



An
Bord
Pleanála

Report to Inspector (Appendix to main report) ABP- 314485A-22

Development

Dublin Airport North Runway

Relevant Action Application (Appeal)

Topic:

Adequateness of information for
purpose of Screening for Appropriate
Assessment – Report No. 2

Appropriate Assessment

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1.0 Introduction

1.1. Scope of Report to Inspector

- 1.1.1. This report to the Planning Inspector and available to the Board is a follow up report to that prepared in December 2023 which was a written record of my review and examination of the information submitted by the Dublin Airport Authority (DAA) in relation to the requirements for the screening stage (stage 1) of the Appropriate Assessment process for a proposed Relevant Action, seeking to amend condition 3(d) and replace condition 5 of the North Runway Planning Permission.
- 1.1.2. That initial report was prepared in response to a request from the Planning Inspector to provide a professional opinion as to the adequacy of the information before the Inspector and the Board to undertake screening for Appropriate Assessment (AA) and was focused on the AA screening reports prepared by AECOM namely:
- Appropriate Assessment Screening Report, AECOM (2021)
 - Addendum to Appropriate Assessment Screening Report (2023)
- 1.1.3. For the avoidance of doubt, the Planning Inspector undertook the analysis required for stage 1 Screening for Appropriate Assessment which included consideration of relevant submissions and reached an independent screening determination. My report was a professional opinion and recommendation based on the scientific information prepared by AECOM on behalf of the DAA.
- 1.1.4. The Planning Inspector did not request a review of submissions at that time.
- 1.1.5. In view of further submissions received on the Draft Decision made by The Board which include reference to my report dated 13th December 2023, a request was made by the Planning Inspector for me to address those related to Appropriate Assessment.
- 1.1.6. This report does not revisit the screening determination made by the Planning Inspector.

2.0 Submissions relevant to Appropriate Assessment

2.1. Introduction

2.1.1. Submissions relevant to Appropriate Assessment (AA) are considered in this section. Both Saint Margarets The Ward Residents Group (SMTW) and Sabrina Joyce- Kempler make detailed submissions on AA with particular reference to impacts on Special Protection Areas. These are summarised as follows:

- Bird survey data from 2016-2018 is out of date and cannot be relied upon;
- Full range of possible impacts and effects not considered (including impacts on individual species, ex-situ effects, movements of birds between sites);
- Conservation objectives not considered adequately (threats, pressures, trends);
- Wildlife management measures incorrectly used to rule out significant effects;
- Red Kite (Annex I) not considered in AA Screening.

2.2. Consideration of submissions

Technical content of Screening Report for AA

2.2.1. Both submissions refer to the age of the bird survey data relied upon to inform the consideration of potential disturbance of special conservation interest bird species (SCI) within Baldoyle Bay SPA and Rogerstown Estuary SPA. The Screening report prepared by AECOM includes information from vantage point surveys comprising 252 hours survey, undertaken over a period of June 2016 to Dec 2017 and April to May 2018 at locations in Baldoyle Bay SPA and Rogerstown Estuary SPA. Both SPA sites are beneath the flight paths of aircraft coming into and departing Dublin airport with an almost continuous stream of air traffic overhead.

2.2.2. This study was commissioned by the DAA with the aims to:

- observe disturbance events and behaviour changes of waterbirds in relation to over-flying aircraft and

- determine whether or not over-flying aircraft disturb waterbirds at these designated sites.

2.2.3. The aims of the survey are of relevance as they were not time bound or designed to estimate numbers or abundance of birds at a particular location.

2.2.4. I note the observation of Sabrina Joyce- Kempler that the data on these vantage point surveys of overwintering birds was not provided with the AA Screening Report.

2.2.5. Given the passage of time since the planning application was initially made to Fingal County Council (2020) the submissions question the reliability of such data in 2025. In my earlier report, I observed that the scientific information was adequate and up to date at the time of submission i.e. 2020 with updated reports provided in 2021 to Fingal County Council. AA Screening and AA should be undertaken in view of the best available scientific information which includes up to date survey data. However, it can be difficult to set a specific timeframe over which reports, or survey data should be considered valid, as this will vary in different circumstances. Where projects are in the planning process for a number of years, this is a challenge. In the *Advice note on the lifespan of ecological reports and surveys* the Chartered Institute of Ecology and Environmental Management (2019) advises that data and reports more than three years old are unlikely to still be valid and that surveys are likely to need to be updated (subject to an assessment by a professional ecologist). Factors to be considered include:

- whether the (subject) site supports or may support mobile species which could have moved onto the site or changed distribution within a site.
- Whether there have been significant changes to the habitats present (on the subject site) since the surveys were undertaken:
- Whether the local distribution of a species in the wider area around a site has changed.

2.2.6. The circumstances in this case are unique as the relevant action relates to amendments to an existing operational scenario and the area covered for the bird surveys is not a development site (in the way example scenarios of the advice note are provided). Rather, the surveys were undertaken within a wider potential zone of

influence at SPA sites with defined SCI bird species. Thus, the factors that may need to be considered for a defined development site are not particularly relevant in this case. The findings of the survey as reported in the AECOM AA Screening report are that over that period of time, with flight activity considered to be represented of a worst-case scenario, no significant disturbance events were recorded from aircraft. The main disturbance to wintering waterbirds within the SPA sites is from people waking dogs and dogs off lead which in various studies has been shown to account for 50% of disturbance events and is listed as pressure in conservation objectives for these sites. The results of the 2016-2018 surveys are just one piece of objective information that is considered in the AA Screening report and provides context for the consideration of likely significant effects.

