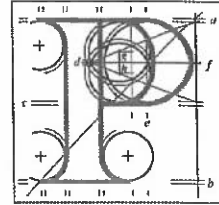


Our Case Number: ABP-316272-23



**An
Bord
Pleanála**

Ballyboden Tidy Towns clg
c/o Angela O'Donoghue
17 Glendoher Close
Rathfarnham
Dublin 16

Date:

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 accept this letter as a receipt for the fee of €50 that you have paid.

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

The Board has also received an application for confirmation of a compulsory purchase order which relates to this proposed road development. The Board has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Board will inform you in due course on this matter. The Board shall also make a decision on both applications at the same time.

If you have any queries in relation to this matter 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

HA02A

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

LOG 065995-23
ABP-316272-23

Eimear Reilly

From: LAPS
Sent: Wednesday 16 August 2023 10:34
To: Eimear Reilly
Subject: FW: Your Observation Reference: SID-OBS-001125
Attachments: SIDS BC Ballyboden tidy towns ref 316272.docx; Appendix.pdf

From: SIDS <sids@pleanala.ie>
Sent: Wednesday, August 16, 2023 8:23 AM
To: LAPS <laps@pleanala.ie>
Subject: FW: Your Observation Reference: SID-OBS-001125

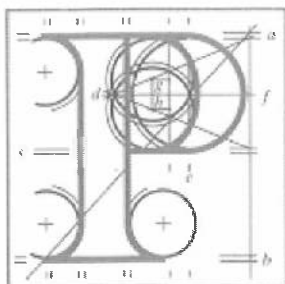
From: ballybodenttgroup@gmail.com <ballybodenttgroup@gmail.com>
Sent: Tuesday, August 15, 2023 5:13 PM
To: SIDS <sids@pleanala.ie>
Cc: Bord <bord@pleanala.ie>; ballybodenttgroup@gmail.com
Subject: FW: Your Observation Reference: SID-OBS-001125

Dear Sir or Madam,

Your online submission would not allow me to attach my appendix which was a separate document and I have already paid for the fee of 50 euros so I am attaching both documents to this email and the copy of my receipt. This online system needs to be amended to accept additional documents like other planning authorities in line with Aarhus.

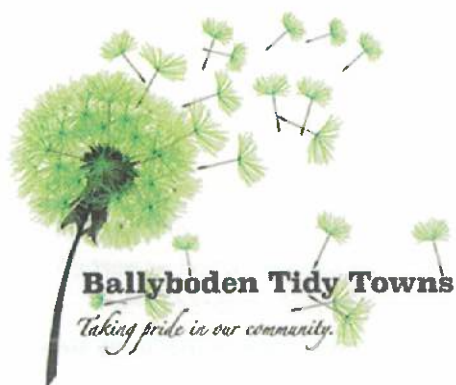
Regards
Angela O'Donoghue
Director
Ballyboden Tidy Towns CLG

From: An Bord Pleanála <no-reply@pleanala.ie>
Sent: Tuesday, August 15, 2023 5:08 PM
To: Angela O'Donoghue <ballybodenttgroup@gmail.com>
Subject: Your Observation Reference: SID-OBS-001125



An
Bord
Pleanála

Strategic Infrastructure Observation Confirmation



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

15th August 2023

**BusConnects Templeogue / Rathfarnham to City Centre CBC proposals and planning application
Impact on Rathfarnham Castle Park & Rathfarnham Village Green Space Ref: 316272**

Dear Sirs,

We wish to strongly object to the above BusConnects proposals. The proposals will cause very substantial, permanent harm to a large section of the Woodland of Rathfarnham Castle Park (the Park), which is a vital amenity for the area and is part of the curtilage and setting to an important National Monument and Protected Structures. We also object to the annexation of the Rathfarnham Village green space (adjacent to Woodview Cottages & Rathfarnham Mill) known locally as Spider's Hill for the purposes of a construction compound as it is a floodplain, a high value amenity space and has already been damaged, infringed and its amenity compromised as part of the SDCC Dodder Greenway. We also object to the removal of trees in the median between Rathfarnham Castle and the Rathfarnham Village, and the removal of trees and Dodder riverbank at the Pearse Brothers Bridge location.

Section 17.4.1.3.2. of the EIAR describes the area set to be built over for road widening purposes as "up to 10m in 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". This is a very large area which is highly significant from an environmental perspective. It is a highly important amenity for local residents including our members. We have also long been extensively involved with issues concerning the Whitechurch Stream / Glin River, Owendoher and Dodder River Catchment and it is also a matter of great importance to our members. Part of the Glin River runs through the Park and under the proposed bus corridor in two locations. However it has not been assessed from an environmental, hydrological, hydrogeological or any other perspective and in fact there appears to be no awareness or understanding that it is even there, let alone its significance from an environmental or

hydrological perspective despite the presence of EU protective species such as otters as outlined in the DCC Otter Survey Report 2019

<https://a.storyblok.com/f/47927/x/609e85ec32/dublin-city-otter-report-2019.pdf>

and this is validated by recent nearby Otter surveys of the Glin as part of the Whitechurch Flood Alleviation Scheme Surveys completed by SDCC. BusConnects makes reference to the environmental surveys referenced to have been carried out in 2018 in their documentation submitted as part of this proposal. These surveys/reports are not included in the documents submitted as part of this proposal nor were they submitted as part of the previous public consultation. We respectfully submit that the reason for these documents were not submitted was when we requested them subsequently following the last public consultation that is as part of a previous AIE Request we were refused our request on spurious grounds. We appealed that decision to the Information Commissioner and were successful as the OCEI mandated they should hand over such environmental information (surveys etc) to us. However we learnt through the AIE process that no such reports were ever compiled by BusConnects. We believe that to suggest to the public and to submit to ABP that there are such 2018 environmental surveys exist but to omit them is a shocking example of maladministration by BusConnects.

Any surveys carried out in 2018 is nearly 5 years old and respectfully out of date.

Rathfarnham Castle Park (Park) itself also has a wide range of biodiversity, particularly in relation to protected breeding birds living beside the duck pond which is fed and drained by this river, and has not been properly surveyed from an environmental perspective.

We have been liaising with the Rathfarnham Wood Residents' Association (RWRA) and fully support their submission regarding the Park, which we attach as an Appendix. As well as the points set out in this letter, we also wish to further object to the proposals on the basis of the numerous reasons set out in that document.

Our view is that the bus corridor should terminate at the end of the Rathfarnham Village bypass (by the Butterfield Avenue junction). A signal controlled priority light would provide sufficient priority for the limited number of outbound buses which pass the Park. (There is already an inbound bus lane running alongside the Park). It is unnecessary and would be disastrous from an environmental perspective for the Woodland area to be sacrificed, as is proposed.

The main reasons for our objection are:

1. **Hydrological** – The EIAR, NIS and other Scheme documents are seriously deficient in that they do not consider the Glin River / Whitechurch Stream, which runs through the affected woodland area and under the proposed bus corridor in two locations. It is an open watercourse at many points within the Park and feeds and drains the duck pond. It is set to be built over to the extent of c. 6 metres where it enters the Park, so very significant interference with it would occur. It is a fragile resource which needs to be monitored and protected (the RWRA submission contains a letter from SDCC regarding the clearance of the most recent blockage of the river – dated just 10/8/23).

It is hydrologically connected to two Natura 2000 sites – Wicklow Mountain SAC and South Dublin Bay SAC. Its significance, and even its presence, have not been appreciated for the

purposes of the environmental surveys. The Water Framework Directive has not been complied with.

The extension of the Grange Road directly over this open watercourse in two separate locations, by up to 6 metres, would cause untold damage to this very delicate resource and the watercourses to which it is hydrologically connected. There would likely be serious harmful discharges into the aquatic environment.

The Glin River flows through the Rathfarnham Village Green Space beside Woodview Cottages /Rathfarnham Mill known locally as Spider's Hill. Again BusConnects have failed to document and assess that section of the river as part of this proposal.

We understand that the Glin and its Ponds which act as a natural attenuation are currently blocked and in poor status as a result of the works pertaining to the Whitechurch FAS and other developments. We note no attempt has been made to assess the impact of the FAS on this delicate ecosystem by SDCC or BusConnects. We understand that there is a case before the CJEU taken by Peter Sweetman (Sweetman versus ABP 2021 IEHC 777 following the quashing of permission 248891 that argues that the quality of the river/watercourse should be assessed before any planning application is submitted. We submit this is pertinent point here. The IFI's letter <https://planning.southdublin.ie/Home/ViewDocument?fileId=6655250> regarding a development upstream of this watercourse in respect of Taylor's Lane LRD currently before ABP as an appeal clearly identifies that this watercourse catchment is under pressure and has deteriorated due to developments upstream.

The Glin River is not mapped correctly in the documents submitted as part of the EIAR, in some documents the Glin does not feature at all and in others it does but incorrectly mapped so BusConnects appear to not know with 'scientific certainty' the course of this river and the tributaries and millraces that feeds it or the millraces it feeds. For example, and there are many examples but to choose one - once it leaves Rathfarnham Castle BusConnects seems to get confused about the Glin and confuses it with the Owendoher in one map Figure 14.13 as it is omitted completely and even the Owendoher is mapped incorrectly in the same Figure. It is entirely left out in other maps. If the Board was to examine and compare all the maps of the Rathfarnham Castle Park and the green space that runs along Church Lane (Spider's Hill or the Village Green) it is clear there is no accurate knowledge of where the Glin or the Owendoher enters the Dodder or their river course. They clearly have no idea about the flow of this watercourse and catchment and its millraces not to mention sluice gates. The mapping of the Glin river and the Owendoher River and their connectivity to the Dodder is negligent and makes this proposal contrary to WFD, EU Habitats and EIA and proper planning and sustainable development. How can mitigating measures be established or even derogations be sought when such a proposal cannot identify and mark out correctly and consistently the watercourses that are hydrologically connected to a NATURA 2000 site with protected species that use is as a vital ecological corridor.

2. **Flora and Fauna** – the Park is effectively a small nature reserve, but its significance as a habitat for wild birds and wildlife has not been appreciated. It has only been surveyed in relation to trees and bats, but not in relation to wintering birds or other protected species. However it is a very successful breeding area. Any construction works in the woodland and

on top of the river, as is proposed, would cause untold harm and likely result in the Park no longer being a suitable breeding habitat for protected wildlife.

This year, there have been three families of mallard ducklings, a family of moorhens and two families of tufted ducklings (with 17 tufted ducklings in total). It also has very many frogs, bees, crows (black and hooded), robins, bluetits, dunnocks, a badger, squirrels, foxes and other animals. It is regularly visited by a grey heron, a cormorant, two mandarin ducks and several black headed gulls. A kingfisher was seen very recently. Bats live in the Park and it is proposed that two potential bat roosting trees will be removed as part of these proposals. We have serious concerns that the wildlife, flora and fauna and bird surveys undertaken by BusConnects are inadequate and incomplete. The EU Habitats Directive has not been complied with in numerous respects especially in relation to protected species.

- 3. Excessive Land Take** – Under the EIAR, “up to 10 metres” of woodland area is set to be built over for road widening purposes, for a 400 metre length. However the existing road is over 15 metres wide and does not need to be widened by up to 10 metres. That is manifestly excessive. It is clear that outbound buses should be prioritised, however this can easily be done without impact on the Park by means of a signal controlled priority light at Butterfield Avenue. This land take is contrary to the IFI Guidelines as the woodland area should be at the very least a buffer zone to the river and its ponds and therefore the Woodland should be a no go zone for BusConnects.

Otherwise, the Grange Road already has an inbound bus lane. The carriageway is 9.85m, which is 0.85m wider than necessary for the bus lane and two general traffic lanes on this road. There is a segregated 1.7m footpath and 1.4m cycle path running outbound beside the park wall. (I note that the nearby newly redesigned Dodder View Road, which has extensive grassy areas and therefore no space constraints, also has 1.4m cycle lanes.) On the inbound side of the road, there is a 2.15m footpath. Cyclists share the bus lane, as is proposed in the Scheme in locations like part of Rathfarnham Road and Terenure Road East.

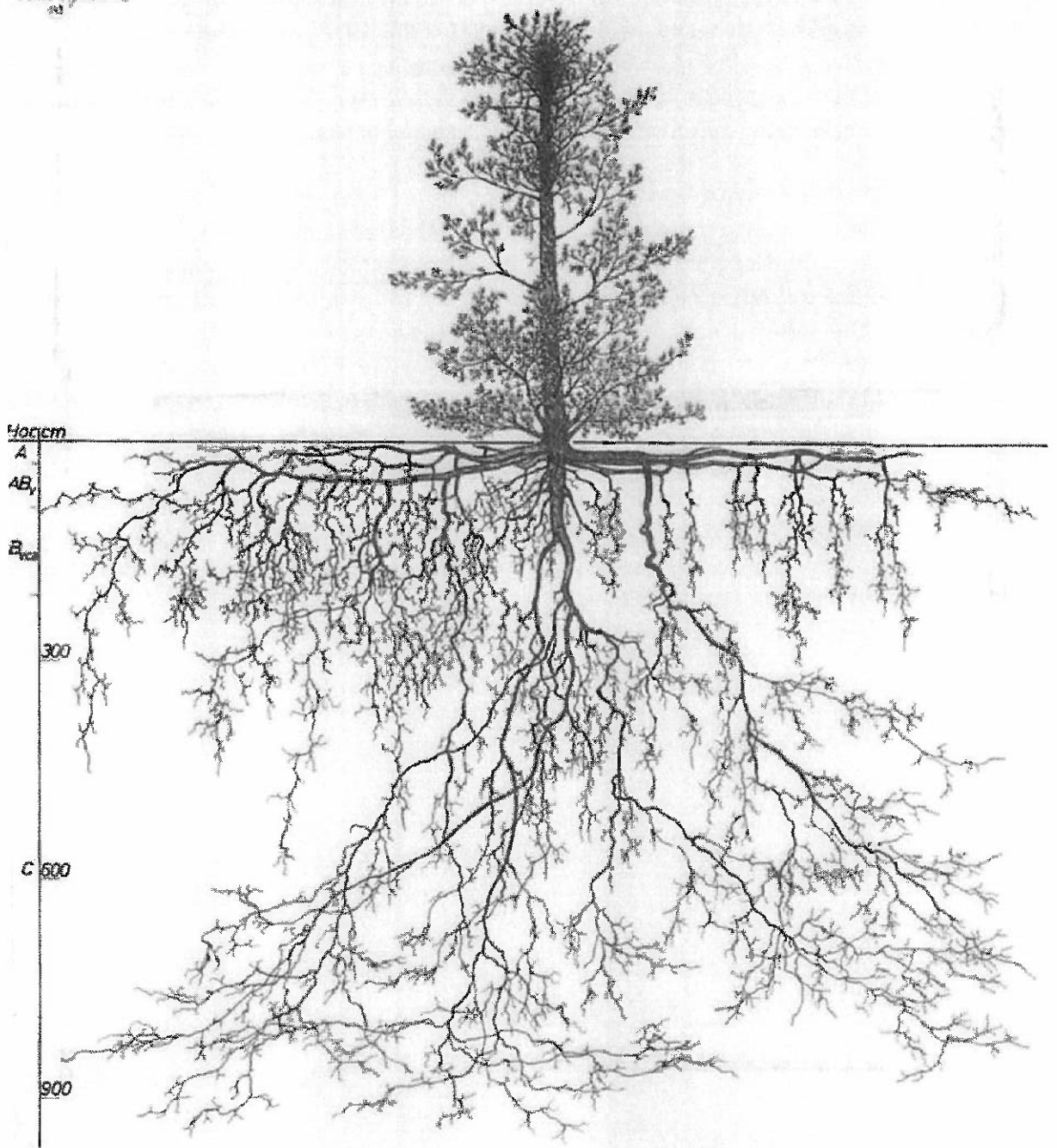
As stated, the only element which really needs improvement is the outbound bus element, which can be done simply by prioritising outbound buses with a signal controlled priority light at the current Rathfarnham Village bypass, at the junction with Butterfield Avenue. Otherwise, the existing road width appears to be adequate, especially given the huge environmental cost of seeking to widen it.

It is very significant that this is the last section of the proposed bus corridor and the adjoining roads do not have sufficient space for continuing bus lanes after the next junction (at Nutgrove Avenue). It makes no sense to cause so much destruction to a woodland area and an important River (NATURA 2000 Catchment) and an important public amenity, unless there was absolutely no option. That is manifestly not the case here.

- 4. Climate** – The Woodland area of the Park contains a large number of mature trees, bushes and undergrowth which will be lost if these plans proceed. They absorb carbon, pollution and noise and make the Woodland Playground and the Woodland in general a beautiful, calm and serene place.

The major focus from a European perspective in particular is moving towards the restoration and encouragement of nature, especially in urban areas where it is particularly precious. Actively removing a wildlife habitat and damaging an ecosystem would run entirely counter to this. This type of habitat fragmentation also runs counter to the Green Infrastructure principles and objectives in the SDCC Development Plan.

The Tree survey is inadequate and fails to list all the trees present both within the red line of the site boundary. It also fails to identify all the trees that pertain to the CPO area and the TCPO area (temporary compulsory area). It specifically underestimates the injurious impact of the tree infrastructure that will be lost and the riparian green infrastructure . there are no buffer zones identified. The tree canopy measurements of trees to be retained are not accurately measured. It is clear that the root system of the trees will be impacted and that the true figure of the proposed loss of trees in situ of the redline and ex situ has not been identified, assessed or presented as part of the EIAR . Different trees have different root systems and they are all interconnected as it is a woodland. If we look at the following drawing of a tree with its tree canopy and look at the tree survey BusConnects appear to think that trees do not have roots and their understanding of the woodland root system has not been appropriately assessed and its location to the Glin and that ecological relationship has not been assessed either.



5. **Land Use Character** – There is a fundamental lack of understanding of just how important the Woodland area and Street Tree canopy is both to the local community and to the wider community of autistic and neurodiverse people, and people with sensory needs. It is also greatly loved by young children as a natural play space, even apart from the Woodland Playground infrastructure. They all appreciate its peace and tranquillity and sense of being out in nature. No community audit has taken place regarding the impact of the loss of this area.

The impact for these people of construction works taking place in the woodland beside the playground would last long beyond the actual construction period itself – the area would in effect be lost permanently as a valued natural play space for autistic children in particular. The widened road would in future be far closer and the absence of the extensive amount of trees and undergrowth currently there would mean that the sense of being out in the country would be lost. This is particularly important to the local community of autistic children and families who rely on this particular area for enjoyment and sensory regulation. This area meets sensory needs which cannot be provided by traditional playgrounds.

The Woodland area should be specifically considered under the DMRB Guidance as being of high sensitivity as it is effectively a nature reserve which is of high importance to vulnerable groups such as people with disabilities or autism, and young children. We note that both AsIAm- the national autism charity and Involve Autism, a local autism group are making submissions regarding the importance of this area.

6. **Landscape and Visual** – The Woodland area has a wonderful array of mature trees, bushes and general greenery which give a sense of being out in nature, all while being just a few minutes' walk from Rathfarnham Village. This will all be cleared under the proposals, which will mean the loss of this peaceful, unspoilt, natural vista. The shelter and shade provided by the trees means that the area is highly valued in all seasons.

Also, the boundary wall from the boundary with Rathfarnham Wood up to the pedestrian entrance by the Yellow House is a very high quality, c. 3 high wall faced with golden hued granite on the Grange Road side. There is absolutely no reason for this wall to be taken down as it is in excellent condition. A roughcast rendered replacement wall would look far inferior from a visual perspective.

7. **Noise and Vibration** – The impact of the construction works themselves would cause untold disruption to the many and varied breeding wildlife habitats in the Park and the Glin River. As stated above, the park is currently a highly successful breeding habitat for protected wild birds and frogs. Construction works would wreak havoc regarding this.
8. **Air Quality** – The removal of so many trees would mean that the Woodland and Woodland Playground areas would in the future be far more polluted and less suitable for children to play in, even apart from issues arising during the construction works themselves.
9. **Soils and Geology** – We have serious concerns regarding contaminants making their way into the groundwater arising from these proposals. The area has not been properly surveyed from a hydrological or hydrogeological perspective.
10. **Cumulative Effect of Incursions on the Park** – It is well acknowledged that the Demesne of Rathfarnham Castle has been greatly reduced over the years. There are also other proposals to develop the Courtyards / Stables area beside the Castle itself, with the entire ornamental pond area at the other side of the Courtyards being turned from a peaceful, contemplative area, which is also of high amenity value to the autistic and neurodiverse community, to a car park. The combined effect of all of these incursions into the Park is just too much and has not been assessed. The Park simply cannot take being chiselled away at any further.

11. The Cumulative Effects of other developments ex situ of the site have not been identified or assessed by BusConnects as part of this proposal. We make particular reference to the SHDs and LRDs that are hydrologically connected to this site via Glin/Owendocher/Dodder Catchment for which ABP has a record of our public participation in these LRD and SHDs and BusConnects has failed to carry any assessment which is certainly not evidence of the precautionary principle being taken and ignores the onus to carry out such assessment with scientific certainty. This is evidenced in the poor quality and inadequate documentation that has been submitted to ABP and cannot facilitate an appropriate assessment. In many of these permissions granted permission by the planning authority this Rathfarnham Castle Park is mentioned as an Amenity as part of their EIAR and yet these SHDs or LRDs do not feature in BusConnects EIAR (Taylor's Lane LRD, White Pines East and White Pines Central, Stocking Lane 2 SHD and Part 8 Knocklyon Park, Newbrook House etc

This proposal breaches the EIA Directive and the DOEHLG EIA Regulations. These developments are hydrologically connected to this Proposal Site and the community audit of amenities identified Rathfarnham Castle and its woodland park as part of a justification for planning permission by ABP in terms of community and recreational infrastructure.

12. **Aarhus Convention issues** – The website for the Scheme is unnecessarily unwieldy and difficult to navigate. Many details are hidden in far flung schedules. It is very hard to understand exactly what changes are proposed. The main maps (e.g. *Vol 1 – General Arrangement Drawings*) show all trees marked in green, for example, regardless of whether they are to be retained or not. This is in contrast to the usual convention of marking in red trees that are to be removed.

In the context of the Park, the limited references to it appear to deliberately minimise and understate the proposed extent of the Scheme's impact, as referred to in the RWRA submission. This means that the public have not been given a fair opportunity to consider the issue and express their views. The absence of proper environmental surveys and unwieldy website have caused breaches of the rights to information regarding the environment and effective public participation pursuant to the Aarhus Convention.

The cost of 50 euros to make an observation precludes many people from participating and is contrary to the EU Law as other countries do not charge. Also a number of residents were told they had to object individually rather than making a group submission. Some residents were told they could not object to the CPO of public lands. Some residents were advised by ABP that they could not object to the CPO only to the Planning Application.

The mistakes made BusConnects using the wrong dates in documentation should have mandated this process to be invalidated.

The staff in the SIDS section gave differing advice depending on who answered the phone. We regularly participate in the planning process and it is clear that BusConnects have breached the Aarhus Convention

13. The CPO process and the Planning process created obstacles for the public participation process as it assumes that the CPO is a fait accompli and it isn't. It was premature of BusConnects to submit the planning application to ABP via SIDs when the red line of the site and the TPO site area may not be as it is at the end of the CPO process. This is contrary to the EIA Directive and proper planning, planning act and sustainable development. Busconnects do not have permission for all sites within the redline area i.e. the subject site nor where the TCPOs are located either.
14. The TCPO area is located outside the red line of the Subject site. The EIAR is based on the red line site boundary - there has been no appropriate assessment on the area that is within the TCPO area. The TCPO area is required as part of this development proposal and yet it is not being assessed – this is fragmentation and is contrary to principles of proper planning and sustainable development and contrary to EU Habitats Directive, WFD and Soil Directive. We are concerned that they have not included how they are to rehabilitate the TCPO areas and identify any mitigating measures or derogations and therefore this proposal fails to assess with scientific certainty the environmental impact of this proposal.
15. It is contrary to the current SDCC Development Plan its policies and objectives.
16. It is contrary to the DOEHLG Architectural Heritage Protection Guidelines
17. SDCC has specific policies on Green Infrastructure and Green spaces - the proposal to annex the woodland and river area in Rathfarnham Castle and the annexing of the green space beside Church Lane as a construction compound and the removal of trees at the River Dodder (Pearse Brother Bridge) and the removal of trees in the road median between Rathfarnham Castle and Rathfarnham Village are contrary to such objectives. Bus Connects (BC) have not submitted any options as an alternative which is contrary to procedures they are obliged to follow and be compliant with. It is interesting to note that Busconnects were obliged to put forward different options and a rationale for choosing one option over another.
18. It is contrary to sustainable development and principles of proper planning
19. It is contrary to the Planning & Development Act.
20. We are concerned about the boundary treatment. The boundary treatment is exceptionally poor and unsympathetic.
21. We believe that this development is contrary to the EU Habitats Directive.
22. We know that this area, has a large bat population and we are concerned about the impact this development will have on bat flying paths, foraging, and nesting. The Bat Survey is inadequate and clearly the authors may need to revisit the most recent case law. The proposal ignores the presence of otters despite this watercourse being part of Dodder catchment.

