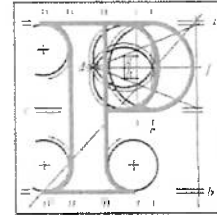


Our Case Number: ABP-316272-23



**An
Bord
Pleanála**

Rathfarnham Wood Residents Association
c/o The Secretary
34 Rathfarnham Wood
Rathfarnham
Dublin 14

Date: 24 April 2024

Re: Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Templeogue/Rathfarnham to City Centre

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above-mentioned proposed road development and will take it into consideration in its determination of the matter.

Please note that the proposed road development shall not be carried out unless the Board has approved it or approved it with modifications.

If you have any queries in the mean time, please contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

HA02

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
26 MAR 2024	
Fee: €	_____ Type: _____
Time: <u>12:35</u>	By: <u>Hand</u>

Rathfarnham Wood Residents Association
c/o The Secretary
34 Rathfarnham Wood
Rathfarnham
Dublin 14

An Bord Pleanála (Strategic Infrastructure Division)
64 Marlborough Street
Dublin 1
D01 V902

21st March 2024

Ref 316272-23 and 316377-23
BusConnects Route 12 – Templeogue / Rathfarnham to City Centre CBCs
Impact on Rathfarnham Castle Park
Comments on NTA Response Documents

Dear Sirs,

We are writing to give our further input into the BusConnects Route 12 CPO and Planning Permission applications and their impact on **Rathfarnham Castle Park** (the **Park**) following our review of the two NTA response documents (the **Planning Response** and the **CPO Response**) dated December 2023. Please read the comments below in conjunction with our earlier extensive submission, as numerous issues raised in our original submission have not been properly responded to by the NTA (please also see the Appendix below for further details). For clarity, the NTA approach to responding to submissions from the public was to group questions under broad headings and to merely respond to the simplest of the issues under each of those topics. Most of the issues raised in our previous submission have simply been ignored by the NTA to date.

We re-iterate our request that all works on the very final part of the proposed corridor, entailing the widening of the road beside Rathfarnham Castle Park, be omitted. We note in this regard the precedent that, on the **Clongriffin Bus Corridor** (ABP ref 313182), the entire last section from Tesco Clarehall to Clongriffin was dropped. Here, the Rathfarnham Bus Corridor would more appropriately end at the Butterfield Avenue junction, with a bus priority light to give priority to outbound buses. (There is already an inbound bus lane). This solution utilises traffic management solutions deployed elsewhere on the route and would avoid the need for the destruction of the Woodland area in the Park; for clarity, the land take in the Park over this small stretch accounts for 25% of all the trees removed on the entire proposed route at the very least (in reality probably far more will be lost – see Appendix).

Fundamental issues with the proposal to CPO the Woodland area of the Park:

1. Lack of proper consideration of alternative options; fundamental flaw in process such that the CPO should not be confirmed by An Bord Pleanála

We are appalled by the statement on page 247 of the CPO Response Document and confirmed on page 442 of the Planning Response Document that:

*“With regards to the option of acquiring land from properties on the southern side of Grange Road between Butterfield Avenue/Rathfarnham Road junction and Nutgrove/Grange Road junction **the landtake would have impacted significantly more properties and as such was not considered.**”*

Given the importance of Rathfarnham Castle Park’s Woodland area as evidenced by numerous submissions including our own, any reasonable alternatives such as taking land from the opposite side of the road should at least have been considered.

While we maintain that the existing road width is sufficient in any event, it is quite incredible that this very basic level of due diligence was not undertaken.

Accordingly, the NTA did not undertake a proper analysis or consideration of the area and their decision to seek to CPO this large section of the Park was fundamentally flawed and should not be confirmed by An Bord Pleanála.

2. Importance of the Park from numerous perspectives not at all appreciated by NTA

There is a constant thread running through all of the NTA Responses of a lack of appreciation of the importance of the Woodland area and Rathfarnham Castle Park generally to the local community. This is so wrong. **It is locally significant for a range of reasons – it is a diverse wildlife habitat; it is a home for numerous protected species; it contains an open watercourse which is a sensitive hydrological resource.**

It is also a highly valued natural play space for local autistic children, for whom it meets sensory needs which other play spaces do not. All of these issues have been extensively explained by us, other local residents and groups, as well as the Autism advocacy groups **AsIAm** – the national autism charity and **Involve Autism**. Yet the NTA has apparently not taken any of this information on board.

