



Irish Sport HQ
National Sports Campus
Blanchardstown
Dublin 15

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

12th November 2014

Re: Planning application reference 14/401

Retention of (1) stock-proof fencing, (2) hard-stand area, animal stock access track and animal stock footbridge at Dunloe Upper, Beaufort, Co. Kerry

Dear Sir / Madam

Mountaineering Ireland wishes to appeal the decision of Kerry County Council (16th October 2014) to grant permission for the above development.

Mountaineering Ireland, as the representative body for walkers and climbers in Ireland, has a particular interest in the upland environment - hills, mountains, forests, bogland, sea cliffs and associated areas. Although limited in their extent, the uplands are very significant elements in Ireland's landscape, providing defining geographic features, some of our most beautiful scenery and our largest areas of relatively wild land. We are making both large and small changes that cumulatively are impacting negatively on our wild landscapes, with the result that these areas are being lost at an alarming rate. It is Mountaineering Ireland's assertion that protecting the natural and undeveloped character of Ireland's upland environment should be a key concern within the planning process at both a national and a local level.

Our appeal is based on the following points:

A. Inadequate Planner's Report

The Planner's Report does not discuss the objections received; Mountaineering Ireland's objection (see Appendix I) is noted with a two-line summary. The report shows no evidence of consideration of the visual impact of the development which was the primary concern within Mountaineering Ireland's objection. The assessment of visual impact is simply noted as 'Not an issue', the report does not include any reasoning to support this conclusion.

Directors: P. Barron, D. Batt, F. Bradley, N. Hore, U. MacPherson, M. McKeever, R. Millar, R. Ó Conchúir,
P. O'Sullivan, I. Sorohan, D. Stelfox, U. Vejsbjerg, S. Walsh.

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Registered Office: Irish Sport HQ, National Sports Campus, Blanchardstown, Dublin 15, Ireland.

Visual impact

The inadequacy of the Planner's assessment is well illustrated by the selection of photographs in the Planner's Report, all of which were taken from the road. The fence in question extends into upland terrain, up to a height of 650m, where the visual impact of the development is far greater due to the absence of manmade features from the landscape. Visual impact cannot only be addressed from the public road; this development is in the MacGillycuddy Reeks, Ireland's highest mountain range, where there is a long established tradition of use by the general public for walking and climbing activities. An added impact from the fence, both visual and ecological, is concentrated trampling alongside the fence. Prior to the fence going in, people chose the driest ground and dispersed across the ridge. Unfortunately the line of the fence goes through some boggy ground which is causing erosion from trampling.

Barrier to recreational enjoyment

A Further Information Request was made asking for details of the gates or stiles which the applicants would erect to address concerns that the fence presents a barrier to walkers on the popular ridge walk between Struicín and Cnoc an Bhráca. The response from Griffin Project Management on behalf of the applicants (10th September 2014) implies that Mountaineering Ireland's submission questioned land ownership and claimed there is a public-right-of-way on the land; that is not the case. The Planner's note that the applicants stated that there are no public rights of way across the land fails to address the wider fact that recreation is a long established land use on this site and that the fence is both a barrier and a hazard to walkers. Due to the height of the fence and the closeness of the barbs on the top, the fence is difficult to cross. This may result in damage to the fence from walkers attempting to make it easier to cross. It should be considered that outdoor recreation is a significant driver in the local economy, and that it is a sustainable land use which is entirely compatible with agriculture.

Not necessary for agricultural purposes

The Planner's Report makes no reference to the fact that in December 2013 Minister Simon Coveney, in a written response to a parliamentary question, confirmed that the fencing of previously unfenced mountain land is not required, provided that the lands in question continue to be actively farmed in the traditional manner by hill farmers, in compliance with the requirements of the EU regulations governing the Direct Payment Schemes. This is an important statement which significantly weakens the applicants' case for retention of the fence.

B. Inconsistent with objectives in County Development Plan

The decision to grant permission for retention of the development seems inconsistent with the objectives of the Kerry County Development Plan 2009-2015 which are quoted in the Planner's Report.

The development is in the Gap of Dunloe, one of Co. Kerry's most famous scenic landscapes, which indirectly brings considerable economic benefit to the locality. The site is largely in an area zoned as Rural Secondary Special Amenity, where the policy is not to grant permission for development which cannot be integrated into its surroundings, and partly in an area zoned as Rural Prime Special Amenity. The substantial timber and wire fence in this development, a harsh, linear feature, cannot be integrated into the open setting of a broad mountain ridge at an altitude of 400m – 650m, where there are no other fences or manmade structures. Fencing in this environment changes the landscape and people's perception of it.

