



An
Bord
Pleanála

Inspector's Addendum Report 06S.JA0040.

Development	Dublin Mountain Visitor Centre and all associated works.
Location	Townlands of Montpelier, Killakee and Jamestown, South Dublin.
Planning Authority	South Dublin County Council.
Applicant	South Dublin County Council.
Type of Application	Section 175(3), Planning and Development Act 2000 (as amended).
Submissions/Observations	See Appendix.
Inspector	Ciara Kellett.

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1.0 Introduction

- 1.1. The Board decided to seek further information in relation to the proposed development under section 175(5)(a) of the Planning and Development Act, 2000, as amended.
- 1.2. The applicant responded with a submission received by the Board on the 24th December 2019. The Board requested the applicant to publicise the response as Significant Additional Information. The last day for making a submission or observation was on the 23rd March 2020.
- 1.3. Submissions were received by third parties and prescribed bodies as noted herein and listed in the attached appendix.
- 1.4. This report is an addendum to the Inspector's Report dated 9th January 2019 and should therefore be read in conjunction with the earlier report.

2.0 Request for Further Information under S.175(5)(c) of the Act

- 2.1.1. In summary the Board sought further information from the applicant as follows:
 - Carry out additional bird surveys in optimal conditions.
 - Prepare a Natura Impact Statement (NIS) inclusive of any mitigation proposals to address any potential likely significant effects on European sites in view of the sites' conservation objectives.
 - Undertake additional surveys/monitoring during optimal conditions *inter alia* of vegetation and habitats and update relevant sections of the Environmental Impact Assessment Report (EIAR).
- 2.1.2. The applicant's response included a NIS, an amended EIAR and an updated Operational Management and Monitoring Commitments document.
- 2.1.3. The NIS includes information to determine if the additional visitors to the enhanced facility will impact on adjacent or proximate European sites. A walkers survey was undertaken and is included as an Appendix to the NIS. The survey was taken across 12 locations over Summer 2019 to estimate the level of visitor use on Montpelier Hill, Massy's Wood, Cruagh Wood and the interconnecting paths leading from the proposed development towards the European sites on Cruagh Mountain. It is noted

that the 2017 surveys did not cover the trails leading from Cruagh Wood out into the open mountain and into the SPA south of the forest. It is stated that the most recent surveys are more extensive and address this information gap.

2.1.4. Merlin Surveys were undertaken from the beginning of April to the end of July 2019. It is stated that surveys were conducted over an extensive area and the areas covered were selected on the basis of national guidance from the National Merlin Study of 2018. Only one single sighting was recorded, and it was considered that it was likely to have originated from a nest some distance away.

2.1.5. The applicant has updated and undertaken additional surveys and updated the Biodiversity Chapter of the EIAR and updated other sections where necessary. In addition, the EIAR has been amended in the context of the 2014 EIA Directive.

3.0 Submissions

3.1. The Board received 20 submissions including two from prescribed bodies.

3.2. Prescribed Bodies:

- An Taisce
- Development Applications Unit

3.2.1. An Taisce submission can be summarised as follows:

- The information supplied has made no effort to justify the continued incorporation of the overhead walkway which would be likely to significantly increase numbers entering Massy's Woods.
- If mitigation of biodiversity impacts is to be encouraged, no information provided as to why the Interpretative Centre on the side of the hill should be constructed in lieu of refurbishment of Stewards House.

3.2.2. A submission was received from the NPWS of the Department of Culture, Heritage and the Gaeltacht. It can be summarised as follows:

- Concerns previously expressed on the possible impact on merlins and the potential impact caused by the increase in the numbers of people drawn into the area on the nearby European sites have been addressed in the FI submitted.

- Several useful surveys have been carried out on bryophytes, bats, badgers and squirrels.
- Measures to protect bryophytes should be implemented in full.
- Recommend that a condition of planning, if the Board are minded to grant permission, should include preparation of a revised Forest Management Plan to retain the majority of the mature conifers on the Hellfire plantation to support the red squirrel.
- Recommend that appropriate deer management arrangements are put in place.

3.3. Observers

3.3.1. Observations were received from individuals/communities/resident groups/politicians as listed in Appendix 1. There is significant overlap in topics and for ease of reading I have listed the main headings below. The detail is listed in Appendix 2.

- Impact on European sites
- Biodiversity
- Re-open Oral Hearing
- Withdraw application/ Waste of taxpayer money
- Consultation
- Walker Surveys
- Stewards House
- Car Park & Traffic
- Assessment by another ecologist – additional observations, queries and mitigation measures
- Other Issues

4.0 Further Assessment

4.1.1. The following sections of my addendum report should be read together with my original report dated 9th January 2019. I have confined my assessment to the new

information provided by the applicant and the submissions by the observers. I have not addressed issues raised by observers which are a repeat of earlier submissions and not directly in respect of the new information. Those other issues already raised have been fully assessed in my initial report.

- 4.1.2. I note that the Regional Spatial and Economic Strategy for Eastern and Midlands Region was adopted in 2019. It continues to support tourism and access to the Dublin Mountains for both locals and visitors alike.

5.0 Environmental Impact Assessment

5.1. Introduction

- 5.1.1. The applicant has provided an amended EIAR in light of the additional surveying carried out following the Board's request for Further Information, and has updated sections of the EIAR following the publication of new regulations in September 2018. I confine this addendum report to an assessment of the new information provided. Therefore, this section of my report must be read in conjunction with my earlier report dated 9th January 2019 for a complete assessment.
- 5.1.2. Based on the new information supplied by the applicant, I am satisfied that my earlier conclusions on Alternatives and Consultations still stand. I note that a minority of the observers raised concerns regarding availability of the information in light of the Covid 19 pandemic. However, the last day for submissions was 23rd March 2020 which was ahead of the issuing of the Planning Circular PL 02/2020 in relation to the temporary arrangements for the operation of the planning system during the Covid 19 emergency.
- 5.1.3. The amended EIAR provides information on the competent experts which had been omitted in the original EIAR, but as I noted in my earlier report this information was provided at the oral hearing. However, I note a number of new experts are listed in section 2 of the amended EIAR. I am satisfied that the amended EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the amended EIAR and supplementary information provided by the developer is up to date, adequately identifies and describes the direct and

indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

5.1.4. I have carried out an examination of the new information presented by the applicant and the submissions made. A summary of the results of the submissions made by the prescribed bodies and observers has been set out at Section 3 and Appendix 2 of this report. I consider that the main issues raised specific to EIA have not changed based on the amended EIAR and can be summarised as follows:

- Potential impact on Biodiversity
- Potential impact of a threefold increase in numbers accessing the area and the nearby designated sites
- Potential impact of additional traffic to the area
- Potential visual impact
- Potential impact on cultural heritage

Where there are changes to my original assessment based on the new information these are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation, including conditions.

5.1.5. I am satisfied that the amended EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

5.2. **Likely Significant Direct and Indirect Effects**

The likely significant direct and indirect effects of the development are considered under the following headings, after those set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;

- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape;
- the interaction between the factors referred to in points (a) to (d).

5.2.1. As previously noted, I have confined my assessment to the changes based on the information provided by the applicant in the amended EIAR and to the submissions made by the prescribed bodies and observers in relation to same. As this is an addendum report, it should be read in conjunction with my earlier report.

5.3. Population and Human Health

5.3.1. The amended EIAR notes that this section has been updated in accordance with the *EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports (Draft August 2017)*.

5.3.2. The topic of Major Accidents and Disasters is added to this chapter. It is considered unlikely that the proposed development will result in an increased risk of major accidents or disasters.

5.3.3. I have considered all of the written and oral submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

5.4. Biodiversity

5.4.1. Biodiversity is examined in chapter 6 of the amended EIAR. It has been entirely replaced following on from the Board's request for additional studies and surveys.

5.4.2. Biodiversity Conservation Legislation and Planning Policy are detailed including the Habitats Directive, the Wildlife Act 1976, the Flora Protection Order 2015, the National Biodiversity Action Plan 2017 – 2021 and the All-Ireland Pollinator Plan 2015 – 2021.

5.4.3. The baseline information obtained from the desk study constituted the first stage in defining the 'Zone of Influence' of the development. In addition, a number of

ecological surveys were carried out in 2016, 2017, 2018 and 2019 to obtain further information on the baseline environment. The Zone of Influence is defined as the entire area within 5km of the proposed development and the Glendoo Brook and all downstream waterbodies including the Liffey Estuary Lower transitional waterbody as far north as the North Bull and Poolbeg Lighthouses. The study area is described as the site of the proposed development and a 50m buffer where accessible.

Surveys extended beyond this area are stated as including the Merlin Survey, the otter survey and the assessment of the upland habitat and trails extended to Cruagh Wood, Cruagh Mountain, Glendoo Mountain and Killakee Mountain.

5.4.4. An overview of the surveys is provided. It is noted that specific ecological surveys were carried out in respect of: Habitats, plants and invasive species; badger, otter and pine marten; bats; birds including merlin; bryophytes; red and grey squirrel; amphibians; marsh fritillary; and, water quality and aquatic ecology. The details of the competent experts who carried out the surveys are provided.

5.4.5. As the surveying was considered to be inadequate initially, for the benefit of the Board I reproduce part of the Table 6.2 contained within the amended EIAR with respect to the surveying carried out in 2019 (noting that this supplements the surveying previously conducted).