Here, the construction works will cause **catastrophic environmental consequences throughout the entire Park**, including the loss of a successful breeding habitat for many protected species. Also, a **highly valued sensory space will be taken from the local autistic community**. Accordingly, we would feel that this is precisely the type of situation which should be regarded as giving rise to “specific reasons” whereby a more tailored approach could be taken.

3. Status of the Park as a breeding habitat for protected species finally acknowledged – but this needs to now be taken into account in practical terms

The NTA Planning Response [pg 93] belatedly acknowledges that **“Rathfarnham Castle Park has not previously been identified as an ex-situ site for Special Conservation Interest wintering birds, but does nonetheless support wintering birds such as ducks, moorhens and some SCI gulls.”** This is a response to the extensive evidence provided by RWRA and others regarding the large variety of

protected species inhabiting the Park. It confirms once more that the Park was not originally properly assessed in the EIAR.

There is acceptance on page 248 of the CPO Response that Rathfarnham Castle and Park are “community noise sensitive locations” close to the road edge. Yet despite this, it is proposed that there will be road widening, road reconstruction and utility diversion works and boundary wall (3m high) knocking and reconstruction. All of this will have a **devastating impact on wildlife** in the Park.

The EIAR notes that the noise, vibration, increased human presence and visual deterrent of construction traffic associated with site clearance and construction is “likely to **displace breeding birds from habitat areas adjacent to the footprint of the Proposed Scheme**” ... “All areas within **250m** of the Proposed Scheme will be subject to construction activities which generate noise levels greater than **50dB (e.g. piling, rock-breaking, etc.)** These activities will result in a greater magnitude of effect on the baseline environment. As a result, noise and vibration from these activities, will have the potential to result in the **reduced breeding success of breeding bird species** in the vicinity of the works...” (Planning Report pg 445, extracted from Ch 12 EIAR.)

Similarly, the NTA CPO Response [pg 65] acknowledges that “In relation to breeding birds there is a **likely significant residual effect at the local geographic scale (habitat loss, disturbance / displacement).**” Similarly, the CPO Response [pg 66] indicates that there will be a **significant negative effect on the conservation status of breeding birds** at the local geographic scale.

Again, there is a dismissive approach given in relation to wintering birds in the Park:

“None of the construction activities proposed would be expected to result in any more than a moderate level of disturbance effect on wintering birds at distances beyond 250m”.

However the entire Park is located within a distance of 250m of the boundary wall.

Therefore the entire Park will be subject to very significant disturbance due to these works. Again, there is no appreciation of the impact of the works on this particularly sensitive wildlife habitat.

There are similar dismissive comments on page 251, that:

*“these impacts will not affect the conservation status of breeding bird species and will not result in a negative effect, **above the local geographic scale.**”*

This comment encapsulates the entire problem with the NTA’s approach. Rathfarnham Castle Park is very important at the local geographic scale. Naturally, as a small local park, it is insignificant at a national level. However to the local residents and many others, it is a very much used and valued public amenity. The Park was not even properly assessed from an environmental perspective, to the extent that the existence of the River Glin was not even suspected (please see original RWRA submission). That demonstrates the appalling level of disregard and disinterest shown towards it.

4. Extending the bus corridor past the Park does provide any material benefit in practical terms, given that it is right at the end of the bus corridor and given the limitations of the adjoining roads

Rathfarnham Castle Park is situated at the very end of this bus corridor. Neither of the two roads onto which the buses will continue (Nutgrove Avenue or Grange Road) are capable of being widened. Therefore the bus priority provided by this short stretch of bus corridor will be minimal and very

short-lived in any event – the buses will simply merge with general traffic a short distance further on. There is precedent in shortening a proposed bus corridor – the Clongriffin route (see Appendix).

It would be unconscionable to destroy so much woodland habitat for so minimal and transient a “benefit”, when alternative bus priority measures such as a bus priority light for outbound buses would give a similar result.

Please consider terminating the bus corridor at the Rathfarnham Village by-pass (at the junction with Butterfield Avenue) and providing priority for outbound buses by way of signal controlled priority lights.

This would avoid the unnecessary:

- destruction of a serene woodland play space which is vitally important to the mental and emotional wellbeing of the local autistic community;
- excessive land take affecting a significant green space, which is a public park in constant use by the local community;
- catastrophic impact on wildlife and protected species living in this area, both from the construction works and the loss of significant expanses of vibrant woodland and river habitat; and
- noise, disruption and upheaval from construction works which will be caused to all local residents, children in the numerous adjacent schools etc.

Many thanks.

Yours faithfully,



Helen Keane, Secretary, on behalf of the
Rathfarnham Wood Residents Association.

