'.

On page 123 of the same document, DMVC EIAR Vol. 1, the 'Do nothing scenario' – it's somewhat misleading to say that the current level of woodland management would continue so that the quantity of invasive species would increase, impacting on biodiversity. Coillte is obligated to manage the woods for biodiversity so something would have to be done about the invasive species whether the proposed development goes ahead or not. The results of these surveys inform such future management, including providing a draft management plan to work from. In fact, Coillte's own new body, Coillte Nature, has the specific aim to 'target the delivery of new woodlands facilitating species diversity, biodiversity and carbon sequestration as part of the Government's National Forestry Programme.' (<https://www.coillte.ie/coillte-establishes-new-not-for-profit-coillte-nature/>). Coillte Nature could and should be implementing programmes right now under these aims which involve collecting seed of immediately local native trees and shrubs and growing them to plant in the relevant woods where biodiversity is to be improved. This could be done by their own nurseries and it could also be done as projects carried out by local schools and community groups, with professionally supervised seed collections and planting/growing workshops.

We still contend that the visitor centre element of this proposed development is completely unnecessary, that the Steward's House would be the most suitable and logical place to develop visitor facilities, as outlined in our previous submissions. Furthermore, building a new building when a historic building exists alongside the location flies in the face of council policy. On Page 101 of the South Dublin County Council Climate Change Action Plan 2019-2024 it is a specific target to '*Renovate and reuse architectural heritage structures and features*'. In the Cultural Heritage Section, a Strategic Environmental Objective is: '*To preserve and protect the special interest and character of the CCAP lands architectural heritage with regard to entries to the Record of Protected Structures, the Architectural Conservation Area and their context within the surrounding landscape where relevant*'. (Appendix III: Strategic Environmental Assessment Monitoring Measures).

The proposed car park is excessive in size and should be reduced to two aisles instead of three aisles. Encouraging up to 300,000 people per year to visit this site is an unworkable plan. One only has to witness the congestion caused by motorists on a sunny Sunday in March, due to cars parked along the roadside, to realise that if part of the R115 in this area is made a one way system that the same congestion will still arise on this narrow road. If an emergency service vehicle needed to get through it would have great difficulty doing so. The woods were so crowded that 2metre social distancing could not be safely maintained. Putting more emphasis on a shuttle bus service should be prioritised. It could be used to go to Killakee, Cruagh and Tibbradden Woods too and be in keeping with local and national climate action plans.

The bus could stop in Firhouse and Ballycullen (at the No. 15 bus terminus) as well, all stops to occur on the way down as on the way up. This service need not wait for a decision on the proposed development as it is badly needed now. See this article in the Irish Independent which has a video on the traffic congestion yesterday, 22/03/2020 - <https://www.independent.ie/world-news/coronavirus/this-is-not-a-holiday-period-its-a-national-emergency-39066478.html>. Unfortunately, a bus may not be able to operate at the moment because of COVID-19 restrictions. Another suggestion is to have digital signs on the main approach roads which indicate to motorists well in advance when the car park is full or

how many spaces are available. Again, this need not even wait until there is a decision on the proposed development, it could be implemented as quickly as local planning rules and technology installation allow. It could also be done as an online app or counter on the Coillte website.

The proposed opening and closing times are too long in the winter. The times should be in keeping with the daylight of the time of year. That way no artificial outside lighting would be needed, except in exceptional circumstances, thus causing no disturbance to animals and no light pollution that can affect bat populations.

Botanical and Ecological Survey Data and Reports

To assist us with a greater understanding of the significant botanical and ecological survey data and reports submitted by the applicant, we consulted with two well respected and experience ecologists/botanists, Mr. John Wann MSc., BSc., MCIEEM and Dr. Declan Doogue N.T., PhD, FLS who in conjunction with ourselves have drawn up additional observations, queries and possible mitigation measures which we present to the Board for consideration.

Observations have been conducted on a voluntary basis with no payment or benefit in kind received by John Wann in the course of their preparation and include the following:

There are many positive proposals associated with the proposed development which An Bord Pleanála might reflect on including the habitat enhancements along the Glendoo Brook, works in the Walled Garden, conversion of conifers to broadleaves and the red squirrel bridge.

