

①

An
Bord
Pleanála

Our Case Number: ABP-317742-23

Michael Greene
Crinken Cottage
Bray Road
Shankill

Date: 11 October 2023

Re: BusConnects Bray to City Centre Core Bus Corridor Scheme
Bray to Dublin 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,



Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

HA02A

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 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

Observations of Michael Greene

On the Shankill Route of the BusConnects Scheme to Bray

To: An Bord Pleanála (Strategic Infrastructure Division),

64 Marlborough Street,

Dublin 1, D01 V902

Introduction

The stated aim of the proposed scheme (**the Bray Scheme**) is to provide improved walking, cycling and bus infrastructure on the route from Bray to St Stephen's Green which will enable and deliver efficient, safe and integrated sustainable transport movement along the corridor. In the main, it seems that the overall scheme has potential to achieve its objective. However, in the case of the current route preferred by the NTA through the village of Shankill on the Dublin Road and onwards through Woodbrook (**the Shankill Route**), this section of the Bray Scheme is seriously flawed. The confused and poorly integrated segments of the plan for the Shankill Route demonstrate *de minimus* improvement in the time of the passage of a reduced bus service through the village at an unacceptable cost:

- Financially- even a fraction of the estimated cost of destruction and construction is economically preposterous;
- Socially - the social fabric of the village that has existed for centuries and that has developed and flourished since the village was bypassed 32 years ago will be seriously degraded;
- Environmentally - the environmental impact assessment report is inadequate and, in several respects, misleading. (Sections 1-4 below, p. 2-14). The green tree-lined village and hinterland will revert to a drive through community that the residents had to endure for decades before 1991 with huge damage to the environment along the Shankill Route.

This proposal for the Shankill Route must be replaced with a viable alternative plan for Shankill and its environs. When I speak about a viable alternative plan, I mean one that meets the reasonable needs and expectations of residents of Shankill and its environs, one that meets the reasonable needs and expectations of residents of Shankill and its environs, and others who use and will use the bus services on the Shankill Route, one that meets the stated objectives of the NTA in relation to the Bray Scheme and a plan and process that fully complies with the requirements of Irish and EU law and regulation. I believe that a viable alternative to this repugnant route preferred by the NTA is (a) necessary and (b) possible (see 5.2 Conclusions p. 15-17).

I have many adverse observations to make about the proposals insofar as they relate to the plans for the Shankill Route, being the route from the Loughinstown Roundabout to the Wilford Roundabout along the Dublin Road through the village, Shanganagh, Crinken and Woodbrook. I trust that others will have raised many observations concerning the proposals for the Shankill Route (see 5. Conclusions below) and that they will have an opportunity to develop them in an open transparent public oral hearing.

I observe that (a) the traffic management layout and traffic management plans will cause massive inconvenience and in some cases danger to residents of the communities along the Shankill Route;; (b) to varying degrees the implementation of the Shankill Route will have material adverse effects on businesses along the route, some of which will be driven to move elsewhere or to close to the loss of those businesses and the community; (c) access to emergency services in some areas along the Shankill Route will be adversely affected; (d) residents along the route will witness the degradation of the social fabric of the village (the typical character of our village will be replaced with the sense that it has reverted to a drive-through as it was before the by-pass opened in 1991); (e) the time saved on bus journeys through the village will be negligible and the damage to the population and human health, biodiversity, air quality, cultural heritage and the interaction between these factors is unconscionable; (f) cyclists do not seem to have been adequately catered for; (g) the financial, social and environmental cost involved in the Shankill Route is obscene and (g) the EIAR is seriously flawed (see below).

Those reasons and the lack of consultation and adherence to the provisions of Irish and EU law in relation to the proposed scheme or any alternatives require:-

- (a) the NTA to withdraw the proposals for the Shankill Route;
- (b) the NTA to produce an alternative viable plan for the section between the Loughlinstown Roundabout and the Wilford Roundabout and expedite an adequate consultative process to obtain the required approvals from the competent authorities as soon as possible; or
- (c) in the absence of (a) and (b), the process must only continue with an open, transparent and public (and very expensive) oral hearing.

At this stage in the planning process, I will elaborate on my observations in relation to certain aspects of the environmental impact assessment report (EIAR).

Background to the EIAR

The EIAR is submitted as required by Irish law and accordance with the principles laid down by the relevant EU Directives. Though the detailed requirements are complex, the overall objective of the environmental impact procedure is clear. The environmental impact assessment (EIA) procedure guarantees environmental protection and transparency with regard to the decision-making process for several public and private projects. With its wide scope and broad purpose, the EIA ensures that environmental concerns are considered from the very beginning of new building or development projects, or their changes or extensions. It should allow the public to actively engage in the EIA procedure. Quoting from *Environmental Impact Assessment of Projects, Rulings of the Court of Justice of the European Union* published by the Commission in November 2022 “ *An environmental impact assessment must identify, describe, and assess the direct and indirect effects of a project on the following factors: population and human health, biodiversity (with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC, land, soil, water, air, climate, landscape, the material assets and cultural heritage, as well as the interaction between these various factors.* “

Because of the methodology carried out in conducting the surveys (in particular the lack of surveys on the ground and consultation with residents), and because of the confused manner of presentation of the findings and some erroneous statements, one cannot say that there has been adequate transparency, consultation and sharing of relevant information for the NTA, An Bord Pleanála, the residents of Shankill or the public at large to get a clear understanding of the impact of the proposed development on :

- population and human health;
- biodiversity;
- land, soil, water, air, climate, landscape, the material assets and cultural heritage, as well as the interaction between these various factors. (my highlighting of the mandated factors required to be taken into account).

