

# **Report of Mr James Farrelly**

**Rapporteur,**

**appointed under the Prisons Act, 2007, for the  
purposes of proposed development of a new  
prison complex at Thornton Hall Co. Dublin**

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## **Introduction**

Part 4 of the Prisons Act, 2007 provides the legislative basis for the construction of certain prisons. It also provides for the appointment by the Minister for Justice, Equality and Law Reform of a Rapporteur to receive written submission or observations from interested parties relating to a proposed development of this nature and to provide the Minister with a report on those observations and submissions. It is not the role of the Rapporteur to comment on the merits of the submissions and observations or make recommendations.

I was appointed on 25<sup>th</sup> July 2007 by the Minister for Justice Equality and Law Reform, Mr Brian Lenihan TD, to act as Rapporteur in the context of the proposed development of a prison complex at Thornton Hall. Following the publication of notice of the publication of the Environmental Impact Assessment by the Minister on 29<sup>th</sup> February 2008, I received submissions from interested parties during the course of a six week period which concluded on Friday the 11<sup>th</sup> April 2008. 130 separate submissions were received. Some submissions reflected the views of groups of individuals; up to 97 in one case, while another, which contained 156 signatures, was received in relation to the use of local roads by construction traffic. A number of parties took the opportunity to make more than one submission.

Every effort has been made to capture the essence of each submission. Many were complex and detailed and a report such as this can only be seen as serving to highlight the key points made in each instance. Comments made in the report reflect only the views of those making submissions or observations. The submissions in their entirety fill two four drawer office filing cabinets.

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James Farrelly, Rapporteur

30<sup>th</sup> April 2008

## **Part 1**

**Main issues or other points of substance raised in written  
submissions and observations received by me, as required by  
Section 23 of the Prisons Act, 2007**

The purpose of this section is to set out the main issues or other points of substance raised in the submissions received by me as required by section 23 of the Prisons Act, 2007.

## **1. The EIA**

- The EIA does not meet with the legal standards required of such a document in terms of its accuracy, thoroughness, and quality
- There is a view that the scope of the EIA was not wide enough to identify all relevant issues and those affected.

## **2. Public consultation**

- Insufficient levels of consultation with the local community and other stakeholders
- Statutory six week period in which to make submissions on the EIA insufficient
- Should the development proceed, a formal consultation process with extensive local community input needs to be set up. The drafting of a mission statement which reflects the intentions of the developers in their dealings with the local community is suggested.

## **3. Legality of the development**

- The Prisons Act, 2007 does not on its own provide sufficient legislative basis to proceed with this development
- The development is in breach of domestic and EU planning legislation
- The development was not included in the Fingal Development Plan 2005-2011 and is therefore not in compliance with the Plan.

#### **4. Site selection process**

- Several submissions questioned the propriety and the manner in which the Thornton Hall site was purchased and its adherence to public procurement procedures.

#### **5. Issues relating to roads**

- Local roads are inadequate to deal with increased traffic and the EIA makes no proposals for improvement
- The utilisation of route R130 by construction traffic should not be permitted. The road has no footpath and is used by children. The lives of local people and their children will be endangered.
- The new road will not ameliorate the affect of traffic travelling from the Swords direction during and after construction of the development.
- Emergency access roads are sited at already dangerous locations and concern is expressed that roads will be used for other purposes such as service delivery.
- The projected increase of 10% in traffic is understated.
- The new road should be linked to the Ashbourne by-pass.
- The full closure of the R130 during construction of the underpass for even a short period of time would have a negative affect on businesses and assurance is sought that only partial closure with associated traffic signals be used.
- It is claimed that the EIA does not provide adequate details on the routing of the construction traffic.

#### **6. Environmental, Flora, Fauna and Archaeological Issues**

##### **Noise and Light pollution**

- While homes in close proximity to the prison will be particularly affected by light and noise pollution, the whole environment is likely to suffer from the adverse affects of this development.

- Residents living adjacent to car parks are likely to experience significant light pollution and noise at all hours of the day. Some, according to the EIA, will experience profound negative affect. Mitigation planting of trees will take 15-20 years before it has significant affect.

### **Affect of the development on property and the locality**

- The visual impact of the prison will be obtrusive and intimidating to homes and businesses located in its proximity
- Impact on residents in area with particular reference to light, noise, safety and security issues. Concern is expressed as to the impact on certain properties, some of which are located within 50m of the prison development and with prison car parking located adjacent on two sides. The relocation of the car park to elsewhere on the site is sought.
- The beauty of the local environment and its inherent ecology and wildlife will be greatly damaged and diminished by the existence of the prison
- The value, saleability and appearance of residences and local businesses will be adversely affected by the existence of the prison
- Residents affected in this manner should have the option of being bought out or financially compensated
- Consideration needs to be given to the needs of local schools. A liaison officer should be appointed for consultation in this regard.
- A formal construction mitigation plan needs to be developed in conjunction with the local community with nominated personnel from the contractor.

### **Flooding**

- The development area is prone to flooding that is likely to be exacerbated by the existence of the prison with consequential adverse affects on the environment. This appears to be particularly the case in the area earmarked for the construction of a sewage pumping station with obvious implications for the quality of water in the area. In addition concern is expressed that the construction of a sewage pumping station is not adequately addressed in the EIA

- As the prison occupies high ground in the locality, some properties in close proximity to the prison are likely to suffer flooding caused by the run off of water from the development. Consideration needs to be given to barrier and other methods to address this issue such as the construction of ponds and drains for water containment and management.
- A Sustainable Urban Drainage Strategy (SUDS) must be developed to avoid downstream flooding and the Greater Dublin Strategic Drainage Study (GSDSD) must be adhered to.