As many bat/bird boxes as possible on remaining trees. No unnecessary removal of ivy on walls unless it is a threat to its structure. Birds like to nest in dense ivy while it can also conceal cavities that support roosting bats.

Investigate putting swift boxes on Hellfire Club building. They must be carefully sited to ensure that the swifts have a direct flight line into the entrance.

Allotments could be incorporated in the Walled Garden as part of a complete restoration. Repeat ecology surveys post construction if it goes ahead (birds, bats, red squirrels, habitats, water quality monitoring etc.) etc. to see any deviation from the baseline surveys.

About special events, what will be the maximum allowed at them? Certain types of events would be completely inappropriate, such as pop concerts. How will increased litter, visual disturbance and noise be managed at these events? Such events such only be passive recreational pursuits (walking, photography, and birdwatching).

All lights to be turned off at night especially along bat foraging/feeding routes. Follow guidelines such as the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (Institute of Lighting Professionals).

How will the trails be constructed? Example of guidelines: 'Principles and Standards for Trail Development in Northern Ireland' (Outdoor Recreation NI, 2013).

The proposed landscaping plan and planting schedule should be made publicly available before it is implemented and be reviewable by public and professionals alike. Only native trees, shrubs and perennials should be planted and as much as possible be attractive to pollinators as well in line with all-Ireland Pollinator Plan.

Wildflower meadow derived from seeds of local provenances should be used on any green roof rather than using sedum.

Dr. Declan Doogue's observations are attached with this submission and are copied further below for the Board's consideration.

For all the reasoning and given observations and submissions submitted by us since 2017 to the present date in relation to this proposed development, we still would urge An Bord Pleanála to refuse permission for this 'Dublin Mountains Visitors Centre' proposed development as it currently stands and to encourage South Dublin County Council to re-evaluate their findings and to reconsider other possible locations in a more suitable urban setting without the need to destroy a natural landscape by introducing an unnecessary man made structure into it.

Yours sincerely,

David Cotter

David Cotter

and on the behalf of Sinéad Ní Bháin, Hilary Wallner, Dermot Deering and Jonathan Barry.

Observations on the EIA prepared in connection with the proposed development of a Dublin Mountains Visitors Centre at Hell Fire Club and Massey's Wood.

Declan Doogue N.T., PhD, FLS.

The following commentary and observations below has been prepared by me in the light of over fifty years of research into the flora of Ireland and in particular County Dublin.

These comments are offered in order to draw to the attention of An Bord Pleanála to several matters relevant to the proper conduct and evaluation of Environmental Impact Statements, particularly in relation to base-line studies of flora and habitat classification.

I declare that these observations have been conducted on a voluntary basis and that I have received no payment or benefit in kind in the course of their preparation.

Construction Method Statement

In this section the sections in bold are copied from the Construction Method Statement. The observations beneath each section, in italics, are my observations.

- **Site Foreman shall read, sign and abide by the Construction Method Statement. A signed copy will be submitted to the District Conservation Officer of the National Parks and Wildlife Service.**

Observation: Does it follow that the Site Foreman having signed the document and having supplied it to the DCO of the NPWS, will therefore be personally responsible for any damage incurred and consequent to the actions envisaged in the Operational Management outline?. Is NPWS in a position to check with the various parties to ensure that the schedule of actions is followed correctly? If not, what does NPWS propose to do?

Furthermore, will the intended Ecological Clerk of Works have sufficient executive authority to prevent and over-rule actions initiated and endorsed by the Site Foreman as included in the Management Plan? If so, to whom is the ECoW answerable? Furthermore, is the ECoW permitted to report directly, promptly and where necessary pre-emptively to NPWS? Is it anticipated that NPWS will respond in the event of such notifications?

If not, then what is the ECoW doing there?

- **Works Team will be inducted on the ecological considerations listed in the Construction Method Statement by the Site Foreman.**

Who will be responsible for this induction process and, whatever the intention, will that individual have sufficient independence of thought and action to ensure that the pivotal species and habitats will not be degraded by the construction process and the consequent alterations in landscape and ecological function within and out with the site? On the basis of the information provided by the applicant, the successful progression of this induction seems highly unlikely.