Survey	Date (2019)
Habitat	3 rd /4 th April
Breeding Birds	April/May/June
Bats	May - September
Bryophytes	14 th May, 15 th August
Red Squirrel	April - September
Pine Marten	July - August
Badger	3 rd , 4 th , 17 th April
Vegetation – Massy’s Estate	18 th June
Vegetation – Hellfire	2 nd July
Trails in SAC/SPA	18 th /25 th July
Amphibians	13 th May/18 th July
Water Quality Assessment	28 th August
Invasive species	5 th June
Otter	24 th July

Marsh Fritillary	19 th September
Merlin	April - July

- 5.4.6. Within Section 6.2 details are provided about how the studies were undertaken in accordance with listed guides and manuals and best practice methodology. Appendices accompany the amended EIAR which provide the details for each survey. Infra-red camera surveys were also conducted.
- 5.4.7. Merlin studies which were a key information request from the Board, were carried out during the breeding season in 2018 and 2019. It is stated that the general approach to the fieldwork was similar to that used within the National Merlin Survey 2018.
- 5.4.8. It is noted that walker surveys were carried out in November 2017 and between June and August 2019.
- 5.4.9. Section 6.3 details the ecological evaluation and impact assessment methodology and follows the methodology set out in Chapter 3 of the TII's *Guidelines for Assessment of Ecological Impacts of National Roads Schemes*.
- 5.4.10. Table 6.5 of the chapter lists the European sites within the Zone of Influence. The European sites, Wicklow Mountains SAC (0.6km away) and SPA (0.9km away), Glenasmole Valley SAC (1.2km away), South Dublin Bay and River Tolka Estuary SPA (9km away) and North Bull Island SPA (14km away) are identified. The Wicklow Mountains National Park (0.6km away), Glenasmole Valley pNHA (1.2km away), Dodder Valley pNHA 2.3km away), North Dublin pNHA (9.4km away) and South Dublin Bay pNHA (9.4km away) are listed as designated under national law. Descriptions of the sites are provided including the Site Synopses, Conservation Objectives and Natura 2000 Standard Data forms, management plans as well as supporting documents where applicable.
- 5.4.11. Section 6.5 also details the field survey results, and Table 6.23 lists the Key Ecological Receptors (KER). Habitats recorded during field surveys in 2019 are described. The Glendoo Brook is described as an upland river which has been badly affected by invasive species. As the river could be impacted by sedimentation or the accidental introduction of pollution Glendoo Brook is included as a Key Ecological Receptor (KER). As upland habitats could be impacted by increased numbers of

visitors accessing these areas, they have been included as a KER. It is stated that there will be no direct loss of Annex I habitat as a result of the development.

- 5.4.12. The field survey results for fauna are described. Red squirrel could be impacted by the proposed development and are included as a KER. Pine Marten were recorded on the infra-red camera in Massy's Estate and are included as a KER. Five badger setts were recorded; however, no otters were recorded by the infra-red cameras. Because otters could be impacted by water quality they are included as a KER.
- 5.4.13. The bryophytes survey identified a number of notable findings including two species not previously recorded in Dublin, five species not recorded in Dublin since 1959, and 49 species considered rare in Dublin. Bryophytes and Tufa Springs are included as KER.
- 5.4.14. Amphibians are included as a KER.
- 5.4.15. A draft invasive species management plan has been developed for the site. Because invasive species detract from the conservation value of the site, they are considered a KER.
- 5.4.16. Details of the Breeding Bird surveys are provided. 29 species of birds were identified of which only one is Red-Listed, Meadow Pipit. It is noted that the 2019 Merlin survey extended into the uplands on Cruagh Mountain, Glendoo Mountain, Killakee Mountain and Annamount Spink. Long-eared Owl was recorded on 18th July 2019 flying close to the site of the visitors centre but no evidence of this species breeding at Hellfire Club was recorded. Birds have been included as a KER. Table 6.21 lists the species of birds recorded during the breeding bird surveys and Table 6.22 lists other species incidentally recorded during other surveys.
- 5.4.17. No larval webs of Marsh Fritillary were found. I note that this finding is disputed by an observer. Other species are listed including Irish Hare, Irish Stoat, Hedgehog, Pygmy Shrew, and Sika Deer. It is noted that Sika Deer was recorded frequently throughout the site and was by far the most common species. It is noted that the control of Sika Deer in the Dublin Mountains would require a co-ordinated effort which is outside the scope of the proposed development.
- 5.4.18. The full walker survey is presented in Appendix S9. The appendix notes that the surveys were carried out over four days per month in June, July and August 2019 at 12 selected sites. The aim of the surveys was to collect data on the duration of visits

and the level of visitor use at the Hellfire Club, Massy's Estate, Cruagh Wood and on the interconnecting paths leading from the proposed development towards the European sites. The data shows that c.50% of vehicles visiting both Hellfire and Cruagh Wood car park stay for less than 1 hour, with 89% and 98% of visitors staying less than two hours in the respective car parks. This information tallies with the recorded small number of walker movements at the southern boundary of the forest trail and indicates that most walkers travel the relatively short circuit which can be completed in less than two hours rather than venturing up to the uplands including the European sites.

- 5.4.19. It is noted that if the proposed development does not proceed there will be no *immediate* loss of the conifer plantation next to the existing car park or elsewhere at the Hellfire Club, however the conifer plantation next to the car park will have to be felled eventually as it is over-mature.
- 5.4.20. A description of the likely effects on the KERs (unmitigated) are provided in section 6.8. It is noted that a second link path which was proposed in the northern end of Massy's Estate in the previous EIAR has been removed. Habitat loss is detailed, as is disturbance and habitat fragmentation and barrier effect. Direct mortality, invasive species and reduction in water quality are detailed. Table 6.24 provides a very clear impact characterisation for KERs if unmitigated.
- 5.4.21. Mitigation is detailed in section 6.9. Construction mitigation listed includes *inter alia* the development of a Construction and Traffic Management Plan; the development by the contractor of a detailed Construction Method Statement; an ECoW will be appointed; a Site Environmental Manager will be appointed by the contractor; the site will be fenced off; tree fencing; and pre-construction surveys. Non-specific mitigation measures will also be employed including the designation of new trails in accordance with the National Trail Office's *Classification and Grading of National Trails*; the establishment of a Strategic Oversight Group; erection of Information Boards; maintenance of quiet zones; lighting plan; and conversion of conifer plantations to native woodland involving the felling of a maximum of 10% per annum.
- 5.4.22. Specific mitigation measures for the KERs are described. In relation to red squirrel it is stated that broadleaved woodland can support a higher population density of red squirrel (in the absence of grey squirrels) and that two rope-bridges across the R115

will be erected. With respect to upland habitats KER, it is stated that Information Boards will be erected to communicate the presence of the European sites and a request to stay on the paths, as well as maps for waymarking. A draft Invasive Species Management Plan is included as Appendix 10. Run off will be treated before it enters Glendoo Brook.

- 5.4.23. Residual Impacts on KERs are detailed in Table 6.25. The table details the KER, the pre-mitigation impacts and the ecological significance following mitigation. It is stated that following mitigation there are no significant residual negative effects on red squirrel, pine marten, badger, otter, bats, bryophytes and tufa springs, uplands, amphibians, invasive plants, birds at any scale, or the Glendoo Brook.
- 5.4.24. Monitoring will be carried out for a period of five years by the Management Steering Committee on the KERs as well as usage patterns. After the five year period the requirement for annual ecological inspection/surveys will be reviewed and a new regime will be implemented.
- 5.4.25. None of the developments identified during the cumulative assessment were determined to result in significant negative cumulative effects. Major accidents are also addressed, and it is considered that there will no negative residual impact on natural resources and impacts on climate change are considered to be imperceptible.

Assessment

- 5.4.26. In the first instance, I consider that the 2019 surveying conducted by the applicant is comprehensive and allows the Board to carry out an assessment. Where there were obvious gaps in the information initially provided, I am satisfied that those lacunae have been addressed. The submission from the NPWS states that they are equally satisfied that their concerns have been addressed and recommend a number of conditions, should the Board be of a mind to grant approval.
- 5.4.27. My original assessment of Biodiversity included in my report dated 9th January 2019 addressed each KER and I considered the potential residual impact. For ease of reading I intend to refer back to my original assessment and update each section where I consider this is appropriate. There are some slight differences in how the KERs are detailed in the amended Biodiversity section which I further address

below. For instance, Bryophytes and Tufa Springs are now a standalone KER. My revised assessment follows.

KER 1 Red Squirrel

- 5.4.28. As previously noted, there were many concerns expressed about the impact of the removal of conifer trees on red squirrels. Observers expressed specific concern with the removal of conifer trees that provide bridges for the squirrels to cross between areas on Montpelier Hill to Massy's Woods. Wide open areas leave the squirrels exposed as they try to cross to forage. In addition, observers were of the opinion that the impact of increased numbers of visitors on the red squirrel (and pine marten) had not been adequately assessed.
- 5.4.29. It is stated in the submitted documentation that red squirrels thrive in mixed broadleaf woodlands provided grey squirrels are not present. Red squirrels can persist for longer in coniferous forests when grey squirrels arrive. A Red Squirrel Management Plan was submitted during the course of the application and is included in the amended EIAR as Appendix S11 and is dated November 2019. The 2019 surveying carried out is detailed including the drey survey.
- 5.4.30. The construction phase mitigation measures include clear-felling of 10% of mature conifer plantations every year to be replaced with native woodland rather than an overall clear-felling at once. I note that the NPWS have consistently requested that the applicant retain the majority of the mature conifers present, because the proposed replacement of coniferous trees with deciduous trees will potentially lead to the loss of the most significant feature of the visitor centre from a nature conservation viewpoint – the red squirrel. Thus, while I am satisfied with the information provided, it is clear that the plan to replace the conifers with native broadleaved trees in the Hellfire Club should be managed on a selection basis to be supplemented by Scots pine, as requested by the NPWS. I am satisfied that with a condition to this affect, there will not be a significantly serious negative impact on the red squirrel.
- 5.4.31. I disagree with the observers claim that the impact of increased visitors on squirrels and pine martens has not been assessed. The amended EIAR has referred in many places to 'disturbance' to fauna as a result of increased visitor movements and refers to studies in Fota Wildlife Park which draws c.300,000 visitors per year. The study

concluded that red squirrels were shown to concentrate activities in areas without human disturbance and move into used areas after the park closed. It was concluded that red squirrels can habituate to humans provided there are 'quiet zones' nearby. Based on the revised surveys I do not accept the observers' comments that the impact of increased visitor numbers has not been adequately assessed. I am satisfied that construction works will be temporary and managed in accordance with the Construction Management Plan, including the appointment of a full-time Ecological Clerk of Works, and conclude that during operation there will not be a seriously negative impact on the red squirrel.