### **Prison Wall**

- The prison wall should be constructed early in the process to reduce noise and light emissions from on-site construction.
- The wall should be finished in a manner cosmetically sympathetic to the local environment.
- The height of the wall should be reduced.
- The wall should be screened and further set back from any residential boundary in order to minimise noise and light pollution.

### **Landscaping**

- Not adequate. Entire development should be surrounded by a berm or embankment with a height of 4m – 7m. In another submission, the formation of a 5m high mound landscaped with suitable evergreen shrubs and trees is recommended to adequately screen particular properties.

### **Air Pollution**

- Concern has been expressed in relation to the emission of pollutants from increased traffic, general pollution caused by the prison including pollution from sewage holding tanks which will impact on those residing in close proximity to the prison.

### **Waste Management**

- It is submitted that EIA does not address the issue of waste, sewage and construction waste management.

## **Flora and Fauna**

- Issue is taken with comments in the EIA that the impact of the development on flora and fauna will be minor to neutral in the long term.

## **Archaeology**

- Reference is made to the findings set out in the final archaeological report as proof of the existence of significant archaeology at the Thornton Hall site. It is submitted that this cannot be destroyed and must be preserved in accordance with EU legislation.

## **7. Health, Safety and Security**

- There is fear for personal safety and that of children and family members and the security of property and local businesses
- It is claimed that the location of similar facilities in other communities has resulted in an increase in anti-social behaviour in these locations. An example given is the Crannóg Nua Support Unit adjacent to St. Ita's Hospital at Portrane.
- It is submitted that the proposed new Garda Station should be built and manned before construction of the prison development.
- A clear security strategy should be in place before construction of the facility takes place.
- The siting of CCTV around the prison should be discussed with local residents in the context of ensuring privacy.
- Concerns are expressed regarding the exposure of children to drug dealing and taking and discarded drug related paraphernalia.

## **8. Central Mental Hospital and Forensic Laboratory**

- Concern is expressed that the relocation of the Central Mental Hospital and a new Forensic Laboratory are not adequately addressed in any form or fashion in the EIA

## **Part 2**

### **Summary of submissions and observations received**

## **Chapter 1**

### **General Comments on the Environmental Impact Assessment Publication and the Thornton Hall Development Process**

#### **Independence of the EIA**

1.1 It is felt that it is unlikely that any assessment unfavourable to the position of the Irish Prison Service (IPS), who commissioned the Environmental Impact Assessment (EIA), will emerge. Funding for an independent study should have been provided to the local residents. Various groups and individuals also funded professional submissions on this issue themselves. It is submitted that they should be reimbursed for this expense.

#### **Compliance with standards and legislation**

1.2 It is submitted that the EIA does not meet standards required by EU legislation nor does it comply with section 19 of the Prisons Act 2007. In particular the requirement for a description of aspects of the environment likely to be significantly affected or the forecasting methods used to assess the effects on the environment has not been complied with.

#### **Public Consultation**

1.3 A significant number of submissions expressed dissatisfaction with the level of public consultation by the IPS and Jacobs. While it is acknowledged that invitations were extended to various agencies to provide their views, it is claimed no such invitations appear to have been extended to the local residents or various representative groups in the area. A formal consultation process with extensive local community input needs to be set up in the event of the development proceeding.

1.4 The same submissions also express dissatisfaction with the level of comment contained in the EIA pertaining to the views of the various organisations that were consulted by the IPS and Jacobs in the course of

preparing the EIA. In particular, the views of An Taisce, who apparently are of the opinion that the State is in breach of EU Legislation, are not commented on.

1.5 The six week statutory period provided for in the Prisons Act, 2007 for the public to make observations on the EIA was insufficient. It is submitted that the manner in which the EIA was made available to the public, particularly to parties outside Dublin, was inadequate and was certainly inadequate where prospective prisoners were concerned.

1.6 The process should also have incorporated oral hearings.

### **Scope**

1.7 The scoping exercise undertaken by Jacobs to identify the impact of the development on affected parties was not wide or comprehensive enough. For example, no consideration appears to have been given to the impact caused by any possible disablement of the pumping station which will service the prison and dispose of sewage and effluent. Nor has any consideration been given to the affect on the environment or the security of people resident in the area that the construction of such a facility would have.

1.8 Certain submissions received make reference to the fact that the EIA discusses the impact of the development on specific properties in the area while neglecting to mention others including local businesses, factories and Rolestown National School located on the Ashbourne - Swords Road, less than 3 km from the development; A route which is likely to see an increase in traffic usage.

1.9 The EIA does not deal with the impact of additional projects such as a new Central Mental Hospital and Forensic Science Laboratory and its integrity is therefore undermined.

### **Quality of the publication**

1.10 A number of comments were received in relation to the quality of the publication. A number were of the view that it was flawed and did not meet the standard required or envisaged by the Prisons Act, 2007 in terms of its thoroughness and accuracy. There were particular criticisms of the layout and readability of the document. Certain tables and figures were indecipherable and illegible. Section 11.2.4 on Baseline Noise Surveys incorrectly states the location of where noise readings were taken. The photo-montages of the development are described as sub-standard and do not give members of the public a fair and clear impression of the development. They are criticised as they portray an impression of the prison after 15-20 year of screening plant growth. The fact that a version in Irish was not available is described as unacceptable. It is requested that the entire documentation be revised and put on display in a manner that provides a completely legible version. The Minister should now take steps to address these shortcomings.