- 2.2.7. In reaching a screening determination, the Board need to be satisfied that the Relevant Action does not significantly increase the intensity, frequency, timing and duration of disturbance across SPA sites. I consider that taken as whole, the objective information provided in the Screening Report demonstrates this.

Full range of possible impacts and effects not considered (including ex-situ effects, movements of birds between sites)

- 2.2.8. Assessment scenarios are set out in section 1.11-1.20 of the AA Screening report, detailing predicted annual passenger numbers, air traffic numbers and nighttime air traffic numbers. A comprehensive literature of scientific studies related to noise levels and bird hearing and the effects of aircraft noise and visual stimuli on birds (non-breeding waterbirds and breeding seabirds) and marine mammals including cetaceans is presented in section 2 which sets out the scope of the focus of the screening assessment to follow.
- 2.2.9. Based on the above, the only feasible impacts that could reasonably arise for European Sites within a zone of influence of the proposed Relevant Action are increased noise and/or visual disturbance from over-flying aircraft, and collision risk impacts (i.e. bird strike) related to the increase in number of flights taking off and or landing at Dublin airport between 23:00 and 07:00 and to also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional two hours i.e. 23:00 to 00:00 and 05:59 to 07:00.

- 2.2.10. I consider that the approach taken by AECOM in identifying possible impact mechanisms to be appropriate and proportionate to the likely implications of the Relevant Action.
- 2.2.11. The assertion that indicators such as reductions in habitat area, damage to the physical environment and interference with species reproductive activities were not considered is incorrect, they were scoped out. In the consideration of breeding seabirds, the literature review does acknowledge other less obvious stress related behavioural changes that may occur.
- 2.2.12. The literature review found that noise levels of around 60dB(A) or lower are unlikely to result in disturbance responses with noise levels greater than this eliciting responses in some studies. Results were similar for marine mammals with the height of overpassing aircraft of significance. These findings influenced the noise modelling in relation to European sites in and around Dublin Bay (AA Screening Report Table 11).
- 2.2.13. The Screening report does not attempt to assess potential impacts on functionally linked ex-situ habitats outside of the European site network which SCI bird species may utilise either regularly or occasionally. Reference is made in submissions to bird quiet zones in Portmarnock. These areas are located adjacent to the European Site network and are designed primarily to protect designated sites and species from human disturbance in particular from dogs and to enhance the habitats available adjacent to the core areas of the protected sites. If the rationale that has been applied to excluding significant effects on European sites is applied, i.e. that there will be no significant change to background noise disturbance levels from the Relevant Action then there will be no significant change in background disturbance levels from overflying aircraft at other ex-situ sites utilised by SCI species or movements between sites.

Conservation objectives not considered adequately (threats, pressures, trends)

- 2.2.14. The screening report considers the conservation objectives of European Sites and also details threats, pressures and current conservation status. Section 3 of the Screening report summarises European sites within the Zone of influence. All QI species and habitats are listed with reference to conservation condition from site specific conservation objectives. Section 4 considered the current condition of the relevant European sites (where available) from site specific conservation objectives, threats and pressures affecting sites and particular species not achieving conservation objectives.
- 2.2.15. The submission of Sabrina Joyce- Kempler on current IWEBS trends are noted.

Wildlife management measures incorrectly used to rule out significant effects

- 2.2.16. Dublin Airport implements a wildlife management plan which prevents flocks of birds including species that are SCI species of SPA sites amassing in and around the airport in the interest of public safety. This management plan is ongoing and a standard feature of airport operations, inherent in day-to-day management and is required irrespective of the proximity to European Sites and therefore can be taken into account in Screening as objective information (Judgment - 15/06/2023 - Eco Advocacy Case C-721/21).

Red Kite not considered in AA Screening

- 2.2.17. SMTW submit that the lack of consideration of Red Kite (*Milvus milvus*) is an omission from the AA Screening. This raptor species was reintroduced to Ireland in County Wicklow in 2007. The population is slowly expanding from its core range in counties Wicklow, Dublin and Down.
- 2.2.18. While listed on Annex I of the Birds Directive, no SPA has been designated for this species in Ireland and thus assessment of any effects does not fall under the heading of AA Screening or AA. The provisions of Article 6(3) are in view of the Conservation Objectives of the European Sites under examination and does not extend to Annex I bird species not listed for those SPA sites. Therefore, there is no omission with regard to this species in the AA Screening.

3.0 Summary and Conclusion

- 3.1.** I consider that the approach taken by AECOM in identifying possible impact mechanisms to be appropriate and proportionate to the likely implications of the Relevant Action.
- 3.2.** I consider that the information is adequate for the Board to make a robust screening determination.

Signed:

A handwritten signature in blue ink, appearing to read 'Maeve Flynn', with a long horizontal flourish extending to the right.

Maeve Flynn BSc. PhD, MCIEEM
Inspectorate Ecologist

2nd May 2025