Appendix

BusConnects Proposals – Impact on Rathfarnham Castle Park Issues not properly considered by NTA

Background

To give context, the amount of land proposed to be taken from the Park is very substantial. It is described in section 17.4.1.3.2 of Chapter 17 of the EIAR - Landscape (Townscape) & Visual - as “**up to 10m width from an approximately 400m long section** of existing roadside grounds at Rathfarnham Castle, including removal of roadside trees, boundary wall and entrance to grounds / park opposite Yellow House”, together, obviously, with all of the mature trees and vegetation thereon which are important wildlife habitats for many protected species.

The **River Glin** runs through this area as an open watercourse and feeds and drains the duck pond in the Park. It will be built directly over in two places, where it enters and exits the park, but has not been assessed in the EIAR.

This area is vital from a **biodiversity, hydrology and environmental** perspective as well as being highly valued by **local autistic children** as a **natural play space**. These last mentioned are a vulnerable group whose interests should be particularly considered. However the Park has clearly not been properly assessed in regard to any of these issues.

We re-iterate our request that all works on the last part of the corridor, entailing the widening of the road beside Rathfarnham Castle Park, be omitted. We note in this regard the precedent that, on the **Clongriffin Bus Corridor** (ABP ref 313182), the entire last section from Tesco Clare Hall to Clongriffin was dropped. Here, the Rathfarnham Bus Corridor could more appropriately end at the Butterfield Avenue junction, with a bus priority light to give priority to outbound buses. There is already an inbound bus lane.

We do not believe that there is currently any material delay to the S6 or the current 16 arising from this particular 450m section of road. Even if there was a slight delay, the presence of a bus lane would simply shift that minimal delay to the immediately following narrow sections of Grange Road (in respect of the proposed A2) and Nutgrove Avenue (in respect of the S6 and proposed A4). In practice, very few passengers board or alight buses between Butterfield Avenue and Nutgrove Avenue.

In any event, the outbound general traffic naturally diverges both at the Butterfield Avenue and Willbrook Road junctions, so that substantially less outbound general traffic actually passes the Park than travels along the Rathfarnham Village by-pass. This means that, although the outbound S6, A2 and A4 will continue to pass the Park, the amount of general traffic with which they will share the road will be far less than the traffic up to the Butterfield Avenue junction. The NTA has not taken the diminishing volumes of general traffic at this location properly into account. In practice, the amount of general traffic here is substantially less than at other outbound stretches along this corridor. This gives the opportunity to save the Woodland area. (We are only referring to outbound buses here as there is already an inbound bus lane passing the Park.)

Buses will not have priority after the Rathfarnham Wood junction in any event, as there is simply no space to widen the road. Therefore the bus priority provided by this short stretch of bus corridor

will be very short-lived in any event – the buses will simply merge with general traffic a little further on.

It would be unconscionable to destroy so much woodland habitat for so minimal and transient a “benefit”, when alternative bus priority measures such as a bus priority light for outbound buses at Butterfield Avenue would give a similar result.

In the case of the **Clongriffin bus corridor**, a significant section of the originally identified bus corridor at Clongriffin was omitted from the final corridor. We are of the clear view that, had the environmental significance of Rathfarnham Castle Park been identified at an earlier stage in the process, this stretch of road would similarly have been omitted from this BusConnects corridor. However the very limited level of public consultation due to Covid hindered effective public participation. It was only quite recently that local residents and others became aware of the extent of the impact which the proposals would actually have on the Park, as well as the inadequate environmental assessments.

Therefore, given:

- the importance of the Woodland area from so many perspectives;
- the fact that so much outbound general traffic diverts off - towards Ballyroan / Knocklyon / Templeogue / Firhouse at Butterfield Avenue and towards Ballyboden / Willbrook at Willbrook Road - rather than passing the Park; and
- the very short-lived, minimal priority which would be given to buses through widening the road at this one 450m stretch,

it is clear that, on balance, the only reasonable and right thing to do is to protect and preserve the Woodland area, and terminate the bus corridor at the Butterfield Avenue junction (with a bus priority light for outbound buses).

We also wish to deal individually with the **NTA responses** to certain specific issues raised by us:

1. Lack of appreciation of the importance of the Park in terms of biodiversity

Firstly, we reiterate our clear position that the significance of the Rathfarnham Castle Park Woodland area, through which the River Glin flows, has **not been properly appreciated** from a number of perspectives. These include being an important woodland in an urban area, a habitat for numerous protected species and an active open watercourse which is hydrologically connected to two Natura 2000 SACs.