My observations are focused on the sections on Bats, Birds, Amphibians and Reptiles where I find that

- the information in these sections do not provide sufficient transparency;
- the manner of presentation is often confusing and misleading;
- the reliance of most of the findings on desktop studies and a minimum of field work and inadequate local consultation (if any) to be wholly inadequate;
- the EIAR is so deficient that it cannot be relied on by the competent authorities, by the NTA or by the public in any decision concerning the Shankill Route.

Developers across Europe who wish to fell trees and other habitats dread the discovery of protected species, particularly bats, birds, reptiles and amphibians on land they propose to develop. On the other hand, the planning authorities and the public must be fully informed in a transparent manner of the existence of species, protected and otherwise, so that an informed decision can be made. Not everyone will be satisfied with every decision, but the critical aspect of the process is that the planning decision is based on transparent accurate disclosure coming from informed reliable sources. The EIAR must be consistent in quality with its assessments based on valid and fulsome data. The competent authority makes its decision in reliance *inter alia* of those findings. The competent authority may or may not require steps to be taken to mitigate any likelihood of adverse environmental impact. The quality of the EIAR is therefore a key factor in the process.

I do not believe that the EIAR provides adequately transparent information in relation to bats, birds, amphibians and reptiles. I am not commenting on the sections relating to any other fauna or the flora but it would not surprise me if similar issues arise in those sections. Here are some of my specific concerns.

1 Bats

1.1 Species identified in proximity of the Shankill Route

In Chapter 12 Volume 2 of the Main Report on page **Table 12.2: Ecological Surveys and Survey Dates Between 2018 and 2023**

Survey	Survey Date(s)	Surveyor Reference
--------	----------------	--------------------

Habitat survey	June to August 2018 August 2020 May 2022 August 2022 Limited survey around Woodbrook Side Lodge - March 2023	Scott Cawley Ltd.
Mammal surveys (excluding bats)	June to August 2018 August 2020 April 2022 Limited survey around Woodbrook Side Lodge - March 2023	Scott Cawley Ltd.
Bat surveys	<u>Walked transect activity surveys</u> June to August 2018 September and October 2019 May 2020 July 2020 July to August 2021 <u>Identification of potential roost features (PRFs)</u> June to August 2018 August 2020 March 2022 March 2023 <u>Building Inspection</u> January 2023 (external) March 2023 (internal and external)	Scott Cawley Ltd.
Wintering bird survey	November 2020 to March 2021 October 2021 to April 2022	Scott Cawley Ltd.
Amphibian habitat suitability assessment	June to August 2018 August 2020 March 2022	Scott Cawley Ltd.
Reptile habitat suitability assessment	June to August 2018 August 2020 March 2022	Scott Cawley Ltd.

When read in conjunction with Section 12.2.3.5.1 and the map that appears in Chapter 12 of Volume 3, the reader is informed that five areas along the Shankill Route were examined, the longest of which was on the Dublin Road between the old entrance to Shanganagh Castle and the Wilford Roundabout. It appears that that part of the route was first surveyed between June and August 2018. There is little detail provided about the transect activity surveys and one would expect much more. For example, one would expect to see survey results similar in detail to those published in respect of an area including and contiguous to the longest section surveyed along the Shankill Route as follows: -

Date	Time	Auto Id	Pulses	Matching	Manual Id
17/08/2018	21:13:31	Soprano Pipistrelle	17	17	Soprano Pipistrelle
17/08/2018	21:16:53	Common Pipistrelle	19	15	Common Pipistrelle

17/08/2018	21:17:13	Common Pipistrelle	26	26	Common Pipistrelle
17/08/2018	21:17:33	Common Pipistrelle	11	11	Common Pipistrelle
17/08/2018	21:18:54	Noid	2	0	Common Pipistrelle
17/08/2018	21:23:56	Common Pipistrelle	39	35	Common Pipistrelle
17/08/2018	21:24:36	Common Pipistrelle	8	7	Common Pipistrelle
17/08/2018	21:24:56	Nathusius' pipistrelle	5	5	Common Pipistrelle
17/08/2018	21:28:38	Soprano Pipistrelle	5	5	Soprano Pipistrelle
17/08/2018	21:35:21	Leisler's Bat	11	11	Leisler's Bat
17/08/2018	21:36:01	Common Pipistrelle	3	3	Common Pipistrelle
17/08/2018	21:36:22	Soprano Pipistrelle	15	15	Soprano Pipistrelle
17/08/2018	21:46:26	Common Pipistrelle	45	35	Common Pipistrelle
17/08/2018	21:46:46	Common Pipistrelle	3	3	Common Pipistrelle
17/08/2018	21:47:07	Common Pipistrelle	35	26	Common Pipistrelle
17/08/2018	21:48:27	Common Pipistrelle	14	14	Common Pipistrelle
17/08/2018	22:03:54	Common Pipistrelle	18	12	Common Pipistrelle
17/08/2018	22:04:14	Common Pipistrelle	115	106	Common Pipistrelle
17/08/2018	22:04:35	Common Pipistrelle	41	38	Common Pipistrelle
17/08/2018	22:04:55	Common Pipistrelle	34	25	Leisler's Bat Common Pipistrelle
17/08/2018	22:05:15	Common Pipistrelle	7	7	Common Pipistrelle
17/08/2018	22:05:35	Common Pipistrelle	78	53	Leisler's Bat Common Pipistrelle
17/08/2018	22:05:55	Common Pipistrelle	4	4	Common Pipistrelle
17/08/2018	22:17:00	Soprano Pipistrelle	13	13	Soprano Pipistrelle
17/08/2018	22:21:02	Common Pipistrelle	15	15	Common Pipistrelle
17/08/2018	22:22:03	Common Pipistrelle	14	12	Common Pipistrelle
17/08/2018	22:29:26	Common Pipistrelle	27	20	Common Pipistrelle
17/08/2018	22:29:47	Common Pipistrelle	26	24	Common Pipistrelle
17/08/2018	22:30:07	Common Pipistrelle	38	37	Common Pipistrelle
17/08/2018	22:30:27	Common Pipistrelle	43	38	Common Pipistrelle
17/08/2018	22:34:47	Leisler's Bat	3	3	Leisler's Bat
17/08/2018	22:38:28	Common Pipistrelle	4	4	Common Pipistrelle
17/08/2018	22:38:48	Common Pipistrelle	7	7	Common Pipistrelle