23. This development is contrary to the Water Framework Directive and its objectives
24. It is not clear if there is a duration of planning permission being sought by the Applicant but we respectfully submit that an indefinite planning permission is contrary to the EU Habitats directive, WFD, EIA Directive, Climate objectives and legal precedent, proper planning, sustainable development . The CPO process may take a long time with legal challenges and is therefore an indefinite period will elapse and we submit that without completing successfully the CPO and TCPO process before seeking planning permission like the precedent in other infrastructure projects this project cannot be legally compliant with EU Law and State Aid Rules.

Conclusion

- It is clear from a review of the Scheme Documents, as more particularly detailed in the attached RWRA submission,⁹ that amount of land proposed to be taken for road widening purposes is manifestly excessive and unnecessary.
- In addition, the Glin River / Whitechurch Stream has not been properly assessed for the purposes of these proposals. This an active watercourse which runs through the woodland area of the Park, feeding and draining the duck pond and providing a very important hydrological ecosystem for the Park. It runs under the proposed bus corridor at two points and would be built over to the extent of 6 metres. It is beyond comprehension that the significance of this watercourse has not been appreciated.
- Separately, the Park itself has not been properly assessed from the perspective of wildlife, protected species or biodiversity. It is a thriving wildlife habitat, especially from the perspective of protected wintering birds. The Woodland itself is a peaceful, serene, natural area which is particularly valued by both the local community and the wider community of autistic and neurodiverse people, young children and others who love the sense of being out in nature. The trees, especially those containing bat roosts, and the other vegetation must be retained.
- **Again, our view is that the bus corridor should terminate at the end of the Rathfarnham Village bypass (by the Butterfield Avenue junction). A signal controlled priority light would provide sufficient priority for the limited number of outbound buses which pass the Park. (There is already an inbound bus lane running alongside the Park). It is unnecessary and would be disastrous from an environmental perspective for the Woodland area to be sacrificed, as is proposed.**
- Preserve the fragile hydrological ecosystem and support biodiversity in the Park;
- Save the Woodland area which is a vital habitat for the extensive wildlife population in the Park, including bats, frogs, wintering birds, foxes, squirrels and many other protected species, while also carrying out a vital role in absorbing carbon, noise and pollution;
- Retain the curtilage of the Protected Structures and National Monument at Rathfarnham Castle Demense – thus protecting its character and setting
- Maintain the peace and tranquillity of the Woodland area which, even apart from being an extensive wildlife habitat, is so important to vulnerable groups, including neurodiverse or autistic people or those with sensory needs;
- Retain the mature trees and vegetation which provide a wonderful natural play space for children, even aside from the Woodland Playground itself.
- Retain the mature street tree canopy on the median between the castle and the village

- Prevent the green space along Church Lane from further incursion and damage in line with SDCC Green Infrastructure plans and zoning objectives
- Retain the Dodder Riverbank and trees adjacent to the Pearse Brothers Bridge.

Yours faithfully,

Angela O'Donoghue

Chairperson

Ballyboden Tidy Towns CLG

ballybodenttgroup@gmail.com

Address for correspondence:

17 Glendoher Close, Rathfarnham, Dublin 16

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

11 August 2023

**BusConnects Dublin Templeogue / Rathfarnham to City Centre CBC
Submission on Planning Application in relation to the Proposed Scheme
Objection to proposed Compulsory Purchase Orders
Rathfarnham Castle Park
Entrance to Rathfarnham Wood Estate**

Dear Sirs,

We, the Rathfarnham Wood Residents Association (RWRA) committee, represent the residents of Rathfarnham Wood, a quiet estate of more than 100 houses situated on the eastern boundary of Rathfarnham Castle Park (RCP or the Park).

On behalf of the members of the RWRA, we wish to make this submission in relation to the impacts of both the planning application in respect of, and the proposed compulsory acquisition of, a large portion of the Woodland area of the Park. This is, and has been for many decades, a vital amenity for the local area and extremely important for biodiversity. This submission relates to both issues, as the reasons outlined below are equally applicable to both issues.

This objection is made primarily in relation to:

- the likely effects on the environment of the proposed road development if carried out; and
- the implications of the proposed road development, if carried out, for proper planning and sustainable development in the area in which it is proposed to situate the proposed road development.

In addition, this objection highlights significant deficiencies and inadequacies in relation to the proposed CBC.

Please note that this submission relates specifically to the section of CBC from the junction of Grange Road with Nutgrove Avenue to its junction with Butterfield Avenue, being approximately 450m at the very start/end of the CBC, and at the furthest extremity from the city centre.

Finally, this submission would like to stress that there are a variety of already utilised design alternatives, which can be used to address these issues, while ensuring that there is no appreciable

impact on travel times along the CBC. We also stress that there are repeated instances of bus lanes being temporarily terminated along this very route, in order to avoid “bulldozing” existing properties or buildings, and we cannot accept that the protection of a sensitive woodland area in a public park is to be utterly disregarded. It will be permanently and irreversibly damaged in terms of biodiversity, as a successful breeding habitat for wildlife and as a peaceful natural play space for local autistic children, should these plans go ahead.

The Park houses an extensive variety of wildlife and fauna and is having a particularly successful breeding season this year for wild birds including numerous batches of tufted ducklings, moorhen chicks, mallard ducklings and large quantities of tiny frogs. This breeding habitat would be severely disrupted in the event that major construction works take place in the adjoining Woodland area. The area is also a unique, quiet, and serene haven which is particularly valued by people with autism and sensory issues.

This objection also highlights material design deficiencies in relation to the proposed road layout, and its intersection at the junction with Nutgrove Avenue. These concerns are supported by letters from several schools regarding the existing and dangerous cycle path on this road and the urgent need for this to be reviewed. This is a particularly important point as, going forward, the majority of the continuing bus service in the locality will pass straight through this junction.

In addition to detailing the rationale for our objection, we would like to stress that there are alternative design solutions, such as signal controlled priority lights, which are used extensively through the Bus Connects plans (12 are used along this bus corridor alone), which can be employed to address our concerns, while also providing priority to bus and cycle users.

As a very broad summary, we object to the proposed widening of the Grange Road by taking land from the Park for numerous reasons under the following headings:

“the likely effects on the environment of the proposed road development if carried out”:

- The documentation fails to both even identify, or in any way assess, a material watercourse which runs through the Woodland area and crosses the Grange Road twice – the River Glin / Whitechurch Stream, which is an important watercourse, connected to two Natura 2000 sites, the Wicklow Mountains SAC and the South Dublin Bay SAC;
- The failure to consider that this watercourse is a particularly fragile one which needs to be constantly monitored and can easily be blocked, leading to flooding in nearby estates or a lack of fresh water in the duck pond in the Park; it is also a major habitat for frogs;
- The importance of the Woodland area affected and its related wildlife; particularly given that the Park is a particularly important breeding habitat for numerous protected species of animals and birds including bats; the sheer number of trees to be lost;
- The lack of a proper assessment on present species such as otter and wintering birds whose habitat is the Park and in particular its Woodland area, which appear to be investigated in detail in other parts of the corridor;
- The application indicates that at least a quarter of the assessed trees (but in reality potentially up to 50% of all of the trees) which are proposed to be felled along this entire

CBC route are situated in this one, single stretch of land at the boundary of Rathfarnham Castle Park. For clarity, at least 1 in every 4, and probably 1 in every 2, trees to be felled along the entire 6.2km long CBC are located in the Park. Not only does this clearly demonstrate the excessive and disproportionately high impact on the Park, but it irrefutably shows that this element of the environmental cost arising from the CBC could be immediately reduced by between 25% and 50% with a simple design change; these trees and woodland habitat could all be saved if the bus corridor is terminated at the Butterfield Avenue junction rather than continuing past the Park;

- The proposed removal of two bat roosting trees;
- The proximity of a children's play area, the Woodland Playground and surrounding natural play space, and the serious potential environmental harm posed to vulnerable groups such as children, particularly autistic children, to whom this particular natural play space meets many sensory needs which are not met by more traditional playgrounds in other parks; this will be lost forever as in future the road will be too close;
- The impact on the pond which adjoins the Woodland area of the Park, which is an important habitat for numerous batches of ducklings, moorchicks and many protected wild birds;
- The cumulative effect of both the BusConnects proposals and the South Dublin County Council (SDCC) Courtyard Redevelopment proposals, which will greatly harm RCP's ability to thrive as a park, wildlife habitat and peaceful public amenity space;

“the implications of the proposed road development, if carried out, for proper planning and sustainable development in the area in which it is proposed to situate the proposed road development”:

- The proposed land take of up to 10 metres is excessive and cannot be justified given the existing available road space (>15 metres). This is a suburban residential area with a church, a school, more than 20 houses and a park all opening directly onto this road. The proposed design is simply not appropriate or necessary given the existing surrounding land use;
- The permanent, profound and irreversible detrimental impact on the Park, especially considering that:
 - there is no long term possibility of the continuation of any bus lanes after the junction immediately following the Park (Nutgrove Avenue / Grange Road / Rathfarnham Wood);
 - this development exists at the very start / end of the CBC, at its furthest extremity from the city centre;
 - there are numerous instances elsewhere along the CBC where the bus lanes have been temporarily ended in order to accommodate the limitations of the road network, including along parts of Rathfarnham Road;

- a public park must be protected for the benefit of all; recreation space is vital to mental health and wellbeing as well as physical health; and an important area of a public park should not be simply taken over in a cavalier fashion;
 - the investigations and analyses included in the Scheme documentation do not appear to make any allowance for the impact of increased working -from-home solutions which have occurred since Covid;
- The River Glin is a particularly sensitive watercourse, which is prone to blockages. The most recent written confirmation which we have regarding the fragility of the River Glin is the letter from SDCC attached in Appendix 1. This letter, dated 10/8/23, was in response to a query which we raised through Cllr Yvonne Collins as the water in the pond had appeared murky. This response confirmed that the river had been blocked and had been cleared. This shows how fragile the river is and how important it is that the river is monitored on an ongoing basis. Any construction works directly on top of the river would undoubtedly cause major issues. The river must be protected;
 - The fact that the BusConnects proposals would in fact reduce the number of bus stops in the local area rather than enhancing the service for local users with mobility issues; the Scheme documentation makes it clear that any potential improvements to the bus service in the area would be minimal and vastly outweighed by the environmental, financial and other costs;
 - The increased danger to children at St Mary's BNS and families visiting the Park posed by the wider Grange Road; and
 - The destruction of an exceptionally fine wall and its inferior replacement.

Additional note regarding the Glin River/ Whitechurch Stream – relevant Inland Fisheries Ireland considerations in relation to the same river catchment (In another case)

It is essential to bear in mind that this is yet another proposal which will greatly tax the ecosystem of the Glin River / Whitechurch Stream. However, as the Glin River was not even identified in the hydrological or hydrogeological assessments, it was therefore not assessed and Inland Fisheries Ireland were not given a proper opportunity to consider the issue from their perspective.

Furthermore, the cumulative effects of upstream development to date on the Glin River have not been addressed. The recent SDCC letter enclosed in Appendix 1 acknowledging the blockage in the river shows that the river is under pressure; it is also notable that this particular concern regarding the river was raised by us in the RWRA rather than being identified through any system of regular monitoring.

The issue is even more acute given the **Whitechurch Stream Flood Alleviation Works** – it is imperative that the cumulative potential impact of all of these stressors on the Whitechurch Stream / Glin River flowing through the Park are appropriately considered and monitored, and protection mechanisms put in place.

To give context regarding the issues to be considered, we attach a report by Inland Fisheries Ireland in relation to another development in relation to the river catchment of which the Glin forms part (it was in relation to a development on Taylors Lane). The Glin is hydrologically connected to both the Owendoher and the Dodder - there has been a complete failure to take this connectivity on board in the BusConnects proposals. That is unsurprising however, given the failure in the NIS and EIAR to even appreciate that a river flows through the Woodland area.

The Glin, which flows through the Woodland area in Rathfarnham Castle Park and is set to be built directly over to the extent of 6 metres where it enters the Park, and again where it exits the Park, is an active river which forms part of the Dodder catchment. Its connectivity - its mere existence - have not been acknowledged. There has been a complete failure in terms of hydrological and hydrogeological assessments.

The report by Inland Fisheries Ireland in relation to the Taylors Lane development on the same river catchment states:

*“Any discharges during both the construction and operational phases of the development poses a serious risk to the aquatic environment in both the short and long term. The Owenadoher has recently lost good ecological status, falling to moderate status and one of the most significant pressures identified as a cause of this loss in status was **Urban Run-off** resulting in nutrient pollution.....The Owenadoher is at risk of not achieving good ecological status which is a legal requirement set out in both European and national legislation.*

“There is a small watercourse that traverses the site on the southern boundary, flowing in a West to East direction.

“It would appear this watercourse was an old an old mill race diverted from the Owenadoher for use at a historic Paper Mill. This watercourse appears to be still live discharging back into the Owenadoher main channel at a point downstream of the development (see historic 25” maps).

“If connectivity still exists then there is a further source, pathway receptor model, that may pose a significant threat to the Owenadoher main channel and in turn to the river Dodder at the construction phase if not properly mitigated against.

“IFI recommends that a minimum of between 10 & 25 metres of undisturbed vegetated buffer zone be maintained between the watercourse (mill race) and any site development at both the construction and operational phase of the development.”

That recommendation regarding an undisturbed vegetated buffer zone is highly relevant in this case as the Glin River / Whitechurch Stream is a watercourse in the same catchment, which is hydrologically connected to both the Owendoher and the Dodder – it runs through Rathfarnham Castle Park and ultimately discharges into the Dodder. It also has a similar history in having originally been a millrace for a mill located in the Park. However in the Glin’s case, there is undoubtedly connectivity to the Dodder and so a source, pathway, receptor connection definitely exists.

It is highly significant that a minimum of 10 – 25 metres’ undisturbed vegetated buffer zone was recommended in the Taylors Lane development. This indicates that it would be highly inappropriate to simply widen the Grange Road directly over the River Glin, an open watercourse which is a notable frog and wildlife habitat and is connected to two Natura 2000 sites.

Furthermore, the extracts included in this report from the **South Dublin 2022- 2028 County Development Plan-Chapter 4 Green Infrastructure- Policy GI2 Biodiversity & GI3 Sustainable Water Management** provisions are also highly relevant. These set out the policy of protecting and enhancing the natural, historical, amenity and biodiversity value of the country’s watercourses. They must be protected and enhanced with a view to strengthening the Green Infrastructure network.

Due to the failure to even identify the Glin River, there is naturally no similar letter of recommendations included in the BusConnects Scheme documentation. However we would submit that even greater concerns would arise from Inland Fisheries Ireland’s perspective in relation to the BusConnects proposals, given:

- 1. that the proposed road widening works would take place directly over an open river which is an important wildlife habitat and which is hydrologically connected to both the Owendoher and the Dodder;**
- 2. the impacts of the Whitechurch Stream Flood Alleviation Scheme; and**
- 3. the other potential risks identified in the Inland Fisheries Ireland report on the Taylors Lane development, which would similarly apply here.**



**Iascach Intíre Éireann
Inland Fisheries Ireland**

Date- 8th May 2023

LRD23A0002: The development will consist of the demolition of the existing former Institutional buildings and associated outbuildings (c.5, 231 sq.m) and construction of a new residential development comprising 402 no. apartments (39 no. 1 beds, 302 no. 2 beds and 61 no. 3 beds) within 3 no. blocks ranging in height from 2 to 5 storeys over basement/ lower ground floor.

Dear Sir/Madam,

Applicant- Shannon Homes Dublin Unlimited Company

Location: Site at Taylors Land & Edmondstown Road, Taylors Lane, Ballyboden, Dublin 16

IFI have reviewed the application and associated documentation and make the following observations:

It is proposed the surface/storm water from the development shall discharge into the Owenadoher river which is a salmonid system and spawning and nursery tributary of the river Dodder.

Any discharges during both the construction and operational phases of the development poses a serious risk to the aquatic environment in both the short and long term. The Owenadoher has recently lost good ecological status, falling to moderate status and one of the most significant pressures identified as a cause of this loss in status was Urban Run-off resulting in nutrient pollution.

Epa Pressure and Impact details

"Given the predominance of the urban area around and upstream of the Br u/s Dodder R confluence monitoring station, it is likely that urban run-off from this area is resulting in the nutrient pollution which is impacting the biological status".

The Owenadoher is at risk of not achieving good ecological status which is a legal requirement set out in both European and national legislation.

There is a small watercourse that traverses the site on the southern boundary, flowing in a West to East direction.

It would appear this watercourse was an old an old mill race diverted form the Owenadoher for use at a historic Paper Mill. This watercourse appears to be still live discharging back into the Owenadoher main channel at a point downstream of the development (see historic 25" maps).





If connectivity still exists then there is a further source, pathway receptor model, that may pose a significant threat to the Owenadoher main channel and in turn to the river Dodder at the construction phase if not properly mitigated against.



**Iascach Iníre Éireann
Inland Fisheries Ireland**

IFI recommends that a minimum of between 10 & 25 metres of undisturbed vegetated buffer zone be maintained between the watercourse (mill race) and any site development at both the construction and operational phase of the development.

South Dublin 2022- 2028 County Development Plan-Chapter 4 Green Infrastructure- Policy G12 Biodiversity & G13 Sustainable Water Management

Policy G13: Sustainable Water Management	
<p>Protect and enhance the natural, historical, amenity and biodiversity value of the County's watercourses. Require the long-term management and protection of these watercourses as significant elements of the County's and Region's Green Infrastructure Network and liaise with relevant Prescribed Bodies where appropriate.</p>	
<p>Accommodate flood waters as far as possible during extreme flooding events and enhance biodiversity and amenity through the designation of riparian corridors and the application of appropriate restrictions to development within these corridors.</p>	
<p>G13 Objective 1: To ensure that hydromorphological assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of this Development Plan.</p>	
<p>G13 Objective 2: To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.</p>	
<p>G13 Objective 3: To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site.</p>	
<p>G13 Objective 4: To uncover existing culverts where appropriate and in accordance with relevant river catchment proposals to restore the watercourse to acceptable ecological standards for biodiversity wherever possible improving habitat connection and strengthening the County's GI network.</p>	



Iascach Intíre Éireann
Inland Fisheries Ireland

Given that there will be direct connectivity from the site, via the storm water network and possibly the old mill race into the river dodder catchment, there is the potential for harmful discharges into the aquatic environment during both the construction and post construction phases of the development.

Considering this risk, the CEMP should be robust and identify potential impacts and mitigating measures, it should provide a mechanism for ensuring compliance with environmental legislation and statutory consents. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and groundwater and measures to minimise the generation of sediment and silt.

It is essential that adequate measures are in place during both the construction and operational phases of the development to protect the aquatic environment.

Surface runoff of deleterious material entrained including suspended sediment, fuels and materials being used on-site during the construction or post construction phase of a development could potentially impact the receiving water quality.

IFI are becoming aware of the lack of appropriate maintenance on agreed SuDS measures, such as interceptors, attenuation tanks, ponds etc on some developments post construction.

IFI recommends that if the agreed SuDS measures are not to be fully taken in charge by SDCC, then a condition of planning should prescribe adequate and appropriate maintenance measures, which should be implemented by an appointed management company on an ongoing basis.

All discharges from construction sites either directly or indirectly, via the surface water storm network at all phases of the development must follow the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

Any Instream works that may be required to make connections for the surface water discharges should only be undertaken at a suitable time of the year, between 1st July and 30th September inclusive and should not commence without prior consultation and agreement with IFI.

IFI have published the following guidelines which should be referred to at the design stage of a project to ensure protection of the aquatic environment.

GUIDELINES ON PROTECTION OF FISHERIES DURING CONSTRUCTION WORKS IN AND ADJACENT TO WATERS

<https://www.fisheriesireland.ie/sites/default/files/migrated/docman/2016/Guidelines%20Report%202016.pdf>



Iascach Iníre Éireann
Inland Fisheries Ireland

Matthew Carroll

Fisheries Environmental Officer

Inland Fisheries Ireland - Dublin

Iascach Iníre Éireann

Inland Fisheries Ireland

Telephone: +353 (0) 1 8842651

EMail: matthew.carroll@fisheriesireland.ie

Address: 3044 Lake Drive, City West, Dublin 24, IRELAND.