- **Fallen trees, standing dead trees and stumps outside the footprint of the proposed car park, visitor centre and canopy bridge will be retained as habitat for invertebrates, bryophytes and fungi. Similarly, native trees that are felled to facilitate the proposed development will be moved to areas of the Hell Fire Club where they will provide dead wood habitat.**

Elsewhere in the reports these actions are represented as being of benefit to bryophytes. The success of this action seems highly implausible given the critical humidity, light and shade tolerances of bryophytes. An opinion as to the effectiveness of the proposed actions, should be procured from the consultant bryologists. The invertebrates likely to benefit from this action have not been identified in the statement, and no listing of the relevant soil and decaying-log invertebrates has been provided.

- **An Ecological Clerk of Works (ECoW) shall be appointed by SDCC prior to the commencement of works. It shall be their responsibility to supervise and provide recommendations on the execution of any and all works which have the potential to give rise to negative effects on biodiversity/ecological integrity. The ECoW will have similar**

professional experience of recreation-based projects and be a member of the Chartered Institute for Ecology and Environmental Management (CIEEM).

It is not clear as to why the ECoW should have to be a member of CIEEM. Many excellent floristic botanists and zoologists are not members of that entity. Indeed, most of the base-line botanical distribution data for the Dublin area has been compiled by individuals who are not and have never been members of that organisation. If this constraint is applied, it may be seen as a form of restrictive practice and has the potential to set an unfortunate precedent, the effect of which would be to exclude most of the pro-bono expert naturalists in the country.

More seriously the paradigm that recreation-based projects can be designed and allowed to intrude, without damage, into areas of high nature conservation value needs to be rigorously challenged.

• The exact route of the canopy bridge, new trail and surface water drainage in Massy's Estate will be agreed with the ECoW and a qualified arborist, and will adapted to retain as many trees below the proposed visitor centre as possible and minimise damage to tree roots.

The ECoW is to be given responsibility but no executive authority and is expected to negotiate the position of the bridge, but not to decide whether a bridge of this character is suitable in an area such as this. While SDCC are appointing the individual, it's not clear who will be paying the salary, nor is the identity or position of the supervisory officials of the ECoW within SDCC indicated.

Vegetation Clearance/ Invasive Species

Attention has been focused on the potential stress to mammals, but no consideration has been extended to the composition and significance of the vegetation intended for clearance. Has NPWS been offered the opportunity to comment on the vegetation of the area and the future impact of visitor pressure, consequent upon the non-arrival of the comprehensive requested flora and vegetation survey as requested by ABP?

• Tree planting the Hell Fire Club will consist of at least 10% Scots Pine and shrub planting will include 20% hazel. In the context of the wider landscape and the South Dublin red squirrel population, which currently depends on monocultures of conifers that are subject to clear-felling, permanent native woodland will be a positive impact.

What about the other 90% (trees) and the 80% (shrub) species? Why is the species-mix not stated and why is the action represented as being of benefit to a single disturbance-sensitive mammal species? No substantial body of evidence has been presented as to the composition of the existing flora at the Hell Fire Club and no commentary has been offered in relation to its phytosociological affinity and geographical significance in the greater Dublin area. A clear statement of impact is required and included in the (still missing) comprehensive site-specific flora and vegetation reports.

Bryophytes and Tufa Springs

• In order to protect the area containing *Orthotrichum stramineum* in the vicinity of the proposed canopy bridge and the population of *Plagiothecium laetum* in the vicinity of

the proposed visitor centre, a pre-construction survey will be carried out to determine the abundance of these species.

The importance of these bryophytes and their associated habitat cannot be understated, especially in the context of County Dublin. Determining their range and abundance is a useful first step but far more intensive consideration is required for these and other key species. The relevant planning entity is SDCC and not the greater Dublin and Wicklow area. Therefore, it is imperative that SDCC forms judgements which are related to its sphere of responsibility and influence.

• The populations of *O. stramineum* will be marked by the ECoW and the populations will be protected from damage during construction.