1.11 Sentiments expressed in the EIA that from afar, the prison will resemble a village or small town and the implication that it will contribute positively to the employment situation in the region are considered disingenuous and a cynical attempt to garner support for the development.

## **Chapter 2**

### **Matters pertaining to domestic and EU legislation and Development Plans**

#### **Fingal Development Plan 2005-2011**

2.1 Many submissions point to the fact that the authors of the EIA noted that the Fingal County Development Plan 2005-2011 is the statutory development document that governs the land use of the area. Issue is taken with the view expressed in the EIA that the lack of allowance for the prison development in the Fingal Plan does not necessarily inhibit such a development taking place. The proposed prison development was not provided for in the plan. The land, on which it is intended to build it, is not designated for projects of this nature or any other facility involving major levels of construction. The construction of a prison represents a considerable revision to the Plan which should have resulted in Fingal Co. Council issuing a notice for public inspection on the matter. It constitutes an unauthorised development which now falls to the Council to deal with.

#### **Breaches of relevant legislation**

2.2 Using the provisions of the Prisons Act, 2007 to develop the Thornton Hall complex does not exempt the project from relevant EU and domestic legislation, notably Directive 2001/40/EC on the assessment of the effects of certain plans or programmes on the environment (S.I.435/2004 in Irish legislation) and Part 9 of the State's Planning and Development Regulations. Alternative sites to Thornton were not subjected to adequate scrutiny. The only real consideration in selecting Thornton Hall was one of cost and this in itself is a breach of EU Legislation.

2.3 Reference has also been made to the level of tree planting carried out on the site, which it is maintained, breaches EU and Irish planning legislation. It is also stated that this planting should only occur a minimum of 15

metres from neighbouring boundaries but in some case the distance is as low as 10 metres

2.4 It has been submitted that I, as Rapporteur, have a role in ensuring that the relevant EU directives are adhered to. Such a role is of course totally outside my terms of reference

### **EPA Guidelines**

2.5 The site selection process and consideration of alternative sites undertaken by the Irish Prison Service was not in compliance with guidelines laid down by the Environmental Protection Agency's "Guidelines on Information to be Contained in Environmental Impact Statements" and Advice Notes on the Current Practice in the Preparation of Environmental Impact Statements. In particular, it did not deal with social considerations, land use and health and safety. The failure to consider these factors renders the EIA incomplete in the view of the Rolestown - St. Margaret's Action Group.

### **Independence of the Minister for Justice Equality and Law Reform**

2.6 It is further submitted, that the Minister for Justice, Equality and Law Reform is an inappropriate person to make an impartial decision on this matter given his Department's close relationship to the Irish Prison Service.

## **Chapter 3**

### **Matters pertaining to the selection process and the identification of Thornton Hall as a viable site**

3.1 There is scepticism as to the level of good faith being demonstrated by the State and the Irish Prison Service when it is considered that the land at Thornton Hall was purchased in 2005, two years prior to the enactment of the legislation. The State's intention to build a prison at this location was also included in the National Development Plan, the publication of which pre-dates the consultative process.

3.2 Several submissions question the propriety and the manner in which the Thornton site was purchased and its adherence to public procurement procedures. The Irish Prison Service and their agents failed to follow their own selection criteria when deciding on Thornton Hall. In September 2004 the Director General of the IPS introduced new criteria that the prison site should be no further than 5 miles from the M50 and could be smaller than 100 acres. This changed the nature of the selection process and accordingly, it should have been re-advertised. It is noted that the Thornton site did not present itself until 10 months after the closure date for submissions of interest.

3.3 Whether Thornton Hall was the best choice available due to its remoteness from courts, hospitals and adequate infrastructure is questioned. It is suggested that there is little in the EIA relating to the consideration of alternatives. It is written from the perspective of a decision having already been made to locate the prison at Thornton when in fact the legislation indicates that at this stage of the process, this is not a foregone conclusion. The development of multiple smaller facilities in urban settings was not considered and a supplemental assessment of this option should now be carried out.

## **Chapter 4**

### **Roads**

#### **Use of road network**

4.1 There is substantial concern about safety and noise arising from the use of the existing road network for construction traffic . The roads network is incapable of handling the increased volumes of traffic. The EIA does not deal adequately with this issue. Some of the roads are described as wholly inadequate, one being only 3.8m wide. There is a need to upgrade them and develop cycling lanes and trekking paths.

4.2 The prison will greatly increase the amount of traffic in the locality. Once operational, it will bring up to 3,200 people into the area on a regular basis. It is noted that a bus service will provide transport from the city centre but no comment is made in the EIA on the impact on road usage caused by those making alternative travel arrangements. In addition to construction traffic and that generated by staff and visitors, there is a further issue concerning the use of the local network by delivery and service vehicles. Speed limits on affected roads need to be reduced to 50kmh.

#### **Use and development of the R130 specifically**

4.3 Estimates in the EIA relating to the likely increase in traffic volume on the R130 are understated and it is not clear how traffic statistics were compiled. It is pointed out that there is a national school located on the road and that children make regular use of it going to and from school. There is a need to extend footpaths along its route. The use of this road during construction places the lives of children and adults alike at risk. In the view of those making submissions on this matter, the EIA falls greatly short in terms of its assessment of this issue.

#### **Construction of new road**

- 4.4 The new road be constructed prior to any construction commencing on the prison and it should be linked to the Ashbourne by-pass. The R130 should not be used in any way.