5.4.32. I continue to have concerns with the treetop bridge over the R115 for many reasons as detailed in the earlier report. I continue to be of the view that should the Board be of a mind to grant approval for this project, the treetop bridge is removed. The rope bridges for the red squirrels can be accommodated across the R115 in the absence of the treetop bridge.

KER 2 Pine Marten

5.4.33. The pine martens are now considered a KER in the revised EIAR. I note that no dens were identified during the surveys. Construction phase impacts include habitat loss and fragmentation/barrier effect and operational impacts include disturbance and direct mortality. It is stated that two pine marten nest boxes will be erected, and their location is presented in the Red Squirrel Management Plan. While observers continue to express concern about pine martens, and indeed one of the observers submitted photos of a pine marten taken 60m west of the southern neck of Massy's Woods in July 2019, which tallies with the survey findings, I am satisfied that pine martens have been assessed and addressed adequately as part of the Red Squirrel Management Plan.

KER 3 Badgers

5.4.34. It is stated that five setts are present within the study area, two at the Hellfire and three at Massy's however based on advice from the NPWS the exact location is not specified. None of the setts will be directly affected by the works. I am satisfied that with the mitigation measures proposed including a survey to be undertaken 2-3 weeks prior to construction that there will not be a significant negative effect on badgers.

KER 4 Otter

- 5.4.35. I am satisfied that sufficient surveying has been carried out for otters. The observers queried the timing of the survey which as noted above was for one day in July. However two infra-red camera traps were placed along the Glendoo Brook from 17th June to 5th July 2019 to record otters. No otters were recorded by the infra-red cameras during the 2019 survey. While they are present in the River Dodder catchment, I am satisfied that the Glendoo Brook is not important otter habitat.
- 5.4.36. While the development could lead to water quality impact, I am satisfied that the mitigation measures proposed during construction will not result in a seriously negative impact on water quality and indirectly on the otters which are also addressed under the Appropriate Assessment.

KER 5 Bats

- 5.4.37. Trees and structures close to the proposed development works and the trees recommended for removal were surveyed for potential roost features as well as trees within 30m of the proposed treetop canopy bridge in Massy's woods. The bridges over the Glendoo Brook and its tributaries were also surveyed. No signs of bats were found. The Hellfire building was also surveyed. One of the observers queried why radio-tracking surveys were not carried out. The surveys undertaken are detailed and I am satisfied that sufficient information has now been provided about the presence or otherwise of bats in trees and structures.
- 5.4.38. While there will be habitat loss due to the felling of trees, I am satisfied that this will not have a seriously negative impact having regard to the large area of habitat available. I note that observers drew attention to the fact that the amended EIAR states that the loss of habitat is unavoidable. However, this is clearly the case if the proposal is permitted to proceed.
- 5.4.39. I am satisfied that more information is now available regarding the presence or not of bat roosts in the structures including the Hellfire building, the walled gardens and the bridges over Glendoo Brook. Mitigation measures proposed can now be monitored for effectiveness. Pre-construction surveys will be carried out 3 weeks prior to construction commencing. Bats are a KER that will be monitored and surveyed. Overall, I am satisfied that the information regarding bats is now sufficient to enable the Board to determine that there will be no unacceptable impact on bats. As noted, I

recommend that the treetop bridge is omitted which will reduce the potential impact of disturbance by people.

KER 6 Bryophytes and Tufa Springs

5.4.40. This KER has been identified as a standalone KER. It was initially addressed under the heading of Habitats. The survey recorded rare and protected bryophytes in the study area. Tufa formation was recorded in three areas of Massy's Woods. The northern link path in Massy's Woods has been removed to avoid potential impact on the tufa springs and other mitigation measures are identified in order to protect the bryophytes.

5.4.41. Some observers were of the opinion that surveys were not carried out – this is clearly not the case anymore.

5.4.42. Concerns have been expressed about the use of herbicides and their impact on bryophytes. They are being used for the control of invasive species and will be used in accordance with the regulations as identified in Appendix S10. I am satisfied that with the mitigation measures proposed there will not be a significant impact on this KER.

KER 7 Upland Habitats

5.4.43. The Uplands were also identified as a standalone KER in the amended EIAR. A walking trail through Massy's Woods links the proposed development to upland habitats including the Wicklow Mountains SAC and SPA. It is stated that there is a potential for impact by way of disturbance and erosion as a result of an increase in walkers on habitats in the European sites.

5.4.44. I was previously of the opinion that this potential impact had not been properly addressed by the applicant. In my view, there was insufficient information provided to the Board to enable a full assessment of the impact (if any) of the proposal on the European sites¹. Information had not been provided to determine if mitigation measures were needed.

5.4.45. The amended EIAR now includes detailed walker surveys in Appendix S9. The surveys were carried out over 4 days per month in June, July and August across 12 selected sites. In addition, information is provided in relation to the time visitors spent

¹ This will also be addressed in Section 6 below

at the various spots surveyed. The information highlights that very few people spend more than two hours at the Hellfire Club site. This indicates that walkers are not currently using the site to access further afield into the Wicklow mountains.

- 5.4.46. Observers continue to have concerns with this aspect of the project stating that the improved facilities and monitored car park will attract more people to use this as a starting point to access the Dublin Mountains Way or to gain access to the Wicklow Mountains SAC/SPA. I accept that this could be the case but based on the information that is now available to confirm that very few people stay for greater than two hours, I am satisfied that it will not result in such a substantial increase in numbers that it could cause a negative impact on upland habitats.
- 5.4.47. The survey information now confirms that this area is not currently used to access the European sites by very many people. The car park will be monitored and that may cause people who previously used the Cruagh car park to park in Hellfire car park and access the mountains from this starting point. However, this will not result in an actual increase in numbers and is likely to attract only the very keen and serious walkers. Mitigation measures including Signage Boards are proposed to advise people about the presence of European sites and ground nesting birds etc. A map showing the waymarked trails in Massy's Woods, the Hellfire Club and the Dublin Mountain Way will be included on the Signage Boards but **NOT** the trails leading to the designated sites. The effectiveness of the Signage Boards was questioned by many observers. The applicant refers to studies which conclude that signage can be effective.
- 5.4.48. I am satisfied that the applicant has demonstrated that this site is not used by many people as a starting point to access the Wicklow Mountains and consequently the European sites. I accept that this number may increase but I am satisfied that the majority of people who will be visiting will wish to stay in the facilities of the Hellfire Club and Massy's Woods – it will be these features publicised. It will be the improved trails and the visitor centre that will likely be the draw for the majority of domestic and international tourists. I am satisfied based on the information now available that the increase in numbers of visitors will be very low and there will not be an unacceptable impact on uplands habitats.

KER 8 Amphibians

5.4.49. Amphibians are included as a KER. It is considered that the construction footprint of the proposed development has limited suitable habitat for common lizard. Mitigation measures are detailed including that three ponds will be retained, and six ponds will be constructed as part of the drainage plan which will provide wetland habitat for amphibians, which I consider acceptable.

KER 9 Invasive Species

5.4.50. An Invasive Species Management Plan has been included as Appendix S10. Concerns have been expressed in relation to the use of herbicides. These will be used in accordance with the various regulations. I note that an observer states that Coillte are obliged to address Invasive Species regardless of this project which I concur with. However, I am satisfied that there will be no significant negative impact as a result of this project.

KER 10 Birds

- 5.4.51. Another bird survey was carried out in the period May – July 2019. The survey identified 29 species of birds with one being Red-listed, the Meadow Pipit, and four being Amber-listed. Twenty-one other species not recorded on the breeding bird survey were recorded in other ecological surveys.
- 5.4.52. Of importance with respect to the Board's request, is the Merlin Survey conducted. The Merlin is a qualifying interest of the Wicklow Mountains SPA and listed on Annex I of the Birds Directive. The 2019 survey extended up into the uplands and another 12 species not recorded within Massy's Woods or the Hellfire were recorded.
- 5.4.53. The potential impacts if unmitigated are considered to range from short-term moderate negative impact at the local level to permanent moderate negative impact at the local level but no significant impact on birds at any level. Mitigation measures are identified including no site clearance during nesting season, retention of conifers and new woodland planting and use of windows with increased reflectivity. It is considered that there will not be a significant residual negative impact on birds.
- 5.4.54. Several of the observers continued to express concerns with the survey carried out only in Summer 2019 and were of the opinion that the Board sought a more comprehensive survey. This is also dealt with in Section 6 below. However, based

on the time, quantity and in particular the level of expertise engaged in these surveys I am satisfied that they are adequate.

KER 11 Glendoo Brook

5.4.55. Water quality and aquatic ecology surveys were carried out by the applicant. Results of a water quality assessment upstream and downstream of the drainage outfall are provided. As previously noted, I consider the drainage situation will be improved with the introduction of a petro-chemical interceptor and controlled release of run-off water. I note that some of the observers continue to have concerns about the Glendoo Brook. However, there are no in-stream works planned and because there is now survey information, monitoring will be effective. I am satisfied that there will be no residual negative effects on the Glendoo Brook.