Index

- 1. Introduction - Objection categories:**
 - a. Environmental
 - b. Land Use
 - c. Cycling Safety
 - d. Cost Benefit
 - e. Valuing Biodiversity and Heritage
 - f. Clear Alternative Design Solutions Not Considered

- 2. Detailed Executive Summary of Reasons for Objection:**
 - a. Hydrology
 - b. Land Use Character
 - c. Climate
 - d. Flora and Fauna
 - e. Landscape and Visual
 - f. Noise and Vibration
 - g. Air Quality
 - h. Soils and Geology

- 3. Background and Surrounding Roads:**
 - a. Safety Issues Regarding Nutgrove Avenue
 - i. Overview of Nutgrove Avenue
 - ii. Cyclists
 - iii. Pedestrians
 - iv. Motorists
 - b. Excessive Land Take from the Park
 - c. Misleading Comments regarding “Benefits” of BusConnects in the Area
 - d. Courtyard / Stables Redevelopment

- 4. Importance of the Woodland Area:**
 - a. Flora and Fauna
 - b. Hydrology
 - c. Nature Restoration Law
 - d. Woodland Playground and Natural Play Space
 - e. Impact of Construction Work
 - f. Other Issues

- 5. Hydrology and Environmental Assessment Deficiencies:**
 - a. Lack of understanding that a watercourse is proposed to be built over, under the Proposed Scheme
 - b. Fundamental misunderstanding of the Glin River / Whitechurch Stream and its relevance to the Proposed Scheme
 - c. Complete Omission of Rathfarnham Castle Park itself from the Hydrogeology Summary Report; misunderstanding of significance of the Glin River / Whitechurch Stream in the Hydrogeology Summary Report

- d. Omission of Rathfarnham Castle Park's Woodland and Pond from the Breeding Birds and Amphibians sections in Chapter 12 – Biodiversity - of the EIAR, despite it being an important breeding wild bird habitat
- e. Omission of correct assessment of the Glin River / Whitechurch Stream from the Biodiversity report
- f. Omission of correct assessment of the Glin River / Whitechurch Stream from the Water report
- g. Omission of correct assessment of the Glin River / Whitechurch Stream from the Natura Impact Statement – Main Report
- h. Incidental reference to a “dry stream” running through RCP – in the context of potential groundwater contamination – correct watercourse not actually assessed in this context
- i. Lack of appreciation of the importance of RCP in relation to Biodiversity in the Non Technical Summary

6. Conclusion

Appendix 1 – Letters from local schools (1) confirming the importance of the Woodland area to local children and (2) calling for the urgent upgrading of Nutgrove Avenue from a pedestrian and cycling perspective; *form documents*

Appendix 2 – Clear understating of impact of proposed changes in maps and descriptions throughout the Scheme documentation; contravention of the rights to information and effective public participation pursuant to the Aarhus Convention; flawed process

Appendix 3 – Extracts from Scheme Documentation and Other Sources

3.1 – Description of Glin River from The Rivers of Dublin

3.2 – Extracts from Scheme Documentation showing absence of reference to RCP from hydrological perspective; relevance not understood

3.3 - Extracts from Ch 12 – Biodiversity – of EIAR

3.4 – Extracts from Ch 13 – Water – of EIAR

3.5 – Extract from Natura Impact Statement

3.6 – Extract from Natura Impact Statement

3.7 – Extract from Aquatic Baseline Report

3.8 – Extract from Appendix A13

3.9 – Extract from Natura Impact Statement

3.10 – Extract from Natura Impact Statement

3.11 – Extract from Natura Impact Statement

3.12 – Extract from Natura Impact Statement

3.13 – Extract from Natura Impact Statement

3.14 – Extract from Appropriate Assessment Screening Report

1. Introduction

Our objections are set out in more detail in the Detailed Executive Summary but fall broadly under the following categories:

a. Environmental:

- i. *ElAR, NIS and other Scheme documents display material deficiencies, by not considering the Glin River, which is set to be directly built over for road widening purposes at two points; completely inadequate hydrology and hydrogeology surveys;*
- ii. *Breaches of the Habitats Directive in relation to RCP, in that the Park is a very important habitat for protected species including tufted ducks, mallards, a grey heron, a kingfisher, black headed gulls, two mandarin ducks and many others, and has not even been surveyed in this regard; removal of two bat roosts; removal of a great number of carbon-absorbing trees and important wildlife habitats;*
- iii. *Breaches of the Water Framework Directive regarding obligations to ensure non-deterioration and the achievement of good surface water status when granting approval for a development affecting a surface water body - not being met given that the surface water body has not even been surveyed;*

b. Land Use:

- i. *The proposals constitute an excessive and unnecessary removal of Woodland area which is of particular importance to vulnerable groups including young children and people with disabilities, autism and sensory issues; this has not been considered;*
- ii. *The plans must be reconsidered from a safety perspective given the adjoining roads, especially considering that this area is at the very start of the proposed bus corridor;*
- iii. *The impact on RCP is particularly extreme when considered in combination with the proposed Courtyard Redevelopment on the other side of RCP, which proposes to turn the entire ornamental pond area (this is separate to the duck pond) into parking spaces (this is a current proposal by SDCC to redevelop the Courtyard / Stables area adjoining Rathfarnham Castle but has not been taken into account in the Scheme documentation);*

c. Cycling Safety:

- i. *the new road layout must "tie in with" the existing road layout on intersecting roads – in particular the throughway of the Grange Road at Nutgrove Avenue. However the existing road layout on Nutgrove Avenue is acknowledged to be dangerous and not compliant with current standards, in particular in relation to cycle paths and footpaths;*

- ii. *The NTA have explicitly stated that they did not consider the suitability or safety of the Nutgrove Avenue layout as part of the Bus Connects design, however this is urgently overdue and is being called for by schools (see Appendix 1). The review of the road layout and limited available space will necessitate a redesign of the existing road layout and the **removal of the current inbound bus lane on Nutgrove Avenue** (please see section 3 below for detailed explanation). This is a very material point in relation to the consideration of the Grange Road / Nutgrove Avenue / Rathfarnham Wood junction;*

d. Cost Benefit:

- i. *the RWRA wish to stress that the **material and significant negative impact on a unique resource is excessive**, especially considering that it is at the very end/ beginning of the BusConnects route. The actual end benefit, at the cost of the destruction and loss of biodiverse woodland, is minimal, as it occurs at the final 450m of the route. Delaying the start of the route by this small amount would not materially impact the, frankly minimal, overall timesaving that has been acknowledged on travel times across the entire route;*
- ii. *We stress that there are **no bus lanes in either direction on the newly developed Grange Road** (in the direction of Marlay Park) and there is only one bus lane on Nutgrove Avenue, which will likely need to be removed in the near future. The destruction of the RCP woodland in order to introduce 2 bus lanes, at the very end of the route, and when a maximum of only one would continue from/ past the junction with both Grange Road and Nutgrove Avenue, simply cannot be justified;*

e. Valuing Biodiversity and Heritage:

- i. *the BusConnects design has in general not simply adopted a “bulldozer” approach, but has worked **within the limitations and constraints of retrofitting an advanced bus corridor into ancient infrastructure designs**. Throughout this route, as well as other routes, bus lanes have repeatedly been curtailed or briefly removed, in order to work within the constraints of a city which dates back over 1,000 years. This includes the termination of bus lanes due to single buildings;*
- ii. *Design solutions are employed to protect old buildings, which can be lost in a single fire. A very significant area of **mature and critically important woodland which is a significant breeding habitat** must not be considered expendable but must be protected;*

f. Clear Alternative Design Solutions not considered:

- i. *A fundamental frustration of the RWRA to the proposed road design is that **clear alternative road design solutions** (such as bus priority lights) are employed extensively throughout the route, which would eliminate the very substantial negative impact on RCP, but have **not been considered** for this particular location; other alternatives have not been considered;*

- ii. *From the perspective of ensuring a healthy Green Infrastructure, the Park should not be interfered with; habitats should not be fragmented, as is proposed;*
 - iii. *We highlight the adaptations made on roads such as Rathfarnham Road, in order to minimise the impact on adjacent properties. We note that there is no outbound bus lane on Rathfarnham Road on this section, from Rathfarnham Park to Crannagh Road;*
- g. Lack of clear information / informed public participation:**
- i. *The Aarhus Convention sets out certain principles regarding the right to information and effective public participation. Here, the combination of the lack of environmental assessments of RCP, the lack of clear information on the website and the misleading manner in which many of the Scheme documents have been drafted (see Appendix 2) cause an issue in relation to the Right to Information on the Environment – the public should be able to participate in environmental decision making matters in an informed manner and that is not the case here.*

Our aim in this submission is to not only highlight deficiencies in relation to the proposed design and associated CPO, but also to stress that there are several available solutions.

The RWRA proposed solution to these issues is that a signal controlled priority light should be utilised for outbound buses at the Rathfarnham Village bypass (at the Butterfield Avenue junction). This which would enable the bus corridor to terminate there, rather than continuing to the Rathfarnham Wood / Nutgrove Avenue junction.

It is unnecessary and would be disastrous from an environmental perspective for it to extend past, and impact, the Park. A signal controlled priority light would provide sufficient priority for the limited number of outbound buses which pass the Park. There is already an inbound bus lane running past the Park.

We also stress the reduced value of bus lanes at the very end of the CBC, as evidenced by the absence of any bus lane on Rathfarnham Road between the Rathfarnham Park and Crannagh Road junctions.

The amount of land proposed to be taken for the purposes of the bus corridor is 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. It is highly important from a biodiversity, hydrology and environmental perspective. However, it is clear from the Scheme documentation that the Park was only surveyed in relation to bats and trees, and not in relation to all of these other vitally important ecological aspects. Its importance as an extensive wildlife habitat has been entirely overlooked. The Park is a particularly important and successful breeding habitat for protected wild

birds. There are obligations under both the Habitats Directive and the Water Framework Directive that have not been met, given the absence of environmental or hydrological surveys.

The southern part of the Park can be seen in the below Image 4.2 from Chapter 4 of the EIAR – the Woodland area bounding the Park, the Woodland Playground, the pond and the Glin River / Whitechurch Stream which feeds the pond (the blue watercourse flowing northwards at the southeastern boundary of the Park) are all clear from this photo.



Image 4.2: Rathfarnham Castle

2. Detailed Executive Summary of Reasons for Objection:

- a. **Hydrology** –The Environmental Impact Assessment Report, Natura Impact Statement and other Scheme documents and maps are all seriously deficient in that they do not consider an important watercourse, the Glin River or Whitechurch Stream, which flows under the Grange Road and into Rathfarnham Castle Park (and out again) and is proposed to be directly built over for road widening – in two separate locations. This watercourse, which can be seen in the above image, supplies water to the pond in the Park and flows onwards through the Park and is vital for its ecosystems. It is an open watercourse directly inside the Park wall where it enters the Park and at many other places and is proposed to be built over to the extent of c.6 m at that point.

However, the Glin River is neither identified nor assessed in the Scheme documentation. It is disregarded for the purposes of all of the environmental and hydrological assessments. Appendix 14.1 states that a “dry” stream was noted beside Butterfield Avenue - but completely fails to consider the position of the pond in the Park or the water source constantly feeding and draining the pond – which is most definitely not dry! The numerous species of wintering birds and numerous frogs who frequent that pond and watercourse have also been completely disregarded.

In fact, 4.6.1 (Habitats and Flora) of the Natura Impact Statement states:

“A desk study was carried out to identify all hydrological crossing points within the footprint of the Proposed Scheme. However, construction methodologies for the Proposed Scheme do not involve in-stream works, modifications to banks or significant disturbance as a result of the Proposed Scheme. Aquatic habitat surveys were carried out in earlier survey phases and the results of these are presented in order to contextualise the potential ecological receptors. However, it should be noted that no instream works are proposed as part of the Proposed Scheme and the desk study identified no sites where water bodies may be subject to significant disturbance.”

4.6.6 (Aquatic Survey) of the Natura Impact Statement also states:

“No surveys were undertaken in 2022 in respect of the Proposed Scheme, as no watercourses are being intersected or interfered with.”

This complete omission of the Glin River is particularly hard to understand given that the Glin River and the pond in Rathfarnham Castle Park area can actually clearly be seen on some of the overview maps (e.g. **Fig 14.5 and Fig 14.13**), yet their presence was then apparently completely overlooked when the environmental surveys were carried out. This is despite the fact that this important watercourse is directly impacted by the proposed scheme in two separate places - and will be directly built over twice - to an extent of c. 6 metres where it runs into the Park.

This watercourse travels under the Grange Road at the southeastern boundary of the Park, runs into the Park, provides the water source for the pond and then exits the pond under the stone bridge, runs through the Park again and runs under the Grange Road again close to Butterfield Avenue, where it joins the Dodder River. Therefore it crosses the proposed bus corridor at two separate locations. Yet it has been completely overlooked for the purposes of the environmental and hydrological surveys.

This particular watercourse is a habitat for numerous species. It is also hydrologically connected to two Natura 2000 sites - the Wicklow Mountains SAC and the South Dublin Bay SAC and accordingly must be considered with great care. Given the glaring defects and omissions in the environmental and hydrological assessments undertaken, it is clear that the Habitats Directive and Water Framework Directive have not in fact been complied with.

This watercourse is a very sensitive and easily upset resource which is constantly monitored by us in the RWRA. The water channel can get blocked easily, leading to issues with the ecosystem in the pond, smells when the water supply is too low and flooding in adjoining estates. The proposed extension of the Grange Road by c. 6 metres directly over this watercourse would cause untold damage to this very delicate resource as well as the watercourses to which it is hydrologically connected. It is important to note that the Glin River runs under the Grange Road not once but twice and intersects the proposed bus corridor each time.

Note that **Fig 12.2 - Hydrological Connectivity to the Proposed Scheme** - sets out the scheme waterbody crossings. These do not include the Glin River running under

Grange Road into Rathfarnham Castle Park and back again under the Grange Road beside Butterfield Avenue, so it has clearly not been considered.

Similarly, **Fig 13.1 – Surfacewater study area** – shows no watercourse marked beside RCP although the Glin River runs under the Grange Road into RCP and is an open watercourse inside the RCP wall. It runs into the pond, out the other end and under the Grange Road beside Butterfield Avenue. It therefore runs under the proposed bus corridor at two separate locations. It will be directly built over to the extent of c 6 metres if the Scheme goes ahead. There are breaches of the Water Framework Directive in that the surface water courses affected by the Scheme have not been surveyed or assessed.

Extract from Fig 12.2 - Hydrological Connectivity to the Proposed Scheme – showing that nothing is marked at RCP:



We cannot understand how the watercourse and pond in the Park have been missed for the purposes of the environmental surveys, given that the pond and the watercourse into and out of it can clearly be seen in **Fig 14.5 – Regional Aquifers** – which shows all of the rivers of Dublin marked in blue:

Fig 14.5 – Regional Aquifers:



Similarly, in **Fig 14.13 – Aquifers**, the watercourse and pond (shown in outline) and where it runs under Grange Road in two separate locations, and would therefore be built directly over, can clearly be seen:



Yet when it comes to the actual environmental study areas, the Glin River and duck pond are not included. They have clearly not been evaluated or even considered. We cannot understand this glaring omission and clear breach of the Water Framework Directive.

Close up view of Fig 13.1 – Surfacewater study area – showing no watercourse marked beside RCP although it is an open watercourse just inside the RCP wall where it will be directly built over. This is despite the fact that the maps at Fig 14.5 and Fig 14.13 clearly show the Glin River and duck pond.

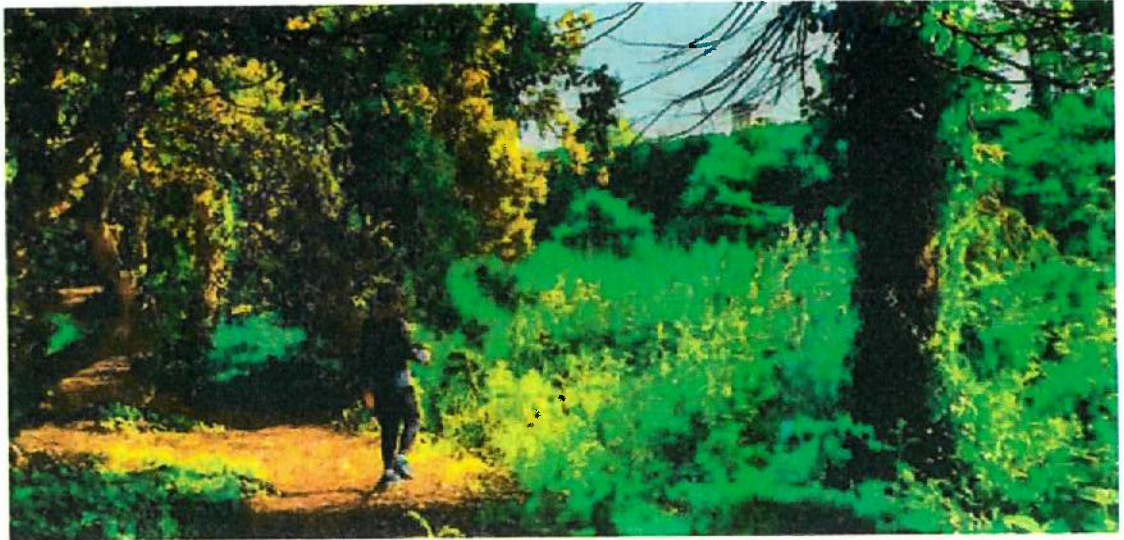


- b. **Land Use Character** –Rathfarnham Castle Park is situated at the very start of the proposed bus corridor. As is set out below, there is realistically no long-term prospect of bus lanes continuing outwards from the nearby Nutgrove Avenue / Grange Road / Rathfarnham Wood junction once pedestrian and cycling infrastructure are upgraded (as is being called for urgently by local schools – see below at 3 b.).

Therefore, taking a substantial amount of woodland from this 450m stretch, primarily to construct an outbound bus lane, at a huge cost in terms of biodiversity and the environment, simply does not make sense. (There is already an inbound bus lane on this stretch). The Woodland area is situated primarily at the boundary of the Park with the Grange Road, which is exactly the area where the land is proposed to be taken. This unspoilt woodland area is a quiet haven which is very unusual in such an urban setting and is particularly needed by people who are autistic or neurodiverse or have sensory issues. It is loved by young children. It is a very special area and, once gone, it cannot be replaced. This area is at the very start of the bus corridor, so there should be more flexibility regarding design.

The bus corridor should instead cease at the dual carriageway beside Rathfarnham Village, with a bus priority light for outbound buses at the junction with Butterfield Avenue. (There is already an inbound bus lane on the stretch of road adjoining the Park.) Rathfarnham Castle Park’s Woodland area should be preserved in its entirety for future generations.

Section of the Woodland area beside the wall, which is covered in ivy at this point (the autistic boy in the picture absolutely loves this area and finds it very calming; his parents have consented to this photo being used)



- c. **Climate** – removal of carbon-absorbing, noise-absorbing and pollution-absorbing mature trees, bushes and undergrowth unnecessarily. There are very many mature trees situated just beside the boundary wall by the Grange Road which would be lost if these plans proceed. Up to 10 metres in width along a 400m stretch is a very substantial area indeed and its loss would take a massive toll on biodiversity within the Park. This would also fragment the existing habitats which is contrary to the Green Infrastructure approach.

Please note that we consider that the formatting of the Landscaping and other Scheme maps and the descriptions provided in the Scheme documentation in many places minimise the impression of the extent to which this environment will be lost and are in fact misleading. Very many trees will be lost, should these plans proceed, as they are either situated wholly within the substantial area of land to be taken or their roots would extend too far into that area for the trees to ultimately survive. Easily half of all of the trees to be lost pursuant to the Scheme are located in the Woodland; the Arboricultural Impact Assessment does not take into account the vast majority of the trees, bushes and shrubs in this area, although they all add greatly to its importance as a wildlife habitat and natural play area. All trees are outlined in green on most of the Scheme maps regardless of whether they will be lost or not. This means that it is hard for people to decipher exactly what the impact of the Scheme will be on the woodland. Marking all of the trees in green creates a misleading impression that they will be kept rather than destroyed. (See Appendix 2 for further comments.)

The European Parliament has on 12 July 2023 voted in favour of the EU Nature Restoration Law, which incidentally received the backing of all of Ireland's 13 MEPs. This measure will set targets as part of the Biodiversity Strategy for 2030, including restoring urban biodiversity. Actively removing established habitats at this stage would completely fly in the face of these measures.

Part of the Woodland area showing how densely forested it is at the very edge of the Park; the 3m high wall can just be seen to the right behind the trees. Again, the boy in the picture is autistic and has a number of sensory issues but finds this particular area very calming.

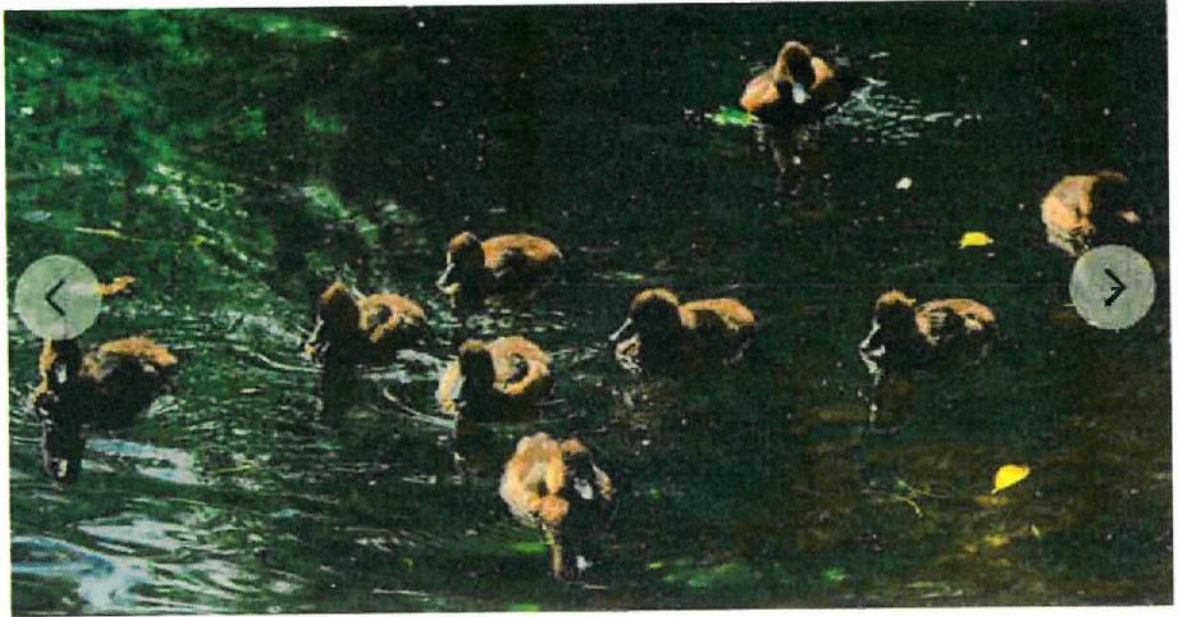


- d. **Flora and Fauna** –Rathfarnham Castle Park has an extensive number of species, including protected species such as bats, mining bees and frogs as well as squirrels, foxes, crows, lots of mallards, tufted ducks, moorhens and many other wild birds. The Park has had a particularly successful breeding season this year with two families of tufted ducklings (17 ducklings in total), three families of mallard ducklings and some families of moorhen chicks. We regularly see a grey heron at the Park and a cormorant has been seen too. There are also black headed gulls in the Park and a large breeding wild bird population. A kingfisher was spotted beside the RCP pond on 23/7/23 and two beautiful mandarin ducks have also been seen. Many of these birds have a protected status – Tufted Ducks for example have a legal status of SCI; BD II (I); BD III (II); WA.

Tufted duck and ducklings at RCP 28/6/23 (Photo thanks to Brian O'Reilly):

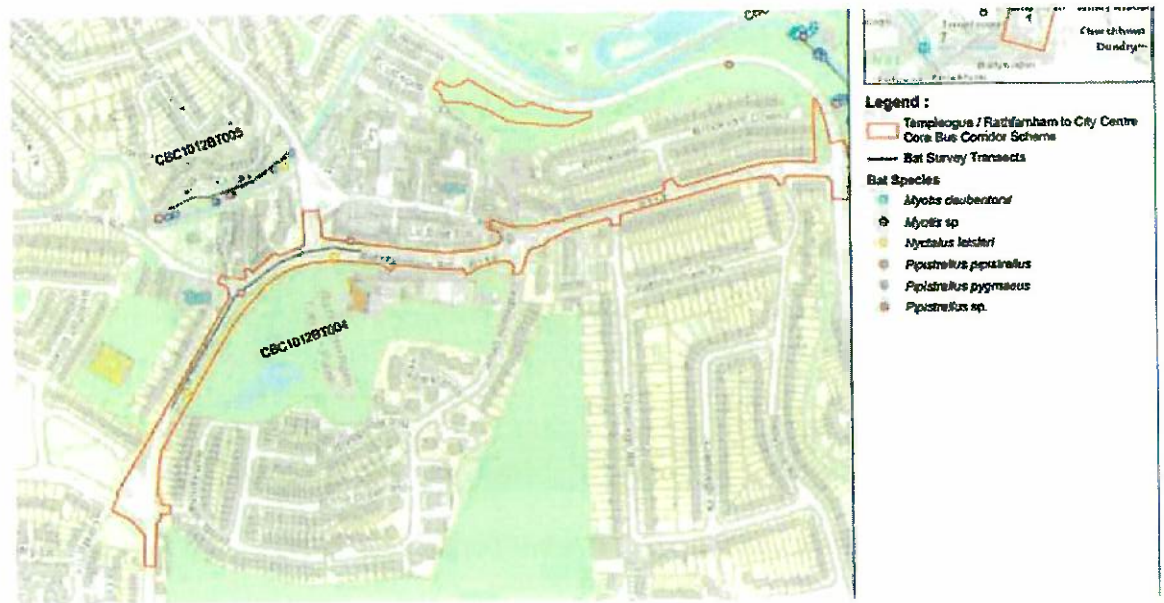


Growing well! Family of 9 Tufted Ducklings at the Park 7/7/23 (Photo thanks to Brian O'Reilly):



Although the Woodland area only takes up a small part of the overall RCP, it is absolutely vital in terms of its biodiversity. There are bat roosts in the Park, and these should absolutely not be disturbed, as is proposed – two RCP trees with PRFs (potential roost features) at the Park boundary are currently proposed to be removed under the Scheme. There is also extensive evidence of otters around the Glin River / Whitechurch Stream which feeds the pond in the Park. These have not been properly investigated. There is substantial bat activity in the area, as can be seen from Fig 12.7.1 below. We note that only a part of the Park, just at the boundary, was surveyed in relation to bats but they can also be spotted at other points throughout the park.