So one might infer from the EIAR that the bats in the area feeding from the food sources provided by the habitat that the Shankill Route will destroy are

Species	Scientific name	Abundance within the area	Red list Status *
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	Abundant	Red List
Soprano Pipistrelle	<i>Pipistrellus pygmaeus</i>	Very common	Red List
Leisler's bat	<i>Nyctalus leisleri</i>	Common	Red List

*Ireland's Red list No 12 – Terrestrial Mammals, National Parks and Wildlife Service 2019

Perhaps one would expect to see a serious decline in the population of these species with the removal of trees, hedgerows, brush, scrub, copse and other habitat rich in food for bats. This potential environmental impact is not addressed, We are left without information. It might be decided that the development can go ahead but the decision can only be made in the knowledge of the degradation that is likely to occur to the local environment and the adverse effects on these and other species of fauna.

Speaking of lack of information, the report omits two other bats identified in that area.

- a. The presence in this area Nathusius's Pipistrelle *Pipistrellus nathusii* . first discovered in Ireland in 1996 (source *Bat Conversation Ireland and Ireland's Red List No.12*), was recorded in a published EIA survey concerning a development in the area of the Zol and contiguous to the Shankill Route on 17 August 2018. This is the relevant extract: -

17/08/2018	21:24:56	Nathusius' pipistrelle
------------	----------	------------------------

It is understood that there have been other recent positive identifications of red listed Nathusius's Pipistrelle in the area. There is no reference in the EIAR to the possibility of this species in the area.

- b. The lack of reference to the red-listed Natterer's Bat *Myotis nattereri* in the area is puzzling. This species has been found in the area and has been recorded in material available to the public (e.g. in an EIA survey carried out previously by Scott Cawley Limited, who also carried out the EIAR for this BusConnects scheme). " *Natterer's Bat is found in woodlands (deciduous and coniferous), along tree lines and hedgerows, in pasture and over water*" – National Biodiversity Data Centre (a source used in the EIAR). This bat is clearly present in the Zol of the Shankill Route.

1.2 Conservation Status

Attention is drawn Appendix A12-1 where the conservation status of various flora and fauna are listed. The Red and Amber list status of certain birds is clearly recognised. However, the Red List status of the five species of bats identified in proximity to the Shankill route is not pointed out to the reader. Each of these species is on the Red List and these facts are omitted. It is also interesting to see that the source quoted for the lists in the Appendix is the National Biodiversity Data Centre (NBDC). However, these Red and Amber lists are drawn up and periodically revised by the National Parks and Wildlife Service. The most recent Lists were produced in 2019 and this updates and supersedes the Red and Amber Lists of

Conservation Concern published in 2009. The most recent List cited by NBDC in the material relating to the five relevant species was prepared in 2009. If Red and Amber Lists are to be the indicator of conservation status (as they should be and as they are used for birds in the EIAR), the lack of consistency in the EIAR is confusing and misleading for the reader. For the avoidance of any doubt, the five species of bats located within close proximity of the area, are on Ireland's Red List of High Conservation Concern of Terrestrial Mammals. They have all been red-listed since 1993 (*Irish Red Data Book 2 – Vertebrates – A. Whilde 1993*). These mammals enjoy the highest legal protection.

1.3 Roosts

I believe it is incredible that amongst over 420 (and up to 600 by some estimates) of mature broadleaf deciduous trees and the remaining trees beside the felled trees along the Shankill Route, that there are no potential roost sites of more than one of the five identified species of bats. It defies belief.

The report identifies only 19 trees with PRFs (potential roost features) and that are to be felled along the entire route from Castle Street in Bray to St. Stephens Green. It is not surprising that about one third of the trees identified with PRFs along the whole route are standing in proximity to the Shankill Route. I would expect that the proportion would exceed 50%. The Shankill Route has the richest biodiversity, and this is significantly more abundant than in any other section along the entire Bray Scheme.

It is not credible that just 19 trees along the whole route have PRFs. Likewise, it is not credible that 6 out of over 420 mature trees to be felled in proximity of the Shankill Route have PRFs. Furthermore, suitable trees that will be spared but which are in close proximity to the felled trees are not even considered. Trees with roosts in close proximity to tree felling will lose their roosts through disturbance.

Inspections for PRFs were carried out using visual observations from the ground. Hoists were not used. This is wholly inadequate to produce results with any sufficient degree of accuracy.