Accordingly, we would submit that, given this lack of understanding regarding the importance of the Woodland area, the NTA has not given proper weight to our view that this is an area where outbound bus priority should **more appropriately be achieved by alternative means**. (There is already an inbound bus lane and the existing road width is sufficient to also facilitate pedestrians and cyclists; please see detailed explanation in our original submission in this regard). We have suggested the use of signal controlled priority lights at Butterfield Avenue. This would avoid the removal of a large section of woodland at the start of this bus corridor with extensive impacts on the Park and its users, both human and animal.

That alternative approach, of **signal controlled priority lights**, is taken in various locations in the CBCs where a piece of land is regarded as being of particular importance. We would submit that this approach should certainly be taken here, particularly as the Woodland area is situated right at the start of the proposed CBC and given the lack of space for continuing bus lanes on Nutgrove Avenue / Grange Road in any event (again, please see our original submission).

The bias should always be in favour of protecting natural areas such as the Woodland, rather than removing them, where an effective alternative approach is available, as is the case here. This is particularly the case given current and imminent EU law provisions. It is unconscionable to unnecessarily remove an important woodland area and protected species' wildlife habitat, where an alternative approach is readily available.

2. Inadequate environmental assessments

We would also strongly dispute the contention in the NTA Response Documents that the EIAR properly assessed and considered the position of Rathfarnham Castle Park, its biodiversity and its environmental features, in the first place.

For example, the NTA have contended that the River Glin and its catchment "were captured" in the EIAR, under different nomenclature [Planning Response pg 94.] However, as we pointed out in our original submission, the EIAR went into such detail that it noted the presence of a "dry stream" at a location in the Park close to Butterfield Avenue. Had the River Glin, or any largely open watercourse running into and through the Park, been reviewed as part of the EIAR, we would contend that this would naturally have been specifically mentioned, given the level of instream works required and its hydrological sensitivity. Its omission speaks volumes.

Furthermore, the EIAR went into great detail regarding exactly what areas / matters were reviewed and included maps to clarify these descriptions. Accordingly it can clearly be seen which specific

areas / matters were or were not in fact reviewed, and these do not include either the open watercourse within the Park or any aspects of biodiversity within the Park other than the limited surveys of bats and trees (the accuracy of which we also query). We have set out numerous examples of these clear omissions of aspects of the Park in our original submission.

The NTA response documents belatedly now acknowledge that the Proposed Scheme, in relation to the Park, will involve the loss of a number of habitats considered to be of “**Local Importance (Higher Value)**” and that this would “result in a **significant negative effect** at the local geographic scale”. [pg 91 of Planning Response]. It also acknowledges that “The loss of the linear strip of woodland habitat along a boundary of the RCP is **locally significant** in terms of impacts to wildlife.”

Again however, there appears to be no real understanding that this is a large stretch of an established woodland area – up to 10m in width by 400m in length – this is not just a few feet of vegetation. The NTA have described it as a “narrow edge” in another section of the document [page 92 of Planning Response] – it is far more than that and is extremely significant both locally and, given its hydrological connectivity and status as a habitat for protected species, far more widely.

To put the matter in context, the Park itself is very small, far smaller than other parks in the area such as Bushy Park. It has an extensive and diverse wildlife population given its size and is almost like a small nature reserve in the area. The loss of a wide stretch of woodland all through the woodland area, which is small to begin with, would accordingly have a catastrophic impact.

Additionally, the extensive construction noise, vibration and upheaval of the proposed road widening works would be likely to **decimate the current strong breeding populations of protected species** in Rathfarnham Castle Park, which were described in detail in our original submission.

We also want to vehemently dispute the assertion [on pg 93 of the Planning Response] that “The Proposed Scheme will have no direct impact on the pond within Rathfarnham Castle Park.” (see also section 4 below.) The Proposed Scheme would involve building to the extent of c. 5 metres directly over an open watercourse, the River Glin, where it enters the Park (and building over the Glin again where it exits the Park). The pond itself is only c. 65 metres from the current boundary wall.

The assessments themselves admit that the noise from the proposed construction works will have a **very significant impact on wildlife “within 250m” of the works**; the entirety of the duck pond area with its large population of protected breeding wild ducks is encompassed within half that distance.

In fact, the **entirety of Rathfarnham Castle Park is encompassed within 250m of the road** and therefore the entire park will suffer these extreme negative impacts. Please see below which indicates the compact nature of the Park.



Red lines indicate 250m – the entire Park is comprised within 250m of the boundary at the Grange / Rathfarnham road. Therefore the entire Park will be subject to extreme construction noise, vibration and upheaval. It will not survive as a wildlife habitat, with this level of intrusion and upheaval.