Massy's Woods

5.4.56. In my initial assessment I expressed concerns about the numbers of people accessing Massy's Woods. I was concerned that it could be significantly higher than a threefold increase and I was of the view that the applicant had not carried out sufficient surveying of the woods to determine if this was going to cause an unacceptable impact or not. In the amended EIAR the applicant has addressed this lacuna. There is more information in relation to Massy's Woods available to ensure that a baseline environment is now established which can be used for future meaningful monitoring.

5.4.57. There will be an increase in the numbers of people who will visit both the Hellfire and Massy's Woods. As noted in my previous report, I am recommending that the treetop bridge is omitted, as well as the bridle path in Massy's Woods. This will reduce some of the footfall and potential health and safety issues. Other mitigation measures include the establishment of a Strategic Oversight Group which will meet every two months as well as the establishment of the Management Steering Committee. Monitoring can now be informed by the baseline surveys that are now available.

5.4.58. Another observer queried the lack of a Massy's Wood Management Plan. I am satisfied that the overall operation plan submitted with the additional information provides for oversight and monitoring of the woods.

5.4.59. I am now satisfied that there will not be an unacceptable impact on Massy's Woods.

Other Issues

- 5.4.60. Observers raised other concerns that are not addressed as a KER but are addressed in the amended EIAR, including Marsh Fritillary. There were issues noted with survey locations on private land, which is not a matter for the Board to address. The timing of the surveys was also questioned. However, as noted there will be habitat loss as a result of this project including potential habitat loss for Marsh Fritillary, but I do not consider this to be a reason for recommending refusal.
- 5.4.61. Concerns have been raised about loss of forestry. However, some forestry will be replaced and is dealt with under Material Assets. There will be short-term impacts during construction on some species such as red squirrel and pine marten as a result of the forestry loss, but with the mitigation measures, these will be kept to a minimum and not result in significant residual long-term negative impacts. With an appropriate condition in relation to the retention of conifers where possible, I am satisfied that there will not be a significant negative impact on red squirrel and the pine marten.
- 5.4.62. Lighting and its impact on nocturnal species was raised again and it was re-stated in the amended EIAR that the operational hours will vary between summer and winter with resultant light requirements. There will be no lighting on new footpaths external to the site.
- 5.4.63. Another observer referred to the need for a paradigm-shift in land use plans and to leave more land for animals and birds etc. As noted in my earlier report, this project is identified on numerous statutory plans developed and adopted by the Council.
- 5.4.64. Mountain fires in the recent past were referred to by an observer which may have had an impact on food sources for various birds and therefore impact on the accuracy of surveying. I am satisfied that we now have sufficient data and that surveying has been carried out by well experienced experts in surveying for merlins.
- 5.4.65. The replacement of habitat and scrub in the walled gardens with wildflowers was queried. I consider that this will result in an improvement and enable visitors to appreciate the walled gardens.
- 5.4.66. One observer group submitted detailed reports from other ecologists. I have had regard to the comments therein and note that there are some positive comments included. I note the roll of the Ecological Clerk of Works is queried. This is a

mitigation measure put forward by the applicant. The ECoW will be full-time with clearly defined functions as part of the construction activities. I am satisfied that this person will have sufficient authority to ensure that all mitigation measures will be properly implemented. Commitments have been made in the EIAR with respect to those mitigation measures and therefore are binding on the applicant's behalf.

5.4.67. This same ecologist queried the implications of the drainage plan in relation to the native wetland flora of the site. I am satisfied that there will be an improvement to the drainage of the site due to the inclusion of a petro-chemical interceptor.

5.4.68. The same ecologist queries the veracity and relevance of primary sources of data as part of the desk-top studies and states that there is very little of original content in the EIAR as derived from direct examination of the site. I am satisfied that the applicant has carried out the desk-top studies in a manner according to various guidelines (see section 6.2 of the EIAR). As stated by the applicant which I concur with, the desk-top studies reviewed available published data describing ecological conditions within the zone of influence. The desk-top study cross-referenced this published data with publicly available maps and aerial orthophotography from Ordnance Survey Ireland (OSi), the National Parks & Wildlife Service (NPWS) and the Environmental Protection Agency (EPA) to identify KERs. During this assessment, the NPWS provided data on nature conservation designations, habitats and species of conservation interest. The baseline information obtained from the desk-top study constituted the first stage in defining the Zone of Influence of the proposed development. In addition to this, a number of ecological surveys were carried out, originally in 2016 to inform the EIAR, and subsequently in 2017, 2018 and 2019 to obtain further information on the baseline environment with respect to biodiversity and to identify potential effects thereon. I am now satisfied that there is sufficient surveying to support the applicant's conclusions and enable the Board to carry out an assessment.

Conclusion

5.4.69. In my earlier report I expressed concerns regarding the impact of the proposed development on Biodiversity. I was of the opinion that there was insufficient information available to the Board to assess the impact on Biodiversity and on the European sites. This was as a result of the lack of surveying and data in relation to

the existing baseline. This was of particular concern in relation to the potential increase in visitor numbers to the SAC/SPA. I am satisfied that the numbers of visitors that will travel on to the Cruagh Mountain and then further afield into the SAC/SPA and then go off the trails will be extremely small.

5.4.70. I am now satisfied that the identified lacunae have been adequately addressed and the Board can carry out an assessment.

5.4.71. I have considered all of the written and oral submissions made in relation to biodiversity, flora and fauna, in addition to those specifically identified in this section of the report. I am now satisfied that the potential impacts have been appropriately addressed in terms of the application and the information submitted by the applicant, and that no significant adverse direct, indirect or cumulative effects on Biodiversity are likely to arise.

5.5. **Land and Soil**

5.5.1. Chapter 7 now specifically addresses Land. Very few substantial amendments have been made. Major accidents have been addressed and it is considered that the risk from major accidents and climate change are highly unlikely.

5.5.2. I have considered all of the written and oral submissions made in relation to land. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on land and soil are likely to arise.

5.6. **Water**

5.6.1. Water and Hydrology are addressed in Chapter 8 of the EIAR. Very few substantial amendments have been made. Major accidents have been addressed and it is considered that the risk from major accidents and climate change are highly unlikely.

5.6.2. My concerns in relation to the Glendoo Brook have been addressed above.

5.6.3. I have considered all of the written and oral submissions made in relation to water. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse direct, indirect or cumulative effects on water and hydrology are likely to arise.

5.7. Air Quality, Climate, Noise and Vibration

- 5.7.1. Chapter 9 considers Air, Noise and Vibration. Very few substantial amendments have been made. Major accidents have been addressed and it is considered that the risk from major accidents and climate change are highly unlikely.
- 5.7.2. I have considered all of the written and oral submissions made in relation to Air and Climate. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise. I am therefore satisfied that no significant adverse direct, indirect or cumulative effects on air quality and climate are likely to arise.

5.8. Material Assets: Landscape

- 5.8.1. Chapter 9 considers Landscape. Very few substantial amendments have been made. Major accidents have been addressed and it is considered that the risk from major accidents and climate change are highly unlikely.
- 5.8.2. I have considered all of the written and oral submissions made in relation to Landscape. I am of the opinion that with the omission of the treetop bridge remaining impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, and through the measures outlined in the EIAR and that no further significant adverse direct, indirect or cumulative effects on Landscape are likely to arise.

5.9. Material Assets: Cultural Heritage - Archaeology

- 5.9.1. Chapter 11 of the amended EIAR considers Archaeology and Cultural Heritage. A small number of amendments have been made to this chapter. Mitigation measures have been added, including that archaeological monitoring of tree removals will be carried out to avoid major accidents such as landslides. Fire prevention and fire safety procedures will form part of the ongoing monitoring procedures.
- 5.9.2. I have considered all of the written and oral submissions made in relation to Archaeology and Cultural Heritage. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant. I am satisfied that the identified impacts on archaeology would be avoided, managed

and mitigated through the measures outlined in the EIAR and that no further significant adverse direct, indirect or cumulative effects on archaeology are likely to arise.

5.10. Material Assets: Cultural Heritage - Architectural Heritage

5.10.1. Chapter 12 of the amended EIAR considers Architectural Heritage. A small number of amendments have been made to this chapter. Fire prevention and fire safety procedures will form part of the ongoing monitoring procedures.

5.10.2. I have considered all of the written and oral submissions made in relation to Architecture and Cultural Heritage. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant. I am satisfied that the identified impacts on Architecture and Cultural Heritage would be avoided, managed and mitigated through the measures outlined in the EIAR and that no further significant adverse direct, indirect or cumulative effects on Cultural Heritage are likely to arise.

5.11. Material Assets: Forestry.

5.11.1. No changes have been made to this chapter.

5.12. Material Assets: Roads, Traffic and Transportation

5.12.1. Chapter 14 of the amended EIAR summarises the Transport Impact Assessment. The minor changes relate to the consideration of major accidents, natural disasters and climate change and natural resources. The risk of significant effects are considered highly unlikely.

5.12.2. I have considered all of the written and oral submissions made in relation to traffic and transport. I am satisfied that any impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, and through the measures outlined in the EIAR and that no further significant adverse direct, indirect or cumulative effects on traffic and transport are likely to arise.