Quoting from an EIA survey of an area in very close proximity to the site surveyed on the Shankill Route and described in this EIAR, "*Felling of mature trees creates a risk of roost loss. Bats have not been noted in any trees within the site, but a number of trees offer roost potential. There are a relatively large number of trees with roost potential along the perimeter of the site, some of which would be removed for the development.*" Many mature broadleaf trees bordering the trees on the perimeter referred to in that EIA survey are to be destroyed or disturbed if the Shankill Route proceeds. The EIAR identifies just one sycamore with PRF in proximity of the entire of that heavily wooded stretch. This is in conflict with an expert's examination of trees along the route and the expert's EIA survey just quoted.

Furthermore, just picking 19 trees for inspection along the entire route from St Stephne's Green to Bray is unduly limiting and insufficient for a meaningful report. The accuracy of the findings is very questionable.

1.4 Threats

The main threats to bats in Ireland include (a) lack of knowledge about roosting sites leading to roost disturbance and destruction by felling or other disturbance (e.g. felling of trees in proximity, increased

artificial light on remaining trees with roosts); (b) removal of trees, hedgerows, copses, scrub and other insect-rich foraging habitats. (There are many sources for both of these statements including *Threatened mammals, Birds, Amphibians and Fish in Ireland – A. Whilde, National Parks and Wildlife Service, NDBC, Exploring Irish Mammals – T. Hayden and R. Harrington – p. 39-82, many other publicationsand common sense.*)

2 Birds

2.1 Breeding Species identified by the EIAR in proximity of the Shankill Route

Most assertions in the EIAR are stated to be based on desk studies or desktop studies. Quoting from <https://www.designingbuildings.co.uk/> *“The term ‘desk study’ refers to a study that is carried out purely through research, rather than physical investigations, that is, it can be done sitting at a desk. This may be a preliminary study carried out before more detailed physical investigations are carried out, or it may be a standalone study carried out instead of a physical investigation. In very general terms, a desk study is likely to be less time consuming and less expensive than a physical investigation. Desk studies can provide an initial understanding of a subject or situation, identify potential risks and inform the detail, scope and methodology of subsequent..”*

The findings of desk studies in relation to the Shankill Route recommended the acquisition of property along the Shankill Route which is part of a Protected Structure (the Schedule p.20). A casual observation if someone had carried out basic field work would have revealed an old structure with unique architectural features that clearly is likely to be protected. When we see desktop studies carried out remotely, we need to be aware of their potential shortcomings. Wide usage of desktop studies when you are trying to accurately assess the environmental impact of a project like the Shankill Route is very unlikely to give you an accurate result.

A desktop study carried out remotely and based on internet searches of sites that may or may not be wholly accurate is no substitute for in person inspections and dialogue with resident observers and also expert ornithologists familiar with the area (e.g. Birdwatch Ireland, other experts ornithologists who know the area well and residents along the Shankill Route). The only evidence of a field study is a series of visits looking for wintering migrants on two tracts on or in proximity to the route over two winters (2020 and 2021). Those winters were particularly mild which resulted in much smaller migrations of wintering birds. Certain birds are omitted from the list of birds present within close proximity of the Shankill route, and a Red-Listed wintering migrant regularly seen in the ZOI and along the Shankill Route was also omitted (se 2.4 – p.12)

There was insufficient fieldwork carried out throughout the year on this the richest and most diverse bird habitat along the route of the Bra Scheme. Furthermore, there is no evidence of discussion or consultation with local bird experts and residents along the Shankill Route.

I regret that my confidence in the relevance of the findings of the EIAR in relation to birds is shaken.

Moving on through the findings, I observe that *Table 12.9: Desk Study Records of Breeding Birds of Conservation Concern Adjacent to the Proposed* needs some modification. The Desk Study did not include information that would have become evident on diligent field work by physical inspection and local enquiry. For example

- Sand martins (Amber-listed) breed near the Shankill Route (nesting on the boundary of Shanganagh Park and reportedly but not confirmed by me on the lands at the Aske) and are regularly observed over the route during from May through August.
- Several breeding birds that are present in the area proximate to the Shankill Route (within 50 metres) and are included in the Red and Amber Lists and published in the *Birds of Conservation in Ireland 2020-2026 – Irish Birds 9:523-544* but which are omitted from list of Breeding Birds of Conservation Status in the EIAR in the ZOI of the Shankill route are:-
 - Short eared owl (Amber-Listed)
 - House sparrow (Amber-listed)
 - Greenfinch (Amber-Listed)
 - House Martin (Amber-listed)
- In addition, several species of conservation concern are periodically observed over the area. For example, I have identified: -
 - Swifts (Red-listed)
 - Kestrel (Red-listed)
 - Grey wagtail (Red-listed)
 - Curlew (Red-listed – wintering roosts of up to 72 observed in Shanganagh Park and small numbers feeding also recorded in a recent EIA Survey)
 - Little Egret (Amber-listed).

2.2 Abundance and diversity of birdlife along the Shankill Route

Shankill is an old village with a community spirit that has developed and been fostered since it transitioned after the opening of the by-pass 32 years ago from being a barren drive-through suburb in the 1970's and 1980's to the self-sustaining village with a diverse yet close community that it is now.