Home owners in close proximity to the proposed new road and the access route to the prison have expressed concern in relation to the detrimental affect this will have on their standard of living and the risks to their safety. Any new road should be landscaped and have a berm or embankment that reduces noise and light pollution from its route.

It is believed that even with a new road operational, construction traffic will have no choice but to continue to also make use of the existing road network. The new road will also only have a limited positive affect as individuals travelling from the Swords direction will continue to use the old route.

The full closure of the R130 during construction of the underpass for even a short period of time will have a negative affect on businesses and assurance is sought that only partial closure with associated traffic signals be used.

### **Emergency access routes**

- 4.5 Specific reference and concern is expressed in relation to the location of a proposed emergency exit at New Barn and its proximity to a junction and blind corner. There are concerns that this emergency access route will also be used by delivery vehicles and others servicing the prison. There are at least twelve children living in the vicinity of this facility. It is understood that a child was killed close to this location eighteen years ago.

## **Chapter 5**

### **Health and Safety**

#### **Security, personal safety and privacy**

5.1 Personal security is a matter of significant concern. A report on this matter commissioned by the Rolestown – St. Margarets' Action Group catalogues a number of potential risks to the local population and its children including escapes from prison, riots, hostage taking and terrorist attack. The vulnerability of the prison to attack due to its remote location, the high number of privately owned helicopters in the area and an insufficient Garda presence are also raised. Some local residents living in close proximity to the prison are particularly at risk due to disabilities including blindness. Residents need to be alerted immediately to any incident at the prison which might compromise their security. No assessment of these matters has been made in the EIA.

One submission claims that the location of similar facilities in other communities has resulted in a corresponding increase in anti-social behaviour in those locations. It is alleged that this has occurred in the community located in the environs of the Crannóg Nua High Support Unit located adjacent to St Ita's Hospital in Portrane.

Related reference is also made to the number of prisoners who have failed to return from periods of temporary release within the existing prison system.

#### **Garda presence**

5.2 The proposed new Garda station should be built and manned before construction of the prison takes place. Gardaí should maintain a high profile presence in the area and the proposed staffing levels should be discussed with residents. One submission makes reference to the possibility of being inconvenienced by regular Garda checkpoints.

### **Security Reviews**

5.3 The IPS should provide security reviews for residents living in the vicinity of the prison, particularly those who are elderly or who have special needs. Financial compensation, or funding, for the installation of adequate security in residences in close proximity to the prison, should be provided.

5.4 A clear security strategy should be in place during the construction of the facility.

5.5 The locations of CCTV cameras around the prison should be discussed with local residents in the context of ensuring privacy. Local residents must be informed in relation to internal procedures in the prison such as fire drills, alarm testing and the operation of PA Systems.

### **Risks to children**

5.6 Views were expressed concerning the exposure of the locality's children to drug dealing and taking and discarded drug related paraphernalia.

### **Dublin Airport**

5.7 Concern was expressed about the issue of no fly zones over the prison and how this will affect safety pertaining to, and flight paths for, Dublin Airport.

## **Chapter 6**

### **Environmental, Flora, Fauna and Archaeological Issues**

#### **Impact of the development on landscape**

6.1 The structure will detract from the beauty of the natural landscape.

#### **Noise and Light pollution**

6.2 The EIA does not adequately address the issue of noise or light pollution caused by the development during or after its construction and particularly though not exclusively, by high level lighting columns in car parks and elsewhere. In that regard, it is submitted that lighting columns should be lower than the walls that surround them. Lighting on the three storey structures should be at the lowest level possible. One property owner regards as completely unacceptable the fact that one car park is to be situated adjacent to their home on two sides. No adequate mitigation measures to combat the noise affects of this are in place.

No consideration has been given to the affect these factors will have on homes, businesses, and livestock and bloodstock breeding taking place close to the facility.

Delivery and service vehicles should be restricted in terms of their hours of accessibility to the prison.

Concerns have also been expressed regarding the potential for noise generated by the housing of dogs on the development.

The methodology employed to measure noise refers to BS 4142, which has relevance to mixed residential and industrial areas, not rural agricultural areas.

## **Flooding**

6.3 The EIA is incorrect in its assessment of the land's susceptibility to flooding. Photographic evidence of apparently widespread flooding in the area is provided in various submissions. The EIA has not comprehensively addressed the potential for an exacerbation of the flooding issue once the prison has been built. Flooding caused by the development onto land owned by other residents has been raised as an area of concern. No consideration of run off, particularly from car parks on to adjoining land and property, or rainfall calculations are included in the EIA. It is questioned whether the authors of the EIA fully informed themselves of the flooding issue by consultation with the local authority or residents in the course of evaluating this factor and whether sufficient investigation of this matter has taken place.

6.4 A Sustainable Urban Drainage Strategy must be developed to avoid downstream flooding and the Greater Dublin Strategic Drainage Study must be adhered to. A 100 year model for flooding should be used and residents must be given sight of calculations in order to provide reassurance on the issue.

6.5 Efforts must be made to slow down the run off of surface water by providing a holding reservoir. Agreements must be made with local landowners to improve the drainage of their properties. It is suggested that surface water attenuation will be required and that upgrades to local rivers and streams, an issue not covered in the EIA, will be required.

6.6 It is submitted that the pumping station which manages the prison sewage will be built in an area prone to flooding with a consequential risk for contamination of the local water. No assessment of the environmental impact of the construction of the pumping station or its connection to the main sewage system has been included in the EIA. In addition no survey

of wells in the area and the affect that the construction work or the facility will have on them has been included in the EIA. .