5.13. Interactions

- 5.13.1. Having regard to the amended EIAR and the additional information provided by the applicant, I consider that the development, cumulatively with other developments, is not likely to have significant effects, particularly in light of the zoning policies for the area. I have also considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.
- 5.13.2. In particular, the potential arises for the increased usage of the site for recreation by human beings (as intended by the project) to have an effect on other environmental aspects. The amended EIAR states that it is not predicted that there will be significant negative impacts from increased usage of the site. It notes that it is expected that most users will stay on the trails network which will remain largely the same in extent so that the area of disturbance by human presence will not expand significantly although footfall in affected areas (the trails) will. The archaeological features have proven resilient to access over time and the improved trails will reduce wear and tear on those features. Furthermore, future monitoring can now be meaningfully compared to the baseline.
- 5.13.3. I am now satisfied that information is available with respect to the numbers of people who use the site as a starting point who may go on to access the European sites and adequate mitigation measures will be part of the project.
- 5.13.4. In conclusion, I am satisfied that such effects can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

5.14. Reasoned Conclusion on the Significant Effects

- 5.14.1. Having regard to the examination of environmental information contained above, and in particular to the amended EIAR and supplementary information provided by the applicant, and the submissions from observers and prescribed bodies in the course of the application including submissions made to the oral hearing, and on the amended EIAR, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- **Biodiversity:** Impacts to habitats and species could arise during construction of the visitor centre, car park and other structural elements due to disturbance and loss of habitat. These impacts will be mitigated following measures outlined in the Construction Management Plan and specific mitigation measures for Key Ecological Receptors and other environmental mitigation measures. With respect to operation, based on the additional baseline surveys and information presented in the amended EIAR, I am satisfied that the potential impacts have been adequately assessed and mitigated with respect to the impact of the increase in footfall on the environment, the replacement of conifer plantation (subject to a condition to limit the conifers to be replaced to those which are over-mature), and a condition to omit the bridle path and treetop bridge. I am now satisfied that the information submitted by the applicant enables the Board to conclude that there will not be a significant effect on the biodiversity of the area.
- **Population and Human Health:** Impacts on amenities of local landowners due to increases in the numbers of people potentially trespassing will be mitigated by the installation of additional fencing and the increased presence of management staff.
- **Material Assets, Landscape and Visual Impact:** Impacts on the landscape and impacts on protected views have been mitigated with the design of the visitor centre and the car park as well as the landscape strategy. The visual impact of the treetop canopy can be avoided with the omission of this element of the proposal.
- **Material Assets, Cultural Heritage:** Impacts on the archaeology and architecture of the area have been mitigated by the minimal interference approach on the existing structures and the improvements of existing trails. Potential impacts as a result of the new structures and trails will be mitigated by monitoring and test excavations.
- **Material Assets, Traffic and Transportation:** Impacts during construction will be mitigated by the implementation of a Construction and Traffic Management Plan. Impacts during operation will be mitigated by improvement in access to the site for other sustainable modes of transport, as well as an increase in the car parking availability thereby avoiding the need to park on the external road.

5.14.2. In conclusion, the amended EIAR has considered that the main direct, indirect and cumulative effects of the proposed development on the environment would be primarily mitigated by environmental management measures. I am now satisfied that following mitigation, no residual significant negative impacts on the environment would remain as a result of the proposed scheme.

6.0 Appropriate Assessment

6.1. Introduction

- 6.1.1. In my report dated the 9th January 2019, I carried out a Screening for Appropriate Assessment (Stage 1). The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment (AA) carried out. I was of the opinion on the basis of the limited information provided with the application initially, that the project could not be screened out at Stage 1 with respect to the Glenasmole Valley SAC (Site Code 001209), Wicklow Mountains SAC (Site Code 002122), and Wicklow Mountains SPA (Site Code 004040) in view of the site's Conservation Objectives.
- 6.1.2. The Board agreed with my findings and requested the applicant to prepare a Natura Impact Statement that would inform Appropriate Assessment.
- 6.1.3. The applicant has now submitted a Natura Impact Statement (NIS) which I will consider herein as part of an Appropriate Assessment of the project. In considering this section of this report I have also had regard to the totality of information presented by the applicant including the NIS, the amended EIAR and the written and oral hearing submissions of the applicant and the observers, including the most recent observations as detailed in Section 3 and Appendix 2, as well as contributions from the National Parks and Wildlife Service (NPWS). As noted in Section 3.2.2 above, the NPWS state that their concerns previously expressed on the possible impact on merlins, and the potential impact caused by the increase in the numbers of people drawn into the area on the nearby European sites have been addressed.

6.2. The Natura Impact Statement

- 6.2.1. The NIS describes the proposed development, the project site and the surrounding area. A general description of the receiving natural environment at the proposed development site is presented as well as the likely effects on the natural environment. The proposed development is located wholly outside of any European

site. The NIS considers the European sites which are within a possible zone of influence of the proposed development.

6.2.2. The NIS states that four European sites, namely the Wicklow Mountains SPA, the Wicklow Mountains SAC, the Glenasmole Valley SAC and the South Dublin Bay and River Tolka Estuary SPA occur within the likely zone of impact of the proposed development and that a further three sites namely the North Bull Island SPA, the North Dublin Bay SAC and the South Dublin Bay SAC occur adjacent to the likely zone of impact. The North Bull Island SPA is considered by the applicant by virtue of the fact that birds belonging to that site are likely to feed within the likely zone of impact. The North Dublin Bay SAC and the South Dublin Bay SAC are not considered to be in any way connected to the project as the North Bull Wall and the South Bull Wall form an effective barrier between the potential impact from the proposed development and the qualifying interests of these sites, and these sites are not considered further in the NIS. Of note the North Bull Island SPA and the North Dublin Bay SAC have been included by the applicant which were not included in my Screening Report.

6.2.3. The potential for delay or interruption in the achievement of the conservation objectives as defined by its attributes and targets of the remaining five sites are identified in tables 3.2 to 3.6. The five sites considered include:

- Wicklow Mountains SAC (Site Code 002122)
- Wicklow Mountains SPA (Site Code 004040)
- Glenasmole Valley SAC (Site Code 001209)
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)
- North Bull Island SPA (Site Code 004006)

6.2.4. Table 3.7 of the NIS provides a summary of the European sites potentially affected by the proposed development and the Qualifying Interests potentially affected in each site. Table 3.7 is copied below:

European Site	Qualifying Interest
Wicklow Mountain SAC	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030]
Wicklow Mountain SPA	Merlin (<i>Falco columbarius</i>) [A098]

6.2.5. In-combination effects with other plans and projects are examined. The NIS details mitigation measures as well as protocols to ensure their full and proper implementation.

6.2.6. The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- Field surveys including Habitats, Merlin, Otter and Walker surveys.

6.2.7. The NIS (December 2019) concluded that, subject to the implementation of the recommended mitigation measures, the proposed development alone or in combination with other plans and projects would not result in adverse effects on the site integrity of European sites within the zone of influence.

6.3. **Appropriate Assessment of implications of the proposed development on each European site**

6.3.1. Having reviewed the NIS, and the amended EIAR, further information response documents and supporting documentation and submissions both written and oral, I am satisfied that together these documents provide adequate information in respect of the baseline conditions, use the best scientific information available on European sites, and clearly identify the potential for adverse impacts. Details of mitigation measures, including supervision by an Ecological Clerk of Works are provided in Section 5 of the NIS.

6.3.2. I am satisfied that the information is sufficient to allow for a complete assessment of the proposed development in view of the requirements of Appropriate Assessment and precise and definitive findings can be reached as to the implications of the proposed development on the integrity of the European sites.

6.3.3. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

6.3.4. Tables 3.2 to 3.6 of the NIS detail the five sites that potentially could be adversely affected by the proposed development. The five sites are:

- Wicklow Mountains SAC (Site Code 002122)
- Wicklow Mountains SPA (Site Code 004040)
- Glenasmole Valley SAC (Site Code 001209)
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)
- North Bull Island SPA (Site Code 004006)

6.3.5. The tables present an analysis of each of the designated sites' Qualifying Interests, the Conservations Objectives, and considers if the proposed development provides for any potential delay or interruption in the achievement of the Conservation Objectives as defined by its Attributes and Targets. Detailed analysis is provided including extent of qualifying interest and distance from the proposed development. Of importance, any potential connectivity between the proposed development site and the Qualifying Interest is clearly established. The surveys conducted inform the outcome for the Qualifying Interests.

6.3.6. With respect to the Glenasmole Valley SAC, it is noted that the shortest walking distance between the proposed development and the SAC is 7.9km on the Dublin Mountain Way. The shortcut through St. Anne's Burial Ground is currently blocked by a farm gate with a 'No Entry' sign. If this route was opened in the future it would reduce the distance to 6.4km on foot. It is stated that there are two well developed access points into the site from the top of the upper reservoir which are bound by

fences and watercourses. The lands containing the Qualifying Interest habitat are private farmland and access by the public is unlikely. Lands containing Petrifying Springs with tufa formation are within woodland along the valley particularly along the eastern side of the lower reservoir. I am satisfied that the walker surveys now undertaken demonstrate that there is virtually no link by walkers between Massy's Woods and the Glenasmole Valley SAC at 8km walking distance to the south-west. I am satisfied that this SAC will not be adversely impacted.

6.3.7. With respect to the South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA, I am satisfied that having regard to the nature and scale of the development and the hydrological distance involved of at minimum 17km, the risk of any accidental spillage or pollutants negatively affecting the water quality in the SPA even in the absence of mitigation measures is very low and that the applicant took a very precautionary approach in including these remote SPA sites in the NIS. I am satisfied the proposed development could not adversely affect any of the qualifying interests of these SPAs.

6.3.8. With respect to the two remaining sites, as per my Screening Report, I was of the opinion that the potential for an increase in footfall had not been assessed in relation to the impacts on the habitats of the Wicklow Mountains SAC and the surveys of Merlin were inadequate with respect to the Wicklow Mountain SPA. I note that one of the observers referred to otters – however I am satisfied that otters which are a qualifying interest of the Wicklow Mountain SAC have been adequately addressed and surveyed to conclude that the proposal will not significantly impact on this species. I am satisfied that water quality will not be impacted and by inference otters. Table 3.2 of the NIS states that Northern Atlantic wet heaths with *Erica tetralix* [4010] and European dry heaths [4030] habitats occur within 1.6km from the southern end of Massy's Woods and the increase in footfall could lead to braiding and erosion along the existing trails in the absence of mitigation. In addition, mitigation is necessary to reduce the potential for a reduction in habitat area and prey available for merlin in the SPA.