For very little added benefit to the transport infrastructure, it is proposed to adversely affect (a) businesses in the villages, in some cases catastrophically, (b) the ability of residents and services to go about their daily life, (c) the biodiversity of the area with irreparable destruction of flora and the consequent effects on fauna. The development will transition the village back to pre-1991 times when it will revert to a drive-through suburb in which one is unlikely to be able to stop, even if one wanted to after the closure of the retail outlets. Fostering a village community after the opening of the Shanganagh and Woodbrook developments will be a challenge which the residents will embrace. However, the opportunity to do so with the development plan for the Shankill Route put forward by the NTA will make that impossible. We will swiftly witness the decline and destruction of one of the few surviving tree lined village communities in Dublin. What do I mean by a village community? A resident of Shankill described it better than I could when she said: -

"The community of Shankill is vibrant and buzzing, with a great mix of young and old. There are a number of schools, churches and shops, and there are many groups and organisations which cater for a wide variety of interests. The Tidy Towns is very active and we have done very well in the competition in recent years. This is largely down to great community spirit and environmental awareness combined with many natural assets

like the beach, Shanganagh Park and the tree-lined roads throughout the village and local estates." (Irish Times – 28 March 2020)

Birdlife is diverse and abundant in Shankill and along the Shankill Route. This abundance and diversity enrich the environment for those living in and visiting Shankill and its environs. The conservation status of some of those birds is of national and international (Ireland, EU and UK) concern. However, most of the bird species that we see in proximity of the route are common and widespread in Ireland. Along the route we see them in abundance. When nesting sites and food sources are removed with the destruction of a large quantity of trees, hedgerows, copses, scrub and other insect-rich foraging and nesting habitats, the area will come barren and will take decades if ever (and if allowed) to come back. It is that simple. Remove the trees and other habitats, and all species will reduce in numbers in the area and some will disappear. The quality of the environment for the residents of and visitors to the area will be degraded. The EIAR shows no understanding of or empathy with these facts.

Birds identified within two metres of a feeding station in one garden midway along the Shankill Route include: -

- Sparrowhawk
- Robin
- Wren
- Dunnock
- Pied Wagtail
- Starling
- House Sparrow
- Tree sparrow
- Blackcap
- Goldcrest
- Blackbird
- Song Thrush
- Mistle Thrush
- Fieldfare
- Redwing
- Blue Tit
- Great Tit
- Coal Tit
- Long-tailed Tit
- Chaffinch
- Greenfinch
- Goldfinch
- Bullfinch
- Siskin
- Redpoll
- Woodpigeon
- Feral pigeon
- Collared Dove

Magpie
Jackdaw
Rook
Hooded Crow
Jay
Pheasant

The relevant garden is within 20 metres of some of the trees, hedgerows, copses, scrub and other insect-rich foraging and nesting habitats that are scheduled for destruction. That destruction will diminish the diversity and abundance of these birds along the route thereby destroying or degrading the natural and human/social environment. This is not indicated in the EIAR.

Other bird species identified in proximity along the Shankill Route include:-

Short eared owl
Barn Owl
Buzzard
Kestrel
Swift
Swallow
Sand Martin
House Martin
Little egret
Song thrush
Mistle thrush
Fieldfare
Redwing
Blackbirds
Black headed Gull
Curlew.

Why do we not see reference to the diversity and abundance of the birds along the Shankill Route? Is it because of reliance on the research of someone somewhere carrying out a remote desktop study? Is it because there were ineffective studies carried out at the location of the Shankill Route? Perhaps nobody consulted with anyone locally? Whatever is the reason, we are left with a misleading picture of the likely environmental impact of this development. Again, there is a lack of relevant information and consultation to enable the competent authority to come to an informed decision.

2.4 Wintering Birds

I have great difficulty with the messaging in this Section 12.3.9.2 and associated tables and Annex.

- a) The information disgorged here is almost exclusively based on another desk study in which largely irrelevant information is produced with the effect of the reader getting the impression that the topic is well researched, that there is nothing of concern and move on. The only wintering birds listed which are

correctly identified as being present are black-headed gulls about which one would have no concern if they were moved from the area. Indeed, those who play sports on the field adjacent to the Dublin Road might welcome their dispersal. However, neither the desk study nor the ground surveys from two small sites drew our attention to two important factors that skewed the survey results.

- b) The relevance of listing wintering birds is to identify birds that migrate into the area during the winter so that one might then assess the possible environmental impact of the development on those birds. The abundance and even existence of particular birds in any particular year depends on the weather. In very mild winters like the winters surveyed, the diversity and numbers of species that make their way from Iceland, Scandinavia, Western Europe and Britain is greatly diminished compared to colder winters. In severe winters, the cover and habitat provided by the trees, hedgerows, copses and scrub in proximity to the Shankill route gives shelter and sustenance for certain species of wintering birds that have migrated from colder parts of Europe. These species are not even listed in 12.3.9.2 nor the associated tables and Annex. I assume that they are not included because (a) the remote table survey failed to pick up this information and (b) because few if any such birds would have been evident on any inspection of the sites visited of the route during those very mild winters (2020 and 2021). The existence of this migration pattern is very well documented. For examples, I refer to *Ussher & Warren's Birds of Ireland 1900*; *Irish Birds- Fifth Edition – G.R. Humphreys 1937*; *Birds of Ireland – Rev. P.G. Kennedy 1961*; *the work of Maj. R.F. Ruttledge, Birds of Ireland – Clive Hutchinson 1989*; and more recently in the works of many Irish ornithologists such as *Eric Dempsey, Michal O'Clery, Killian Mullarney, Anthony McGeehan, Dick Coombes, Jim Wilson, Clive himself and others.*
- c) The relevant species omitted from the lists of wintering birds that might be affected by the proposed destruction of habitat along the Shankill route are:-

Song thrush
Mistle thrush
Fieldfare
Redwing
Blackbird

The Redwing was also omitted from the list of Red-Listed birds. It is a bird of high conservation concern, and we always see them in abundance along the Shankill Route (and hear them overhead at night) when there are cold winters in mainland Europe and Britain.