Fig 12.7.1 Bat Survey Results: Bat Activity Survey Results – it can be seen that RCP is a clear bat habitat:



The Park has however not been surveyed as a potential habitat for species other than bats, despite the fact that it is a haven for wildlife, especially in the case of numerous species of birds which are of conservation concern. Accordingly, the environmental assessment reports for the Scheme are entirely inaccurate and deficient. See below.

- e. **Landscape and Visual** – the removal of greenery and established trees would be very detrimental to the area. The Woodland Playground in RCP was recently refurbished and is extremely popular with local children. It is a peaceful, unspoilt, natural setting which is very unusual in such an urban area. The trees provide shelter and shade, so the area is highly valued in all seasons. The presence of the trees, vegetation and undergrowth give a real sense of being in the countryside – especially precious, given its proximity to Rathfarnham Village.

Woodland playground:



In addition, a very substantial part of the existing Park boundary wall (from the Nutgrove Avenue direction up to the current pedestrian entrance opposite the Yellow House (opposite Willbrook Road)) is c. 3 metres in height and exceptionally well finished in a beautiful golden granite stone. This is completely omitted in the scheme description at 4.5.2.8 which only describes a poorer quality wall which follows that extremely high-quality wall and is therefore a misleading description. It is proposed that this beautiful existing golden hue granite faced wall would instead be replaced by a wall with a roughcast render finish, which would be clearly far inferior in terms of aesthetics. It is a further example of misleading comments made in the Scheme documents (see Appendix 2).

Google Earth screenshot showing the 3m high granite faced wall and numerous trees adjoining the Park boundary; it also shows the footpath and cycle track alongside the Park wall:



- f. **Noise and Vibration** – the construction works themselves would cause a huge amount of disruption to the animals living in the park (frogs, bats, bees, squirrels, foxes, water fowl, a badger, otters, wintering birds etc). It would disrupt the current successful breeding habitat for wild birds. It would also cause a lot of disruption to the users of the Park and in particular the Woodland area. The Woodland Playground is extremely popular with local children, schools etc. It is currently very much protected from the pollution and noise of the road outside by the 3-metre high, excellent quality wall already described and is a lovely quiet enclave. This would all be lost.

- g. **Air Quality** – Aside from the impact of construction works, it is proposed that the road would in future be much nearer to the Playground and, due to this and the fact that so much mature trees and vegetation would have been removed, the air in the Playground would be far more polluted and less suitable for children to play in.

- h. **Soils and Geology** – Table 1 in Appendix 14.1 itself (see section 5 h. below) raises the issue of a stream in the Park potentially posing an issue for “mobilising contaminants into the groundwater”. However that survey only noted what it mistakenly regarded as a “dry” stream by Butterfield Avenue and did not notice the active watercourse feeding and draining the duck pond and running under the proposed bus corridor at two separate locations on the Grange Road. It is proposed that this important watercourse will be directly built over for road widening purposes to the extent of c.6 metres, which is an extremely significant issue.

Given that the environmental assessments carried out didn't actually recognise the fact that there is a significant watercourse running into and out of the Park, as well as a well populated pond, these issues clearly should have been considered in the light of that information, and that was obviously not done.

3. Background and Surrounding Roads

The residents of Rathfarnham Wood have for decades been very appreciative of having such a wonderful resource as Rathfarnham Castle Park on our doorstep and accordingly are very protective of the Park. Our members have regularly and continuously monitored water levels, picked up litter, fed wild birds and animals (appropriately), cleared blockages from the stream and bridge areas and kept an eye on the Park generally. We have long had a close and positive relationship with both South Dublin County Council (SDCC) and Office of Public Works (OPW) personnel in relation to these and other matters. We are currently working with SDCC on putting a Nature Trail in place in the Park.

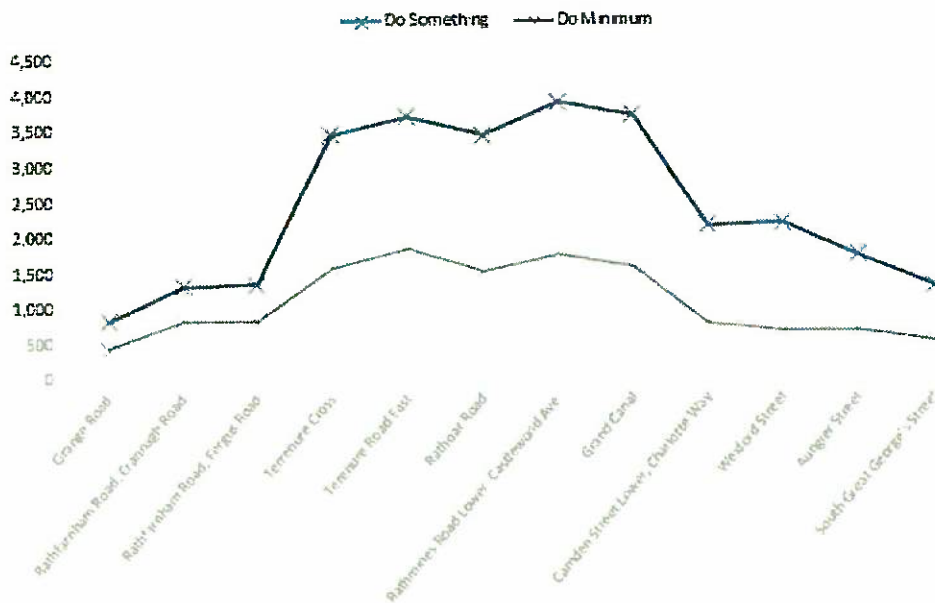
We have surveyed our fellow residents over the last while regarding the BusConnects proposals and their impact on the Park. The response has overwhelmingly been that the Park is an extremely valued and important resource for the area and should be protected for future generations. Any incursion on the Park should only take place where absolutely necessary and where the benefits of such an action substantially outweigh the drawbacks.

In our view, the very significant and clear adverse environmental consequences of removing a very significant area of the entire frontage of the Park onto the Grange Road are completely disproportionate to the limited benefits to be gained by extending the outbound bus lane for an extra 450m. (That is the distance from the current dual carriageway beside Rathfarnham Village to the Rathfarnham Wood / Nutgrove Avenue / Grange Road junction, which is the very start of this proposed CBC). Its primary aims could just as effectively be achieved by ceasing the bus corridor at the Rathfarnham Village bypass and placing a bus priority light for outbound buses at that location.

[The suggested length of this stretch in which signal-controlled priority provisions would result in buses and general traffic sharing a lane is exactly the same as that set out in 4.6.5.2 as proposed for Rathfarnham Road between Dodder Park Road and Castleside Drive (outbound) – 450m, although there would be less frequent buses on the stretch by the Park as the frequent 15B bus to Templeogue turns off to the right at Butterfield Avenue. It is also similar in length to sections governed by bus priority lights in two other schemes (Liffey Valley and Tallaght Clondalkin).]

The projections show that the proposed reductions in journey time due to BusConnects will be minimal. Image 2.14 in Chapter 2 of the EIAR shows that the BusConnects scheme would have a far lesser impact around Rathfarnham than it would at other areas in any event.

Image 2.14 from Chapter 2 of the EIA showing minimal impact from Grange Road to Rathfarnham Road / Fergus Road:



a. Safety issues regarding Nutgrove Avenue

It is essential to note at the outset that this area is right at the very start of the proposed bus corridor, and therefore there should be more flexibility regarding its design than if it was in the middle of the scheme. There are a number of serious deficiencies and shortcomings in the current proposed design. We appreciate the large scope of this project, but it is essential that all relevant issues are properly considered. We feel that the minor changes we are proposing in this submission incorporate existing design solutions used elsewhere on the corridor and tailor them to reflect the importance of Rathfarnham Castle Park. It is also important to note that there are a number of primary schools in the immediate locality whose students' safety must be considered.

i. Overview of Nutgrove Avenue

When the existing infrastructure is compared against the basis used for Bus Connects, there is realistically no long-term prospect of bus lanes continuing outwards from the Nutgrove Avenue / Grange Road / Rathfarnham Wood junction. This is particularly significant as the majority of the continuing bus service in this area will pass through this junction.

Nutgrove Avenue, while it currently has one inbound bus lane, has very deficient and unsafe footpaths and partial cycle paths and is in a very poor state of repair between the Rathfarnham Wood junction and the junction at Nutgrove Shopping Centre. It is approximately 15m in width along most of this 850m stretch.

In order to properly accommodate the single existing inbound bus lane on Nutgrove Avenue, a width of 17m would normally be required, being:

• 2 cycle lanes at 2m each	4m
• 2 footpaths at 2m each	4m
• 3 traffic lanes (1 Bus and 2 GT) at 3m each	9m
Total	17m

However, at 15m, the available road space on Nutgrove Avenue is 2m less than this 17m requirement and so realistically, if pedestrians and cyclists are to be prioritised, as has occurred on the adjoining Grange Road, the inbound bus lane cannot be retained. There is certainly absolutely no space to add an outbound bus lane.

Nutgrove Avenue currently has narrow (c 1.2m) footpaths and partial narrow (c 1.2m) cycle lanes, which disappear at regular intervals, meaning that cyclists often abruptly either turn onto the road in front of vehicles or go up onto the footpath. This renders this stretch of road a particularly dangerous location for all users – pedestrians, cyclists and drivers.

Disappearing cycle lane on Nutgrove Avenue (outbound direction):



It accordingly appears likely that this stretch of road should be reviewed in the near future and, given its unsafe condition, will then be changed to just regular traffic lanes with standard size footpaths and cycle paths (c 2m each) and no bus lanes, as there is simply no space for them.

Therefore, the position on the ground is:

- (a) The Grange Road (in the direction of Marlay Park) has recently been redeveloped under the Grange Road Cycle Scheme and prioritises cycle paths only – it does not have bus lanes.
- (b) As can be seen from the letters attached in Appendix 1, local schools have been raising serious safety concerns regarding Nutgrove Avenue and have been appealing for it to be reviewed. Once such review takes place, it is highly likely that the footpaths and cycle paths would be upgraded to standard cross section dimensions which would mean that the sole

existing (inbound) bus lane would necessarily be removed. Accordingly, Nutgrove Avenue would then also have no bus lanes.

- (c) We note that a new apartment building is currently being built right out to the existing footpath at the Rathfarnham Wood / Nutgrove Avenue / Grange Road junction and that the old Ely House is very close to the footpath on the other side of the road, meaning that Nutgrove Avenue cannot be widened.
- (d) In addition, we note the **DLR Connector** proposals for an enhanced walking / cycling route to connect the Nutgrove area to Dundrum, Kilmacud, Stillorgan, St Augustine's, Deansgrange, Monkstown and on to Dún Laoghaire. While these plans do not currently include Nutgrove Avenue itself as far as we are aware, it would be a logical extension of the original plans. This would also suggest that Nutgrove Avenue's walking and cycling infrastructure should be enhanced in the near future.

DLR Connector initial suggested Nutgrove to Dún Laoghaire route – this would logically be extended to also include Nutgrove Avenue to the west:



IMAGE: Route outline map from Dún Laoghaire-Rathdown County Council.

View from the Grange Road / Nutgrove Avenue / Rathfarnham Wood junction facing towards Nutgrove Avenue, showing the entrance to Rathfarnham Wood estate on the left, the old Ely House, which abuts the road, in the centre of the photo (with two white chimneys), and the new apartment block being built right out to the path on the right (photo taken 24/7/23):



Accordingly, that means that it is very likely that in the near future there will be no bus lanes whatsoever on the eastern side of the Rathfarnham Wood / Nutgrove Avenue / Grange Road junction, which would mean that effectively 2 lanes would need to merge into 1 on each side directly after that junction.

While we appreciate that the NTA's remit was only to consider the roads falling within the proposed CBC, the road layout on one side of a junction must be consistent with that on the immediate other side, especially when travelling "straight through" the junction. The safety of the road layout and how it will operate in practice is paramount, especially given the number of primary schools in the immediate vicinity.

In fact, not only would installing a new bus lane alongside the Park not make any sense (especially given the substantial environmental costs outlined in this submission), it would also be likely to give rise to significant issues in practice for cyclists, pedestrians and motorists.

ii. Cyclists:

Under the current proposed road layout, cyclists travelling outbound on the CBC and continuing straight through the junction onto Nutgrove Avenue would see the cycle lane width reduce from 2.0m to 1.2m on the immediate other side of the junction. We note that the NTA National Cycle Manual actually advises that "*the width of cycle lanes at junctions should be increased by 0.5m where possible*". In addition, as stated above, the partial cycle lanes disappear and reappear at intervals on this stretch of road, making it extremely dangerous for cyclists, particularly children cycling to school. There are a very large number of schools, both primary and secondary, in the immediate vicinity of Nutgrove Avenue, who have raised safety concerns (see Appendix 1).

iii. Pedestrians:

The footpath width on Nutgrove Avenue is also considerably below the 2.0m that exists on the CBC (it is c 1.2m). As stated in section 4.6.2.1 of Volume 2 of the EIAR, 2.0 m is the desirable minimum width for a footpath. This width should be increased in areas catering for significant pedestrian volumes where space permits. DMURS defines the minimum footpath width for road sections as 1.8m based on the width required for two wheelchairs to pass each other. Building for Everyone: A Universal Design Approach (NDA 2020), defines acceptable minimum footpath widths at specific pinch points as being 1.2m wide over a two-metre length of path, not for lengthy stretches, as is the case here.

iv. Motorists:

A key inconsistency in the proposed road design is that vehicles travelling straight on the CBC would see 2 outbound lanes (the bus lane and general traffic lane) reduce to a single lane on the immediate other side of the junction, with minimal provision for merging. It cannot be safe to have 2 traffic lanes reducing so quickly to one, while simultaneously also having cycle and footpaths reducing from 2.0m to 1.2m – all at a busy junction.

It would make far more sense to have the bus and general traffic merge into a single straight lane well prior to the junction, as is currently the case, which then safely allows for both the regular straight through traffic and the separate lane to take traffic wishing to turn right onto Grange Road.

In our view, the bus corridor should cease at the end of the Rathfarnham Village bypass (with a bus priority light for outbound buses at the junction with Butterfield Avenue). This would be a far more appropriate and effective solution to achieving priority for outbound buses (inbound buses already have a bus lane). It would remove the necessity to interfere with and sacrifice the beautiful natural Woodland area in the Park.

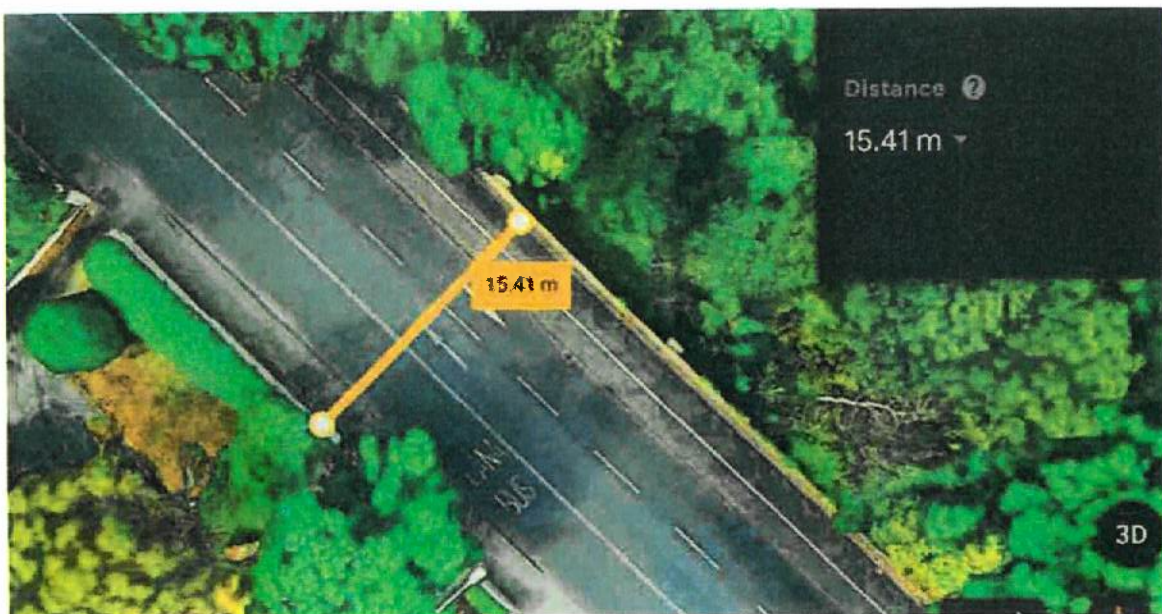
We note that 4.6.5.2 of the EIAR states that Signal Controlled Bus Priority *“is a good alternative to a physical bus lane”* for short distances. One of the distances for which this alternative is regarded as appropriate is from Rathfarnham Road between Dodder Park Road and Castleside Drive (outbound). This is approximately 450m in length which is exactly the length of road in question running alongside the Park. A total of 12 are proposed on this corridor already. It is clearly an effective alternative in cases where the proposed approach would lead to very adverse environmental consequences, as is the case here.

Apart from our preferred solution of the bus priority light, there are numerous other alternative approaches which were not considered, which would have removed the need to take land from the Woodland – for example, taking land from front gardens on the other side of the Grange Road. Alternatively cyclists could share the bus lane, as is proposed at other places, including Rathfarnham Road between Rathfarnham Park and Crannagh Road, and on Terenure Road East. We note from the Scheme documents that this is considered acceptable, once a 30kph speed limit is in place.

b. Excessive land take from the Park

Separate to the issue of an outbound bus lane alongside the Park is the issue of the use to which the remainder of the land proposed to be acquired would be put. An area of **up to 10 metres in width**, as is stated in the Scheme documents, appears to us to be totally excessive and unnecessary, given the width of the existing road. The current road is in excess of 15 metres wide at all of the points which I have checked, as can be seen from the Google Earth screenshots below.

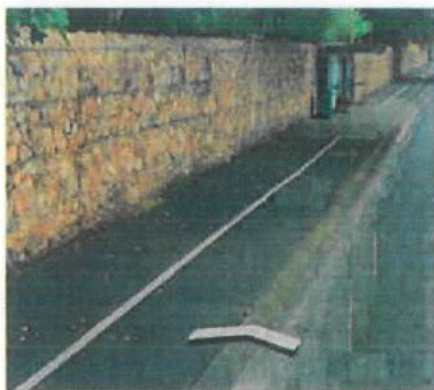
Google Earth Screenshots showing the width of Grange Road is in excess of 15 metres:





There is currently a footpath of c. 1.7m and a cycle path of c. 1.4m running directly alongside the Park, so that there is not a massive divergence there from the proposed widths.

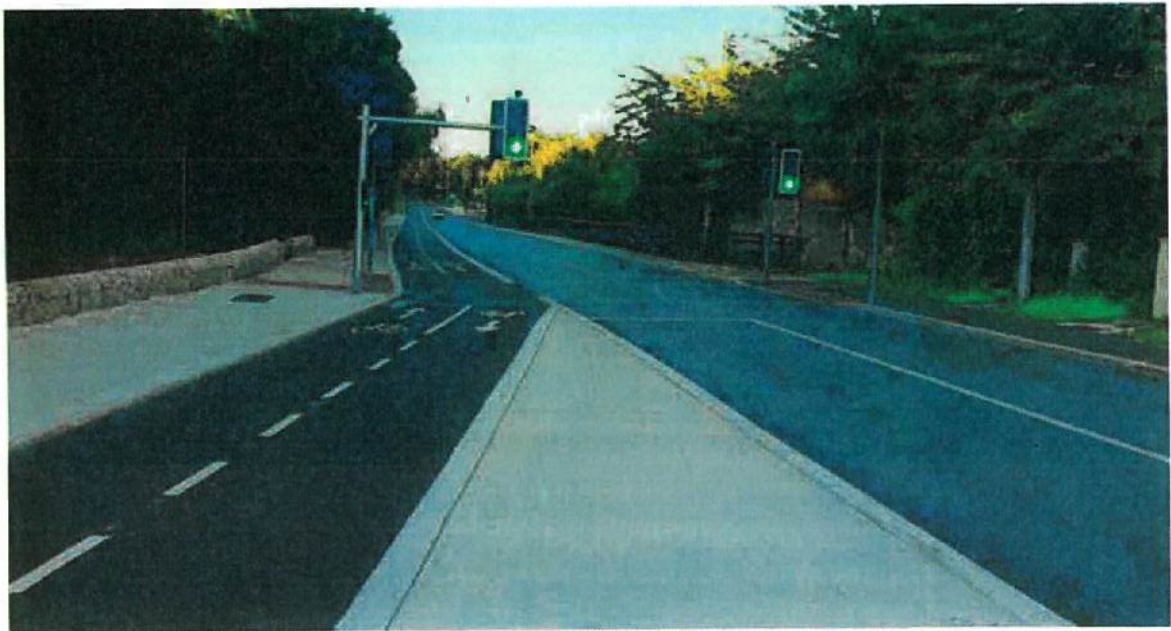
Image of the c. 1.7m footpath and c. 1.4m cycle path running alongside the Park wall on the Grange Road:



In this regard, we note that the Dodder View Road, which has only recently been redesigned (within the past few months) has cycle lanes of c. 1.4m each (cycle lanes running directly past each other on one side of the road), despite having extensive grassy verges offering scope to expand if thought appropriate.

In our view, Dodder View Road is particularly significant in relation to appropriate cycle path and traffic lane widths given (a) how recently it has been redesigned and (b) the wide grassy verges on each side of it which would have given scope to expand if thought necessary. Dodder View Road has two General Traffic lanes; they are 3m wide each.

Dodder View Road showing 3m GT lanes and 1.4m cycle paths, alongside extensive additional grassy areas to the side which would have given scope for greater widths, had this been considered appropriate:



In relation to the Grange Road itself, we note that the 3 lanes (1 bus, 2 GT) currently running beside the Park have a width of just over 9.8m, which is almost a metre in excess of that actually required for those lanes.

Grange Road showing 3 traffic lanes totalling 9.83m:



Therefore, the total road width running alongside the Park is over 15 metres.

If the approach is taken that outbound buses can be sufficiently prioritised by way of a signal controlled priority light at the junction of Butterfield Avenue, as we contend, this means that the current 2 GT lanes, 1 inbound bus lane and appropriate cycling and pedestrian facilities can be accommodated in that existing space.

In our view, whether either the excess 0.8m is reallocated from the roadway lanes to providing a wider cycling / pedestrian facility on the inbound side, or alternatively whether the cyclists continue to share the bus lane, as is now proposed at other points of the Proposed Scheme (such as inbound on Rathfarnham Road between Crannagh Road and Rathfarnham Park), **there is no need to take any land from the Park.** (Currently, the inbound side of the road has a footpath of c.2.15m, and cyclists share the inbound bus lane. Cyclists sharing the bus lane is also proposed under the Scheme in respect of Terenure Road East, as well as part of Rathfarnham Road.)

In our view, the exceptional importance of the Park in terms of biodiversity means that all options need to be considered very carefully, especially since it is located at the very start / end of the proposed bus corridor. In the case of widening footpaths and cycle paths, we note that there are many locations in the proposed scheme design where there are deviations on dimensions from standard cross sections (see section 4.5.1.2 for examples). These are stated to be for various reasons, including mitigating impacts on existing trees or properties. In particular, we note that in Rathgar there are proposals for a 1.4m footpath and a 1.3m cycle path. Also, as mentioned above, at Dodder View Road, where there are minimal constraints on space as there are extensive grassy areas at the side onto which the road could be widened if necessary, the cycle paths are still 1.4m each.

If this approach can be taken for individual properties and particular areas, especially on a road like Dodder View Road which has plenty of grassy verge areas which would permit greater widths if thought necessary, we would submit that it would be incredible that this more flexible approach to standard cross sections could not be taken at the Park boundary itself, due to the extreme importance from an ecological and hydrological perspective of not interfering with the Woodland area.