### **Air pollution**

6.7 Concerns have been expressed in relation to air pollution from holding tanks particularly impacting on residents in close proximity to the prison. It is submitted that the existing foul sewage facilities are already over capacity. No evidence from the local authority or the Environmental Protection Agency (EPA) is included in the EIA to show that the additional discharge from this facility is acceptable to them.

Concern has been expressed in relation to the emission of pollutants from increased traffic in the area and from the prison, and in particular from 17 boilers it is intended to install on the site. While the EIA suggest that there will be no detrimental affect caused by these boilers, local residents disagree and have questioned whether the emissions indicated are based on a prison population figure derived from single occupancy of cells or whether they are based on the prison acting at its full occupancy potential of 2200 prisoners.

To the fullest extent possible, the prison should investigate and make use of passive design solutions such as solar power. Only after all passive solutions have been exhausted should active measures be taken for the complex incorporating strict insulation methods which exceed current standards as set out in the 2006 Building Regulations Part L.

It is submitted that there should be annual reviews of emission levels and that IPS medical personnel should explain to local residents the possible affects of increased air pollution.

### **Waste Management and related issues**

6.8 The EIA does not adequately address the issue of waste, sewage and construction waste management. There are concerns about the risk involved in the removal of potentially hazardous waste from an old quarry on the land.

### **Flora and Fauna**

6.9 Issue is taken with comments in the EIA that the impact on flora and fauna in the area will be minor or neutral in the long term. It is noted that planning permission for a golf course was previously refused on the basis of damage to the environment resulting from the removal of hedgerows. No assessment of what damage will be caused by the removal of hedgerows and ditches during construction of the prison has been carried out. A number of protected species also inhabit the area including bats and rare birds. Woods on the land should be preserved. One submission points out that farmers are precluded from cutting hedgerows between the months of March and September and questions how the impact of the development on hedgerows could not be seen as being in conflict with this direction.

### **Archaeology**

6.10 Reference is made to the findings set out in the final archaeological report as proof of the existence of significant archaeology at the Thornton Hall site. It is submitted that this cannot be destroyed and must be preserved in accordance with EU Legislation. Damage may have been caused to this archaeology by the digging of pits and the boring of holes. The EIA does not deal in any substantive way with the preservation of this archaeology. A recent report by Dr. Mark Clinton highlights the archaeological importance of the area.

## **Chapter 7**

### **Affect on local property and landscape**

#### **Affect on individual properties**

7.1 Local residents have expressed their disappointment as what they see is an attempt in the EIA to understate the affect this development will have on the appearances of their homes.

7.2 In some cases it is claimed that homes will be greatly devalued and rendered unsaleable as a result of their close proximity to the development and the negative affect on privacy, appearance and quality of life that will result. Others have claimed they will be forced to move.

7.3 Concern is expressed as to the impact on certain properties, some of which are located within 50m of the prison development and with prison car parking located adjacent on two sides. The re-location of the car park to elsewhere on the site is requested.

#### **Loss of developmental potential**

7.4 The construction of the prison will result in a decrease in the value of local land due to adverse affects on its attractiveness from a developmental perspective. Some parties, who previously received planning permission to build additional residences on their land for their own family's use, are now re-considering these projects. The possibility that the IPS might object to planning applications by local residents is also feared.

#### **Buy out scheme**

7.5 A scheme, whereby owners of properties adjacent to the proposed development could voluntarily sell their homes to the IPS at market value should they wish to, should be set up to mitigate against losses incurred both in terms of the devaluation of the property and the enormous diminution in the future use and enjoyment of it.

### **Affect on local businesses**

7.6 It has been submitted that some businesses, notably equestrian related, may suffer losses of revenue, custom and stigmatisation as a result of the prison being located in their vicinity. It is submitted that the product they offer which is inextricably linked to the natural beauty of the local environment will be damaged by the existence of the prison. The interruption of power supplies and adverse affect on water quality and supply have been cited as significant risks which the IPS must take necessary steps to ensure are avoided.

### **Affect on local schools**

7.7 No consideration appears to have been given to the needs of the local schools arising from the substantial change to the environment caused by the prison. A liaison officer should be appointed. The Irish Prison Service should consider making a contribution to improvements to the local schools.

### **Landscaping and screening the prison**

7.8 Residents in close proximity to the prison wall have expressed concern that it will radically change the rural character of the area and negatively affect their properties. One submission suggests that the wall will be no further than 37m away from some properties. The construction of 4 to 7m high berms, planted with trees around the prison perimeter has been requested. Such construction has not been considered in the EIA in the context of mitigation measures.

Concern has been expressed that it will take up to 15 years before the natural screening will be mature enough to perform its designated task. The EIA is flawed in not pointing this out and suggesting alternative action. Some photographic evidence provided appears to indicate that the existing screening is sporadic and ineffective. In addition, it is stated that the planting which has taken place consists of trees which lose their leaves in winter. Some are dead or dying already and the standard of planting is

described as poor. It is submitted that an interim method of screening the prison is required.

All gates to the prison should be non-see through and a minimum of 3m in height.

### **Major disasters and hazards**

7.9 There has been no consideration given in the EIA to the possibility of a fire or major disaster at the facility nor what matters will arise in the context of providing the prison with a gas supply

7.10 Concern is also expressed that it is planned to construct effluent holding tanks adjacent to residential and business properties.