It is easy to understand that a few limited site visits over two warm winters (2020 and 2021) did not show significant (if any) presence of these wintering thrushes. Any European migrants probably stopped in Britain, and some may not have even migrated. However, it is difficult to understand why no mention of this migratory phenomenon was noted in the report since it occurs during every cool winter. When the weather is particularly cold in Scandinavia, Western Europe and Britain, many hundreds of these birds arrive at the Zone of Influence in this area with a large concentration along the Dublin Road amongst the trees from Allies River Road to the Wilford Roundabout and the small woods on the road to Shanganagh Cemetery and the woods on the north edges of the cemetery. As recently as March 2018, I would estimate that several thousand of these birds arrived in the area after Anticyclone Hartmut (the

"Beast from the East") and many of them were evident in the trees, hedgerows and scrub along the Shankill Route.

3 Reptiles

The report contains text which appears to have been derived exclusively from desktop studies though perhaps the reference to multidisciplinary surveys means there was some examination of the route and its environs. In any event, however the results were determined, I have difficulty again with the findings. We have only one reptile in Ireland known as the Viviparous or the Common Lizard. The word Viviparous tells us that it produces live young (a rarity amongst reptiles) which in Ireland can be seen after birth in September. Alternatively, you might call it a Common Lizard which is meant to indicate that it is common but in any event it is widely distributed across the country and appears to be more common in eastern countries than some parts of the west. They are not that easy to spot if you are not used to seeing them. Here is the text as it appears in the report with reference points for discussion below.

12.3.10 Reptiles

Common lizard are legally protected under the Wildlife Acts. (A) common lizard were not recorded during the multidisciplinary surveys and (B) no suitable habitat was confirmed within the footprint of the Proposed Scheme.

(C) The desktop study did not return records of common lizard within the immediate footprint of the Proposed Scheme and the wider study area. The species is found in a wide variety of habitats including grasslands, scrub, woodland, heathland and coastal dune habitats (Marnell 2002; Farren et al., 2010).

(D) Based on this, it cannot be ruled out that these species are not in the wider study area.

Common lizard are deemed to be of Local Importance (Higher Value).

- A. They will not be accurately recorded from a desktop survey. They are not that easy to spot if you are not used to seeing them. A proper record can only be obtained by surveyors on site and talking to experts and to locals with knowledge.
- B. The Common Lizard is a ground-dwelling species that occupies bogs, rocky outcrops, old stone walls, sand dunes and are frequently found around man-made structures and close to human dwellings. Numerous sightings in rural gardens, stone walls, roadside verges/hedgerows and scrub (Marnell 2002; also Farren et al 2010). There is an abundance of suitable habitats within the environs of the Shankill Route. I have Common Lizards in my garden a few metres from the route. I am confident that many gardens, walls, brush, copses and other habitats along the routes hold these lizards.
- C. Of course, the desktop study did not return records of the lizards. That is a completely inappropriate means of establishing the facts in this matter.
- D. The researcher seems to have reproduced a summary and not the body of Ferdia Marnell's report. The habitats are more fully represented in B above. I do not know what was the "study area". I do not know what was examined or how. However, I do know that these lizards are present in land and on walls in close proximity to the Shankill Route.

4 Amphibians

Under this heading in the EIAR appears the statement “No evidence of common frogs or smooth newt were identified along the Proposed Scheme during the multidisciplinary surveys.”

I don't know what multidisciplinary surveys may have been carried out but the result of the surveys is misleading.

The Common or Smooth Newt is present along the Proposed Scheme within 10 metres of the Shankill Route. This is evident to people who enter Shanganagh Park from the northern pedestrian entrance on the Dublin Road and to anyone who might have carried out an effective survey. The area at the entrance to the Park has been screened with a black plastic fence for over three years as part of the EIA process for the development at Shanganagh Castle.

Common frogs are present around the same location (a ditch) and elsewhere in proximity to the Shankill Route. Like other protected fauna, this species is protected under: -

- EU Habitats Directive [92/43/EEC] Annex V
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) Appendix III
- Wildlife Act, 1976
- Wildlife Amendment Act, 2000
- Wildlife (N.I.) Order 1985 as amended.

Two of Ireland's three indigenous amphibians are indeed present along the Shankill Route. The EIAR informs us that none was identified. I conclude again that the methods of surveying and identification are ineffective since they are producing results that give a false picture of the presence of these and so many of the other fauna to which I refer in this document.

5 Conclusions

5.1 EIAR

So what is the purpose of the Environmental Impact Assessment and the EIAR? We are guided by the statement of the Department of the Environment who explain that the *Environmental Impact Assessment (EIA) is the process of examining the anticipated environmental effects of a proposed project - from consideration of environmental effects at design stage, through consultation and preparation of an Environmental Impact Assessment Report (EIAR), evaluation of the EIAR by a competent authority and the subsequent decision as to whether the project should be permitted to proceed.*

Having considered the sections of the report dealing with bats, birds, reptiles and amphibians, those sections do not achieve the purpose of providing accurate information on those topics. I detect a serious lack of effective and reliable fieldwork and local consultation and an over reliance on remote desktop

surveys producing at times irrelevant and arguably confusing and occasionally inaccurate information presented in a manner that is very difficult for anyone other than the most determined reader to decipher.