It would also be astonishing if extra land is proposed to be taken from the Park's Woodland to facilitate the planting of "street trees" as is indicated in the description at 4.5.2.8, rather than retaining the current woodland area, which is, needless to say, incalculably more precious and significant from an environmental and natural habitat perspective.

The Arboricultural Impact Assessment A17.1 indicates that approximately one quarter of all of the trees proposed to be lost as a result of the entire Scheme are located at the Park, showing just how much of an effect this will have on this single area. However, that report only takes into account trees of a particular diameter etc, and there are very many trees, bushes and shrubs in the Park which do not meet those criteria and are therefore disregarded for the purposes of that assessment, despite the fact that they add greatly to the environment. We do not feel that the Arboricultural Impact Assessment gives an accurate reflection of the quantity of woodland to be lost. It is likely that at least half of all of the trees to be lost in this Scheme are situated in the RCP Woodland.

There is also a very large quantity of bushes, wildflowers, undergrowth and general natural wilderness in the area in question – this vegetation has not been taken into account but also provides important habitats for many species as well as adding to the atmosphere of being out in nature rather than in an urban area. The Arboricultural Impact Assessment does not reflect the overall environmental value of the general Woodland area, merely reducing it to identifying a number of isolated trees. In reality it is a connected, living, important habitat and ecosystem and serene play space.

We note that it is also intended that a number of trees on the median between Rathfarnham Village and Rathfarnham Castle are to be removed; this does not appear to make any sense.

So many trees and so much undergrowth; a wonderful wilderness of nature right beside the wall in the Woodland area, the wall can be seen on the right (photo July 2023):



c. Misleading Comments regarding “Benefits” of BusConnects Changes in the Area

We note that 6.4.6.1.3.1 states as an advantage of BusConnects that a signalised crossing would be added to the western arm of the R821 Nutgrove Avenue / R821 Grange Road / R822 Grange Road signalised junction – this has already taken place however.

Note the stated “positive significant” change from A to D below in Table 6.27 – this is clearly misleading and should not have been taken into account for the purposes of changes attributed to the Scheme as the fully signalised junction is already in place.

Table 6.27: Section 2 – Significance of Effects for Pedestrian Impact during Operational Phase

Junctions	Chainage	Do Minimum LoS	Do Something LoS	Impact	Sensitivity	Significance of Effect
R821 Nutgrove Avenue / R821 Grange Road / R822 Grange Road signalised junction	A000	D	A	Medium	Medium	Positive Significant

We also note the proposed reduction in bus stops in the area from 18 to 15 (see Table 6.29) – this is a regressive step for those with mobility issues.

Table 6.29: Section 2 – Overview of Changes in Bus Stop Facilities

Bus Stop Facility	Do Minimum		Do Something		Comment
	No. of Stops	Percentage of Stops	No. of Stops	Percentage of Stops	
RTPi	2	11%	15	100%	RTPi added to all bus stops.
Timetable Information	15	83%	15	100%	It is proposed that all bus stops provide real-time information.
Shelter	11	61%	12	80%	Shelter to be provided at all but three bus stops which are limited by spatial constraints.
Seating	10	55%	12	80%	Seating to be provided at all but three bus stops which are limited by spatial constraints.
Accessible Kerbs	16	89%	15	100%	Full provision.
Indented Drop Off Area	0	0%	0	0%	All proposed bus stops will be located inline within bus lanes.
Total Stops	18		15		Three fewer than the Do Minimum.

See also below Table 6.30 – we feel that it is very misleading to assert that the net loss of 3 bus stops and only “slight improvements” to bus stop facilities should be described as having a “positive significant” effect. Again, as set out in Appendix 2, we feel that many descriptions in the Scheme documents are misleading.

Table 6.30: Section 2 – Bus Qualitative Impact during Operational Phase

Section	Chainage	Description of Impact	Impact	Sensitivity of Environment	Significance of Effect
R821 Nulgrove Avenue to R137 Terenure Road North	A000 - A1850	<ul style="list-style-type: none"> Three fewer stops than in the Do Minimum. Bus stops are located in more convenient locations for communities and access to signalled crossings. Slight improvements to bus stop facilities throughout. 	Medium	Medium	Positive Significant

d. Courtyard / Stables Redevelopment

There are also plans under the Courtyard / Stables Redevelopment Project to create a substantial mixed use development on the site of the old courtyards, which would include turning the entire ornamental pond area at the north end of RCP into car parking spaces. This is also a lovely calm contemplative teardrop-shaped area that is very important for neurodiverse people. While that is separate to the BusConnects proposals, the reality is that Rathfarnham Castle Park is now a far smaller park than it was and the cumulative effect of all of these incursions will greatly harm its ability to thrive as a park, wildlife habitat and public amenity. These proposals have been mooted for some time and their implications should have been considered in the Scheme documents.

It is well acknowledged that the Demesne of Rathfarnham Castle has been greatly reduced over the years. The combined effect of all of these incursions into the Park is just too much. The Park simply cannot take being chiselled away at any further.

4. Importance of the Woodland Area

Although the Woodland area only takes up a small area of the overall Park, it is essential in terms of its biodiversity. The Woodland is located primarily at the boundary of the Park beside the Grange Road and is exactly the area where the land is proposed to be taken. Accordingly, any removal of land and mature trees at this location would have a very substantial and disproportionate impact on wildlife and biodiversity in the Park overall.

a. Flora and fauna

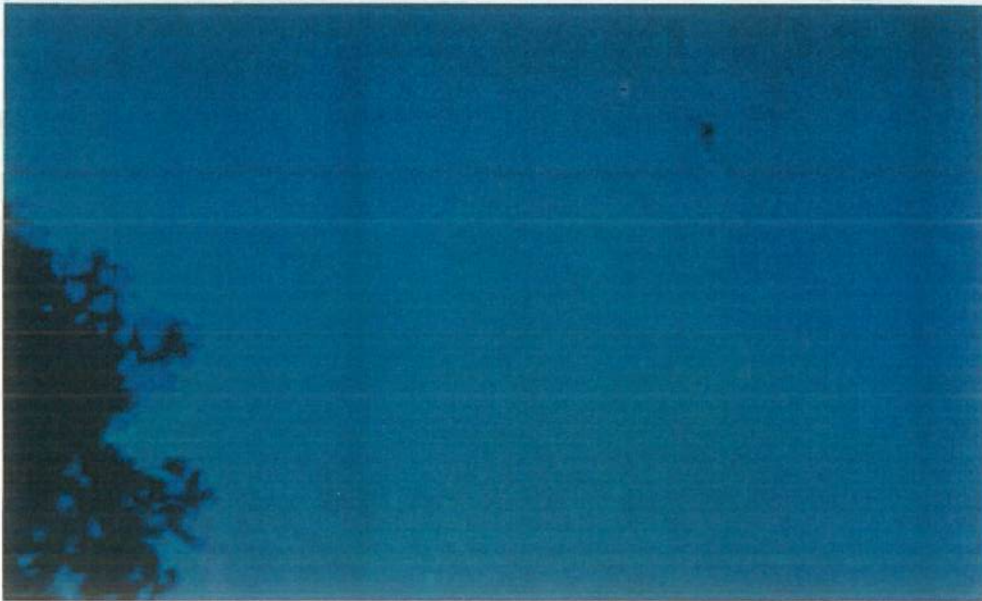
The Woodland area is currently a home to many wild animals including numerous protected species – mining bees, frogs and many species of birds as well as being a significant roosting place for bats – it is essential that their roosts are not disturbed. However, two trees with potential bat roosts are in fact proposed to be removed as part of the Scheme. Our residents have often seen bats flying overhead at dusk, and they and their roosts must be protected. Incidentally, we had previously queried with SDCC whether lights could be installed in the Woodland area in order to deter any potential anti-social activity at night-time, but we were told that this could absolutely not be done, due to the number of bats living there. How is it now possible to consider destroying their habitat, when mere lights would have been unacceptable?

Section 8.7 – Biodiversity - of the Non Technical Summary confirms that four bat habitats were identified in the survey of the area and states that there are:

“Potential Roost Features (locations where bats rest) in nine trees which are located within the scheme boundary. Five of these trees will be retained in the Proposed Scheme;”

However 12.4.3.4.1.1 states that 12 trees with potential bat roosts, not just 9, were identified within the footprint of the Scheme, and this is also what appears to be the case from Fig 12.7.2. Given this confusion, it is not clear that the assessments were carried out correctly and in accordance with the Habitats Directive. To give context, there are at least 2 trees with PRFs in the Park; these are both proposed to be removed for road widening. The Park is a known habitat for bats, so this issue is of the utmost concern to us. There is a clear inconsistency in the information being provided which is not acceptable given the important status of the bats. Regardless of this, the position in the ground is that the Park is a definite bat habitat and our residents have seen bats flying over the Park.

A bat in the sky over the Park – 1/10/22 – a number of bats were seen by our residents on this occasion:



During the bat surveys carried out as part of the Scheme (as described in 12.3.8.1), both Leisler's bats and common Pipistrelle bats were recorded at RCP.

Fig 12.7 (pg. 47) showing two trees with potential roost features for bats, which are proposed to be removed. As above, there appears to be confusion regarding the number of potential bat roosts which were found in the survey:



As is set out below, the Park is a haven for all types of wildlife and is a notably successful breeding location. There are grey squirrels, foxes, frogs, bees, butterflies, three mallard families, two tufted duck families (with 17 ducklings in total), a kingfisher, moorhens and chicks, two mandarin ducks, black headed gulls, a grey heron who is a frequent visitor, crows (black and hooded), robins, bluetits, dunnocks and a cormorant.

Mandarin duck alongside female mallard in RCP:



Further photo of mandarin duck in RCP:



Many of these birds are specifically protected under legislation. In particular, the Tufted Ducks have a legal status of: SCI; BD II (I); BD III (II); WA. (Mallards also have the same protected status.) The fact that there are two thriving Tufted Duck families there at present with 17 ducklings is highly significant, a third set of mallard ducklings appeared recently too.

Tufted duck family at the pond at Rathfarnham Castle Park 17/7/23 (photo thanks to Brian O'Reilly):



b. Hydrology

The water supply to the large duck pond in RCP is the Glin River, otherwise known as the Whitechurch Stream and is a known habitat for otters, which are also protected. Given the large distances regularly travelled by otters (see [Appendix 3.6](#)), it appears that the survey of an area just 150m upstream and downstream of the proposed scheme, which is what was stated to have been done in the Natura Impact Statement, would be entirely insufficient to properly assess the impact on them.

The Whitechurch Stream / Glin River has also been noted by Inland Fisheries Ireland as an important recruitment and nursery channel for Salmonids in the Dodder system.

In any event, it is clear that this particular watercourse was not even identified or surveyed in the first place. This river runs under the proposed bus corridor at two separate locations, into and out of the Park and there is a large duck pond in the Park. It is beyond comprehension how it was omitted from the environmental and hydrological assessments. See further section 5 below.

Ducks enjoying some porridge oats at the pond in RCP 19/7/23. There is a thriving water fowl population in the Park, including mallards and tufted ducks:



There are other practical issues which required consideration. The Glin River / Whitechurch stream which provides the water supply into the pond in the Park is very fragile. It runs under the Grange Road from the direction of St Mary's BNS, through the pond and out again to join the River Dodder. It is very sensitive to any changes and flooding and blockages can easily occur, affecting both the Park and neighbouring housing estates. Any construction works would play havoc with this. It is essential for the ecosystem in the pond and streams in the Park that no disruption is caused to the water supply.

Please see part 5 below for further detail on hydrological and environmental assessment concerns.

c. Nature Restoration Law

The European Commission is bringing forward the Nature Restoration Law as part of the EU Biodiversity Strategy for 2030 and the European Parliament voted in favour of this on 12/7/2023. All of Ireland's 13 MEPs backed this measure. It highlights the value of encouraging biodiversity in both rural and urban environments, by restoring nature in these areas. It would be astonishing, and

would in fact run entirely counter to these proposals, to contemplate the active removal of parts of established forests and ecosystems, as is proposed here. Instead, these areas should be conserved and protected for future generations.

d. Woodland Playground and Natural Play Space

The Woodland area also contains the wonderful Woodland Playground, which was substantially revamped by SDCC just last year and is extremely popular with children. This is a calm, peaceful playground constructed primarily from large logs which has an entirely different atmosphere from the more usual playground situated on the other side of the Park. The atmosphere of tranquility comes from the natural environment, trees and vegetation surrounding the playground and the very high boundary wall which shuts out noise and pollution.

The Woodland area is greatly loved by young children as a natural play space, even apart from the Woodland Playground infrastructure. They appreciate its peace and tranquility and sense of being out in nature. No community audit has taken place regarding the impact of the loss of this area.

The presence of the vegetation, undergrowth and beautiful mature trees give a real sense of being out in nature in this area – incredible, considering its proximity to Rathfarnham Village.

Peace and tranquility in the Woodland Playground:



(While the Woodland Playground itself is situated within the part of the Woodland which is to be retained, parts of it would end up beside the new boundary wall rather than being separated by c.10m of plants, trees and undergrowth. This would completely change its atmosphere and make it far less inviting, as well as being far more polluted and noisier in the absence of the existing carbon-absorbing plants and trees.)

Photo showing how close the Woodland Playground (to the left) is to the boundary wall of the Park (which can be seen on the right):



The Woodland area is not only used by animals as their habitat and by children using the Playground. Numerous community groups (for both children and adults) and schoolchildren use the park regularly. The shelter and shade in the Woodland area are particularly important when the weather is either wet or very sunny, as the main fields in the park (which, along with the pond, comprise the majority of its overall area) are quite exposed. We attach (in **Appendix 1**) a number of letters from the principals of local schools confirming the importance of this area to their children.

There is a fundamental lack of understanding of just how important the Woodland area is, both to the local community and to the wider community of **autistic or neurodiverse people, and people with sensory needs**. It is also greatly loved by **young children**. They all appreciate its peace and tranquility and sense of being out in nature. It is unique in the local area.

We note that the national autism charity, **AsIAm**, has prepared a separate submission stressing that this area is a “vitaly important resource for the physical, mental and emotional wellbeing of local Autistic children and families” and that it must be protected. We attach a copy of their submission in Appendix 1. We also know that another important local group, **Involve Autism**, has prepared a similar submission. This area is of extreme importance to the local autistic community.

The presence of the wild vegetation, undergrowth and mature trees close to the Park boundary wall, in absorbing noise and vibration, absorbing carbon emissions and providing shade, shelter and visual amenity, help so much to keep the Woodland area a wonderful peaceful oasis and a fantastic amenity for so many people. We include a selection of photos throughout this submission which give an insight into how peaceful and beautiful the area in question is. For certain groups of people, including autistic or neurodiverse people and those with sensory needs, having a calm oasis of woodland is particularly important for their mental health and wellbeing. An open field is no substitute for this.

Therefore it is clear from all of the above that the Woodland area of Rathfarnham Castle Park should correctly have been assigned, under the **DMRB Guidance**, a **high sensitivity** as it is effectively a **nature reserve** situated right beside Rathfarnham Village which is of **very high amenity value** to its

users. (10.3.2.1 does at least acknowledge that Rathfarnham Castle is an amenity which is “likely to have a large number of users”. So does its Park.)

These users deserve particular attention under the DMRB Guidance as they include **vulnerable groups such as young children and people with disabilities, autism or sensory issues** who love its peace. It is not just a small local park of bare fields (see examples in 10.2.4.1.2.1). It is so much more than that. The Scheme proposals would cause a substantial deterioration in the atmosphere as regards traffic, air quality, visual amenity, noise and vibration and this Woodland area would lose its charm.

10.4.3.2.2.1 states that: *“Overall, the impact of land take across the impacted community areas as a whole (Rathfarnham, Terenure and Harrington Street) is considered Negative, Not Significant and Short-Term during the Construction Phase”.*

However this totally disregards the impact on the Woodland area, both during the Construction Phase and permanently.

10.4.4.1.1. states that: *“The following amenity designations are also expected to experience the following a Negative, Significant and Short-Term impact during the Operational Phase of the Proposed Scheme:*

- *Rathfarnham Castle Demesne.”*

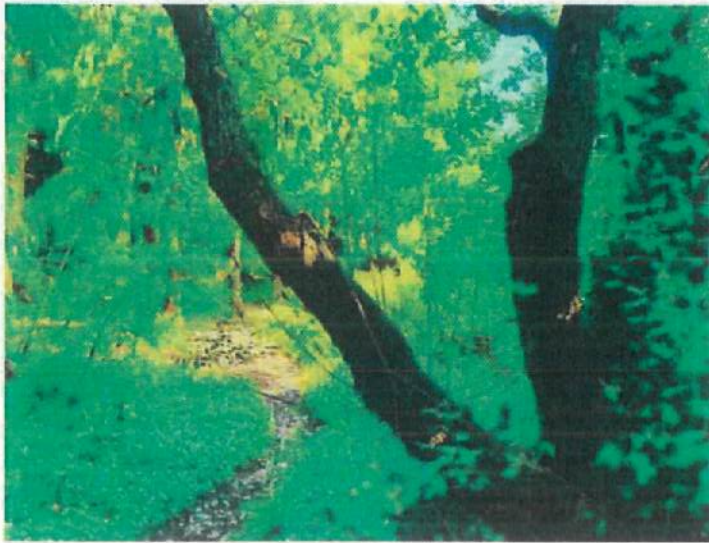
This is simply wrong - the impact on Rathfarnham Castle Demesne’s Woodland area will not be short term.

Even more egregiously, 10.4.4.1.2.1 states that:

“Table 10.12 shows that there are no community facilities that are expected to experience significant permanent land take during the operational phase of the Proposed Scheme. Community facilities that are expected to be moderately affected include Rathfarnham Castle Park, Rathfarnham Dental Practice, Bushy Park and the International School of English. All of which are only expected to lose a small amount of land that is not expected to have an impact on the ability of users to use the facilities.”

This reflects a staggering misunderstanding of (1) the extent of the Woodland set to be lost (up to 10m x 400m, as stated in 17.4.1.3.2) and (2) the impact of this on its users, both human and animal. It simply cannot be compared to the impact on Rathfarnham Dental Practice, for example. There is no understanding that not only will the Woodland Play Space be lost to children, particularly autistic children, during the period of construction, but permanently, as the road and its attendant noise and bustle will be too close.

View of the Woodland area; the wall is just on the right but hidden behind trees and vegetation:



e. Impact of construction work

Even apart from the loss of land and plants itself, the proximity of the necessary construction work and its consequent noise, upheaval, vibrations and pollution would also severely impact wildlife in the Park and probably disrupt breeding patterns in wild birds and other animals. This is significant as the Park is currently a successful breeding location for tufted ducks, to give one example.

Destroying a large section of very vulnerable habitat where substantially the same outcome could be achieved by a bus priority light in the vicinity appears to us to be unconscionable. This is not mere vacant space; this is a very important and constantly used public park and very significant wildlife habitat. [Note that we have not included photos of other users of the Woodland area due to GDPR concerns, instead just showing the area itself, but it is constantly used and enjoyed by the many visitors to the Park.]

Amazing diversity at the Park – mandarin duck, mallards, gulls, so many species together:

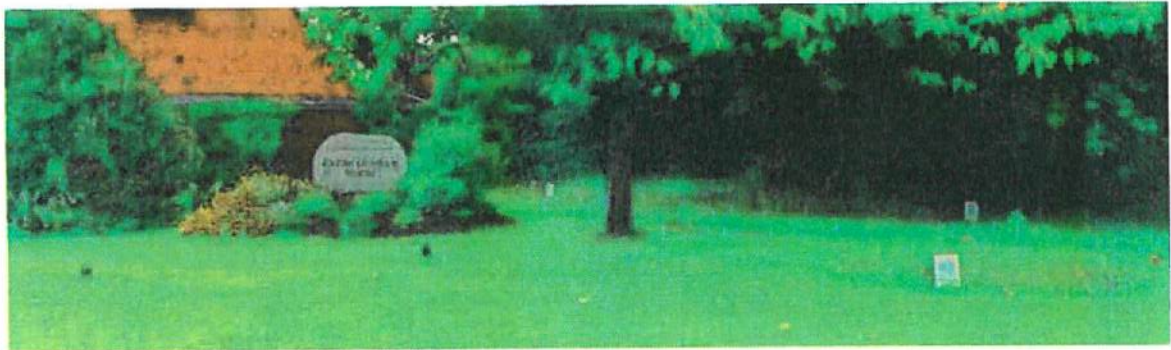


f. Other issues

St Mary's BNS is located on the other side of Grange Road just beyond the Park and many children of our residents attend that school. In our view, the proposal to widen the road substantially beside the school entrance could give rise to safety issues. Priority should instead be given to enhancing the walking and cycling infrastructure on Nutgrove Avenue and creating a genuine Safe Route to School, as has been called for by so many school principals.

We also note the proposal that land at the sides of the entrance to Rathfarnham Wood itself would be lost. Our residents have maintained this area for decades. We have a very enthusiastic gardening committee who are currently planting wildflowers in parts of this area, to encourage biodiversity and bees. We always ensure that this area is well maintained and is a beautiful entrance to our estate. However, our primary concern is for the Woodland area of Rathfarnham Castle Park, given its importance from an environmental perspective.

Photo of part of one side of the entrance to Rathfarnham Wood, showing wildflower areas to encourage biodiversity and help the bees:



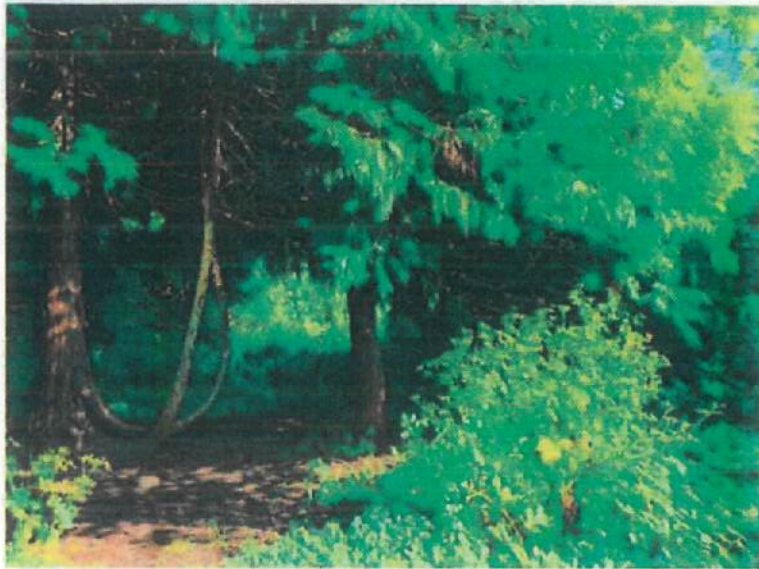
In summary, the proposals to acquire such a substantial section of the small Woodland area in Rathfarnham Castle Park would cause major and unjustifiable detriment to the wildlife, local children and the wider community. The Park is a wonderful and highly valued oasis of nature, peace, and tranquillity in the heart of Rathfarnham. Woodland and natural habitats are very precious in an urban area and should be protected rather than removed.

Again, we submit that the Scheme proposals are entirely disproportionate to the very limited potential benefit to be obtained. This could more efficiently and effectively be achieved by a bus priority light for outbound buses at the end of the dual carriageway beside Rathfarnham Village (at the junction with Butterfield Avenue). There is already a bus lane on the inbound route and there are only a limited number of buses which actually pass by the Park, both now and as envisaged into the future. Accordingly, the scheme's proposals are clearly disproportionate to their negative impact on the environment and therefore wholly unjustifiable.

There is also the issue that the amount of pedestrian traffic in this particular area is far less than that in other areas where land is not sought to be compulsorily acquired. Survey 12-1 from Background Information: Traffic Count Data covers the four way junction at Rathfarnham Wood. The numbers for pedestrian traffic on each of the four arms of the junction were counted. It is clear from the

figures that the pavement running alongside the Park is very lightly trafficked. By contrast, the survey at junction 12-20 on Rathgar Road at Winton Ave reflects many multiples of those numbers; yet it is considered appropriate to have narrow pavements there rather than compulsorily acquire front gardens.