What is the character of this protection? Marking an area in order to prevent heavy machinery from driving over the colonies of these rare species during the construction phase may have a slight symbolic value but greater considerations include potential alterations in the hydrological regime and the admission of light onto the habitat of shade demanding species. The necessary protective provisions have not been stated

But what about after construction? The anticipated consequences of the induced pedestrian traffic and uncontrolled recreational usage coupled with the various works necessary to provide safe access and egress to this area are not specified nor is their consequent impact considered.

• The paths near the proposed visitor centre will be routed locally to avoid the populations of *Plagiothecium laetum*.

*This proposal can only be enacted meaningfully when the populations of *Plagiothecium laetum* have been comprehensively mapped and the direct and indirect effects of the paths' construction and induced pedestrian attrition quantified and evaluated.*

• The populations will be protected during the operational phase by fencing, as directed by the ECoW.

Will the ECoW have a sufficient level of hydrological knowledge and awareness of the ecological tolerances of the relevant bryophytes to predict the effects of interference with groundwater movements before, during and after the operational phase?

• The tufa springs adjacent to the paths, including their sources, will be marked out by the ECoW and protected during the path upgrades.

The varying ground-water supply to many tufa springs is precarious and susceptible to many local and external influences. The importance and vulnerability of this habitat type has not been afforded sufficient prominence in the evaluation process. Path upgrades need to take into consideration the seepage process both above and down-slope of the spring. Admission of extraneous light will have an inimical effect on most shade-dwelling bryophytes.

• The northern link path which was proposed in the original EIAR has been removed from the design to avoid the potential for impacts on the tufa springs.

It is a matter of on-going concern that the presence of tufa springs was not acknowledged and afforded due consideration in the original EIAR.

Newts & Amphibians. *Newts ARE amphibians.*

- **The three ponds will be retained.**
- **The scrub and grassland habitats within 25m of the pond where newts were recorded (Pond 1) will not be disturbed.**
- **Prior to the construction phase the ponds will be demarcated during the construction phase to prevent accidental damage.**
- **Six ponds will be constructed as part of the drainage plan which will provide wetland habitat for amphibians (See previously submitted EIAR: Volume 1 Chapter 8 Water & Hydrology). One of these ponds will be permanently wet; the others will be ephemeral. This will create a wetland habitat mosaic with a mixture of permanent and seasonal ponds, which will provide habitat for a variety of wildlife.**
- **The use of a pond lining may be required and will be determined by the local ground conditions.**
- **The creation of the ponds will follow the guidance in Guidance on good practice in the management and creation of small water bodies in Scotland (SEPA, 2000) in order to maximise their biodiversity potential.**

Is it really necessary to invoke recommendations of this sort from this source? Can we, by now, not make our own decisions? Indeed, more disturbingly, are we going down the route of single-species protection by the creation of non-natural habitat as exemplified by the proposal to deploy pond liners?

The implications of the drainage plan need to be re-assessed in relation to the potential impact of such actions on the native wetland flora of the site. No precisely located floristic data and impact analysis have been provided by the applicant

- **During the construction phase, to prevent/minimise potential negative effects as a result of the introduction and/or spread of invasive during the operation of the proposed development, SDCC will adopt an invasive species management plan, a draft of which is presented in Appendix S10.**

As a draft (S10) the Invasive Species Plan is well-presented. Of great concern is the manner in which herbicides will be deployed and their subsequent effect on the native flora. This operates in two ways – the direct killing of native plants and secondly the clearing of the ground, thus opening up opportunities for weed species to spread, usually by air-borne seeds, into the cleared areas. It is also worth bearing in mind that the removal of one invasive species is often followed by rapid colonisation by other non-native species.

- **The invasive species management plan adopted by SDCC will seek to eradicate invasive species in Massy's Estate and at the Hell Fire Club and promote the**

regeneration of native species.

The measures by which the regeneration of native species can be achieved needs to be considered carefully. The ecological assumptions and ethical paradigms are not stated convincingly. The action plan and consequences need to be re-visited. Which native species are under consideration for regeneration, and will the clearance of invasive species be of benefit to these native species?

• Herbicides will be used in accordance with the European Communities (Plant Protection Products) Regulations, 2012(S.I. No. 159 of 2012) and the (Sustainable Use of Pesticides) Regulations, 2012, (S.I. No. 155 of 2012) (as amended).