The EIAR fails in its objective of providing accurate transparent comprehensive information that is required for the competent authority to make an informed decision and for the NTA and the public to be informed on the likely environmental impact of the development of the Shankill Route.

5.2 The Shankill Route

As it stands, the plan for such small incremental improvements in service to bespoil a village

- without due consultation,
- without an EIAR on which might have trust and confidence,
- without full disclosure, transparency and consultation required by Irish law and EU Regulations and Directives,
- without full disclosure, transparency and consultation in relation to the suggested alternatives

is inadequate at best. The process is flawed, the proposal is repugnant to so many residents of Shankill and its environs and it does little to best serve the needs of those who will use the bus services along the Shankill Route.

The Shankill Route will produce an unjustified huge loss to the public purse, massive damage to the social environment and fabric of the community of the village and as mentioned in my Observations here, to the biodiversity of the areas in proximity to the route. All of this loss and cost which will be occasioned if the Shankill Route proceeds as envisaged, will by the estimates of the NTA produce a very small decrease in the travel time from the Wilford Roundabout to the Loughlinstown junction. There are quicker alternatives described in the application and there are other solutions, none of which has had adequate discussion or consultation as required by Irish and EU law.

If the application as it relates to the Shankill Route is not withdrawn, I hereby demand a public oral hearing.

5.3 Alternatives to the Shankill Route

Shankill, with its expansion of its hinterland following the Shanganagh and Woodbrook developments, is facing significant transport issues that need to be addressed now (in the disappointing absence of previous effective infrastructural planning and implementation). I do not believe that rejection of the Shankill Route without a viable alternative is an option. The Shankill Route is hugely flawed in so many respects. It is unacceptable on many grounds and must be replaced with a viable alternative. While I have no expertise in infrastructural and transport planning, it appears that the alternative routes mentioned in the planning documentation are inadequate. The alternatives bypass Shankill, but they deprive residents and people wishing to travel to and from the stops along the route from the Wilford Roundabout to the Shanganagh Roundabout of any bus service.

Acknowledging my lack of transport and infrastructural planning skills, I believe that a hybrid alternative scheme should be considered giving passengers the options of

- a) an express service going between the Wilford and Loughlinstown roundabouts along the N11;
- b) an adequate bus service between the Wilford and Loughlinstown roundabouts along the Dublin Road through the village. Maybe three or four buses every hour each way 8:30 to 18:30 on weekdays with a reduced service on weekends with the Airport Bus service being retained. Some bus stops need to be relocated or reengineered to enable buses to stop without impeding the traffic flow. I believe the critical ones are on the Dublin Road after Quinn's Road going north (five stops) and all stops going south after the Loughlinstown Roundabout to the former entrance to Shanganagh Castle (four stops).

If I may be pointed, it is very clear that:-

- i. We do have an issue relating to bus flow through Shankill to which we must find a balanced reasonable solution.
- ii. The Shankill Route is not the solution. It must be replaced.
- iii. There are alternatives which have been suggested by the NTA.
- iv. There has been insufficient description of and consultation on these alternative routes but they do not appear to accommodate the needs of the residents or those who want to travel to and from places along the Shankill Route. If the alternatives do not address the needs of those who would use buses on the Shankill Route, they should also be rejected.
- v. A process must be initiated immediately to ensure the swiftest resolution and determination of alternatives. In the interests of the residents of Shankill and its hinterland and of our expanding community, we cannot "kick the can down the road".
- vi. We have seen great thought leadership recently, contributions and other actions from community groups, from people on the streets, from businesses and other interested parties, from proponents and opponents of the Scheme and from the two recent gatherings led by Councillors Jim Gildea and Michael Clark. Thank you all for this.
- vii. We expect broader political and institutional support and understanding including from the NTA. With a few exceptions, the lack of support and understanding from local council sources and elsewhere is most disturbing. The people who live in Shankill and its environs and those who come to work or visit the area should not be faced with such a scheme so full of defects of a kind not faced by anyone else on the Bray Scheme. Lack of effective consultation and listening to concerns brought us to this point. This must change and the metaphorical bulldozers need to be turned off now.
- viii. The further financial and emotional expense of challenging this absurd Shankill Route instead of dealing constructively with a realistic alternative must be avoided. The NTA must withdraw this aspect of the Bray BusConnects Scheme now and put forward a viable alternative for swift consultation, approval and implementation. This will save everyone involved very considerable time and legal and other professionals cost and will ensure the swiftest implementation of a viable solution.

- ix. The hybrid solution that I have suggested above should be considered and if thought fit, it or perhaps another viable solution should be expedited now. For the sake of transparency, I also set out in the Schedule my observations on the 2019 Plans.

Respectfully

Michael Greene

Crinken Cottage, Bray Road, Shankill, Dublin 18

10 October 2023

SCHEDULE

Bus Connects Core Bus Corridor Submission

Route 13 – Shankill

Loughlinstown Roundabout to Bray North Roundabout

I am a resident of Shankill having lived with my family in the village for 34 years.

I am aware of the proposals outlined in the Bus Connects - Bray to City Centre Corridor 13 document and the preferred route 2(b) described on pages 42 to 51 of the Public Consultation document for Corridor 13 issued in February 2019 (**the Consultation Document**). I have attended public meetings held in Woodbrook College and St Anne's School and the display organised by the NTA in the Gresham Hotel. I have spoken to bus drivers and many others who use the Dublin Road through the village as drivers, riders and pedestrians. I have spoken to owners of businesses in the village about the proposals.