6.3.9. I am satisfied that in the absence of more detailed information on numbers of walkers and the application of mitigation measures, interruptions or delays in achieving *certain* Conservation Objectives for these two sites cannot be ruled out.

6.4. Assessment of Adverse Effects

6.4.1. Section 4 of the NIS provides an Assessment of Adverse Effects. With respect to **Wicklow Mountains SAC** it is noted that the two Annex I habitats likely to be affected are “Northern Atlantic wet heaths with *Erica tetralix*” and “European dry heaths”. The Conservation Objectives are listed in Table 3.2 of the NIS and the Attributes are summarised as follows:

- Habitat Area
- Habitat Distribution
- Ecosystem function; soil nutrients
- Community Diversity
- Vegetation composition
- Vegetation structure
- Physical structure; and
- Indicators of local distinctiveness.

6.4.2. In terms of **Habitat Area**, the proposed development does not provide for any direct loss of habitats within its footprint. It may lead to an increase in visitors accessing the SAC which has potential to lead to braiding of paths and consequently erosion of the habitats along existing trails within the SAC. The walker survey data concluded that based on average usage patterns the proposed development could lead to an average increase in two people per day entering the SAC. Dwell times at the Hellfire Club car park mean that very few people stay more than two hours which is roughly the time required to reach the boundary of the SAC and return. A worst case scenario was presented by the applicant stating that if 1m of habitat was eroded from either side of the tracks this would amount to 0.008% of the total area in the SAC therefore mitigation would be required.

6.4.3. With respect to **Habitat Distribution** it is considered that the development does not have the potential to lead to any significant change in the distribution of these Annex I habitats and therefore no mitigation is required.

- 6.4.4. The development will not involve any physical works in the SAC or upstream of the SAC. In terms of **Ecosystem: Soil Nutrients** it is considered that there is no potential to lead to change in the soil nutrient status therefore no mitigation is required.
- 6.4.5. The proposed development does not have the potential to lead to any change in the abundance or variety of vegetation **Community Diversity** therefore no mitigation is required. This is similar for **Vegetation Composition, Vegetation Structure, Physical Structure** and **Indicators of Local Distinctiveness**. No mitigation measures are required.
- 6.4.6. I am satisfied with the precautionary approach taken by the applicant, that notwithstanding the low increase in additional walkers, mitigation may be required to rule out 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.
- 6.4.7. With respect to the **Wicklow Mountains SPA** the Qualifying Interest which could be adversely affected is “Merlin”. Detailed Conservation Objectives for the Wicklow Mountain SPA have not been prepared but Conservation Objectives for Merlin have been taken from the Migneint-Arenig-Ddualit SPA (UK9013131). The attributes are listed as follows:
- Breeding population size
 - Breeding merlin distribution
 - Breeding success
 - Extent of available nesting habitat
 - Extent of available hunting habitat and prey items
- 6.4.8. With respect to **Breeding Population Size** the merlin studies carried out in 2018 and 2019 established that merlin did not breed in the vicinity of the proposed development. There were at least two active territories recorded in two 5km squares to the south-west of the study area during the 2018 National Merlin Study, at Kippure and the Coronation Plantation areas. These two sites are within 8-10km of the location of the sighting noted in the 2019 survey, which is within the feasible foraging range for Merlin. Owing to the nature and scale of the development it is considered

that the proposal does not provide for any sources of impacts which could lead to a decrease in Merlin breeding population size. No adverse impacts are anticipated on breeding population size of Merlin and no mitigation is required.

6.4.9. The 2018 and 2019 Merlin studies carried out established that Merlin did not breed in the vicinity of the proposal. Therefore, no adverse effects are anticipated on **Breeding Distribution** and no mitigation is required.

6.4.10. The Merlin studies established that Merlin did not breed in the vicinity of the development and that the area is not used heavily by hunting Merlin. Therefore, the proposal will not provide for any decrease in the **Breeding Success**. No adverse effects are anticipated, and no mitigation is required.

6.4.11. The area of conifers which are being removed are not considered under '**available nesting habitat**' because they are highly disturbed and exposed. The proposal will lead to a slight increase in visitors to areas of suitable habitat and this increase in disturbance may lead to a decrease in available nesting habitat although not in the context of conifer plantation forestry which is constantly in cycles of planting and felling. No adverse effects are anticipated and no mitigation is required.

6.4.12. With respect to the **Extent of Available Hunting Habitat and Prey Items** the open moorlands and woodland edges inside and outside the SPA in the vicinity of the proposal provide suitable hunting habitat for merlin. Species such as chaffinch, skylark and meadow pipit were recorded on the Merlin survey in 2019. The walker survey did conclude that an average of two additional people could enter the SPA per day as a result of the proposal which may lead to a decrease in overall available hunting habitat and prey items and disturbance of foraging merlin.

6.4.13. While the studies have shown that any increase in numbers of walkers accessing the SPA itself or lands outside of the SPA which could be used by Merlin are not significant, additional mitigation is required to confidently exclude adverse effects on the integrity of the SPA as it relates to habitat and prey items available to Merlin.

6.5. Mitigation Measures

6.5.1. As concluded in Section 6.4 above, mitigation measures are required to fully exclude the potential for any adverse effects and to protect the integrity of these European sites during the operation of the proposed development. These mitigation measures

are detailed in Section 5 of the NIS. The mitigation measures proposed are applicable to both the habitats and the merlin as they relate primarily to the protection of heath habitat.

6.5.2. The mitigation measures include the erection of Information Boards at the proposed visitor centre, in the car park, at the entrance to Massy's Woods and at the southern end of Massy's Woods. It is stated that the information boards will communicate the following to visitors:

- The presence of Natura 2000 sites
- The presence of ground nesting birds and other sensitive wildlife
- The presence of sensitive heath habitats
- A request to remain on the paths and to keep dogs on the lead
- A map showing the waymarked trails in Massy's Woods, Montpelier Hill and the Dublin Mountain Way BUT not the trails leading into the SAC or SPA.

6.5.3. Several looped, waymarked walking routes will be established in Massy's Woods and Montpelier Hill. These will be on the existing trails, with some sections improved. The routes will involve the placement of suitably spaced colour-coded way marker posts at appropriate locations and the erection of a sign at the outset of the routes displaying a map of the routes with approximate length (km), duration (hours/minutes) and a conservative estimate of difficulty level.

6.5.4. A number of the observers were of the opinion that the mitigation measures were inadequate and queried the effectiveness of the signs and information boards to reduce impact beyond scientific doubt. In the first instance, I am satisfied that the applicant has demonstrated, based on the detailed surveys undertaken, that very few people use this location as a starting point to access the European sites. The 2017 walker surveys show that very few walkers stray beyond the limits of the recreational forest along the Dublin Mountains Way. Those surveys did not however cover the trails leading from Cruagh Wood out onto the open mountain and into the SPA and SAC south of the forest. The 2019 survey addressed those gaps. Significant detail is provided in the walker surveys which are included as Appendix 2 to the NIS. The data presented indicates that 11% of visitors to Cruagh Wood go beyond the forest boundary onto the open mountain within the SAC and SPA. The

survey data shows that a very small number of people who visit the three sites (Hellfire, Massy's and Cruagh Woods) venture further into the open mountain areas within the SAC and SPA. It is stated that the daily average number of visitors to the three forests was 1,636 of which 23 people per day visit the upper mountain area which is 1.4% of the total. It is stated that of the numbers who venture across to Massy's Woods from the Hellfire car park or who park along the R115, 80% remain in Massy's Woods. It may be postulated that 1 in 35 (<3%) of visitors to Hellfire Club car park may venture further through Massy's Woods to Cruagh Wood. The walker survey data shows that if the current visitor patterns are applied to the increased numbers expected, then 3% of these additional visitors may venture through Massy's Woods to Cruagh Woods which amounts to 20 people per day. If the typical 11% proportion of walkers who go onto the open mountain from Cruagh Woods is applied (which is a cumulative distance of over 6km round trip from Hellfire car park) then perhaps on average two additional people may reach the SPA and SAC.

- 6.5.5. In addition to the walker surveys, the dwell times at the Hellfire and Cruagh car parks were surveyed. The dwell times for the majority of visitors are generally short and this tallies with the walker surveys whereby most walkers travel the relatively short circuit along the forest trails which can be completed in less than two hours rather than venturing into the uplands including into the European sites.
- 6.5.6. Secondly the information boards with respect to the waymarked trails will not refer to or encourage visitors to explore beyond Massy's Woods, the Hellfire forest or the Dublin Mountains Way. The nature of the expected increase in numbers is also very much domestic and international day tourists who will likely wish to stay in the improved facilities and on waymarked trails with information relating to times/difficulties etc.
- 6.5.7. Several observers queried the efficacy of the bird surveys and were of the opinion that they should have been carried out over all seasons. Another observer noted the wildfires in the area which would have impacted on the availability of prey in the area. Having regard to the merlin surveys included as Appendix 3 to the NIS, I am satisfied that significant resources, both in terms of time and suitably experienced merlin fieldwork personnel with proven experience in surveying for this bird, have concluded that merlin did not breed within the study area in 2019. The habitat

remains apparently suitable for merlins and the bird community offers opportunities for nests and adequate prey opportunities.

6.5.8. Other observers noted that the AA associated with the Council's Climate Action Plan indicated that increased walking and cycling trails in the European sites could lead to negative effects to their conservation status. As previously stated, I am satisfied that the numbers that would walk as far as the European sites from the subject development will be low. There are no plans to carry out any direct works in the European sites as part of this project.

