An Bord Pleanála

Technical note: Ecology
ABP- 320664-24

To: Phillippa Joyce, Senior Planning Inspector

From: Dr Maeve Flynn, MCIEEM Inspectorate Ecologist

Re: An Taisce observation on Lisdoo LRD- implications for wetland habitat and waterbirds outside of Dundalk Bay Special Protection Area

15th November 2024

1. Background

Reference ABP-320664-24 is a planning appeal related to a proposal for Large-scale residential development (LRD) comprising construction of 205 units with provision of a creche with all associated site works at Lisdoo Townland, Dundalk, Co. Louth.

Prescribed body An Taisce, made an observation on the appeal to the Board regarding the consideration of implications of the proposed LRD on wetland habitat and any associated waterbirds outside of the functional area of Dundalk Bay Special Protection Area (SPA). An Taisce cite Article 27(4) and (5) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 which emphasise the obligations on Public authorities regarding non-deterioration of bird habitats outside of European Sites.

In considering this case, the planning Inspector requested assistance from the Inspectorate Ecologist regarding the technical nature of the observation from An Taisce and due to the time-dependant decision making for LRD cases. This technical note aims address the request by reviewing the relevant documentation including Ecological impact assessment (EcIA) Appropriate Assessment Screening

Report (AASR) and Natura Impact Statement (NIS) prepared by EnviroGuide in view of the issues raised.

2. An Taisce observation

The observation highlights, and requests, the following:

1. Site is in close proximity to Dundalk Bay SPA.
2. Site traverses an area of alluvium sediment which is a potential wetland habitat.
3. A wetland pond area and associated unique flora are present in the NW area of the site.
4. Likelihood the area may be used for foraging, breeding, and roosting by SPA special conservation interest waterbirds.
5. Board to ensure that a net loss of suitable waterbird habitat would not be the outcome of granting permission for the proposed development.
6. Potential impact of the proposed development on reducing bird habitat requires close attention (refers to legislation on responsibility of decision-making public authorities).

3. Review and assessment of application information in view of issues raised.

Proximity to Dundalk Bay SPA.

At its closest point, the proposed development site is within 200m of the westerly boundary of Dundalk Bay Special Protection Area (004026). The SPA designation covers the Castletown River at this location as far as the railway bridge. The proposed development site is surrounded by urban, residential, industrial and community land use.

Dundalk Bay SPA is a large site comprising open sea bay, extensive saltmarshes and intertidal mudflats. It is of international importance as it regularly supports assemblages of over 20,000 wintering waterbirds. The site is of special conservation interest for the following species (SCI): Great Crested Grebe, Greylag Goose, Light-bellied Brent Goose, Shelduck, Teal, Mallard, Pintail, Common Scoter, Red-breasted Merganser, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Lapwing,

Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black headed Gull, Common Gull and Herring Gull and wetland habitats.

Ecological characteristics of the proposed development site

I am satisfied that the ecological impact assessment and NIS (including screening report) have been prepared by professional and experienced ecologists in line with standard practice guidelines, relevant legislation and policy. Ecological surveys were conducted in line with standard best practices and at the appropriate time of year by qualified and experienced ecologists from EnviroGuide Consulting (see EcIA 1.1).

Habitat surveys were undertaken in line with current best practice within the appropriate season to identify, categorize and evaluate natural and seminatural habitat on the proposed development site. The dominant habitat on the site is described as improved agricultural grassland (Fossitt (2000) category GA1). An area of wetland habitat is identified in the northwest corner of the site and described as comprising a pond (Wet Grassland GS4/Other Artificial Lakes and Ponds FL8), surrounded by an area dominated by water horsetails (*Equisetum fluviatile*). This merges into a poorly drained area of wet grassland with rushes (*Juncus* spp.), dock and some less abundant horsetails (*Equisetum* spp.). Figure 4 of the EcIA presents the extent of these habitats map at the site.

The An Tasice submission makes reference to the presence of alluvium soils present at the proposed development location, however, examination of the National soils data and accessed on the EPA map viewer (accessed 11/11/2024) base shows that soil on Site is classified as Ballylanders, and the subsoil is Sandstone and shale till (Lower Paleozoic) (TLPSsS) (EPA, 2024). Alluvium soils occur further west of the site along the course of the Casteltown River.

Bird species recorded using the proposed development site

The proximity of Dundalk Bay SPA and the possible use of habitats outside of the estuarine and coastal habitats by waterbirds is considered in the EcIA, AA Screening report and NIS. The approach and methodologies for bird surveys undertaken at the site are described in these reports. Breeding bird surveys were conducted in May and July 2023 and wintering bird surveys covered a period six dates between October 2022- March 2023 (Table 2 EcIA).