SDCC, who own the woodland area and accordingly are best placed to opine on this, have also stated that, in their view, there is an **under estimation of the number of trees** that will be impacted by the Proposed Scheme within the Park, and an over optimistic view of the proposals to protect trees sought to be retained. We entirely agree with this assessment. Very many of the trees which are marked green in the scheme diagrams will in reality be lost, once the works commence, as it will not be possible to retain them in practice.

We also echo the very significant SDCC point regarding there being **different ground levels** outside and inside the Rathfarnham Castle Park wall. Generally, the ground levels are higher within the Park than they are outside. There is a very substantial discrepancy between ground levels close to the River Glin itself. This disparity between ground levels would have a great impact on the Root Protection Areas (RPAs) for any trees hoped to be retained, as the ground level within the Park would clearly need to be lowered to a significant extent to match the roadside levels. This would obviously seriously damage the roots of the surrounding "retained" trees.

In the case of many trees, their root system extends far beyond the canopy and remains quite close to the surface (see diagram). This is particularly the case in relation to Sycamores. Therefore, any lowering of the surrounding ground surface area to match the external roadside levels would cause very significant damage to the roots, making it unlikely that the trees could survive in practice. This issue is far more significant in a woodland area such as the Park, where there is strong interconnection and communication between the root systems of the various trees, than it would be in the case of individual street trees.

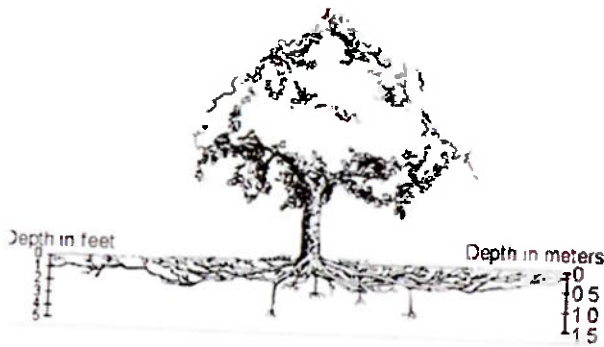


Diagram showing how tree roots can spread so widely and be very close to the surface, such that the inevitable lowering of the surrounding ground level would cause major damage to the root structure of trees to be retained. In a Woodland area, there is great interconnectivity between root systems of neighbouring trees.

The combination of these factors means that it is very likely in practice that the number of trees lost would greatly exceed the "37 trees" that it is currently suggested would be lost. In reality, it is likely to be multiples of that number.

Again, there seems to be little understanding that this is an **established, thriving, woodland habitat**, not just a few sparse individual trees, as would appear to be the case from looking at some of the scheme diagrams. Please take some time to review the photographs included in our original submission, as these provide a far more accurate view of the area in question.

We note the statements in the CPO Response [pages 33 and 32] that "The default position is that the RPA and canopy spread of trees to be retained will form an effective Construction Exclusion Zone..." and that disturbance to "generally not more than a maximum of 20% of the overall RPA" is the greatest extent of disturbance that a retained tree is likely to be able to tolerate. These concepts are workable in relation to standalone street trees but when it comes to a woodland, it would in practice be extremely difficult to save nearby trees. Overall, a very significant quantity of trees, brush and vegetation will be lost and the character of the woodland playground area will be forever changed.

3. Importance of the Park as a breeding habitat for protected species

As set out in our original submission, the Park has recently been a very successful breeding location for many protected species, including tufted ducks, various gulls, mallards, frogs and many other species. Last year saw 17 baby tufted ducklings on the pond. There are very many frogs living in the vicinity of the River Glin. Most recently a kingfisher appears to have taken up residence on the little island in the pond as he is regularly spotted here. All of these deserve protection and for their habitats not to be unnecessarily disturbed.



Male Kingfisher on the island on the duck pond at Rathfarnham Castle Park 17/1/2024 (photo with thanks to Brian O'Reilly)

The NTA Planning Response [pg 93] belatedly acknowledges that **“Rathfarnham Castle Park has not previously been identified as an ex-situ site for Special Conservation Interest wintering birds, but does nonetheless support wintering birds such as ducks, moorhens and some SCI gulls.”** This is a response to the extensive evidence provided by us in our original submission regarding the large variety of protected species inhabiting the Park. It confirms once more that the Park was not originally properly assessed in the EIAR.