I have read the Consultation Document and appreciate that improvements are required to the public transport system to relieve current congestion of the roads and to be prepared for the needs of a growing population. The current chronic congestions encountered on several parts of Route 13 need to be alleviated but the layout of the traffic system through Shankill is not part of the problem.

Saving of bus journey through Shankill

The stated objective of the preferred option 2(b) is to shorten the journey time from Nassau Street to the bridge over the Dargle River in Bray by ten to fifteen minutes (page 13). There is no estimated time saving for the preferred route 2(b) through Shankill. Proportionately this preferred route through Shankill must represent considerably less than 10% of the estimated time saving of 10-15 minutes on the whole route. Along the Bray Bus Corridor there are some chronic congestion spots, but Shankill clearly is not one of these. Typically, the only short holdups in Shankill village arise occasionally at peak times when the Airport Bus travelling North stops in the village at the stop between Brady's Pub and the junction at Quinn's Road. This stop could be recessed or relocated outside the pub and recessed. If there is perceived to be an issue, recession of the stops is a solution.

Cycling through Shankill

Cyclists use the Dublin Road through Shankill village and without incident of which I am aware during the 34 years that I have lived on the Dublin Road. On an average weekend through the year over a hundred cyclists will pass my house and on a good summer day, this will rise to several hundred cyclists passing on their way to North Wicklow. The idea that the diverted bicycle traffic lane along Lower Road re-joining at Crinken Lane will be used regularly by cyclists lacks credibility.

Objections to the preferred route through Shankill

Destruction of the focal centre and social fabric of the village

Much has been written and spoken on this topic. Shankill is a cohesive thriving green village with schools, shops, post office and other amenities available within easy and safe walking distance to most and with on-street parking facilities for who wish to drive. The proposals envisage the removal of eight on-street parking spaces (page 13). I am informed that the number will be higher. Removal of these spaces will put huge pressure on the local businesses with some voicing concerns that they will have to close. I did not see in the Consultation Paper reference to the removal of 18 parking spaces in St Anne's Church yard (Map 45).

The proposal to put a four lane highway through the village will impact local businesses, remove parking for elderly and disabled, damage local heritage such as the old railway bridge and a Protected Structure, create safety issues for school children, cause environmental damage and harm to local flora and fauna and impact villagers' gardens, green areas and quality of life.

The fabric of the village will be completely and irreparably destroyed.

Public transport

Public transport can be improved with the extension of the Luas service but currently (depending on destination), the DART and bus services meet the needs of some residents travelling on the relevant routes.

The preferred route will contribute little if anything to the sought after 10-15 minute saving along the 13 km route from the City Centre to Bray.

The planned bus service for residents of Shankill will deteriorate with the reduction in bus services from 13 off peak buses each hour to 8 off peak buses each hour.

The routes serviced by these buses will be changed e.g. the service to Heuston Station (145) will be changed to Ballymun which is already served by the 155. I and members of my family use the 145 to travel to Heuston Station. This change will reduce the incentive to change from private to public transport.

The changes in frequency and destination are very strange and even stranger when read in the context of the statement in the Bus Connect News (7 February 2019) that there will be a 27% increase in bus journeys.

Residents of Shankill will not only see their village fabric destroyed but will experience a vastly inferior bus service upon the implementation of these plans.

Trees and green biodiversity spaces

The Consultation Document refers to the destruction of trees. On page 13, there is a statement "*Approximate number of roadside trees that may be removed: 330*". This statement is inaccurate. I have counted over 500 mature trees from the Loughlinstown roundabout to the Bray North roundabout that will require to be felled to facilitate the preferred route. I expect that the correct figure is in excess of 600. Estimates of 1,000 have been published.

Over 75% of the trees that will be felled on the east side of the road between Shanganagh Graveyard and the Bray North Roundabout (Map 52 and 53) are over 80 years old.

Given the majesty of these trees and the density of existing tree cover that will be destroyed from the Loughlinstown Roundabout (Map 42) to the Bray North Roundabout (Map 53), the statement of page 13 at 3.3.4 that a comprehensive tree replanting programme will be put in place is risible. It is absurd to suggest that this aspect of the ecological environment of the area (the reduction in the number of mature trees and green biodiversity spaces) will be replaced by such a programme.

Protected Structure

My property is Crinken Cottage D18 Y9T3. On Map 47 of the Consultation Document, it is indicated that part of the curtilage of my property will be removed. Crinken Cottage is a Protected Structure within the meaning of the Planning and Development Act, 2000 and the protection afforded by Part IV of the Act

extends to (a) the Victorian iron railings mounted on a Wicklow granite base facing the Dublin Road and (b) the wall bounding the property with Dublin Road to the south of the property. What are your proposals in relation to the destruction of part of this listed Protected Structure?

Revised traffic layout

The proposals for the traffic lights at the junction of Quinn's Road and Dublin Road (Map 46) and at the roundabout at St Anne's Church as well as the blocking of Corbawn Lane (Map 45) will create unnecessary congestion and impede security services from servicing the community.

The perceived problems in Shankill and the solution

Shankill does not have a congestion problem. Bus services are rarely delayed in the village. If occasional delays are considered material, they can be solved by receding one or both of the bus stops in the main street. Also, the LUAS should be extended to Bray (Fassaroe) to service the public transport needs of the community more adequately.

The destruction of the village is not a solution and will produce no material improvement to bus journey times. Such radical damage to a village and its community at such a high cost to the State for no discernible benefit is unacceptable in any civilised society.

This plan must not be implemented.

Michael Greene

28 May 2019