Mountaineering Ireland is strongly of the opinion that to grant permission for this development contravenes the Council's zoning and landscape objective below:

Objective ZL 12-1

Protect the landscape of the county as a major economic asset as well as for its invaluable amenity value and beauty.

At a lower level, the fence detracts not only from the landscape, but it also impairs the views from the road through the Gap of Dunloe which are protected under Views and Prospects in the County Development Plan.

Mountaineering Ireland finds it difficult to understand how the Council decided to grant permission in these circumstances, and in addition we were surprised that the Council did not attach any conditions to mitigate the visual impact of the fence, the hard-stand area and the bridge.

Mountaineering Ireland asserts that the Planner has failed to uphold the policies in the Kerry County Development Plan 2009-2015 and that this development is contrary to the proper planning and sustainable development of this special upland area.

Conclusion

The Planner's Report shows little or no evidence of deliberation on this application, and the decision to grant retention appears to contradict the County Development Plan and to ignore the objections submitted.

This appeal presents the Board with an important opportunity to make a decision which protects the integrity of Ireland's upland landscapes for the benefit of this and future generations. We respectfully request that the Board overturns Kerry County Council's decision to grant planning permission for this development.

We have enclosed the acknowledgement received from Kerry County Council and a cheque for €220.

Yours sincerely


Karl Boyle

APPENDIX I – Mountaineering Ireland’s objection to the application for retention (July 2014)

Planning Department
Kerry County Council
County Buildings
Tralee
Co. Kerry

30th July 2014

Re: Planning application number 14401

Retention of stock-proof fencing, hard-stand area, animal track and footbridge at
Dunloe Upper, Beaufort, Co. Kerry

Dear Sir / Madam

Mountaineering Ireland* wishes to submit a comment on the above planning application.

1. Context

Mountaineering Ireland, as the representative body for walkers and climbers in Ireland, has a particular interest in the upland environment - hills, mountains, forests, bogland, sea cliffs and associated areas. People are drawn to wild and beautiful landscapes as a counterbalance to everyday life, for contact with nature, and for a physical challenge. Ireland’s upland areas deliver a host of recreation opportunities, with associated economic and well-being benefits.

Although limited in their extent, the uplands are very significant elements in Ireland’s landscape, providing defining geographic features, some of our most beautiful scenery and our largest areas of relatively wild land. We are making both large and small changes that cumulatively are impacting negatively on our wild landscapes, with the result that these areas are being lost at an alarming rate. It is Mountaineering Ireland’s assertion that protecting the natural and undeveloped character of Ireland’s upland environment should be a key concern within the planning process at both a national and a local level.

Mountaineering Ireland recognises and appreciates the role that hill-farming has played in shaping Ireland’s upland landscape and we are aware of the current challenges in this sector. Mountaineering Ireland believes that the best way to maintain the environmental quality of Ireland’s upland areas is to do so in co-operation with the people who own and work the land. Over the past two years Mountaineering Ireland has spearheaded a campaign, supported by all the major farming representative bodies, for a national agri-environmental scheme with measures to support low intensity conservation farming in upland areas under the Rural Development Programme for 2014-2020.

2. Comments on the application

2.1 Landscape impact

Mountaineering Ireland acknowledges the right of farmers to erect fences for agricultural purposes, however our Environmental Policy states that fencing of traditionally open high areas of rough grazing detracts from the quality of the upland environment and should be kept to a minimum. The policy seeks to protect all Ireland's upland areas, not just those that are designated as Special Areas of Conservation or Special Protection Areas; however it should be considered that this application falls within a Special Area of Conservation.

The fence at Dunloe Upper runs along the roadside in the Gap of Dunloe, one of Ireland's most scenic landscapes, which is famous throughout the world. The fence also crosses the MacGillycuddy Reeks ridge at two points, detracting significantly from the vista in this previously open mountain landscape.

The Kerry County Development 2009-2015 recognises the quality of Kerry's scenic landscapes, and the importance of protecting these through zoning and development control. The development at Dunloe Upper is within an area zoned as Prime Special Amenity:

3.7.9 - Prime Special Amenity

This zoning constitutes the outstanding landscapes throughout the county. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation.

The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the county, that these areas be protected.

Protection of the landscape of County Kerry is also addressed through the following objective:

Objective ZL 12-1

Protect the landscape of the county as a major economic asset as well as for its invaluable amenity value and beauty.

This fence makes a significant manmade intrusion into an otherwise natural landscape and Mountaineering Ireland is therefore of the strong opinion that retention of this fence (and its associated developments) is undesirable from a visual point of view and is contrary to the proper planning and sustainable development of this special upland area.

