



An
Bord
Pleanála

Board Direction
BD-001078-18
ABP-302225-18

The submissions on this file and the Inspector's report dated 23rd March 2018 were considered at Board meetings held on 6th, 7th and 10th September 2018.

The Board considered the case *de novo* and decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the information provided in the Screening Report dated 21st December 2017, the Board could not be satisfied that the exclusion from the Natura Impact Statement of relevant species of Special Conservation Interest associated with European sites within the Zone of Influence of the proposed development, on the basis of the infrequency of their use of development lands and the low numbers of species involved was appropriate, and therefore that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the North Bull Island Special Protection Area (SPA), (Site Code: 004006), the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the Baldoyle Bay SPA (Site Code: 004016), the Malahide Estuary SPA (Site Code: 004025), the Rogerstown Estuary SPA (Site Code: 004015), or any other European site in view of the sites' Conservation Objectives.
2. Having regard to the fact that the subject site is one of the most important *ex-situ* feeding sites in Dublin for the Light-bellied Brent Goose, a bird species that is a qualifying interest for the North Bull Island SPA (Site Code: 004006),

the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the Baldoyle Bay SPA (Site Code: 004016), the Malahide Estuary SPA (Site Code: 004025), and the Rogerstown Estuary SPA (Site Code: 004015) and having regard to the lack of adequate qualitative analysis and accordingly the lack of certainty that this species would successfully relocate to other potential inland feeding sites in the wider area, as proposed as mitigation for the development of the subject site in the submitted Natura Impact Statement, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites in view of the sites' Conservation Objectives. The Board considered that the proposed development would contravene materially a development objective (GI23) indicated in the Dublin City Development Plan (2016-2022) for the protection of European sites. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted that the Screening Report recorded that a total of forty-four site visits were carried out at the development site over the wintering bird seasons of 2015-2016 and 2016-2017 and that season peak counts of relevant species of Special Conservation Interest associated with European Sites within the Zone of Influence of the Proposed Development, were detailed within the Screening Report. However, the Board could not be satisfied in the absence of the survey data from the site visits that the season peak counts recorded were in fact infrequent and/or in low numbers and were thus a reasonable basis for the exclusion from the Natural Impact Statement of the relevant species of Special Conservation Interest for the North Bull Island SPA (Site Code: 004006), the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the Baldoyle Bay SPA (Site Code: 004016), the Malahide Estuary SPA (Site Code: 004025), and the Rogerstown Estuary SPA (Site Code: 004015), or any other European site in view of the sites' Conservation Objectives.

The Board also noted the Inspector's conclusions that the long-term mean population of Light-bellied Brent Geese at each of the five relevant European sites included in the Natura Impact Statement is increasing over the periods surveyed and that the network of known and potential alternative feeding sites for the Light-bellied Brent Goose was substantial, that they were all located within relatively close proximity to each other within the Dublin Area and that variation in the usage of the sites from season to season was recorded. However, the Board could not be satisfied beyond a reasonable scientific doubt that the Light-bellied Brent Geese that would be displaced by the proposed development, would successfully relocate to other sites and/or that these sites would represent suitable alternatives to the subject site, which was acknowledged to be of one of eight *ex-situ* feeding sites of major importance in the Dublin area.

The Board generally agreed with the Inspector's assessment in relation to other aspects of the proposed development, with the exception of the recommendation to remove car parking spaces and furthermore considered that all open space areas, roads and pedestrian linkages to St. Anne's Park should be taken in charge by the planning authority.

Board Member

Maria Fitzgerald
Maria Fitzgerald

Date: 10/09/2018

DECISION QUASHED