*To do what? Why? and in view of the non-appearance of the properly focused flora study showing the precise location of sites of highest nature conservation value and the presence of exceedingly rare native species such as *Festuca altissima*, where? How can the contractor be expected know what to avoid in view of the generalised nature of the flora report?*

• Landscaping of the proposed development shall use native species of plants of national provenance only and, insofar as possible, soil reused from on-site excavations. If soil/substrate needs to be imported to the site for the purposes of the proposed development, the Contractor shall ensure that the imported soil/substrate is free from invasive species.

The rationale behind importation of native species of alleged national provenance lacks clarity. Whatever the intent, this is precisely what landscapers do in order to create a natural effect. But that is all it is. How does the applicant propose to validate the native provenance of the species mentioned?

But what about non-invasive species.? How does the Contractor propose to import soil which is foreign to the site without introducing its included seeds?

• The track on the western side of the Glendoo Brook within Massy's Estate will be realigned further west/uphill (away from the Glendoo Brook) and will comprise the upgrading of an existing earthen track along the nearby small stream, which is a less ecologically sensitive corridor, located within a mature Beech wood. The route will connect to the existing river trail where the eastern route already crosses the river, avoiding the need for a new crossing of the watercourse. This will minimise works along the Glendoo Brook and allow this area to remain undisturbed by a formalised new trail and increased visitor numbers.

The ecological and floristic basis upon which it was determined that the earthen track to be upgraded is positioned within a less ecologically sensitive corridor is neither explained or justified.

In a letter (06S.JA0040) of 6th February 2019, from An Bord Pleanála to Paul Keogh Architects, the Board drew attention to the inadequacy of the baseline studies preliminary to an evaluation of the potential impact of increased visitor numbers on the natural habitats and species of the area.

Despite an unambiguous statement for further information, this request has not yet been properly addressed or complied with. The applicant was clearly required to address these

concerns by conducting comprehensive surveys of vegetation and habitats in view of the potential impact of the proposed development on the ecology, biodiversity, flora and fauna of the area. Yet, with the exception of the Bryophyte survey, this has not happened. Despite this extraordinary lacuna, a series of actions has been proposed by the applicant, as if these studies had actually been adequately conducted, authenticated and accepted as meaningful contributions to the creation of a comprehensive and properly focused base-line study.

The various images associated with the archaeological reports provide convincing evidence of the presence of substantial ground flora and under scrub. These areas have significant colonies of woodland species of flora and the molluscan assemblages of the wooded areas (and their significance) are well known to bona-fide naturalists. There is no study included, comparable in competence and comprehensiveness to the Bryophyte report.

Accordingly, the matter should be referred back to the applicant for further closely supervised study.

BIODIVERSITY

Chapter 6.

The applicant has consulted the data sets of NPWS and requested information on rare and protected species of flora occurring in the hectads (10km squares) within 5 km of the site.

The records of these rare and protected species have been included in the Biodiversity report, without comment. It is not clear whether the applicant has taken the trouble to actually check the provenance and accuracy of these potentially significant records.

*The table includes species such as *Betonica officinalis* (Betony) and *Carex divisa*. Instead of listing these species in their original state (i.e. as cited and published by the originators/creators of the records), rather than as supplied by some intermediate data provider, greater clarity might have been obtained.*

*It would have been helpful, for instance if the applicant had researched and disclosed that the record for *Betonica officinalis* had been recorded by Walter Wade from "Near Abbotstown" and published in 1804. Similarly, the last Dublin record for *Carex divisa* dates from 1894 on the North Strand and was believed to have been exterminated by 1903. The authors of the Bryophyte study had no difficulty in coping with this reality.*

I raise this point at this juncture in order to illustrate and convey to ABP the manner in which the EIA process, on this and other sites, is being conducted and to bring the attention of the board to the standards which are now becoming acceptable and which in effect by-pass the authenticated body of phytogeographical knowledge. Under the soubriquet of desk top research, these data are simply downloading from other sources, incorporated and stripped of provenance, as if they were as authentic as they might appear, to the unfamiliarised eye.

