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An Coimisiún Pleanála  
64 Marlborough Street,  
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3<sup>rd</sup> July 2025

A Chara,

I wish to make a number of observations in relation to the proposed Large Scale Residential Development as proposed under planning Cork County Council file number 254551, and appealed to An Coimisiún Pleanála with Case reference: LH04.322734 . To summarise, my concerns relate to the ecological assessments carried out to date.

#### **General**

I have concerns generally as to the level of assessment undertaken for this development within the EIAR. Chapters do not align in terms of proposed features of the development, and there are items within the description of the development which are not assessed fully by all chapters, including in the Biodiversity chapter. Additional concerns I have relating to traffic and other items have, I believe, been covered by the appeals taken by local residents.

#### **Appropriate Assessment**

##### Ex Situ Species

I note that a report Screening for Appropriate Assessment has been drafted for Mountain Road LRD. The conclusions of which were upheld by the Council in their assessment of the Section 4.4.1 includes a section in relation to *ex situ* habitat loss. The report notes that "*The Site is located less than 2km from the Cork Harbour SPA, and as such is in range for the bird species the SPA has been designated for.*" The report then states that the habitat is "*not significant as ex-situ habitat of the relevant SCI species of Cork Harbour SPA due to the tall growth form of most habitats on Site.*"

I note that no wintering bird surveys were carried out to substantiate this assertion. The photographs of the site as presented within the EIAR do not support the statement relating to tall growth form (For example see Figure 11.14 in the Biodiversity Chapter). Further, wintering curlew (an SCI species of Cork Harbour SPA) are regularly noted within these fields by residents of Mountain Road. These were referenced in submissions made by myself and another resident of mountain road (refer to submission made by Oliver Power which included a picture of same).

The planning report by Cork County Council states in relation to Appropriate Assessment that "*Having regard to the location of the site and the nature of the works, the lack of direct hydrological connectivity, distance (disturbance), and absence of suitable ex-situ foraging habitat of a substantial extent relative to the surrounding area, the Ecology office are satisfied that there is no potential pathway for impact to any such site.*" This conclusion is difficult to understand given the clear pathway for disturbance effects to SCI species which are known to utilize the site itself.

In considering the Mountain Road LRD project, I would like to draw attention to the judgement associated with the *Highlands Residents Association and Protect East Meath Limited v An Bord Pleanála & Ors* (December 2020) case.

As noted in judgement: (emphasis added):

*“s. 177U of the 2000 Act which, with the intention of implementing the requirements of the Habitats Directive, set out the steps which a competent authority should take in carrying out a screening for appropriate assessment. Section 177U (1) requires that such a screening should be carried out in order to assess “in view of the best scientific knowledge, if ... [the] proposed development, individually or in combination with another plan or project is likely to have a significant effect on a European site”. Under s. 177U (4) the authority is required to determine that an appropriate assessment of the proposed development **must** take place if “it cannot be excluded, on the basis of objective information, that the ... proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site”.”*

Similarly to the afore-mentioned case, no non-breeding bird surveys have been carried out for the Mountain Road LRD, despite the site being within the range of a number of bird species associated with the SPA (as noted within the AA screening report). *Ex situ* SCI species (curlew at least) occur within the zone of impact, and no survey has been undertaken to establish to what intensity or extent the site and surroundings are utilized by SCI species. As such, it is hard to understand the decision to screen out the possibility of significant effects (including anthropogenic disturbance or *ex situ* effects) in the absence of further information. The trigger for Stage 2 Appropriate Assessment is light, only requiring **uncertainty** as to what an impact might be. It seems the approach taken to date has not taken the precautionary principle on board and cannot involve the best scientific knowledge as required by s. 177U (1).

Given this clear *lacuna* I would request a review of the Appropriate Assessment process which has been carried out to date.

### **EIAR Chapter Biodiversity**

I have concerns as to the Biodiversity Assessment undertaken for the EIAR. This is in relation to both the assessment of Habitats and Species within and adjacent to the proposed development. Numerous points within the assessment appear to be incomplete or do not fully consider impacts from all stages of the development.

### Habitat Assessment

I note the proposal for pathways, picnic areas, and exercise stations through an area of wet woodland within the site. Wet woodland (WN6) is a habitat noted in the county development plan as being a habitat of conservation importance. The description of the habitat is extremely light and does not provide a full overview of the quality of the woodland habitat within the site. NRA Guidance states an example of County Importance habitat as being “...viable areas of semi-natural habitats or natural heritage features identified in the National or Local BAP” this appears to be at odds with the valuation provided for the woodland of Local Importance Higher Value.