6.5.9. I am satisfied that it has conclusively been demonstrated that the site is not used by many as a starting point for access to the European sites. I accept that a new larger monitored car park at Hellfire may encourage more people to start their journeys at this point rather than at Cruagh Woods car park. I note that this is a cumulative additional 6km. However, I am satisfied that based on numbers who venture into the European sites from Cruagh woods, this will be low and will not result in significant adverse impacts on the European sites. The impact of on average an additional two people daily in terms of adverse effects on the qualifying interests will be negligible.

6.6. In-Combination Effects

6.6.1. An area within 15km of the proposed development was assessed for plans and projects for in-combination effects. Table 6.1 within the NIS lists the River Dodder Greenway project. It concludes that there will be no in-combination significant adverse effects which I concur with.

6.7. Conclusion

6.7.1. I am satisfied that based on the scientific information available for this assessment, the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of Wicklow Mountains SAC in light of its conservation objectives for "Northern Atlantic wet heaths with *Erica Tetralix*" and "European dry heaths", and that there is no doubt as to the absence of such effects. Similarly, the proposed development would not adversely affect the conservation objective related to *Merlins* for Wicklow Mountains SPA.

6.8. Appropriate Assessment Conclusions

- 6.8.1. The Development has been considered in light of the assessment requirements of Sections 177AE and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for appropriate assessment of the project, it was concluded that the proposed Dublin Mountains Visitor Centre development may have a significant effect on Wicklow Mountains SAC and the Wicklow Mountains SPA, in the absence of more detailed survey information and the application of mitigation measures. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. The possibility of significant effects on other more remote European sites within a possible zone of influence was ruled out with confidence based on the nature and scale of the project and the distances involved. I am satisfied the proposed development could not adversely affect any of the qualifying interests of those sites.
- 6.8.2. Following Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Wicklow Mountains SPA or Wicklow Mountains SAC in view of the sites' Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.
- 6.8.3. This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project alone and in combination with other projects, proposed mitigation measures and the effectiveness of those measures.
 - Clear precise and definitive conclusions regarding the lack of adverse effects on the integrity of Wicklow Mountains SAC in light of the conservation objectives for “Northern Atlantic wet heaths with *Erica Tetralix*” and “European dry heaths”.
 - Clear precise and definitive conclusions regarding the lack of adverse effects on the population or distribution of merlins, a Special Conservation Interest bird species of Wicklow Mountain SPA.

7.0 New issues raised

- 7.1.1. As noted in Section 3, 20 submissions were received by the Board. As stated above, a number of the submissions raised repeat issues which I have already addressed in my earlier report.
- 7.1.2. The majority of new issues raised in relation to the submitted additional information have been addressed in Section 5 and 6 of this Report.
- 7.1.3. Other issues raised include a request to re-open the Oral Hearing. I am satisfied that the issues can be dealt with by written submissions and another Oral Hearing would not result in the eliciting of any new information.
- 7.1.4. Another observer considered the development a waste of taxpayer's money. This is not a planning issue per se.
- 7.1.5. A substantial submission has been received from one group which included other comments by ecologists. I have addressed those above where appropriate and note that there were positive comments about the proposal also.
- 7.1.6. Another submission referred to mining licences. I refer the Board to Section 34(13) of the Planning Act.

8.0 Overall Conclusion

For the convenience of the Board I have repeated my overall conclusion and amended as necessary.

- 8.1.1. In conclusion, having regard to national, regional and local policies and objectives I consider that the principle of the development of a visitor centre and a Dublin Mountains 'flagship' facility is supported. This is the case particularly with respect to the South Dublin Tourism Strategy 2015 which is an objective of the Development Plan to be supported. A visitor facility with 'panoramic views' potentially located in Montpelier Hill (or Killakee Mountain) is specifically referred to.
- 8.1.2. I consider that the project will address serious parking issues being experienced at the site at the moment. I am of the opinion that a 'do nothing' approach is untenable and that the project provides significant planning gain in terms of providing footpaths and advisory cycle lanes down the R115 and Gunny Hill to the nearest urban areas

and various bus stops etc., as well as providing safe access to both amenities on either side of the R115.

8.1.3. I am of the opinion that a restaurant is established as being part of a visitor centre having regard to other similar facilities in the country. The restaurant will undoubtedly be a draw and attract other visitors to the site including domestic and international visitors who would normally bypass this site – which is one of the aims of the project. There is a potential conflict in the Development Plan with the caveat in the Land Use Zoning matrix which seeks to ensure restaurants are located within existing premises. It could be argued that other alternatives exist, but these are not before the Board and the applicant argues that they will not meet the full objectives of the project.

8.1.4. Having regard to the additional information provided by the applicant, I am satisfied with the impact of the project on biodiversity both in terms of the habitats and species on the site, and that there will be no adverse effects on the nearby European sites. I am satisfied that the information is now before the Board to conclude that there will not be an adverse negative effect.

9.0 Recommendation

On the basis of the above assessment, I recommend that the Board **APPROVE** the proposed development for the reasons and consideration set out below.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

1. EU legislation including in particular Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
2. The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment.
3. The Water Framework Directive (2000/60/EC).

4. National Policy including in particular:

- The National Planning Framework (NPF), 2018.

5. Regional Policy including in particular:

- Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.

6. Local Planning Policy including in particular:

- The provisions of the South Dublin County Development Plan 2016-2022.

7. The following matters:

- The likely consequences for the environment and the proper planning and sustainable development of the area in which is it proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.
- The conservation objectives, qualifying interests and special conservation interests of the Wicklow Mountain SPA (Site Code 004040), and the Wicklow Mountains SAC (Site Code 002122).
- The documentation and submissions of the applicant, including the amended Environmental Impact Assessment Report, the Natura Impact Statement and associated documentation submitted with the application, and the range of mitigation and monitoring measures proposed.
- The submissions and observations made to An Bord Pleanála in connection with the application and at the oral hearing.
- The nature and extent of the proposed development as set out in the application for approval.
- The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

10.1. Proper Planning and Sustainable Development

It is considered that the principle of the proposed development is acceptable and would support the aim of encouraging access to the Dublin Mountains at a national and regional level and support the development of a visitor facility in or adjacent to the High Amenity – Dublin Mountains zone (HA-DM), as identified at a local level.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the environment, would not seriously injure the amenities of the area, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.2. Environmental Impact Assessment

The Board completed in compliance with s.172 of the Planning and Development Act 2000 an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the amended Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions from the applicant, the observers and the prescribed bodies, including submissions made to the oral hearing;
- the Planning Inspector's reports;

The Board considered that the Environmental Impact Assessment Report, supported by the information submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report

and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's reports sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, to the EIA and supplementary information provided by the applicant, and the submissions from the observers and prescribed bodies in the course of the application including submissions made to the oral hearing and in response to the additional information including the amended EIA, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- **Biodiversity** Impacts to habitats and species could arise during construction of the visitor centre, car park and other structural elements due to disturbance and loss of habitat. These impacts will be mitigated following measures outlined in the Construction Management Plan and specific mitigation measures for Key Ecological Receptors and other environmental mitigation measures. With respect to operation, based on the additional baseline surveys and information presented in the amended EIA, the Board is satisfied that the potential impacts have been adequately assessed and mitigated with respect to the impact of the increase in footfall on the environment, the replacement of 26 Hectares of conifer plantation (subject to a condition to limit the conifers to be replaced to those which are over-mature), and a condition to omit the bridle path and treetop bridge. The Board is now satisfied that the information submitted by the applicant enables the Board to conclude that there will not be a significant effect on the biodiversity of the area.
- **Population and Human Health:** The Board is satisfied that impacts on amenities of local landowners due to increases in the numbers of people potentially trespassing will be mitigated by the installation of additional fencing and the increased presence of management staff.
- **Material Assets, Landscape and Visual Impact:** The Board is satisfied that impacts on the landscape and impacts on protected views have been mitigated with the design of the visitor centre and the car park as well as the landscape

strategy. The visual impact of the treetop canopy can be avoided with the omission of this element of the proposal.

- **Material Assets, Cultural Heritage:** The Board is satisfied that impacts on the archaeology and architecture of the area have been mitigated by the minimal interference approach on the existing structures and the improvements of existing trails. Potential impacts as a result of the new structures and trails will be mitigated by monitoring and test excavations.
- **Material Assets, Traffic and Transportation:** The Board is satisfied that impacts during construction will be mitigated by the implementation of a Construction and Traffic Management Plan. Impacts during operation will be mitigated by improvement in access to the site for other sustainable modes of transport, as well as an increase in the car parking availability thereby avoiding the need to park on the external road.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in in the EIAR, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the reports and conclusions of the reporting inspector.