Results of the breeding bird survey are presented in EcIA Table 11 and the species recorded are representative of the habitats present. Birds recorded within the area of wetland habitat included meadow pipit, linnet (*Linaria cannabina*), stonechat (*Saxicola torquatus*), goldfinch (*Carduelis carduelis*), and whitethroat (*Sylvia communis*). These are relatively common passerine species, representative of non-intensively managed land but as indicated on Table 2, showing some national wide declines (meadow pipit red listed- of conservation concern).
None of these birds are wetland species or SCI of the SPA.

Winter surveys recorded a total of 40 species of birds flying over, or within the site (EcIA Table 12). The conservation status of the species is presented in both the EcIA and AA Screening report. Of these species, six are red listed, namely curlew (*Numenius arquata*), dunlin (*Calidris alpina*), grey wagtail (*Motacilla cinerea*), snipe (*Gallinago gallinago*), meadow pipit and redwing (*Turdus iliacus*), and nine are amber listed, with the remaining species green listed (not of conservation concern). Both curlew and dunlin (SCI species) were only recorded as flyovers and were not found utilizing the site. Snipe was recorded wintering in small numbers on site but is not a SCI for the SPA.

4. Review and assessment

From my review of the birds recorded, only one SCI listed species, Teal (a duck species), was recorded at the pond in the wetland area of the proposed development site and in very low numbers (2 individuals- note as an SCI it is of relevance for national level numbers 538, therefore 2 individuals is not significant). Other species that are listed SCI species were recorded flying over the site only. No SCI species (referred to as target species in the EcIA) were recorded foraging or roosting on the site over the course of the surveys and the AA Screening report states that no significant ex-situ habitat exists on site for any SCI listed for Dundalk Bay SPA.

In order to assist the inspector and the Board in their consideration of this appeal, I provide a summary table of the SCI birds species, their conservation status and identify those recorded flying over/ on the site. I consider that this could have been made clearer in the AA Screening report (4.1.2.2.1) as the summary of wintering bird

survey does not categorise them according to SCI status, rather as conservation status.

Table 1: Summary of special conservation interest bird species of Dundalk Bay SPA and recordings relative to proposed LRD development as Lisdoo, Dundalk, Co. Louth.

Special conservation interest	**Recorded on LRD site** **FO: flyover** **On: onsite**
Great Crested Grebe	
Greylag Goose	
Light-bellied Brent Goose	
Shelduck	
Teal	On site (2)
Mallard	
Pintail	
Common Scoter	
Red-breasted Merganser	
Oystercatcher	
Ringed Plover	
Golden Plover	
Grey Plover	
Lapwing	
Knot	
Dunlin	FO
Black-tailed Godwit	
Bar-tailed Godwit	
Curlew	FO
Redshank	
Black-headed Gull	FO
Common Gull	FO

Special conservation interest	Recorded on LRD site FO: flyover On: onsite
Herring Gull	FO
Other species of relevance to the SPA– no conservation objectives Red- throated diver, Great northern diver, Cormorant, Wigeon, Common goldeneye, Curlew sandpiper, Ruff, Spotted redshank, Common greenshank, Ruddy turnstone, Greenland white-fronted goose	

5. Conclusion

Having reviewed the scientific information presented in the EcIA, AA Screening Report and NIS prepared by EnviroGuide on behalf of the Developer, I am satisfied that the observations made by An Taisce can be addressed and that there is no risk of loss of wetland habitat of significance to waterbird species associated with Dundalk Bay SPA at this proposed development site.

The AA Screening concludes that due to the low number of birds recorded during the wintering bird surveys, the site is not considered to be a significant ex-situ foraging or roosting site for any bird species associated with any nearby SPAs and the NIS concludes that the proposed development will not have the potential to cause changes to the distribution of these waterbird species in Dundalk Bay SPA. The proposed development will not undermine the conservation objectives set for these bird species in relation to their distribution within and outside of the SPA.

These conclusions are based on scientific information collected and assessed using established best practice methods and I consider that there is no reasonable scientific doubt to the conclusions drawn.

The proposed development will result in localised habitat loss including the small pond and wet grassland area in the northwestern corner of the site and an associated abandonment by bird species that utilise this as breeding or foraging

habitat resulting in a localised reduction of biodiversity. However, these species will disperse to suitable habitat in the wider area.

Signed: 

15/11/2024

Maeve Flynn BSc, PhD. MCIEEM

Inspectorate Ecologist