There is no detail that I have seen in the description of the development as to what the surfaces for pathways and amenity areas within the woodland will be comprised of. The biodiversity chapter notes the pathways to be installed but in a manner which suggests these will be minor pathways along existing tracks in the woodland. The landscaping plan however indicates much greater degree of clearance needed, with small clearings indicated, and shows options for pathways which

include timber decks and elevated tarmac pathways. Maintenance requirements at the operational stage have also not been assessed. There is potential for permanent loss and fragmentation of this habitat, and loss of mature trees, which has not been quantified or assessed.

I also note the treeline to be removed along Mountain road to accommodate the development has not been assessed as part of the biodiversity assessment. Treelines were not noted as being recorded on the site at all.

Likewise, the extent of loss of hedgerow is unclear. This is reflected in the findings of the Cork County Council Ecologists who noted "*Paragraph 11.10.2.1.3 states 'it is anticipated that in combination with the proposed landscape plan which incorporates extensive native hedgerow planting and inclusion of native hedgerow species, there will be a net gain of ecological value to hedgerows resulting from the Proposed Development. The landscaping plans do not appear to indicate where any hedgerow planting will be undertaken. Also, it is unclear how much hedgerow (linear metres) is proposed to be removed, this ambiguity is further noted when comparing the Tree Survey Plan map, drawing CL-TS-001 (Figure 3) and Hedgerow Treatment Map including in the Landscape Concept document. This ambiguity will need to be clarified.'*"

More generally, there is no quantification of biodiversity loss at all within the site. While the residual impacts section states "*It is reasonable to state that the residual impacts arising following the implementation of mitigation will be a net gain in biodiversity value when compared to the baseline conditions of the Site*". By its nature, the proposed development will result in a loss of wet grassland, and fragmentation of the wet woodland at a minimum. It is therefore unclear how this is in compliance with the County Development Plan Objective BE 15-6.

#### Bats

It is noted that a number of buildings have been identified as requiring removal. The Biodiversity assessment is not clear on what level of assessment was undertaken of these structures for bats. The report notes the buildings present within the study area are not considered suitable for roosting bats, however in the habitat assessment section the report states that there was no detailed assessment of these buildings. Similarly, it appears that no assessment was made of the trees bordering Mountain Road which will certainly be removed as part of the works.

Despite this, **no** trees with any potential roosting features were identified during the site walkover by the ecologist. This is remarkable given the number of mature trees with ivy cover, cracks and crevices, that are present along the field boundaries along with standing deadwood. These are all features which can be used, at least on occasion, for roosting bats. Given that the works will require removal of mature trees (the extent and location of which is unclear in the reporting as noted with regards to habitat assessment), the assessment does not consider potential for direct impacts to these strictly protected species. There is also no mitigation provided in the assessment to allow for a pre-construction survey of these features prior to removal of trees even on a precautionary basis.

Further, there is no assessment of the operational phase on bat species in the area, despite mitigation being included for it. The site contains numerous mature hedgerows along with woodland habitat. All of these are suitable foraging and commuting habitat for bat species in the area. It is not clear how the effects of lighting will impact these species during the operational phase.

Having regard to the strictly protected nature of bat species, and the need to procure any relevant derogation licenses prior to consent being (per the Hellfire Massy Residents Association v. An Bord Pleanála (No.5) [2023] IEHC 591 case), I would request a review of these ecological assessments.

#### Invasive Species

The report states that they did not record any invasive non-native species listed on schedule III of the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011) within the Proposed Development Site. *Allium triquetrum* is present along the roadside in numerous locations along Mountain Road within the development boundary.

As a resident of Mountain Road I have concerns that in the absence of an updated assessment relating to same that the works may result in the spread of a listed invasive species.

#### Other Terrestrial Mammals

No assessment has been undertaken as to the potential for impacts to red squirrel. They are identified in the desk study results but not mentioned thereafter. Red squirrel have been recorded on numerous occasions in the vicinity of mountain road.

I trust that these issues will be reviewed in full as part of the assessment undertaken in relation to the Mountain Road LRD.

Warm Regards,

**Dr Erin Johnston**

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