10.3. **Appropriate Assessment:**

The Board completed an Appropriate Assessment exercise in relation to the potential effects of the proposed development on the affected Natura 2000 sites, namely the Wicklow Mountains SAC (Site Code 002122) and the Wicklow Mountains SPA (Site Code 004040) and in doing so took into account the nature, scale and location of the proposed development, the Natura Impact Statement submitted with the application as part of the further information submitted to the Board on 24th December 2019, the submissions on file, and the report of the Inspector's assessment. In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that the proposed development would not be likely to have a significant effect individually or in combination with other plans and projects on the

environment, on the amenities of the area or on the European sites referred to. The Board concluded that the proposed scheme would not have an adverse effect on the integrity of the European sites, having regard to the Conservation Objectives for the sites.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of November 2017, 12th day of September 2018 and by the further plans and particulars received by An Bord Pleanála on the 24th day of December, 2019, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement or any conditions of this Approval require further details to be prepared by or on behalf of the Local Authority, these details shall be placed on the file and retained as part of the public record.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to commencement of the development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by South Dublin County Council and placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>

3.	<p>The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.</p>
4.	<p>A revised Forest Management Plan to retain the majority of the mature conifers on the Hellfire plantation to support the red squirrel shall be prepared by South Dublin County Council in consultation with the National Parks and Wildlife Service.</p> <p>Reason: In the interest of protecting the environment, and in the interest of sustainable development and proper planning</p>
5.	<p>The proposed development shall be amended as follows:</p> <p style="padding-left: 40px;">(a) The treetop bridge and canopy shall be omitted.</p> <p style="padding-left: 40px;">(b) The bridleway in Massy's Woods shall be omitted.</p> <p>The revised drawings shall be placed on the file and retained as part of the public record prior to the commencement of development.</p> <p>Reason: In the interests of visual amenities and protection of the environment and in the interest of sustainable development and proper planning.</p>
6.	<p>Prior to the commencement of development, South Dublin County Council or any agent acting on its behalf shall prepare in consultation with the relevant statutory agencies, a Final Construction Environmental Management Plan (CEMP), that adheres to best practice environmental management. The CEMP shall include the appointment of a full-time liaison officer and specific proposals for monitoring of the effectiveness of the environmental management measures outlined in the CEMP and shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment, and in the interest of sustainable development and proper planning.</p>
7.	<p>A suitably qualified ecologist shall be appointed by South Dublin County Council to oversee the site set-up and construction of the proposed</p>

	<p>development in accordance with the mitigation measures set out in the Environmental Impact Assessment Report. Upon completion of the construction stage, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be maintained on the file as part of the public record.</p> <p>Reason: To ensure the protection of the environment during construction.</p>
8.	<p>During construction stage, any site operation (including hydrological and geotechnical investigations) associated with the proposed scheme shall be subject to full time archaeological monitoring by a suitably qualified archaeologist under licence from the Department of Culture, Heritage and the Gaeltacht. Provision shall be made available for the resolution of any archaeological features or deposits that may be identified.</p> <p>Reason: To conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site</p>
9.	<p>Prior to commencement of development, the Council shall enter into water and waste water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health</p>

Ciara Kellett

Senior Planning Inspector

6th May 2020

Appendix 1

Observers on FI response

Prescribed Bodies

1. Development Applications Unit
2. An Taisce

Observers

1. Gino Kenny TD, Richard Boyd Barrett TD, Brid Smith TD
2. John Lawlor
3. Concerned Residents of Killakee
4. Gerhardt Gallagher
5. Robert M. Foley & Associates
6. Deirdre Cronin
7. Hester Scott
8. Friends of Massy's Woods
9. Declan McKeever
10. Elizabeth Davidson
11. David Cotter & Others
12. Frank Doyle
13. Andrew Davidson
14. Eithne Clarke
15. David Stanley
16. South Dublin Conservation Society
17. Aisling Howard
18. Angela O'Donoghue on behalf of: Hellfire Massy Residents Association,
Glendoher & District Residents Association, Dodder Action, Knocklyon Network,
Butterfield District Residents Association, Moyville Residents Association, Fonthill

Residents Association, Palmer Park & Pearse Brothers Park Residents
Association and Willbrook Estate & Willbrook Downs Residents Association

Appendix 2

As noted in Section 3 above, there were many observations some of which overlapped. I have compiled them under the following headings:

Impact on European sites

- Merlin survey should have been over four seasons – survey inadequate
- One merlin was recorded so applicant cannot say that there were no breeding merlins for certain
- Mitigation measures proposed do not go far enough and do not guarantee that there will be no negative impacts on designated sites, and therefore there exists potential lacuna
- The Stage 2 legal test is not satisfied as it has not been demonstrated beyond reasonable scientific doubt that the project will not interrupt or cause delays in the achievement of the Conservation Objectives of the neighbouring European sites
- Because of inadequate surveying it is not possible to claim with reasonable scientific certainty that the effects on the otter population will be mitigated
- There is no evidence to support the view on the change in profile of additional walkers to the designated sites
- Improved pathways will make access through Massy's Woods to the European sites easier
- The NIS acknowledges that walking, horse-riding, cycling are the main threats to the SPA – any increase is unacceptable
- Potential for impact on the North Atlantic Wet and dry heaths which is a conservation objective of the Wicklow Mountains SAC
- On p.57 and 63 of the NIS there is acknowledgement that the development will have adverse impacts on the SAC and SPA

Biodiversity

- No survey work undertaken to identify the various species of terrestrial invertebrates or assessment of potential impacts

- Scientists calling for ‘paradigm shift’ in land-use policy to preserve habitats for butterflies, bugs, insects etc.
- Vegetation surveys were only carried out in Summer – what about other seasons? There is no fungi survey. Marsh Fritillary survey on 19th September 2019 – should be done in late August or early September – Marsh Fritillary observed in August 2019
- Coillte is obliged to manage the woods so something will have to be done about invasive species regardless of this project
- Opening hours in winter are too long – lighting would be needed causing disturbance to animals
- Mountain fires occurred which would have reduced food for merlin, skylark or meadow pipit
- No permission was given for Marsh Fritillary surveys on private land – if applicant cannot control their own agents how can they control the threefold increase in visitor numbers. Map indicating location of Devil’s bit scabious submitted
- Reference to clear felling of area by Coillte and previous damage to habitat of red squirrel and pine marten – no studies carried out. Red squirrels cannot easily traverse the areas now; destruction of their habitat and tree bridge crossing points
- Clear-felling is environmentally unacceptable
- The creation of a wildflower meadow in the walled garden will lead to a loss of c.0.61Ha of scrub and mixed woodland habitat and insects
- Lack of confidence with regards to the needs of Massy’s Woods – still no woodland management plan for Massy’s Wood
- The use of herbicides in Massy’s Woods for the invasive species (up to 25 acres) what will the impact be on the bryophytes as well as humans
- Some of the impressive Douglas Fir at Hellfire should be retained – they are stable and healthy and should not impact on the car park

- A city forest is not a repository for solely conserving native species – it should offer citizens adventure and the opportunity to experience the wide range of deciduous and coniferous species
- Concerns have not been allayed about the Glendoo Brook
- Notice Boards are not sufficient mitigation
- Use of selective quotations from research papers queried
- No assessment of increased human numbers impact on squirrels or pine martens and no surveys
- No bat surveys and no radio tracking employed
- Otter surveys inadequate particularly with regard to surveying dates and timeframes
- The findings show that there will be significant negative impact on the biodiversity of the area
- The equestrian trail in Massy's wood is unacceptable safety risk
- Who appoints the ECoW and how independent will they be?

Re-open Oral Hearing

- Request the Board to re-open the Oral Hearing to address the substantive issues and the mitigation measures proposed

Withdraw application/ Waste of taxpayer money

- Total waste of taxpayer's money in light of economic challenges caused by recession and the Covid pandemic
- Tourism numbers are falling internationally due to climate concerns, conflicts and pandemics
- The costs will increase to €30 million and is a total waste of money

Consultation

- Ballyroan Library has been closed for 9 days ahead of Monday 23rd March denying many groups the opportunity to examine the information

- South Dublin County Council offices has been mostly closed to the public for this period too
- Request an extension to the consultation period
- The applicant has failed to respond to the Board yet again

Walker Surveys

- The facility will result in people staying longer and going for longer walks – it could result in a significant increase in numbers walking through to Cruagh and beyond as a gateway to the Dublin/Wicklow mountains
- Since Corona Virus more people have visited the site and walking across the SAC – mitigation signage will not work
- It is highly likely that the numbers of walkers will increase substantially with the proposed road bridge

Stewards House

- Stewards House is the most suitable and logical place to develop visitor facilities
- Flies in the face of the Council's Climate Change Action Plan to target renovation and reuse of architectural heritage

Car Park & Traffic

- Car park is excessive in size
- All that is needed is the provision of a proper car park
- One-way system will add to congestion
- A shuttle bus could serve all woods and stop at the No.15 bus terminus also
- Increased footfall means increased car and bus pollution and increased noise pollution
- The plans will make the Killakee road more dangerous

Other Ecologists review – additional observations, queries and mitigation measures

- Observations on the EIA have been made by other Ecologists. Numerous questions and observations have been made in relation to the information supplied by the applicant in relation to the EIAR. Specifically queries on role of ECoW, Construction Management Plan, protection of many habitats, vegetation clearance, bryophytes and tufa springs, newts and amphibians, invasive species management plan, regeneration of native species, use of herbicides, native species in landscaping, surveys not conducted as per request, botanical records in Co. Dublin have not been consulted, actual consequences to the flora and habitats have not been adequately and clearly stated; bryophytes survey is a good example of how surveys should proceed; vegetation relevé number is completely inadequate
- Many positive proposals associated with the project including habitat enhancement along Glendoo Brook, works in walled garden, conversion of conifers to broadleaves and the red squirrel bridge
- Bat & bird boxes in trees, no unnecessary removal of ivy, swift boxes in Hellfire, allotments to be incorporated into walled gardens, all lights to be turned off, how will trails be constructed, landscaping plan should be made public, wildflowers on roofs
- Who is the ECoW answerable to and is the appointment full time or part-time

Other Issues

- The paradigm that recreation-based projects can be designed and allowed to intrude into areas of high nature conservation value needs to be rigorously challenged
- The government have issued public notices offering prospecting licences for the mining of minerals in the Dublin mountains including Montpelier. What effect will these licences have on the proposal?
- Light pollution on footpaths – no studies
- It is not sufficient for the EIA to ‘consider’ that the impacts on Climate Change will be imperceptible – need evidence
- The DMP Visitor centre is in the wrong location and will destroy the area

- Not one visitor has been to the Glencree visitor centre and the Luggala visitor centre was never finished
- Visitors hours should not be restricted
- The response did not address ABP concerns
- The proposal is contrary to the Council's own Climate Action Plan