The EIAR also notes that the noise, vibration, increased human presence and visual deterrent of construction traffic associated with site clearance and construction is **“likely to displace breeding birds from habitat areas adjacent to the footprint of the Proposed Scheme”** **“All areas within 250m of the Proposed Scheme will be subject to construction activities which generate noise levels greater than 50dB (e.g. piling, rock-breaking, etc.)** These activities will result in a greater magnitude of effect on the baseline environment. As a result, noise and vibration from these activities, will have the potential to result in the **reduced breeding success of breeding bird species** in the vicinity of the works...” (Planning Report pg 445, extracted from Ch 12 EIAR.)

Again, the entire Park is located with 250m of the Proposed Scheme, so the entire Park will be subjected to these very loud noises and vibration impacts.

Similarly, the NTA CPO Response [pg 65] acknowledges that **“In relation to breeding birds there is a likely significant residual effect at the local geographic scale (habitat loss, disturbance / displacement).”** Similarly, the CPO Response [pg 66] indicates that there will be a **significant negative effect on the conservation status of breeding birds** at the local geographic scale.

However we disagree with the dismissive response in the CPO Response that **“the area over which disturbance / displacement effects will occur, forms a relatively small part of larger expanses of similar habitat types in the wider locality.”** Rathfarnham Castle Park is a small park which is a very successful breeding environment for protected species and is very valued in the local area. The fact that there are other parks in the wider South Dublin area such as Bushy Park or Marlay Park should not reduce the value attributable to this particular Park.

Also, given the fact that the Park is so small, and the edge of the duck pond which bounds the Woodland area is only c. 65m from the current boundary wall, these construction works will

undoubtedly wreak havoc on the Park's sensitive breeding wildlife population, and will have a very detrimental long term impact on this. This park is very important to the local community and its biodiversity and environment should not be dismissed so easily.

Similarly, in relation to bats, the NTA have suggested [pg 93 of the Planning Response] that two of the trees to be removed only contain potential roost features, and may not necessarily be active roosts. However bats are protected and it is clear that there are bats living in the Park; they have often been seen by our residents. The Woodland area is small and any removal of trees will have a disproportionate impact on protected species such as **bats**.

The Woodland area is laid out almost like an oval ring of trees around the open central woodland play space. Therefore, the removal of most of the external layer of trees on the south-western side will **allow far more light penetration** into the rest of the woodland area than would be the case, if it were equally densely forested throughout.

We note that SDCC's Public Realm section have also stated that they believe that it is highly unlikely that only two potential bat roosts exist within the Park and that they have queried the adequacy of a bat transect remaining outside of the boundary. SDCC have also noted that the removal of these trees will allow light into the woodland proper, and that the impact of this on the species within should have been considered. This has not been done.

Not only that, the **noise and vibration of construction and the strong construction lighting** [pg 136 of the Planning Response] are bound to wreak havoc on sensitive communities such as bats. Habitats for protected species such as these should be encouraged, not destroyed.

There is an acknowledgment that "the loss of a narrow area of vegetation could result in increased disturbance impacts at Construction...and to a lesser degree operation..." [Planning Response pg 93]. Again however, we take issue with this minimising language regarding the extent of the woodland proposed to be built over. The Park is very small and so every part of it is particularly precious, particularly its Woodland. What is proposed will have a permanent, profound and irreversible detrimental effect on the Park as a wildlife habitat.

There are similar dismissive comments on page 251, that:

"these impacts will not affect the conservation status of breeding bird species and will not result in a negative effect, above the local geographic scale."

This comment encapsulates the entire problem with the NTA's approach. Rathfarnham Castle Park is very important at the local geographic scale. Naturally, as a small local park, it is insignificant at a national level. However to the local residents and many others, it is a very much used and valued public amenity. The Park was not even properly assessed from an environmental perspective, to the extent that the existence of the River Glin was not even suspected (please see original RWRA submission). That demonstrates the appalling level of disregard and disinterest shown towards it.

4. Impact on and consideration of the Glin River and duck pond

We take great issue with the contentions in the Planning Response [pg 93] that "The Proposed Scheme will have no direct impact on the pond within Rathfarnham Castle Park" and [pg 94] that "The Whitechurch Stream (known locally as the River Glin), is not itself directly impacted by the Proposed Scheme."

The Proposed Scheme envisages the extension of a road to the extent of 5 metres directly over the open watercourse of the River Glin, which directly feeds the duck pond in the Park which is located only a very short distance (c 65m) away from that road. We cannot fathom how this could in any way be regarded as not involving a "direct impact" on both the river and the pond. We previously (in the original submission) provided evidence (in the form of a letter from SDCC) showing how easily the river can be blocked. We feel that the NTA response is unreasonably dismissive of our clearly valid concerns and again has no real understanding of the issues here.