## **Chapter 8**

### **Matters pertaining to the construction, appearance and operation of the prison**

#### **Construction issues**

- 8.1 Concerns were expressed by individuals living in close proximity to the prison regarding the detrimental affect on their quality of life and potential risk to their health during and after the construction of the prison. All necessary steps should be taken to reduce inconvenience to local people and to clean and maintain the environment and local residences during construction. Local residents and businesses should receive adequate compensation for inconvenience, any structural or cosmetic damage arising during the construction of the prison, or additional expense incurred in cosmetically insulating their properties from the prison.
- 8.2 A formal construction mitigation plan needs to be developed in conjunction with the local community. A Public Relations Plan must be formalised with nominated personnel from the contractor to liaise with the community and quality control measures to ensure the effective operation of both these processes needs to be in place.
- 8.3 The local community and school should be linked to any new sewage system and given access to a secure, good quality water supply.

#### **Prison Wall**

- 8.4 The prison wall should be constructed early in the process to reduce noise and light emissions from construction work. The wall should be finished in a manner which is cosmetically sympathetic to the local environment. No information is included in the EIA pertaining to the proposed finish of the wall.

8.5 It is suggested that the proposed wall height could be lowered from 7.2m to 5.2m, similar to existing institutions in other jurisdictions, without security being compromised. This will also reduce the need for lighting at the heights envisaged. It is suggested that the walls should be screened and a minimum of 60m to 100m away from any residential boundary to prevent obstruction to lines of sight and minimise noise and light pollution. Single storey residences are likely to be particularly effected by the wall height. The erection of the prison wall is likely to have a detrimental effect on plans to build a wind energy facility in the area. No consideration appears to have been given to the affect of the prison development on alternative energy projects in the area.

### **Architectural Conservation**

8.6 Concern has been expressed in relation to the detrimental affect this development will have on the designated structures of Thornton Hall house, gate lodge and adjoining structures.

### **Operational issues pertaining to the prison**

8.7 Shift changes in the prison should be conducted at times sympathetic to the local community. Concern is expressed as to what procedures will be in place for releasing, or temporarily releasing, prisoners. No details of prison bus services or drop off points have been identified. Concerns over the safety of passengers on the ordinary bus routes have also been expressed.

### **Compensating the community**

8.8 The local community should be compensated by the provision of a swimming pool, library, gymnasium, tennis and squash club and broadband access. The crèche provided in the prison should be open to local use. The offer by the IPS to provide facilities, sports pitches etc has little merit when it is considered that such offers are made in the absence of any planning permission. One submission states football pitches are not required.

## **Chapter 9**

### **Matters pertaining to the prison system and the welfare of prisoners**

- 9.1 Hardship will be experienced by families, friends and other parties concerned with the welfare of prisoners in the context of making visits. The use of a designated bus service for the prison will stigmatise those forced to make use of it.
- 9.2 Prison overcrowding cannot be addressed by the provision of larger prisons. There is a need to address the fundamental social ills in society which cause people to offend and be imprisoned. Addressing the causes of offending by investment in primary education and in neglected and socially disadvantaged areas would be a far better response than wasting public money in a system that has failed.
- 9.3 The findings of the Whitaker Report should be considered in the context of the development of penal policy in this State. The planning process for the new prison should have included a rigorous analysis of the actual need for prison places. Alternatives to custody should be explored, and the practice of imprisonment for short periods needs to be reviewed.
- 9.4 The relocation of the Dóchas Centre is a backward step. The retention of it at its current location must be given further consideration. There appears no purposeful reason for the relocation of both this centre and the Training Unit other than to maximise the revenue realised from a sale of the full Mountjoy site.
- 9.5 In addition to there being a legal onus on the State to assess the impact of the proposed development on local residents, a similar obligation exists in the case of those individuals likely to be incarcerated there and their respective families and relatives. Concern is also expressed as to the

impact such incarceration will have on juvenile offenders who will also be held at this location albeit on an interim basis. Such an assessment needs to be carried out and made available for consultation.

9.6 Ex-prisoners have expressed concern that the remoteness of the site might hinder their opportunity for participation in work schemes and other rehabilitative programmes. They do not believe the increased security of the site will have any affect on drugs entering the prison.

9.7 Experience and studies suggest that the construction of smaller scale prisons enhance the prospects of rehabilitating offenders. The current design envisaged is not conducive to combating violence within prisons and there is little information on what steps will be taken in the context of design to deal with drug and alcohol addiction.

## PART 3

### Names and addresses of those who made written submissions or observations to the Rapporteur

Name	Address
Adams Jacqueline Adams Vincent Byrne Claire Byrne Tony Keenan Margaret Spring Noelle Martin Ann Martin Jacqui Martin John	Thornton, Kilsallaghan, Co. Dublin
Archer-Murphy Suzanne	Thornton, Kilsallaghan, Co. Dublin
Byrne Claire	Thornton Cottage, Kilsallaghan, Co. Dublin
Byrne D.	Coolquay Nurseries, The Ward, Co. Dublin
Byrne Tony	Thornton Cottage Kilsallaghan, Co. Dublin
Cantwell Thomas	Kilsallaghan, Co. Dublin
Cantwell Christina	Glebe Road, Kilsallaghan, Co. Dublin
Casey Norita on behalf of Concerned Residents Group <b>(97 signatories)</b>	White, Young, Green, Apex Business Centre, Sandyford Dublin 18
Conaty Aidan	Coolquay, The Ward, Co. Dublin
Conaty Bernadette	Coolquay, The Ward, Co. Dublin

