



An
Bord
Pleanála

Board Direction
BD-004896-20
ABP-304904-19

The submissions on this file and the Inspector's report were considered at Board meetings held on 6/11/2019 and 13/01/2020.

At the meeting of the 6/11/2019, the Board decided to defer this case for further consideration and in accordance with section 131 of the Planning and Development Act 2000 (as amended), the Board considered it appropriate in the interests of justice to request submissions or observations from the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht. A section 131 notice was also issued to the Heritage Council and An Taisce. No responses were received.

At the meeting of the 13/01/2020, the Board further considered the case and decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

Having regard to

- a) Previous recorded observations of significant numbers of wintering birds utilising the subject lands as an ex-situ feeding site, including species which are qualifying interests for the Malahide Estuary SPA (Site Code: 004025) and Rogerstown Estuary SPA (Site Code 004015), in particular the Light-Bellied Brent Geese.
- b) the lack of adequate up to date, quantitative and qualitative analysis with regard to the frequency, duration and extent of such use of the lands, and

- c) the extended duration of construction activity involved in the provision of the Nature Park;

The Board cannot determine the significance of the potential disturbance and displacement impacts of construction activity within the proposed Nature Park on such species with sufficient certainty and accordingly, 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.

Board Member

Date: 13/01/2020

Maria FitzGerald