2.2 Barrier to recreational enjoyment

As Ireland's highest mountain range, the MacGillycuddy Reeks have for centuries been a magnet for walkers and climbers. The MacGillycuddy Reeks ridge from Kate Kearney's Cottage to Lough Acoose takes in nine summits over 900m in height and is acknowledged as one of Ireland's finest ridge walks.

The fence in question is slightly higher than the typical post and wire construction, and due to the absence of stiles to facilitate its crossing, presents a major physical barrier to walkers following the MacGillycuddy Reeks ridge. The fence has also caused confusion amongst some groups, particularly in conditions of poor visibility which are common at this height in the mountains. People have crossed the fence with difficulty, only to find a short time later that they need to cross the fence a second time as they exit the property. Although in theory one could walk around the fence, this is not obvious and requires an unnatural detour.

The importance of the MacGillycuddy Reeks for recreation is underlined by the selection of this range by the Rural Recreation Section within the Department of Environment, Community & Local Government as one of two pilot areas for a national Mountain Access Project. The MacGillycuddy Reeks Mountain Access Forum, which brings together a range of interested parties, was formed earlier in 2014 to protect, manage and develop this unique mountain range.

It is Mountaineering Ireland's view that the fencing between Struicín and Cnoc an Bhráca interferes with the enjoyment of this popular ridge walk and is therefore an inappropriate development given the acknowledged importance of the MacGillycuddy Reeks for both recreation and tourism.

2.3 Not necessary for agricultural reasons

The applicants argue that the erection of stock-proof fencing on mountain land is the best approach to managing grazing so as to keep the land in Good Agricultural and Environmental Condition (GAEC). It should be noted that this is not a traditional hill-farming practice in the MacGillycuddy Reeks. If it was, the entire area would have been fenced previously. Appropriate stocking levels combined with traditional shepherding provide the most effective means to achieve optimal grazing conditions across a mountain area. While the labour requirement may be greater, it should be remembered that the fencing of mountain land is both expensive in the first instance and costly to maintain (due to remoteness and harsh weather conditions).

The need for stock-proof fencing to fulfil Department of Agriculture cross-compliance requirements no longer applies to all hill and mountain land. In December 2013 **Minister Simon Coveney** announced that fencing is not required on hill land which was previously unfenced and which continues to be actively farmed in the traditional manner (KildareStreet.com, 3rd December 2013).

As this development is within the *Killarney National Park, MacGillycuddy's Reeks and Caragh Lake River Catchment* Special Area of Conservation its impact on habitats and wildlife must be taken into account. Regard should also be had to Strategy 1.3.1 of the Management Plan for Killarney National Park which states that permanent fencing will generally not be used as a means of controlling grazing in the uplands, and will not be undertaken prior to adequate impact assessments being carried out (NPWS, 2005, p.42).

In light of the above, Mountaineering Ireland argues that neither grazing management or Department of Agriculture requirements provide justification for retention of the fence at Dunloe Upper.

3. Closing remarks

As Ireland's highest mountains, the MacGillycuddy Reeks hold very special importance for walkers and climbers. The enjoyment of these mountains, whether directly, or as a scenic backdrop, adds considerable value to Kerry's tourism offering and therefore the local economy. It is essential that the relatively wild feel of these mountains is retained so that future generations can gain similar benefit.

Yours sincerely



Karl Boyle

Chief Executive Officer

***Mountaineering Ireland** is the representative body for walkers and climbers on the island of Ireland. Mountaineering Ireland's mission is to represent and support the walkers and climbers of Ireland and to be a voice for the sustainable use of Ireland's mountains and hills and all the places (coastline, crags, forests) we use.

Mountaineering Ireland is recognised as the National Governing Body for the sport of mountaineering by both the Irish Sports Council and Sport Northern Ireland. The term mountaineering refers to a wide spectrum of activities that includes walking, rambling, hillwalking, rock and ice-climbing, bouldering and alpinism. Mountaineering Ireland has over 11,500 members, comprising 161 clubs and approximately 1300 individual members (October 2013).

References:

KildareStreet.com (2013) 'Agriculture Schemes Administration' *Written response from Minister Simon Coveney to Parliamentary Question 3rd December 2013*, available online at:

<http://www.kildarestreet.com/wrans/?id=2013-12-03a.873>.

NPWS (2005) *Management Plan for Killarney National Park 2005-2009*, published by the National Parks & Wildlife Service, Department of the Environment, Heritage and Local Government.