View of the Woodland area right beside the wall; it is hidden behind the trees and vegetation to the right:



As already stated, the Woodland area is home to numerous protected species including bats, frogs and bees as well as squirrels, foxes, a badger, birds and many other forms of wildlife and is an extremely vulnerable, valuable and important amenity for the area. The large numbers of trees which would be lost provide substantial health and environmental benefits to the community – increasing biodiversity, reducing noise from passing traffic, shading, providing a visual amenity, improving mental health and wellbeing, and removing harmful pollutants including carbon emissions.

Accordingly, the removal of this Woodland habitat, which takes up a small area of the overall Park but is located exactly at the area sought to be taken, should be considered as a very last resort and only where the proposed benefit to be achieved cannot reasonably be reached by other means. That is clearly not the case here.

5. Hydrology and Environmental Assessment Deficiencies

It appears clear from our review of the documentation that the environmental impact assessments undertaken have been wholly inadequate from the perspective of hydrology.

13.3.4 – Field Survey states:

“The watercourses surveyed along the Rathfarnham Section of the Proposed Scheme were the River Dodder (Dodder_050) and the Grand Canal.”

This completely omits to consider the Glin River (also known as the Whitechurch Stream or Landy’s Millrace), which flows into the Park where it bounds the Grange Road close to St Mary’s BNS and

flows out again under the Grange Road beside Butterfield Avenue. The Glin River and the duck pond in the Park can be clearly seen in Figs 14.5 and 14.13.

This watercourse is directly impacted by the proposals as it runs under Grange Road where the Park's south-eastern boundary is located. It would be directly built over, should the plans proceed, as the road is proposed to be widened permanently to the extent of c. 6 metres at that precise location.

It is hydrologically connected to two Natura 2000 sites, the Wicklow Mountains SAC and the South Dublin Bay SAC, and this issue has also not been considered. The Whitechurch Stream is also an acknowledged otter habitat. Given this and the absence of surveys regarding wintering birds etc, the Habitats Directive has clearly not been complied with, despite the assertion in Appendix A13.8.

- 1. Photo of Glin River flowing from under the Grange Road into the Park (boundary wall of 12 Rathfarnham Wood and green fence can be seen on the left). There is a lot of greenery at this area, so it is hard to take a good photo. At the back of this photo is the Park wall at the Grange Road:***



2. *Photo of the Glin River running towards the pond a little further on (quite overgrown so it is hard to take a good photo of it):*



3. *Photo of Rathfarnham Castle and stone bridge at the end of the pond:*



4. View of the bridge from across the pond:



5. Photo of the watercourse exiting the pond on the other side of the stone bridge:



As can be seen, this is an active watercourse which is very important for the ecosystem of the Park.

There is ample evidence that the Glin River / Whitechurch Stream has not been considered or assessed whatsoever for the purposes of the environmental impact reports.

It also appears beyond doubt that Rathfarnham Castle Park's environment, flora and fauna have been disregarded in very many other instances, as shown below.

Specific examples of deficiencies in the environmental assessments undertaken

There are numerous clear deficiencies in the documentation, and we have highlighted some of the most obvious ones below (further examples are given in Appendix 3):

a. *Lack of understanding that a watercourse is proposed to be built over, under the Proposed Scheme:*

See this extract from 2.5.2.4 - Aquatic Survey – which makes it absolutely clear that there is no understanding that the bus corridor is intersected at two separate locations by a very important active watercourse, the Glin River / Whitechurch Stream:

“Following on from Inland Fisheries Ireland (IFI) consultation response and the known ecological sensitivity of the River Dodder and (its tributaries), aquatic habitat surveys were carried out in earlier survey phases at a number of locations, namely CBC1012 AR001 along the River Dodder at Rathdown Park, along the Owenadoher River at Rathfarnham Mill CBC1012AR002 as well as upstream survey sites on the Owenadoher River at CBC1012AR004 and CBC1012AR003 (Triturus Environmental Ltd., 2020).

No surveys were undertaken in 2022 in respect of the Proposed Scheme as no watercourses are being intersected or interfered with, but the results of the 2020 surveys are presented in order to contextualise the receiving environment.”

Similarly, in 2.5.1:

“A desk study was carried out to identify all hydrological crossing points within the footprint of the Proposed Scheme.. However, construction methodologies for the Proposed Scheme do not involve in-stream works, modifications to banks or significant disturbance as a result of the Proposed Scheme. Aquatic habitat surveys were carried out in earlier survey phases and the results of these are presented in order to contextualise the potential ecological receptors. However, it should be noted that no no [sic] instream works are proposed as part of the Proposed Scheme and the desk study identified no sites where water bodies may be subject to significant disturbance.”

Also at 2.5.2.1 in the context of otters:

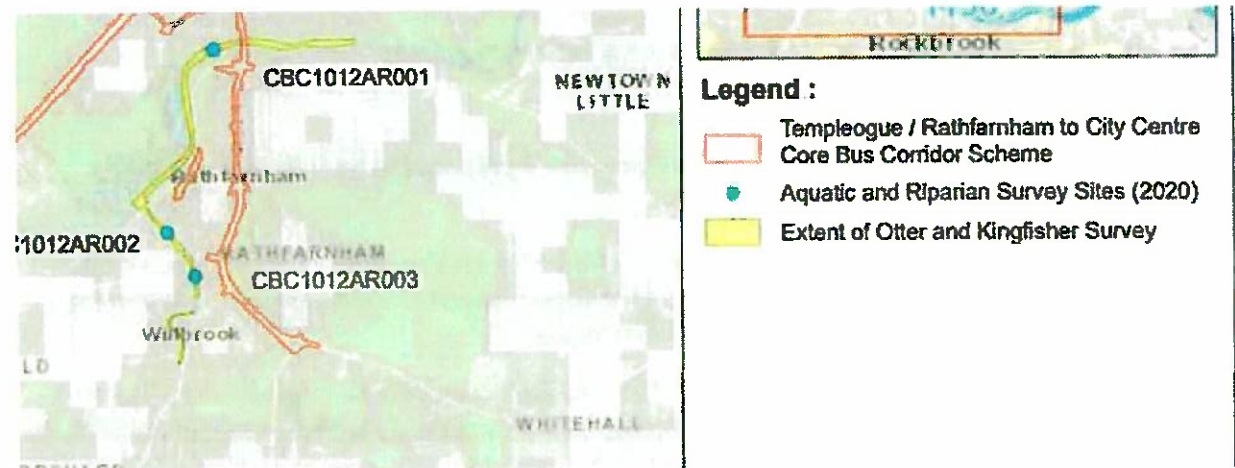
“The Proposed Scheme, which is the subject of this assessment, does not involve any in-stream works, and the results of otter surveys are provided within this report in the context of the baseline environment.”

Also at 2.5.2.2 in the context of kingfishers:

“During early iterations of the Proposed Scheme, the desk study identified three sites where water bodies may be subject to significant disturbance as a consequence of the Proposed Scheme. One of these sites is located at the proposed crossing point on the River Dodder, connecting Dodder View Road to Rathdown Park. The other survey locations are at the proposed crossing points of the Owenadoher River, in the vicinity of Butterfield Avenue, Rathfarnham, at Woodview Cottages and Saint Mary’s Avenue.”

These can be seen on the below map from Fig 12.1.3.

Fig 12.1.3. - Ecological Study Areas: Aquatic and Riparian Survey Site:



It is clear that neither the Glin River nor the pond were surveyed for otters or kingfishers. This is despite the fact that a kingfisher has been spotted in the Park, most recently on 23/7/23 and the Glin River / Whitechurch Stream is a known otter habitat.

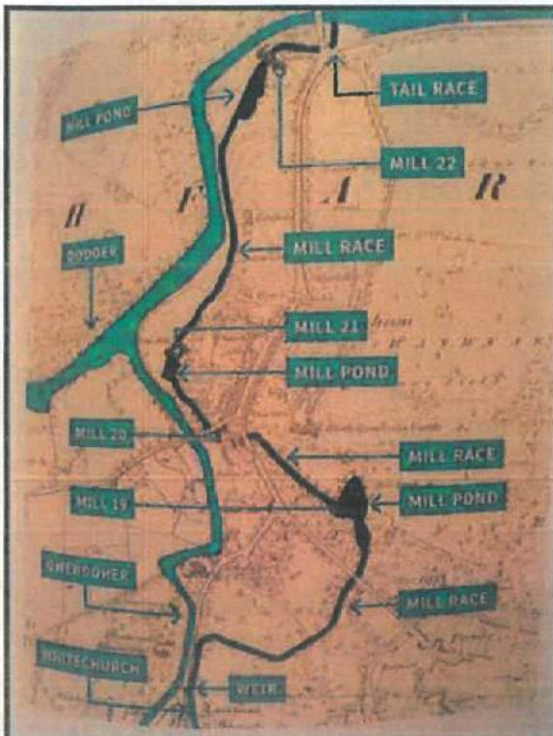
b. Fundamental misunderstanding of the Glin River / Whitechurch Stream and its relevance to the Proposed Scheme:

We note from the Non Technical Guidance at 8.8 – Water - that the Owenadoher River is summarised as “Owenadoher_010 consists of branches which rise in the Glendoo and Kilakee Mountains and flow northwards through Whitechurch and Rathfarnham before converging at Willbrook and flowing into the Dodder_050”.

There does not appear to be any appreciation in the environmental surveys that part of the Whitechurch Stream runs off to the eastern side of the main stream and ends up running under the Grange Road and providing the water supply for the pond in Rathfarnham Castle Park. It then runs under the Grange Road again before it joins up with the River Dodder.

See below Map No 57 (Whitechurch Stream Mills) from The Rivers Dodder & Poddle (by McEntee and Corcoran, 2016 ed, published by Dublin City Council) which gives an indication of where this watercourse flows.

Map No 57 from The Rivers Dodder & Poddle:



Note that *The Rivers of Dublin*, by Sweeney et al, 2017 ed, published by Dublin City Council also provides at 134/135 a description of the watercourse, which it describes as “Landy’s Millrace”, describing how it goes under the Grange Road and on to an open channel in the Rathfarnham Castle grounds, to feed the “ornamental lake”. (See [Appendix 3.1](#) for the full description.)

In any event, as stated already, the River Glin and RCP pond are actually already clearly shown in *Fig 14.5 – Regional Aquifers* – yet they were not taken into account for the purposes of hydrological, hydrogeological or other environmental assessments.

Fig 14.5 – Regional Aquifers - Again, the River Glin and pond can clearly be seen in this extract from Fig 14.5:



They are also shown in Fig 14.13 – Aquifers – which show the outline of the pond and the watercourse flowing into and out of the Park:



- c. Complete omission of Rathfarnham Castle Park itself from the Hydrogeology summary report; misunderstanding of significance of the Glin River / Whitechurch Stream in the Hydrogeology summary report.**

We have included an extract from **Chapter 14 – Land, Soils, Geology and Hydrogeology** as **Appendix 3.2**. That extract notes that Bushy Park, which is a separate park running beside the Dodder, is a green urban area. It also notes the presence of the Castle Golf Club.

However, it makes absolutely no mention of Rathfarnham Castle Park, which is directly affected by these proposals, being subject to the compulsory acquisition and use for road widening of a large area of woodland at the boundary of the Park, through which the water supply flows, firstly to go into the Park and the pond and then over to join the River Dodder after the pond.

Again, there is no proper understanding of the significance of the Glin River / Whitechurch Stream in this chapter. There are vague references to an old mill located adjacent to Nutgrove Avenue and a millrace at Butterfield Avenue / Rathfarnham Road. However the Glin River / Whitechurch Stream flows under the Grange Road into the Park where the land is proposed to be acquired for road widening (to the extent of c 6 metres at that location). It provides the water source for the duck pond which is rich in aquatic life and flows on into the Dodder. It is extremely important to both biodiversity in the Park and the area as a whole.

Any assessment of the area which does not take these issues into account is wholly inadequate and deficient. It is almost inconceivable that the area was supposedly reviewed and the presence of Rathfarnham Castle Park, a very significant local public amenity, was not even noted, although Bushy Park and the private Castle Golf Club were mentioned. Similarly, the significance of the Glin River / Whitechurch Stream in this environment has not been at all appreciated. We would obviously have extreme reservations about the accuracy of all of the environmental assessments undertaken.

- d. **Omission of Rathfarnham Castle Park’s Woodland and pond from the Breeding Birds and Amphibians sections in Chapter 12 – Biodiversity – of the EIAR, despite it being an important wild bird habitat**

In a similar vein, even the section regarding **Breeding Birds** at 12.3.9.1 excludes Rathfarnham Castle Park from consideration, despite mentioning many lesser locations:

“The majority of records along the Proposed Scheme comprise bird species common to suburban habitats (including residential and parkland areas), such as gull and garden bird species. Residential habitats and scattered trees and parkland, hedgerows, treelines, broadleaved woodland and amenity grassland habitats were observed in several locations across the Proposed Scheme including Bushy Park, Dodder Riverbank Park, Castle Golf Course, Terenure College RFC, Kenilworth Square, Harold’s Cross Park, Leinster Cricket Club, Mount Pleasant Square, Iveagh Gardens and St. Stephens Green. These species therefore are likely to use lands within the footprint of the Proposed Scheme for breeding and foraging..... As such, these species are not deemed to be present in significant numbers, however they may be present in larger parks and greenspaces in the lands surrounding the Proposed Scheme e.g., Bushy Park, Dodder Riverbank Park, Castle Golf Course, Terenure College RFC, Terenure Sports Club, Kenilworth Square, Harold’s Cross Park, Leinster Cricket Club, Mount Pleasant Square, Iveagh Gardens and St. Stephens Green (NPWS 2022).”

Rathfarnham Castle Park has a very large quantity of bird species including black headed gulls, mallard families, tufted duck families, a kingfisher and a grey heron, yet does not appear to have been even considered in this context.

It is also clear from 3.2.3.4 of the Appropriate Assessment Screening Report that RCP was not surveyed in relation to wintering birds – although, as already stated, a grey heron and other wintering birds are regularly seen at the pond and elsewhere in the Park.

This omission can also be seen from Fig 12.1.2 Ecological Study Areas: Wintering Bird Transect Route - the wintering bird survey transects did not include RCP.

Fig 12.1.2 Ecological Study Areas: Wintering Bird Transect Route – RCP was not studied:

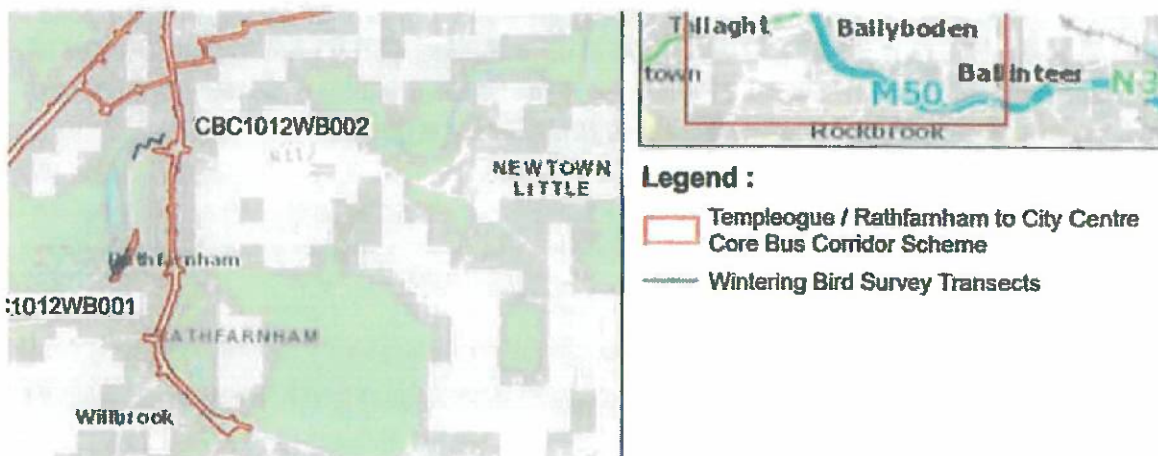


Fig 12.8 Wintering Bird Survey Results – we have regular sightings of black headed gulls and a grey heron in RCP, as can be seen from our photos. There were only a few sightings in the area. However RCP wasn't surveyed for wintering birds, as shown above.



4.6.5 – Birds – of the Natura Impact Statement states that *“There are three potentially suitable grassland sites which have the potential to host wintering bird species...Field surveys were carried out to confirm the suitability or presence of wintering birds at Bushy Park, Dodder View Road / Church Lane and Dodder View Road, adjacent to Rathdown Park; which were deemed suitable for wintering birds.”* Again, Rathfarnham Castle Park was disregarded.

Grey herons are categorised as “wintering birds of conservation concern” in Table 4 of 3.2.3.4 of the Appropriate Assessment Screening Report, which indicates that a single individual was seen on one occasion in the surveyed area. However, we very regularly see a grey heron in our Park. There are also plenty of black headed gulls and herring gulls in the Park. A kingfisher was spotted in the Park on 23/7/23. There are also two families of tufted ducks – with a total of 17 ducklings - in the pond this summer and there have been three families of mallard ducklings this year. Tufted ducks are also mentioned in Table 12.12 of Chapter 12 – Biodiversity as “Wintering Birds of Conservation Concern” and are protected by the Birds Directive Annex II (I) and Annex III (II).

Table 4: Wintering birds of Conservation Concern recorded at sites CBC1012WB001 to CBC1012WB003 during the wintering bird surveys

Common Name / Scientific Name / BTO Code	Site: Peak Count and Activity in the Study Area (2020/2021)	Conservation Importance			Nearest SPA Designated for SCI Species
		BoCCI (B – Breeding / W – Wintering)	Annex I	SCI	
Grey heron <i>Ardea cinerea</i> (H.)	CBC1012WB001: Single individual on ground (04/03/2020)	Green (B/W)	-	Y	Wexford Harbour and Slobbs SPA approximately 93km
Black-headed gull <i>Chroicocephalus ridibundus</i> (BH)	CBC1012WB001: 21 birds feeding within transect (28/02/2020); CBC1012WB002: Two birds feeding within transect (24/11/2020) CBC1012WB003: 21 birds feeding within transect (01/02/2022);	Amber (B/W)	-	Y	South Dublin Bay and River Tolka Estuary SPA approximately 2.6km
Herring gull <i>Larus argentatus</i> (HG)	CBC1012WB001: Single individual foraging within transect (11/01/2022)	Amber (B/W)	-	Y	Ireland's Eye SPA approximately 14.5km

Wintering bird activity was low across all visits. Table 5 compares peak counts identified across surveys to their national and international populations.

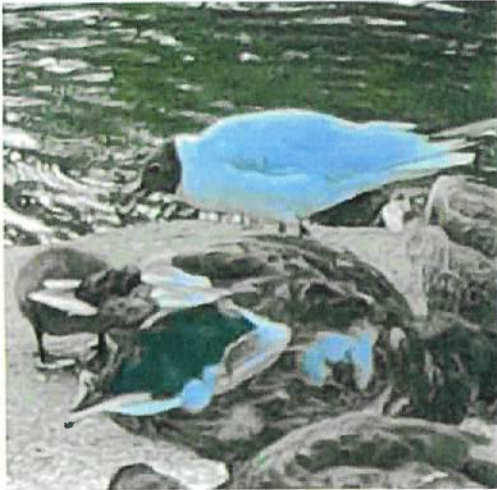
Here is a recent photo of the grey heron sitting on a bush in a back garden in Rathfarnham Wood, having flown over from the Park. As stated, we see him very regularly in the Park.

Grey heron in a garden in Rathfarnham Wood on 27/5/23, having just flown over from the Park:



We also attach below a photo of a black headed gull feeding alongside the many ducks.

Black headed gull eating porridge alongside the ducks in RCP on 19/7/23:



Given the above statement at the bottom of Table 4 regarding wintering bird activity being “low”, we cannot understand any actions being taken to make an environment less welcoming for wintering birds, as would certainly occur if construction activity takes place in the Park and a substantial proportion of Woodland is taken.

Similarly, in 12.3.11 – Amphibians, RCP is not referred to, despite having a large pond:

“Suitable amphibian habitat (i.e., vegetated riverbanks, surface water / drainage features with stagnant, relatively unpolluted water) was identified within the footprint of, or adjacent to, the Proposed Scheme. This includes scattered areas of vegetated riverbank along the Owenadoher River, River Dodder, Terenure College Stream, the Grand Canal, and ponds within Tymon Park, Terenure College and Bushy Park.”

We have a very large frog population in the pond in RCP and, on many occasions, neighbours close to the park have seen frogs in their gardens – and sometimes brought them back to the safety of the pond.

Rescuing a frog from a back garden in Rathfarnham Wood on 13/3/23 – bringing him carefully back to the Park as there were cats watching him with interest!



e. **Omission of correct assessment of the Glin River / Whitechurch Stream from the Biodiversity report**

We have included some extracts from Chapter 12 – Biodiversity as Appendix 3.2. We note that there are no references whatsoever to the Glin River in this chapter and two references to the Whitechurch Stream, which is another name by which it is known.

However it is clear from these that the Glin River / Whitechurch Stream is not actually understood as being affected by these proposals – it is just mentioned as an aside along with other watercourses, rather than being the focus of a full assessment in this case. This ties in with the admission at 13.3.4 that the only watercourses properly studied for the purposes of the Scheme were the Dodder and Grand Canal.

The fact that the Whitechurch Stream (Glin River) is widely recognised as being an otter habitat makes it even more essential that this particular watercourse is studied properly.

The Aquatic Baseline Report in Appendix A12.2 also clearly does not encompass this particular watercourse.

Table 2.1 of the Aquatic Baseline Report in Appendix A12.2 which makes clear that the particular watercourse running through the Park and intersecting the bus corridor at two separate locations was not surveyed:

Table 2.1 Location of n=11 aquatic sites surveyed to inform the Bus Connects project, Dublin City

Site no.	EIAR Reference	Watercourse	EPA code	Location / townland	ITM (x)	ITM (y)
T1	CBC0005AR001	River Tolka	09T01	N3 culvert, Blachardstown Bypass	707833	739035
T2	CBC0005AR002	River Tolka	09T01	N3 culvert, Blachardstown Bypass	708112	738804
T3	CBC0002AR001	River Tolka	09T01	Frank Flood Bridge, Drumcondra	716107	736766
RC1	CBC0304AR001	Royal Canal	n/a	Phibsborough Road, Phibsborough	715117	736258
O1	CBC1012AR003	Owendocher River	09O01	Owendocher Green, Rathfarnham	714220	728778
O2	N / A	Owendocher River	09O01	Butterfield Avenue, Rathfarnham	714187	728876
O3	CBC1012AR002	Owendocher River	09O01	Rathfarnham Mill, Rathfarnham	714121	728953
D1	CBC1012AR001	River Dodder	09D01	Rathdown Park, Terenure	714292	729657
C1	CBC0809AR001	River Camac	09C02	Yellowmeadows, Nangor Road	707780	732083
C2	CBC0809AR002	River Camac	09C02	Nangor Road, Clondalkin	708581	732055
P1	CBC0809AR003	River Poddle	09P03	Bancroft Park, Tallaght	709543	728095

f. **Omission of correct assessment of the Glin River / Whitechurch Stream from the Water report**

Chapter 13 – Water contains no references to the Glin River and only two oblique references to the Whitechurch Stream, as set out in Appendix 3.3. It does not appear on the Water maps in Fig 13.1 and 13.2. Again, it is clear that this particular watercourse has not been assessed for the purposes of the Scheme and that its significance has simply not been appreciated.

g. Omission of correct assessment of the Glin River / Whitechurch Stream from the Natura Impact Statement – Main Report

The Natura Impact Statement Main Report contains no references to the Glin River and a few oblique references to the Whitechurch Stream – simply in the context of it being a habitat for otters.

However, the report does not take into account that the Whitechurch Stream is actually an integral part of Rathfarnham Castle Park’s ecosystem and is proposed to be directly built over due to road widening works.

It also does not comprehend that this particular watercourse is hydrologically connected to not one but two Natura 2000 sites – the Wicklow Mountains SAC and the South Dublin Bay SAC.