Conaty Breffni	Coolquay, The Ward, Co. Dublin
Conaty Cathal	Coolquay, The Ward, Co. Dublin
Conaty Dawn Marie	Coolquay, The Ward, Co. Dublin
Conaty Eilis	Coolquay, The Ward, Co. Dublin
Conaty Lily	Coolquay, The Ward, Co. Dublin
Conaty Tom	Coolquay, The Ward, Co. Dublin
Craige Una	Heathwood, Kilcoskan, Kilsallaghan, Co. Dublin
Crowley Mark	Palladian House, Thornton, Kilsallaghan, Co. Dublin
Crowley Thomas	Palladian House, Thornton, Kilsallaghan, Co. Dublin
Dore Julianne	Newbarn, Kilsallaghan, Co. Dublin
Dore Mary	657 Collins Avenue, Dublin 9
Dore Robert	657 Collins Avenue, Dublin 9
Dowling Margaret	Coolquay, The Ward, Co. Dublin
Dowling Mary	Coolquay, The Ward, Co. Dublin
Dunne Mary	New Barn, Kilsallaghan, Co. Dublin
Dunne Matt	New Barn, Kilsallaghan, Co. Dublin
Farrell John	Rowan, Clonee, Co. Meath
Francis Michelle	Coolquay, The Ward, Co. Dublin
Gantley John Gantley Susan	Thornton, Kilsallaghan, Co. Dublin
Gaynor Grainne	Dun Water Newbarn, Kilsallaghan, Co. Dublin
Hannigan Catherine	Glebe Lane, Kilsallaghan, Co. Dublin
Hannigan Catherine	Glebe Lane, Kilsallaghan, Co. Dublin

Declan Hannigan	Glebe Lane Kilsallaghan, Co. Dublin
Hannigan Fergal	Glebe Lane, Kilsallaghan, Co. Dublin
Hannigan Moira	Glebe Lane, Kilsallaghan, Co. Dublin
Hannigan Moira	Glebe Lane, Kilsallaghan, Co. Dublin
Harris Peggy	Newbarn, Kilsallaghan, Co. Dublin
Hemeryck Ben Hemeryck Rebecca	Coolquay, The Ward, Co. Dublin
Hemeryck Bernadette Hemeryck Walter	Coolquay, The Ward, Co. Dublin
Hemeryck John	New Barn Kilsallaghan, Co. Dublin
Hickey Declan	Acresview, Kilsallaghan, Co. Dublin
Hickey Jeanette	Acresview, Kilsallaghan, Co. Dublin
Hickey Laurence	The Green, Kilsallaghan, Co. Dublin
Joyce James B. and Co. Solicitors, on behalf of Michael Kavanagh	Clifden Co. Galway
Kavanagh Kitty	Ballaghavasey, Kilsallaghan, Co. Dublin
Kavanagh Teresa	Newbarn Kilsallaghan, Co. Dublin
Keenan Margaret	Thornton, Kilsallaghan, Co. Dublin
Kennedy Noeleen	Coolquay, The Ward, Co. Dublin
Kenny Kevin Kenny Maria	Teach O'Coinneach, Coolquay, The Ward, Co. Dublin
Lally Donal	Newbarn Lane, Kilsallaghan, Co.

	Dublin
Lawlor Caitriona Lawlor Ciaran B. Lawlor Ciaran Lawlor Diarmuid Lawlor Fionnuala Lawlor Grainne Lawlor Julia	Thorntown, Kilsallaghan, Co. Dublin
Lynam Bob	Old Barn, Kilsallaghan Co. Dublin
MacCabe Michael	Woodbine Lodge, Thornton, Kilsallaghan, Co. Dublin
Manning Alan	New Barn Kilsallaghan, Co. Dublin
Manning Antoinette	Kilsallaghan Co. Dublin
Manning Marie	Kilsallaghan, Co. Dublin
Manning Marie	Newbarn Kilsallaghan, Co. Dublin
Manning Michael	Kilsallaghan, Co. Dublin
Manning Michael	8 Rolestown, Kilsallaghan, Co. Dublin
Manning Yvonne	8 Rolestown, Kilsallaghan Co. Dublin
Martin John	Thornton, Kilsallaghan, Co. Dublin
McDonagh John	New Barn, Kilsallaghan Co. Dublin
McDonagh Teresa	New Barn, Kilsallaghan Co. Dublin
McDonnell Brian	Kilcoskan, Kilsallaghan, Co. Dublin
McDonnell Brian McDonnell Teresa	Kilcoskan, Kilsallaghan, Co. Dublin
McDonnell Hannah	Kilcoskan, Kilsallaghan, Co.

	Dublin
McDonnell Robert	Kilcoskan, Kilsallaghan, Co. Dublin
McDonnell Teresa	Kilcoskan, Kilsallaghan, Co. Dublin
McDonnell Teresa, Secretary, Rolestown – St. Margarets Action Group	Kilcoskan, Kilsallaghan, Co. Dublin
McDonnell Teresa, Secretary, Rolestown – St. Margarets Action Group	Kilcoskan, Kilsallaghan, Co. Dublin
McFadden Grainne McFadden Michael	Kilcoskan, Kilsallaghan, Co. Dublin
McGuigan Cathy	Rath Cottage Kilsallaghan, Co. Dublin
McGuigan Michael	Rath Cottage, Kilsallaghan Co. Dublin
McMahon Oliver	Newbarn Kilsallaghan, Co. Dublin
McManus Brian	Kilcoskan, The Ward, Co. Dublin
McManus Terry	Kilcoskan, The Ward, Co. Dublin
Merne Philip	Dunwater, Newbarn, Kilsallaghan, Co. Dublin
Merne Rich	Dunwater, Newbarn, Kilsallaghan, Co. Dublin
Merne Rich	Dunwater, Newbarn, Kilsallaghan, Co. Dublin
Milling Matt Milling Sinead	The Eaves Kilcoskan, Kilsallaghan Co. Dublin
Murphy Jimmy	54 Hawthorne, Swords, Co. Dublin
Nugent Sean	The Ward Upr., The Ward, Co. Dublin
O'Brien Joseph	Kilsallaghan, Co. Dublin
O'Carolan Aoife	Newbarn, Kilsallaghan, Co.