In addition, we would have very strong concerns regarding the risk of spillage or contamination into the River Glin's open watercourse, if it is to be built directly over for road widening. The Inland Fisheries Ireland report appended to our original submission (which was in relation to a separate development in the same river catchment area) recommended leaving an undisturbed vegetated buffer of 10 – 25m between the watercourse and the development works in that case. Given that the River Glin was not even identified in the EIAR, there was naturally no IFI analysis done in this case.

This obviously would indicate that it would be highly inadvisable to widen the road to the extent of 5 metres directly over this open watercourse, if any reasonable alternative course of action is available, as is the case here by utilising a bus priority light at Butterfield Avenue.

We would also query the assertion in the NTA Responses that the Water Framework Directive has been complied with in relation to the River Glin [pg 70 CPO Response]. It is abundantly clear from a review of the EIAR that there was no consideration whatsoever given to this open watercourse, and in fact that there was not even any understanding that the road would be widened directly over it. We also strongly take issue with the assertion that "no perceptible impact in terms of blockage" is likely [pg 71 CPO Response] – this particular open watercourse is very prone to blockages already and naturally any building works will strongly increase the risk in this regard.

Furthermore, there has long been a large (c. 7.5m) bridge over the watercourse within the Park, roughly 10m in from the roadway. Adding a further 5m covered culverted area beside this will make it even more difficult to clear any blockages.

5. Excessive land take

We have not seen any specific response to our contention that the proposed land take of up to 10 metres of the Park is excessive and cannot be justified in any event. The existing available road space already exceeds 15 metres; how could an extra 10m, totalling 25m, be appropriate. Even the maximum widths of 2 x 2m footpath, 2 x 2m cycle path, 2 x 3m bus lane, 2 x 3m general traffic lane only add to 20m. Even if this width is intended to also refer to a 3m temporary construction area, it would still be excessive to the extent of at least 2m.

This is a suburban residential area with a church, a school, more than 20 houses and a park all opening directly onto the Grange Road. It is located at the end of the proposed corridor, at a location where there will be no continuing bus lanes in any event (due to the completion of the Grange Road cycle scheme and the limited width of Nutgrove Avenue, which cannot be widened.)

Therefore, given the importance from an environmental, hydrological and social benefit perspective of retaining the Woodland area, we would submit that this is an area where the road should not be widened and the bus priority light approach should be taken. It is certainly not appropriate for an excessive amount such as 10m to be taken in a careless manner, as appears to be proposed.

6. Importance of the Woodland Playground Area for Autistic Children

The NTA have not properly responded to an issue raised in numerous submissions – the importance of the Woodland Playground area as a natural haven for local autistic children. Many local young autistic children and people with sensory needs love the peace and serenity of the Woodland Playground area. It meets their sensory needs in a way that other areas do not. This is due in large part to its natural setting among the trees, which fully encircle the entire play space. There are many squirrels, birds and other wildlife in this area, which greatly add to its atmosphere. This Playground was recently refurbished by SDCC and is very much valued by local families, particularly those with autistic children.

The Planning Response [pg 99] refers to there being “no change in the effective of noise screening from the boundary wall.... Whilst there will be a portion of trees removed from the park boundary, these do not provide any notable noise screening....”

There is clearly no proper understanding of the issue from the perspective of local autistic children for whom the removal of an extensive section of woodland (most of the external trees on the south-western side) is likely to fundamentally transform the current atmosphere of the Woodland Playground area as a natural playground. It is not just a question of increased noise.

Submissions were made by **AsIAm**, Ireland’s National Autism Charity, and by **Involve Autism**, a local autism group, on the issue and many other submissions raised the point also, including our own submission. These submissions clearly explained that if the proposals take place, these children are likely to lose the use of the Woodland Playground area not just temporarily during the construction period (2 years approximately), but **permanently**.

So much of the existing trees and vegetation will be gone that its character will be altered. Instead of the sense of being lost in nature and surrounded by trees, there will be a stark wall on one side of the playground and an absence of visible wildlife such as birds and squirrels. There will be a permanent deterioration as regards traffic, air quality, visual amenity, noise and vibration due to the increased proximity of the road. However, most importantly, the combination of all of these factors mean that it is very likely that **the sensory needs which are currently met by the area will no longer be met.**

The NTA have stated in their Planning Response [pgs 554 and 555] to both AsIAm and Involve Autism that “detailed responses have been provided in section 2.3.3” but we cannot see any response dealing with these particular concerns, other than the limited comments above regarding noise.