There is a statement that the proposed scheme is not physically connected to the Whitechurch Stream Flood Alleviation Works (see **Appendix 3.4**) – this is patently incorrect given that the watercourse is part of the Glin River / Whitechurch Stream. See also **Appendix 3.5** for references to otters in the Whitechurch Stream – there is no understanding of the relevance of this issue to RCP.

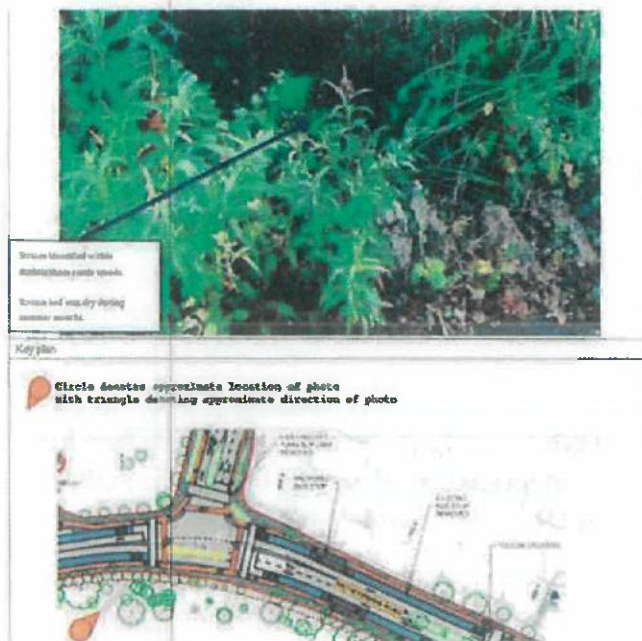
h. Incidental reference to a “stream” running through RCP - in the context of raising the issue of potential groundwater contamination – however there is still no understanding of the significance of the Glin River

Table 1 in Appendix 14.1:

		adjacent to proposed works	assessment	
Rathfarnham Road Retaining wall	Sheet 01	This wall sits between Rathfarnham Road and Rathfarnham Castle Park. It appears to be acting as a retaining wall. This may have an impact if it must be changed to accommodate road widening.	This may pose an issue for the earthworks balance and waste assessment.	Rathfarnham Image 05
Rathfarnham Castle woodland	Sheets 01 and 02	Within the grounds of Rathfarnham castle park woodlands and a local stream was identified which runs adjacent to the proposed bus corridor.	This stream may pose an issue for mobilising contaminants into the groundwater.	Rathfarnham Image 06 & 07
Potential	Sheet 03	Construction Compound TR3 will be	This area will be used as	Rathfarnham Image 08

However it can be seen from the above table that the only stream in RCP identified in this survey was thought to be running “adjacent to the proposed bus corridor”, not actually under the corridor at two locations. See below indicator from Image 07 of where the photo was taken, close to Butterfield Avenue:

Image 07 in Appendix 14.1 notes the presence of an apparently “dry” stream close to Butterfield Avenue (it is an active watercourse) yet completely fails to consider that there is a pond in the Park and a water source, the River Glin, constantly feeding and draining that pond!



Incidentally, it is notable that all trees on the map (and in many other Scheme maps) are marked in green, regardless of the fact that many will be taken for road widening – this is misleading, see Appendix 2.

The watercourse with which we are concerned, the Glin River / Whitechurch Stream, is not dry during the summer months but runs all year around to feed and drain the pond in RCP. (It does however need regular monitoring to ensure that no blockages arise, as it is very sensitive). It is clear that the significance of this particular watercourse has been entirely missed. Therefore the issue of potential groundwater contamination has also not been considered.

i. Lack of appreciation of the importance of RCP in relation to biodiversity in the Non Technical Summary:

We note that section 8.7 of the Non Technical Summary states that:

“The biodiversity (ecology) assessment involved a review of available published data to identify any features of ecological value and field surveys of habitats, bats, ground mammals, birds, amphibians (frogs and common newts) and reptiles.

The Proposed Scheme does not overlap any European Sites, however it is hydrologically connected to Dublin Bay SAC. [No mention of the Wicklow Mountains SAC.] ...

The main habitats within the Proposed Scheme include mixed broadleaf woodland, hedgerows, flower beds and borders, treelines, scrub, flower beds and borders, grassland, stone walls and other stonework, buildings and artificial surfaces. [No mention of a large woodland area in a public Park!]

The study identified:

- *Four bat species (Leisler’s bat, Common pipistrelle bat, Soprano pipistrelle bat, Myotis) [two of these were recorded in the Park; see photo above of a bat in the Park];*

- *Potential Roost Features (locations where bats rest) in nine trees which are located within the scheme boundary. Five of these trees will be retained in the Proposed Scheme; [Two of those bat roost trees to be lost are in RCP, as per the map] [Note Fig 12.7.2 indicates 12 roosts, not 9]*
- *Evidence of badgers [a badger has been seen in the Park];*
- *Evidence of otters in the form of spraints and potent slides along the Owenadoher River; [There are also otters in the Whitechurch Stream, of which the Park's watercourse is part.]*
- *No evidence of amphibians or reptiles; [there are plenty of frogs in RCP, as can be seen from the photo above so we cannot understand this] and*
- *A total of 75 breeding bird species and 30 species with breeding and wintering bird populations [again, note the photos of the grey heron and black headed gull – Rathfarnham Castle Park has simply not been reviewed from this perspective; there are very many wild birds in the Park, including the two current families of tufted ducklings and numerous mallards].*

Fig 12.9 - Mammal, Aquatic and Riparian Survey Results - Note that otter and badger signs were found in the nearby area, yet RCP, a particularly important wildlife habitat with an active watercourse and a pond rich in aquatic life, wasn't even surveyed. Note also that RCP was not surveyed as a suitable kingfisher nesting habitat, although a kingfisher has been seen very recently:



Time after time, Rathfarnham Castle Park and its flora and fauna and hydrological ecosystems have simply not been properly considered at all, throughout the Scheme's environmental assessments. The environmental assessments are patently inadequate and insufficient.

In addition, the limited references to the Park appear to deliberately minimise and understate the proposed extent of the Scheme's impact, as referred to in Appendix 2. This means that the public have not been given a fair opportunity to consider the issue and express their views. There has been a breach of the rights to information and effective public participation pursuant to the Aarhus Convention. The whole process here appears to be flawed from the outset.

6. Conclusion

In summary, there are numerous substantive environmental and practical reasons whereby the Woodland area of Rathfarnham Castle Park is a vital resource and should not be interfered with for road widening. It is a very important wildlife habitat with a wide variety of protected animals and birds and a great range of biodiversity. It is especially important as a breeding habitat for protected wild birds and is very successful in that regard. In particular, the two identified bat roosts should not be destroyed. 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.

The irrationality of the proposal is compounded by the fact that the Grange Road has recently been redeveloped under the Grange Road Cycle Scheme and prioritises cycle paths only. Similarly, it appears certain that when Nutgrove Avenue is next reviewed, the sole existing (inbound) bus lane would necessarily be removed, and it would also have no bus lanes. Accordingly, that means that, from the Rathfarnham Wood / Nutgrove Avenue / Grange Road junction outwards, it is very likely that in the future there will be no bus lanes whatsoever, which would mean that effectively 2 lanes would need to merge into 1 on each side directly after that junction. While we appreciate that the NTA's remit was to only consider the immediate extent of the proposed CBCs, the road layout on one side of a junction must be consistent with that on the immediate other side, especially when travelling "straight through" the junction. The junction must be safe, especially given the number of schools in the immediate proximity. Even aside from all of these points, the amount of land sought to be taken is excessive, as explained above.

Accordingly, 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 simply 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.

Yours faithfully,



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

Appendix 1

- 1. Letters from local schools confirming the importance of the Woodland area and calling for the urgent upgrading of Nutgrove Avenue from a pedestrian and cycling perspective.**
- 2. Copy of submission made by AsIAm - the national autism charity, confirming the importance of the woodland area for autistic children and families.**
- 3. Copy of submission made by Involve Autism, confirming the importance of the woodland area for autistic children and families.**
- 4. Copy letter from SDCC dated 10/8/23 regarding the clearance of a blockage of the River Glin which supplies the water to the duck pond in the Park.**
- 5. List of additional supporters of this submission.**



The Good Shepherd National School

19th June 2023

BusConnects and Rathfarnham Castle Park

To whom it may concern,

I am writing this letter for inclusion with the Rathfarnham Wood Residents Association submission regarding BusConnects and its impact on our local Rathfarnham Castle Park.

Our school is situated on Whitehall Road, very close to the junction with Nutgrove Avenue and just a short walk from the Park. Our pupils regularly use the Park and in particular the Woodland area. It is a very valued resource for the whole community. The Woodland area is a lovely peaceful natural area and a haven for wildlife. The mature trees provide shelter from rain and shade from the sun, so we use the Woodland area in all seasons. The area is very important from a biodiversity perspective. It is of particular benefit to children, with sensory issues or autism, who attend the four special classes in our school. We believe the area should not be disturbed.

In addition, I would appeal to members of the Strategic Infrastructure Division to widen their scope to include the haphazard, dangerous cycling infrastructure on Nutgrove Avenue. Our Green School's Committee has tried to encourage as many of our pupils as possible to walk, cycle or scoot to our school. Unfortunately, many of our pupils who travel from the Rathfarnham Village area are unable to cycle to school. This is because the cycling infrastructure coming from the direction of Rathfarnham Village along Nutgrove Avenue is poorly designed and dangerous. It needs to be reconfigured urgently. The cycle lane ends abruptly across the road from the Rathfarnham Scout Den before restarting again a distance later. The surface of the existing cycle lane needs to be remediated urgently to encourage the Safe Routes to School project. This coupled with the disappearing cycle lane on the bad bends on Whitehall Road does not encourage primary or secondary school children to use public transport or cycle safely to school in the Nutgrove area.

I look forward to a favourable response to our requests.

Mise le meas,

Órlaith Veale,

Principal, Good Shepherd National School.



Rathfarnham Educate Together National School
Loreto Avenue
Rathfarnham
Dublin 14

26 June 2023

An Bord Pleanála (Strategic Infrastructure Division)

BusConnects and Rathfarnham Castle Park

To whom it may concern,

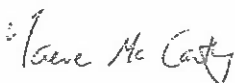
I am writing this letter for inclusion with the Rathfarnham Wood Residents' Association submission regarding BusConnects and its impact on our local Rathfarnham Castle Park.

Our school is situated just off Nutgrove Avenue and therefore very close to the Park. Our entire school community regularly use the park and in particular the woodland area. It is a very valued resource for the whole community. The woodland area is a peaceful natural area and a haven for wildlife. The mature trees provide shelter from rain and shade from the sun, so we use the woodland area in all seasons. It is very important from a biodiversity perspective. It is of particular benefit to children with sensory issues and/or autism. In our view, the woodland area should not be disturbed.

I would also request that the dangerous cycling and pedestrian infrastructure on Nutgrove Avenue be reviewed as a matter of urgency. Unfortunately, many children travelling from either the Nutgrove Shopping Centre direction or the Rathfarnham Village direction cannot walk, scoot or cycle safely to our school. As both the school principal and a cyclist, I share our parents'/ guardians' and staff concerns.

This issue was highlighted in our Walkability Audit Report carried out on 6 March 2023 as part of our Global Citizenship Travel and Transport Green Flag programme. Nutgrove Avenue's pedestrian and cycling routes require urgent upgrading, so that children can travel safely to school, as envisaged by the Safe Routes to School project.

Le dea-ghuí



Maeva McCarthy,

Principal,

Rathfarnham Educate Together National School.

Scoil Naomh Pádraig
Ballyroan Crescent
Ballyroan
Dublin 16

June 2023

An Bord Pleanála (Strategic Infrastructure Division)

BusConnects and Rathfarnham Castle Park


Dear Sirs,

I am writing this letter for inclusion with the Rathfarnham Wood Residents Association submission regarding BusConnects and its impact on Rathfarnham Castle Park.

Our school is situated in Ballyroan, close to Rathfarnham Castle Park. Our pupils regularly use the Park and in particular the Woodland area. It is a very valued resource for the whole community. The Woodland area is a lovely peaceful natural area and a haven for wildlife. The mature trees provide shelter from rain and shade from the sun, so the Woodland area is vital in all seasons. It is very important from a biodiversity perspective. It is of particular benefit to children with sensory issues or autism. It should not be disturbed.

In addition, I would like to appeal for the dangerous cycling and pedestrian infrastructure on Nutgrove Avenue to be reviewed as a matter of urgency. Nutgrove Avenue's pedestrian and cycling routes require urgent upgrading, so that children can travel safely to school, as envisaged by the Safe Routes to School project.

Yours faithfully,



Anna Jennings

Principal, Scoil Naomh Pádraig



**RATHFARNHAM
PARISH**

An Bord Pleanála (Strategic Infrastructure Division)

BusConnects and Rathfarnham Castle Park

Dear Sirs,

I am writing this letter for inclusion with the Rathfarnham Wood Residents Association submission regarding BusConnects and its impact on Rathfarnham Castle Park.

Our school is situated in Rathfarnham, close to Rathfarnham Castle Park. Our pupils regularly use the Park and in particular the Woodland area. It is a very valued resource for the whole community. The Woodland area is a lovely peaceful natural area and a haven for wildlife. The mature trees provide shelter from rain and shade from the sun, so we use the Woodland area in all seasons. It is very important from a biodiversity perspective. It is of particular benefit to children with sensory issues or autism. It should not be disturbed.

In addition, I would like to appeal for the dangerous cycling and pedestrian infrastructure on Nutgrove Avenue to be reviewed as a matter of urgency. Nutgrove Avenue's pedestrian and cycling routes require urgent upgrading, so that children can travel safely to school, as envisaged by the Safe Routes to School project.

Yours faithfully,

Joyce Perdue

Principal, Rathfarnham Parish National School

WASHINGTON LANE RATHFARNHAM DUBLIN 14 D14 X051



June 20th 2023

An Bord Pleanála (Strategic Infrastructure Division)

BusConnects and Rathfarnham Castle Park

Dear Sirs,

I am writing this letter for inclusion with the Rathfarnham Wood Residents Association submission regarding BusConnects and its impact on Rathfarnham Castle Park.

Our school is situated in Ballyroan, near to Rathfarnham Castle Park. Our pupils regularly use the Park and in particular the Woodland area. It is a very valued resource for the whole community. The Woodland area is a lovely peaceful natural area and a haven for wildlife. The mature trees provide shelter from rain and shade from the sun, so we use the Woodland area in all seasons. It is very important from a biodiversity perspective. It is of particular benefit to children with sensory issues or autism. It should not be disturbed.

In addition, I would like to appeal for the dangerous cycling and pedestrian infrastructure on Nutgrove Avenue to be reviewed as a matter of urgency. Nutgrove Avenue's pedestrian and cycling routes require urgent upgrading, so that children can travel safely to school, as envisaged by the Safe Routes to School project.

Yours faithfully,

A handwritten signature in black ink that reads "Des Morris". The signature is written in a cursive, slightly slanted style.

Des Morris

Principal, Ballyroan Boys' National School



17-21 Temple Road
Blackrock
Co. Dublin A94 DN40

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

9th August 2023

**BusConnects Templeogue / Rathfarnham to City Centre CBC
Rathfarnham Castle Park Woodland Playground**

Dear Sirs,

We wish to make a submission regarding the proposed substantial widening of the Grange Road beside the Woodland Playground and Natural Play Space in Rathfarnham Castle Park.

Since our foundation in 2014, AsIAM- Ireland's National Autism Charity has been a leading organisation in the areas of human rights, equality and advocacy. Our approach is to take a rights-based, empathetic and inclusive approach to advocating for an inclusive society for Autistic people which is accessible, accepting and affirming. As Ireland's National Autism Charity and as an Autistic-led organisation, AsIAM runs campaigns, produces reports and policy submissions, and makes representations both in committees and across the media, highlighting issues which Autistic people and the wider community experience.

We know that a large number of Autistic children and their families particularly love the peace and natural environment of the Woodland Playground in Rathfarnham Castle Park. The area surrounding the playground is full of mature trees, bushes and undergrowth, giving it a sense of being out in the country, although it is located beside Rathfarnham Village. It offers a sensory experience which is entirely different to that provided by most park playgrounds. It helps children to calm, decompress and enjoy the peace of nature, watching the squirrels and wildlife while playing among the trees and on the Woodland Playground infrastructure. This is a vitally important resource for the physical, mental and emotional wellbeing of local Autistic children and families and must be protected.

In the event that the proposed road widening works go ahead, not only will the Woodland Playground be lost to our Autistic children for the year or so during which construction takes place, but it will be effectively lost forever. The new road, with its noise, smells and pollution, will be so much closer to the play area and the surrounding trees, bushes and undergrowth will have been lost. It will no longer meet the sensory needs of local Autistic children and their families who love its peace, tranquillity and sense of being out in nature. There is another playground in the Park but it does not meet the same needs at all.

The current Woodland Playground and Natural Play Space is unique in the area, a peaceful, nature-filled haven which is greatly valued by Autistic children and their families all around Rathfarnham. It is lovely as it is and should not be interfered with.

Yours faithfully,

Adam Harris
CEO

Patron: President Michael D Higgins
Chief Executive Officer: Adam Harris Company Secretary: Richard Looby
Directors: Alan Cox (Chair), Una Herlihy, Brian Irwin, Eileen Jackson, Kevin McLoughlin, Dr Stuart Neilson, Prof Emer Ring, Shaun Murphy, Orla O'Connor, Marie O'Riordan, Lucinda Murrphy, Ian Baker
Company No: 553241 RCN 20144838 Charity No: 21201



Involve Autism D6/D6W & Surrounds
c/o 1 Wainsfort Manor Crescent
Terenure
Dublin 6W

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

8 August 2023

BusConnects Templeogue / Rathfarnham to City Centre CBC
Rathfarnham Castle Park Woodland Playground
Importance to the Autistic Community

Dear Sirs,

We wish to make a submission regarding the proposed substantial widening of the Grange Road beside the Woodland Playground and Natural Play Space in Rathfarnham Castle Park.

Involve Autism was set up in 2018 and has worked tirelessly since then, primarily in the area of advocating for appropriate educational placements for autistic children in their local communities, but also in supporting parents and encouraging inclusion of our families in their local communities. It is extremely important to us that our public amenities should be as inclusive as possible for autistic children and those with sensory needs.

We know that a large number of local autistic children particularly love the peace and natural environment of the Woodland Playground in Rathfarnham Castle Park. It was substantially renovated just last year by SDCC and is a lovely, calming environment. The play equipment is surrounded by mature trees, bushes and undergrowth, giving it a real sense of being out in the country. It offers a sensory experience which is entirely different to that in more traditional playgrounds. It helps children to calm and enjoy the peace of nature, watching the squirrels and wildlife etc while playing among the trees and on the play equipment. This is such an important resource for local families and must be protected.

In the event that the proposed road widening works go ahead, not only will the Woodland Playground be lost to our autistic children for the year or so during which construction takes place, but it will be effectively lost forever. The new road, with its noise, smells and pollution, will be so much closer to the play area and the surrounding trees, bushes and undergrowth will have been lost. It will no longer meet the sensory needs of our children who love its peace, tranquility and sense of being out in nature. There is another traditional playground in the Park but it is an entirely different proposition and does not meet the same needs at all. The current Woodland Playground and Natural Play Space is unique in the area, so convenient to autistic children all around Rathfarnham Village. It is perfect as it is and should not be interfered with. It is also a wonderful wildlife habitat.

We also wish to support the Rathfarnham Wood Residents' Association submission to you on this issue and their proposed solution that the bus corridor should terminate at the end of the Rathfarnham Village bypass (by the Butterfield Avenue junction). A signal controlled priority light would provide sufficient priority for the limited number of outbound buses which pass Rathfarnham Castle Park. It would keep the lovely Woodland play area as it is, a vitally important and unique amenity for local autistic children.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Alan Power', with a long horizontal flourish extending to the right.

Alan Power
Vice Chair, Involve Autism

Connecting you to Environment, Water & Climate Change
Councillor Yvonne Collins
c/o South Dublin County Council

10/08/2023

Your Ref: Your Reference: Rathfarnham Castle Lake
Members Reps. ID: 1801280

Dear Councillor Collins,

I refer to representation received on 22/07/2023 in relation to Public Parks.

The intake from the river was blocked. This has now been cleared. Thank you for the reminder.

Yours Sincerely
Gabrielle McGee
Senior Executive Engineer

Additional supporters of RWRA submission:

- Zoe Allott
- Orlagh Cahill
- James Cahill
- Conor Cahill
- Joan Maguire
- Kevin Maguire
- Caroline Casey
- Ruth Brady
- Elizabeth Walsh
- Sinead Keogh Mooney
- Orfhlaith Ni Dhonnacha
- Laura Manders
- Linda Dooley
- Seema Nathwani
- Paul Kane
- Deirdre Delaney
- Deirdre Cooper
- Hannah Cooke
- Sandra Larkin
- Alan Kelly
- Dana Cirstea
- Siobhan Griffiths
- Clare Cranwell
- Lesley Dodd
- Sonia Champ
- Karina King Cooke
- Deirdre Reidy
- Sinead Finegan
- Alison Kennedy
- Omer Yakir Harel
- Ashley Clinton
- Irene Somers
- Ilta Inkeri Ingrid
- Rebecca Adamson
- Heather Edge
- Gemma Sherwood
- Niamh MacDonough
- Lorna Yeates
- Lynsey Weldon
- Carla Pintor
- Emma Curran
- Jim Delany
- Phil Stokes
- Antoinette Doyle

- Paul Doolan
- Grainne Mulligan
- Anne-Marie Martins
- Aileen Culhane
- Stephen Doyle
- Dorene Toner
- Elaine Dalton
- Sinead Nic Thaidgh
- Niamh Byrnes
- Anita Ryan-Kelly
- Lorna Dunne
- Margaret Richardson
- Eileen Leddy
- Gillian Logan McShane
- Miriam Kenny
- Edwina O'Reilly
- Stuart Banks
- Nicola Traynor
- Ciara Morgan
- Marci Carroll
- Roisín Ryan
- Sara Browne
- Miriam Malone
- John Brennan
- Renaith Keane
- Gavin Keane
- Jill Nason
- Ursula Donnelly
- Siobhan Ni Briain
- Mossie Corcoran
- Mark Rice
- Jimmy Walsh
- Adrian Finlay
- Alex Moody
- Margo Hannon
- Anthony Hannon
- Danielle Timlin
- Fergus Timlin
- Sinead Ni Chofaigh
- Dearbhail Kilty
- Jen Farrell
- Bren Byrne
- Margaret Fleming
- Danny Putt
- Ciara Cullen Shore
- Yolima Power

- Ruth Fitzpatrick
- Fiona Lynch
- Gwen Jordan
- Michael Fennelly
- Lisa Fitzsimons
- Garrett Brady
- Kathy Svejdar
- Emma Linnane Colgan
- Fiona Gaffney
- Jean MacDonald
- Gerry MacDonald
- Aoife MacDonald
- Mickayla O'Hara
- Tara Ryan
- Margaret Miley
- Stacey Feldmann
- Garrett Brady
- Justyna Brady
- Franek Brady
- Ashling Hanlon
- Brian O'Reilly
- Eileen O'Driscoll
- Suzanne Beardsley
- Robert Wardick
- Ailbhe Watters
- Alex Clarke
- Gillian Fanning
- Pamela Kenny
- Mary Crowley
- Marion McKenna
- Eithne Doyle
- Claire Metcalfe
- Barbara Murray
- Helen Crowley
- Keith Kelly
- Matthew Kelly
- Ruth Banks

Additional Supporters - RW

- Mary Cunneen (2RW)
- Peter McCormick (2RW)
- Eoin McCormick (2RW)
- David McCormick (2RW)
- Anna McCormick (2RW)
- Eileen McCluskey (5RW)
- James McCluskey (5RW)
- Annette Hargaden (7RW)
- Niall O'Connor (7RW)
- Martina Regan (19RW)
- Liam Regan (19RW)
- Bernadette Tully (20RW)
- Eva O'Carroll (21RW)
- Kevin Kelly (21RW)
- Kathleen Moloney (22RW)
- Laura O'Connell (26RW)
- David O'Connell (26RW)
- Sarah Finn (39RW)
- Alan McCormick (34 RW)
- Aisling McCormick (34 RW)
- Pat Hanratty (36 RW)
- Cal Muckley (56RW)
- Theresia Muckley (56RW)
- Donal Fitzgerald (69RW)
- Andrew Blair (84RW)
- Barbara Strahan (54RW)
- Stephen Strahan (54RW)
- Paul O'Keeffe (38RW)
- Nathy Coleman (23RW)
- Siobhan Prenderville (27RW)
- Michael Prenderville (27RW)
- Liam Delaney (14RW)
- Marie Fitzpatrick (80RW)
- Evelyn Frain (42RW)
- Emer Wisely (55RW)
- Jean Coleman (23RW)
- Daire Dunne (33RW)
- Trevor Dunne (33RW)
- Tom Fennell (RW)
- Joan Fennell (RW)

Appendix 2

Clear understating of impact of changes in maps and descriptions throughout the Scheme documentation, in contravention of the rights to information and effective public participation pursuant to the Aarhus Convention; flawed process

This is a common approach throughout the Templeogue Rathfarnham Scheme documents. For instance, we note that Chapter 4 – Proposed Scheme Description – sets out the following description at 4.5.2.8:

“The Grange Road junction is to be rationalised to reduce the overarching vehicular dominance and to provide additional landscape areas that will enhance pedestrian amenity and public realm. Grange Road will be widened further, requiring encroachment into the grounds of Rathfarnham Castle however the realigned boundary will facilitate planting street trees in the new footpath to soften and enhance the appearance of the existing roadway and to provide a sense of separation between the pedestrian space and roadway. The existing poor quality boundary wall will be replaced with a new boundary wall finished in roughcast render, which will be more in keeping with the construction of the castle. The impacted woodland will be replanted with native species and the existing playground will be integrated with the new planting and setback wall alignment.”