	Dublin
O'Carolan Ciaran	Newbarn Kilsallaghan Co. Dublin
O'Carolan Pauline	Newbarn, Kilsallaghan Co. Dublin
O'Carolan Sean	Newbarn, Kilsallaghan, Co. Dublin
O'Connell Sister Maureen on behalf of Presentation Justice Network	Presentation Sisters, Nagle Community, 55 Kirwan Park, Mountmellick, Co. Laois
O'Connor David	Coolquay Nurseries, The Ward, Co. Dublin
O'Connor Mary	Coolquay Nurseries, The Ward, Co. Dublin
O'Connor Michael	Coolquay Nurseries, The Ward, Co. Dublin
O'Dowd Claire Smith Niall	Kilcoskan, The Ward, Co. Dublin
McFadden Grainne (with a petition of 156 signatures protesting against the use of local roads for construction purposes)	Kilcoskan, The Ward, Co. Dublin
O'Dowd Teresa	Kilcoskan, The Ward, Co. Dublin
O'Dubhthaigh Caomhan, Priomh Oide, Francis Taylor National School Winters Tom, Chairperson, Francis Taylor National School	Kilcoskan, The Ward, Co. Dublin
Ó'Gallachóir Frank and Associates on behalf of Central Mental Hospital Carers Group	16 Parklands Office Park, Southern Cross Road, Bray Co. Wicklow
O'Gorman Michael	9, Broadmeadows Rd. Swords, Co. Dublin
O'Mahony Pauline	The Rath, Kilsallaghan, Co. Dublin
O'Neill Daniel	Coolquay, The Ward, Co. Dublin

O'Neill Danny	Coolquay, The Ward, Co. Dublin
O'Reilly James	Newtown, The Ward, Co. Dublin
O'Riordan Fr. Tony	Jesuit Centre for Faith and Justice, 26 Upper Sherrard Street, Dublin 1
O'Rourke Michael	38 Rivermeade Park, St. Margarets, Co. Dublin
O'Shea Denis	Ashgrove House, Castlefarm, Kilsallaghan, Swords, Co. Dublin
O'Sullivan Joanne	The Rath Farm, Kilsallaghan, Co. Dublin
O'Toole Senator Joe,	Thornton, Kilsallaghan, Co. Dublin
Rattigan Albert Rattigan Eoghan O'Donovan Kate	Coolatrath, The Ward, Co. Dublin
Reddin Elizabeth Reddin Peter	Thornton, Kilsallaghan, Co. Dublin
Reddin Elizabeth	Thornton, Kilsallaghan, Co. Dublin
Reddin Peter	Thornton, Kilsallaghan, Co. Dublin
Reidy Frank	The Rath, Kilsallaghan, Co. Dublin
Reidy Frank Reidy Gabrielle	The Rath, Kilsallaghan, Swords P.O. Co. Dublin
Roundtree Tarpey Solicitors on behalf of PJ and Gena Lynam	25 Upper Mount Street, Dublin 2
Roundtree Tarpey Solicitors on behalf of Mark and Sandra Tallon	25 Upper Mount Street, Dublin 2
Scully Sr. Ann	Mercy Justice Office, Mount St. Vincents, O'Connell Avenue,

	Limerick
Shirley Norman Shirley Patricia	Thorntown, Kilsallaghan Co. Dublin
Skelly Andrew	The Ward, Co. Dublin
Skelly Chris	Newbarn, Kilsallaghan, Co. Dublin
Skelly Kitty	Manderville House, The Ward, Co. Dublin
Skelly Laurence	Manderville House, The Ward, Co. Dublin
Spratt Bridget	New Barn Kilsallaghan, Co. Dublin
Spratt Christy	New Barn, Kilsallaghan, Co. Dublin
Spring Noelle	Thornton Cottage, Kilsallaghan, Co. Dublin
Stynes John	Kilcoskan, Kilsallaghan, Co. Dublin
Sutton Evelyn	Ballystrahan, St. Margarets, Co. Dublin
Synnott Eleanor	The Rath, Kilsallaghan, Co. Dublin
Synnott Joe	Wotton Cottage, The Ward, Co. Dublin
Thomas Elizabeth Thomas George	Coolquay, The Ward, Co. Dublin
Whelan Angela	Coolquay, The Ward, Co. Dublin
Whyte Edel	Newtown House, The Ward, Co. Meath

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James Farrelly, Rapporteur

30<sup>th</sup> April 2008

## APPENDIX

### Warrant of Appointment

I, Brian Lenihan, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred upon me by Section 23 of the Prisons Act, 2007, hereby


appoint

**Mr James Farrelly**

as Rapporteur to receive written submissions or observations and submit a report relating to the proposed prison development, to which Part 4 of the Prisons Act, 2007, following the direction S.I. No. 251 of 2007 made under Section 13 of the said Act, applies, on a site not previously used for that purpose in the District Electoral Division of Kilsallaghan in the county of Fingal.

Given under my Official Seal

This 25 day of July, 2007.

  
Brian Lenihan  
Minister for Justice,  
Equality and Law Reform