This is a group of citizens who deserve particular attention under the **DMRB Guidance** as a vulnerable group and whose perspectives should be specifically considered. However, it appears that the NTA do not even understand the concerns raised here. We would accordingly disagree with the NTA’s suggestion that the assessment has had proper cognisance of the needs of people with disabilities / vulnerable groups.

7. Lack of proper consideration of alternatives, given importance of the woodland area

We are astounded at the statement on page 442 of the Planning Response and page 247 of the CPO Response that “With regards to the option of acquiring land from properties on the southern side of Grange Road between Butterfield Avenue/Rathfarnham Road junction and Nutgrove/Grange Road

junction **the landtake would have impacted significantly more properties and as such was not considered.** This is simply not acceptable.

Given the importance of Rathfarnham Castle Park's Woodland area from the numerous perspectives outlined in our original submission and this submission, any reasonable alternatives such as taking land from the opposite side of the road **should at least have been considered.** While we still maintain that the existing road width is sufficient in any event, it is quite incredible that this very basic level of due diligence was not undertaken. However this particular point is confirmed in **both** of the NTA Response documents.

Accordingly, the NTA did not undertake a proper analysis or consideration of the area and their decision to seek to CPO a large section of the Park was fundamentally flawed and should not be confirmed by An Bord Pleanála.

Conclusion

Fundamentally, it is clear that there has been, and continues to be, a **vast under-appreciation by the NTA of the importance of Rathfarnham Castle Park's Woodland to the local community and the natural environment.** It is very important locally in terms of biodiversity, as a woodland playground in an urban location, as a wildlife habitat for protected species, as a serene natural play haven loved by local autistic children.

The **environmental, hydrological and hydrogeological assessments** carried out for the purpose of the Scheme were clearly **inadequate and insufficient**, which meant that there was no correct understanding of the environmental consequences of the proposal from the outset. In any event, the amount of land sought to be taken (up to 10m in width) is demonstrably **excessive** given the current 15m+ road width. The NTA has admitted that reasonable alternatives "were not considered" which is manifestly wrong and would call into question this entire process.

For all these reasons and those set out in our previous submission, we would ask that you strongly consider the alternative option of prioritising outbound buses through priority lights at the Butterfield Avenue junction, and leaving the Woodland as it is. The **Clongriffin** to City Centre Corridor took the approach of omitting a significant section of the originally proposed corridor, so there is precedent for this – this would be a far smaller area here however.

The **outbound traffic divides** at Butterfield Avenue, as that road takes the traffic going towards Templeogue / Ballyroan / Knocklyon / Firhouse. This only leaves the Willbrook / Nutgrove / Grange Road traffic going straight ahead after that junction. The Willbrook/ Ballyboden traffic then takes the following right turn at the Yellow House. Only the Nutgrove / Grange Road traffic actually continues past the particular area in question here. Therefore, from an outbound perspective, there is far less traffic continuing past the Woodland area than there is at the Rathfarnham Village bypass. The NTA has not appreciated this point.

This would support the proposal to terminate the bus corridor at the Butterfield Avenue junction, and give outbound bus priority by way of traffic light priority. This approach is used where thought appropriate at many other locations on this corridor, and we are of the strong view that given the circumstances, this approach should also be taken here.

To reiterate, this is a small section of road at the very end of the proposed corridor, which leads on to roads which are too narrow to accommodate bus lanes and do not have scope to be widened

(see detailed discussion in our original submission). Given the importance of the Woodland area as a habitat for numerous protected species, as a valued haven for autistic children, as a highly valued amenity for local families, we would submit that it should be protected if at all possible, where a reasonable alternative solution exists, as is the case here.

Accordingly, we would again submit that the bus corridor should cease at the end of the dual carriageway beside Rathfarnham Village (at the junction with Butterfield Avenue) rather than extending by 450m past the Park. Bus priority for outbound buses could be achieved by utilising a bus priority signal (inbound buses already have a bus lane in any event).

This would:

- (1) prioritise the limited bus routes passing beside the boundary of the beautiful Rathfarnham Castle Park;
- (2) save the very substantial quantity of trees and vegetation which are a vital wildlife habitat for the extensive wildlife population in the Park including bats and wild birds and other animals, as well as carrying out an important role in absorbing noise, pollution and carbon;
- (3) maintain the peace and tranquillity of the Woodland area which is so important for people with autism and sensory issues, as well as encouraging wildlife to thrive;
- (4) maintain the wonderful Woodland Playground as a serene and nature-filled environment for children to enjoy and explore; and
- (5) preserve the fragile but very important hydrological ecosystem within the Park and support biodiversity.

In short, it's never too late to do the right thing [Nelson Mandela]. Many thanks.