This is incorrect and misleading in numerous respects.

- Firstly, the boundary wall from the Nutgrove Avenue end of the Park as far as the junction with Willbrook Road (c 200m) is a beautiful, exceptionally high quality, 3 metre high, golden hued granite stone faced wall. (See photo above from Google Earth which shows the view from the road and the number of trees right beside this beautiful boundary wall). Accordingly, its proposed replacement with a roughcast render wall would be a massive dis-improvement on the current position from the perspective of visual amenity. It is true however that a shorter section of wall (from the Willbrook Road junction running just past the Butterfield Avenue junction) would not be of the same quality. However it is entirely misleading to label the entire boundary wall as “poor quality”, as has been done.
- Secondly, it is entirely disingenuous to suggest that planting some new “street trees” can in any way compensate for the loss of up to 10 metres in width, for some 400 metres in length, of mature long established woodland habitat. The loss of such an extensive established habitat and resulting impact on biodiversity, including in respect of protected species, is an extremely significant concern which is entirely minimised in these statements as a mere “encroachment”.
- Thirdly, the existing woodland playground will in the future be c. 10 metres closer to the road and its noise and pollution, and accordingly any “new planting” will absolutely not compensate for the loss of the current mature woodland. In addition, the atmosphere of peace and tranquility currently in the Woodland will have been destroyed. It is entirely disingenuous and misleading to try to pretend otherwise.

Similarly, 16.5.1.5. provides as follows:

“16.5.1.5 Designed Landscapes

The proposed land take to Grange Road directly impacts the boundary wall to the Rathfarnham Castle Demesne. Rathfarnham Castle is a 16th century Castle remodelled in the 18th century and is a National Monument (RMP DU022-014, Nat. Mon. No. 628, PO no. 2/1986, SDCC RPS 221) and therefore of High sensitivity. It is also located directly opposite the Rathfarnham Architectural Conservation Area. The Demesne (NIAH 2351) has been much reduced in size but is a public park around the Castle, preserving its setting. Some trees will be removed as a result of the land take and will be a temporary negative visual impact during construction. The pre-mitigation Construction Phase impact is Direct, Negative, Significant Temporary.”

Stating that “some trees will be removed” is an remarkable understatement given the large quantity of trees in the curtilage set to be sacrificed. A woodland habitat is at risk. It cannot be disregarded as just “some trees”.

This approach of seeking to overly minimise the descriptions of the impact of the proposals on the position in reality is a common thread which runs all through all of the Scheme documents and renders them misleading. There is also a reference at 4.6.9.1 of the EIAR (and 3.1.2.1 of the Appropriate Assessment Screening Report) to no retaining walls in excess of 1.5m high being impacted; this is patently not the case given that the wall around the Park is 3m high.

The same approach is taken in many of the maps (e.g. Vol 1 – General Arrangement Drawings), which mark all trees in green, regardless of whether they will need to be removed or not, making it very difficult to ascertain from this document exactly how many mature trees will be lost. This is contrary to the usual approach of clearly marking in red which individual trees will be lost.

Vol 1 – General Arrangement Drawings (pg. 6) – all trees marked in green, regardless of whether they are to be retained or not – highly misleading:



The General Arrangement maps also do not give a true picture of the amount of land to be taken for road widening, instead indicating a far smaller area. The overall approach means that citizens reviewing these documents would not readily get a fair understanding of the reality of the changes

proposed and accordingly would not have a meaningful opportunity to express their views on the scheme. There has been no meaningful public consultation to counteract this.

There are also numerous examples where the information in the Scheme Documentation is wholly incorrect, rather than simply misleading – some of these are set out in Appendix 3 but there are in fact too many examples in the documentation to mention them all.

There is also an issue as to the validity of the entire process in any event due to the incorrect dates initially stated on certain documentation, which led to the extension of the time period for submissions. It would appear that the entire process should instead have been restarted from the beginning.

Given this point, the misleading information provided, the lack of effective public consultation and the inaccessibility of the website itself, **this entire process appears to be flawed.**

Appendix 3

Extracts from Scheme Documentation and Other Sources

Appendix 3.1- Description of the Glin River from The Rivers of Dublin

The Rivers of Dublin, by Sweeney et al, 2017 ed, published by Dublin City Council provides at 134/135 the description of the watercourse:

“Landy’s Millrace (now gone) originated at the ‘waterfall’ downstream of St Gatiens on the junction of the millrace and Whitechurch stream and, passing under the Whitechurch Road, flowed west of St Patrick’s Cottages and into the grounds of Beaufort College. The race goes north-eastwards to Grange Road under a hardly discernible ‘bump’ in the road, and on to an open channel in the Rathfarnham Castle grounds, to feed the ornamental lake.

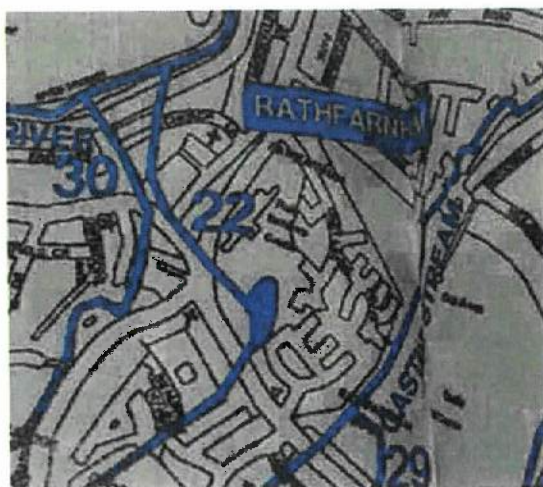
With some bleed-off at a swimming pool to the castle stream (now superimposed on by a housing development) the main flow left the pond on the west end to pass the castle on the south side and cross the junction of Grange Road, Main Street and Butterfield Avenue, through Landy’s Bakery (now gone) in the south angle of the junction. Turning north-westwards, the millrace crossed Butterfield Avenue to parallel the main Owendoher river by 25 to 30 metres, between the bridge and Woodview Cottages, and passed by the front walls of a couple of houses with ‘bridge’ entrances over it.

The millrace passed through a sawmill for 60 metres and continued northwards for 25 metres and eastwards for 55 metres following the River Dodder on its east bank, more or less where the Dodder Road winds its way past the west of Brookvale Road to come to the junction of Rathfarnham Road and Dodder Park Road and the west end of Lower Dodder Road near Pearse Bridge.

Crossing the road, the millrace passed the fronts of cottages on the Lower Dodder Road beside the site of a mill (1880) and then it discharged into the Dodder 130 metres downstream of the Pearse Bridge.”

This stream is very much there and is a very active watercourse which powers the ecosystem of the wonderful duck pond in Rathfarnham Castle Park and its extensive population of wild birds and aquatic creatures.

See extract from Map C in The Rivers of Dublin showing the Glin River and the pond in RCP:



Appendix 3.2 -Extracts from Scheme Documentation showing absence of assessment of RCP from hydrological perspective; relevance of Glin River and RCP not understood

EIAR Chapter 14 Land, Soils, Geology and Hydrogeology:

“14.3.3.1.2 Section 2; Nutgrove Avenue to Terenure Road North

*The Corine Land Cover 2018 classifies the land use as discontinuous urban fabric with pockets of green urban areas and sport and leisure facilities. Green urban areas are associated with **Bushy Park** which is located adjacent the **Dodder Park Road**. The sport and leisure facility identified is the **Castle golf course** located adjacent to **Nutgrove Avenue**.*

The historic mapping indicates that the land along the Proposed Scheme was predominantly mixed use agricultural, industrial and residential land.

*Based on the OSI 6-inch mapping, an old mill was located adjacent **Nutgrove Avenue** and an old pond and creek (possibly mill race) intersected the Proposed Scheme at **Butterfield Avenue** and **Rathfarnham Road**. An old mill pond was located adjacent to **Springfield Avenue** and an old cloth factory was located at the intersection of the **Rathfarnham Road** and **Springfield Avenue**.*

The OSI 25-inch mapping show further residential developments locally within this section of the study area. The Aerial photography (Geohive) for this section of the study area shows a number of residential developments between 1995 and 2005.

*The road at **Nutgrove Avenue** has been realigned and junctions have been added at **Butterfield Avenue** and **Springfield Avenue**.*

No significant developments were noted on the aerial photography between 2005 and present.”

Once again, Rathfarnham Castle Park’s significance (or even its existence) has not been realised, although Bushy Park and the Castle Golf Course are mentioned.

Appendix 3.3 Extracts from EIAR Chapter 12 - Biodiversity

Chapter 12.3.8.3 - Otter

*“The **Owenadoher River**, is located 90m west of the Proposed Scheme, and 890m upstream of the Proposed Scheme. The river water body discharges into the **Dodder_040** at **Bushy Park** and is known for its high otter activity in the context of **Dublin City**. The desk study identified 30 signs along its 3.8km path, holt and spraints were recorded within 1km of the Proposed Scheme at **Rathfarnham Village**. High otter activity was recorded along **Whitechurch Stream**, a tributary of the **Owenadoher River** where a holt was recorded within 2km of **Rathfarnham Village** (Macklin et al. 2019). This holt was observed again in 2020 surveys and monitored.”*

*“According to a recent study (Macklin et al., 2019), otters are known to occur across 14 watercourses and the coastal habitat fringe across the **Dublin City Council** jurisdiction. Rivers which were subject to less human disturbance, and therefore held better quality otter habitat (e.g., Rivers **Dodder**, **Tolka**, **Owenadoher**, **Liffey** and **Whitechurch**), accounted for the majority of otter signs. Other watercourses, which are subject to greater anthropogenic pressures, such as the **Little Dargle**, **Camac**, **Santry**, **Slang** and **Puddle** appeared to support far fewer otters (Macklin et al., 2019). It is therefore apparent that*

otters are abundant in the watercourses in and around Dublin City, particularly in areas with healthier fish stocks and which are more removed from anthropogenic pressures.”

As RCP’s hydrological links to the Whitechurch Stream have clearly not been understood, no assessment has taken place regarding otters.

Appendix 3.4 – Extracts from EIAR Chapter 13 – Water

“13.3.9.2 Owenadoher_010

Owenadoher_010 consists of branches which rise in the Glendoo and Kilakee Mountains and flow northwards through Whitechurch and Rathfarnham before converging at Willbrook and flowing into the Dodder_050. The waterbody has Moderate WFD Status and is At Risk of not achieving Good Status by 2027. The identified pressure is diffuse urban runoff.”

“13.3.11.2 Sections 2, 3 and 4

There are a number of historic flood events at different locations along or near to the Proposed Scheme. The Proposed Scheme is largely on existing roads and will result in minimal additional paved areas and will therefore not increase the risk of these events reoccurring compared to the current scenario.

Two areas in Rathfarnham are at medium (1 in 100 year) and high risk (1 in 100 year) of flooding from the River Dodder and Whitechurch stream respectively.

The areas consist of Area 1 on Rathfarnham Road near Dodder View Road which falls within flood zone B and Area 2 at Nutgrove Avenue falls within flood zone A. The rest of the route does not fall within any flood extents therefore is within Flood Zone C.”

There is a complete lack of understanding about the hydrological features of Rathfarnham Castle Park.

Appendix 3.5 Extracts from Natura Impact Statement (page 239 / 240)

“ABP 307746 Whitechurch Flood Alleviation Scheme involving various works between St Enda’s Park and the confluence with the Owenadoher River

Conclusion regarding In-combination effect:

The consented Whitechurch Flood Alleviation Scheme works must comply with all applicable planning and environmental approval requirements and be in accordance with the objectives and policies of the relevant land use plans (Development Plans, Local Area Plans etc.). These land use plans contain objectives and policies to ensure the protection of European sites.

The proposed project was subject to planning consent, including preparation of an EclA and AA Screening Report / Natura Impact Statement, if required.

In granting permission for the consented project, it was necessary to determine that the project will not result in adverse effects on the integrity of any European sites, including from any of the impact pathways listed in the previous column in this table, either alone or in combination with the Proposed Scheme.

Considering the lack of physical overlap between the Proposed Scheme and the Whitechurch Flood Alleviation Scheme works, the environmental protection policies included within the relevant land use plans, the range of mitigation measures included in the Proposed Scheme to avoid significant impacts and that alone the Proposed Scheme will not adversely affect the integrity of any European sites, the project will not act in combination with the Proposed Scheme to have an adverse effect on the integrity of any European sites.

The Proposed Scheme will not adversely affect the integrity of any European sites, in its own right, nor in combination with other projects, including the proposed Whitechurch Flood Alleviation Scheme works and has included mitigation in that regard to prevent any such adverse effects.

Again, there is no understanding of the watercourse flowing through Rathfarnham Castle Park or its relationship to the Whitechurch Stream / Glin River.

Appendix 3.6 – Extracts from Natura Impact Statement Section 5.5 – Otter

97 The Owenadoher River, is located 90m west of the Proposed Scheme at Butterfield Avenue. The river water body discharges into the Dodder_040 at Bushy Park and is known for its high otter activity in the context of Dublin City. The desk study identified 30 signs along its 3.8km length. Holts and spraints were recorded within 1km of the Proposed Scheme at Rathfarnham Village. High otter activity was recorded along Whitechurch Stream, a tributary of the Owenadoher River where a holt was recorded within 2km of Rathfarnham Village (Macklin et al., 2019). This holt was observed again during the 2020 surveys and monitored.

98 Although not recorded during the field surveys, otter are considered to be present throughout the Grand Canal within Dublin City. The NBDC holds records for otter within 1km of the Proposed Scheme along the Grand Canal at Dolphins Barn from 2014, and at Portobello from 2016 (NBDC Online Database, 2022).

99 In an Irish context, the conservation status of otter is 'Least Concern' (Marnell et al., 2019) due to population recoveries since 2009. However, otter remains 'Near Threatened' at a European and Global context) (Roos et al., 2015) and is listed on Annex II and Annex IV of the Habitats Directive.

100 Wicklow Mountains SAC, the closest European site designated for otter, is located approximately 8.6km upstream of the Proposed Scheme (from the Dodder_040 proposed crossing point). The Proposed Scheme interacts with the following watercourses: the River Dodder, Owenadoher River, and Liffey Estuary Upper Lower, of which River Dodder and Owenadoher River hydrologically connect the Proposed Scheme to the Natura Impact Statement Wicklow Mountains SAC. The Proposed Scheme falls within the WFD sub-catchment; Dodder_SC_010, within which the Wicklow mountains SAC is also located in. Otter territories are within the range of 7.5km for females and 21km for males (Ó' Neill et al., 2008).). Therefore, Wicklow Mountains SAC may fall within the range of SCI otter, and as such, otter populations within the footprint of the Proposed Scheme could potentially be connected to the SAC population."

Again, the Whitechurch Stream is clearly a habitat for otters, and they have extensive territories, but the connection of this to RCP has not been understood or considered.

Appendix 3.7 – Extracts from Aquatic Baseline Report (A12.2) regarding numerous types of fish in the nearby Owendoher and Dodder Rivers – it is likely that there is fish in the Glin River also

“The River Tolka, Owendoher River, River Dodder and River Camac were known to support a range of fish species such as brown trout (*Salmo trutta*), European eel (*Anguilla anguilla*), minnow (*Phoxinus phoxinus*), stone loach (*Barbatula barbatula*), three-spined stickleback (*Gasterosteus aculeatus*) and Lampetra sp. lamprey (Matson et al., 2018, 2019; Kelly et al., 2011, 2014; Triturus unpublished data).”

Again, there has been no assessment of the watercourse running through RCP.

Appendix 3.8 – Extracts from Appendix A13

Appendix A13.4.2.1.1 omits to take into account that this watercourse is hydrologically connected to two SACs (it only takes into account linear distance, which is clearly an inadequate approach):

“A13.4.2.1.1 Nature conservation designations

These are areas previously designated for the protection of habitats or species where maintaining or improving the status of water is important for their protection. They comprise the aquatic part of Natura 2000 sites – Special Protection Areas (SPAs) designated under the Birds Directive (79/409/EEC) and Special Areas of Conservation (SACs) designated under the Habitats Directive (92/43/EEC). Ramsar sites are wetlands of international importance designated under the Ramsar Convention (adopted in 1971 and came into force in 1975), providing a framework for the conservation and wise use of wetlands and their resources. There are no Ramsar sites, SPAs or SACs within 2km of the Proposed Scheme.”

There is no understanding of the hydrological connection to two SACs – South Dublin Bay and Wicklow Mountains.

Appendix 3.9 – Extracts from Natura Impact Statement

Misleading descriptions of the main characteristics of the construction phase that have potential for ecological impact and omission of the Park – see below extract from 3.1 – Description of the Proposed Scheme – Overview at para 27:

The main characteristics of the Construction Phase of the Proposed Scheme that have potential for ecological impact are:

- Site preparation and clearance;
- Removal of existing boundaries, pavements, lighting columns, bus stops, and signage;
- Protection and / or diversion of buried services;
- Road widening, pavement reconstruction, and kerb improvements;
- Reconfiguration of traffic lanes throughout;
- **Permanent land take** at a number of areas across the Proposed Scheme including:
 - 74 residential properties; and,
 - 38 non-residential properties or land, including commercial, healthcare and educational institutes. **[No mention of permanent land take of up to c. 10 m x 400 m at a vital wildlife habitat and important public amenity, the Woodland area of Rathfarnham Castle Park]**

- **Temporary land take** at a number of areas across the Proposed Scheme, in particular
 - **Rathfarnham Castle boundary Wall**; and, **[Why is the Park mentioned in respect of temporary land take at the boundary wall but not the very significant permanent land take of the Woodland area that is proposed?]**
 - **Bushy Park** along the Templeogue Road.
- Installation of new bus stops and junction / roundabout modification;
- Property boundary reinstatement, signage replacement; relocation of and/or installation of lighting columns; and
- Landscaping and tree planting, and reinstatement of temporary land acquisitions. **[This completely understates and minimises the impact of the proposed Scheme on the Woodland area.]**

Appendix 3.10 – Extract from Natura Impact Statement

Incorrect description at 3.2.1 of the Natura Impact Statement:

3.2.1 Retaining Walls

There are no retaining walls greater than 1.5m (classified as principal structures) being impacted.

[What about the 3 metre high granite faced wall surrounding the Woodland area of the Park?]

Appendix 3.11 – Extract from the Natura Impact Statement

4.6.4 - Kingfisher - of the Natura Impact Statement states:

“...the desk study identified three sites where water bodies may be subject to significant disturbance as a consequence of the Proposed Scheme. One of these sites is located at the proposed crossing point on the River Dodder, connecting Dodder View Road to Rathdown Park. The other survey locations are at the proposed crossing points of the Owenadoher River, in the vicinity of Butterfield Avenue, Rathfarnham, at Woodview Cottages and Saint Mary’s Avenue.”

Again, Rathfarnham Castle Park was not assessed in relation to Kingfisher despite having an extensive wild bird population and a pond and watercourse which will be directly affected by the Scheme, as the River Glin will be built over to the extent of c. 6 m at that point. A kingfisher was spotted at the pond in the Park on 23/7/23.

Appendix 3.12 – Extracts from the Natura Impact Statement

Natura Impact Statement section 5.2 – Habitats – at para 86:

“5.2 Habitats

The Proposed Scheme is located in a highly urbanised environment. [No reference to the Woodland area in Rathfarnham Castle Park which is a very important wildlife habitat!] Habitats present in the footprint of the Proposed Scheme include the following:

- *Flower beds and borders (BC4);*

- *Stonewalls and other stonework (BL1);*
- *Buildings and artificial surfaces (BL3);*
- *Exposed sand, gravel or till (ED1);*
- *Spoil and bare ground (ED2);*
- *Depositing / lowland rivers (FW2);*
- *Canals (FW3);*
- *Amenity Grassland (Improved) (GA2);*
- *Dry meadows & grassy verges (GS2);*
- *Wet grassland (GS4);*
- *Residential;*
- *(Mixed) broadleaved woodland (WD1);*
- *Scattered trees and parkland (WD5);*
- *Hedgerows (WL1);*
- *Treelines (WL2);*
- *Scrub (WS1);*
- *Immature woodland (WS2); and*
- *Ornamental / non-native shrub (WS3).*

87 None of the habitats listed above correspond to Annex I Qualifying Interest habitats. This includes Dry meadows and grassy verges habitat (GS2), which in certain situation corresponds to Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) (6510). The species and management of the habitat along the Proposed Scheme is not analogous to the Annex I hay meadow habitat.”

Again, Rathfarnham Castle Park’s woodland area and the watercourse running through it are extremely significant habitats and home to bats, birds, squirrels, frogs, foxes, bees, wild fowl, wintering birds and countless other species – once again, it is astonishing that this issue has not been picked up on and that the significance of the Woodland area from an ecological perspective has not been understood.

Very tiny, absolutely perfect, frog sitting on the thumb of a gardening glove in Rathfarnham Wood
24/7/23:



Appendix 3.13 – Extracts from the Natura Impact Statement

Section 5.9 from the Natura Impact Statement:

a. Fish

“The Proposed Scheme does not entail any in stream works.”

Once again, the watercourse in RCP has clearly not been surveyed in relation to fish. The regular presence of the grey heron and black headed gulls indicate that there is fish. Also, the Whitechurch Stream / Glin River has been noted by Inland Fisheries Ireland as an important recruitment and nursery channel for Salmonids in the Dodder system.

Similarly, section 5.11 – Hydrology – does not encompass either the watercourse or pond in the Park.

Appendix 3.14 – Extract from the Appropriate Assessment Screening Report (pg. 21):

“There are no inland wintering bird feeding sites within approximately 300m of the Proposed Scheme.”

RCP is clearly an inland wintering bird feeding site which is directly affected by the Proposed Scheme, given that the grey heron is a regular visitor, and that black headed gulls, tufted ducks and herring gulls frequent the Park, and a kingfisher has been spotted recently.

Tufted duckling at Rathfarnham Castle Park 18/7/23 (photo thanks to Brian O'Reilly). There are 17 tufted ducklings at RCP this summer (two families) and the third family of mallard ducklings have recently been seen, so it is clearly an important breeding habitat. The Desk Study at Appendix IV of the Natura Impact Statement confirms their legal status as SCI, BD II(I), BD III(II), WA.