To this end I draw to the attention of the Board, to the unusual fact that the standard work of reference for botanical records in County Dublin prepared by the Dublin Naturalists' Field Club has not been consulted and the floristic context within which the study area lies has not been taken into consideration. The basis for this omission requires considered explanation by the applicant. It may also be a matter for consideration by An Bord Pleanála as to

whether this manner of data-handling and reporting is acceptable in many other instances. Downloading is not primary research.

In view of the stated request to NPWS and the reliance placed by the applicant on this and other downloaded material, from that particular source, the applicant might wish to explain how these records can be deemed to have been made from sites within in hectads (i.e. 10km squares) of the proposed development, assuming of course that the applicant has actually checked the historical background to these and other records. I suggest that full consideration be extended to establishing the veracity (and hence relevance) of these records and the attributable interpretations included, within the hectad / 5km boundary by the applicant

Less endearing is the willingness to saturate the report with largely irrelevant contributions from NPWS relating to the character and significance of designated sites. As a result, although the pages of the application documents are occupied with text, there is very little of substance included in the small portion of the report assigned to original content, as derived from direct examination of the site.

The actual consequences to the flora and habitats by the proposed development have not been adequately and clearly stated. Nor is the significance of the proposed landscape alterations, particularly those relating to the hydrological regime, declared. An unequivocal clarification is here necessary. Diagnosis leads to prognosis. In this instance, both components are tangentially present at a level sufficient to tick a box but little more.

An example of good practice in relation to historical records is provided in the important Bryophyte Study, the major import of which unfortunately has been relegated to an Appendix in Volume 2. Similar standards and scrutiny should be applied to the suggested re-examination of the Higher Plants and Vegetation surveys and the manner of their detailed reporting. In such circumstances it may become possible to commence a competent evaluation of the immediate and cumulative effects of the proposed development

Supplementary Appendix S2

Bryophyte Survey Report.

The authors are well-known and respected bryologists with considerable relevant experience and appreciation of the historical significance of moss and liverwort records. They display an ability to interpret their on-site discoveries and to set them in the broader context of Ireland and Dublin. Bryophytes are particularly significant in the context of County Dublin in view of the paucity of habitats, given the base-rich/base poor contrasts in soil types, evidenced in the south Dublin area.

The survey identifies key sites and species and it is noted that as a result meaningful avoidance measures have been identified and included in the Operation Plan. This is a good example of how studies of this nature should proceed.

A few minor geographical errors are noted- e.g. Lough Bray Lower is in Wicklow, not Dublin.

Supplementary Appendix S6

Higher Plant List.

The updated study, as presented, consists of generalised species listings for the two major areas, but precise location details are not provided. In view of the request by ABP for further work of an appropriate focus and standard, this is an extraordinary omission and as a result the direct and indirect consequences of the proposed development cannot be evaluated. The report should be sent back for serious revision and re-focus.

The vegetation survey, consisting of a small number of relevés is completely inadequate for a project of this scale and significance. No serious diagnosis of the vegetation types present is possible from this extremely small number of samples and the quadrat samples have not been distributed throughout the site.

The list of Higher Plants has a number of very unusual (or possibly significant) inclusions as follows:

*The taxon listed as *Polytrichum commune* is in fact a well-known moss and certainly not a "Higher Plant". Elsewhere (Appendix S7) it is listed as *Polytrichum communis*.*

*Yellow Weasel-snout, *Lamiastrum galeobdolon* is listed without addressing the distinction between the rare native and the very common garden subspecies. In view of the inclusion of the native subspecies on a list provided by NBDC, this matter requires serious consideration. The native subspecies, if present, would require very specific conservation measures in view of its national rarity.*

*More significantly the discovery and inclusion of *Festuca altissima* requires comment. This is a very rare species of mountain glens and shaded river gorges. Its discovery in a new site in Dublin is of considerable significance, but it is included here without comment. The inclusion of this species but the omission of any commentary on the significance of its occurrence is extraordinary.*

*The taxon listed as *Taraxacum majus* does not appear in the standard text on this genus for Britain and Ireland. It is native to central Asia and the record, if true, requires considerable amplification as its occurrence would indicate a significant increase in its global range and would merit considerable positive conservation actions on the part of the applicant.*

*The listing of *Ulmus glabra* is probably an error for *Ulmus glabra*.*