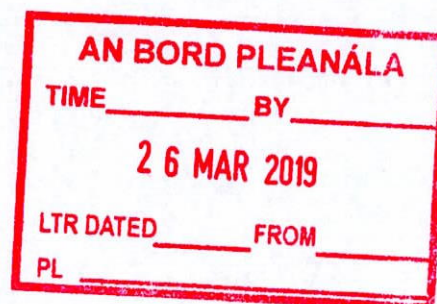




**An Roinn Cultúir,  
Oidhreacht agus Gaeltachta**  
Department of Culture,  
Heritage and the Gaeltacht



**26 March 2019**

**CIARA FLYNN**

**(Divisional Ecologist, NPWS, Dept. of Culture, Heritage and the Gaeltacht)**

**Submission to the Greater Dublin Drainage Oral Hearing**

**1. INTRODUCTION**

1. My name is Ciara Flynn and I am a Divisional Ecologist with National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht. As a Divisional Ecologist, my primary role is to provide advice on the implications of development applications for nature conservation, as part of the Department's function as a statutory consultee and prescribed body under the Planning and Development Acts and Regulations. My work area is the Eastern Division which includes 13 Local Authorities. I have 20 years experience in the field of Nature Conservation, having worked as a District Conservation Officer and a Conservation Ranger before being appointed to my current role. I hold a Bachelor of Arts degree with honours in Zoology from the University of Dublin, Trinity College and a Master of Science degree by research in Biology from Maynooth University. I also hold a Postgraduate Diploma with Distinction in Geographical Information Systems (GIS) from University College Cork.
2. With regard to the current application, the Department of Culture, Heritage and the Gaeltacht submitted written nature conservation observations to An Bord Pleanála on 17<sup>th</sup> August 2018. A response to Department's observations was included in a report entitled 'Greater Dublin Drainage Project: Response to Submissions' dated January 2019. I will now proceed to outline some further observations which the Department wishes to highlight.
3. The current application was reviewed by the Department in relation to marine ecology. It should be noted that consultation on this project with the Department began in 2010. The project's proponents have sought the opinion of National Parks and Wildlife Service in designing the project and in the collection of environmental data which would be required to assess the potential impacts of the development. The Department has recommended in its written submission that operational mitigation should be compliant with the National Parks and Wildlife Service document "Guidance to Manage Risk to Marine Mammals from Man-made Sound Sources in Irish Waters".
4. The Department noted in its written observations that lands to be utilised as Construction Compound No. 9 were also part of lands identified as a proposed quiet zone for migratory birds in the Portmarnock South Local Area Plan (LAP). The Department remains of the view that this matter needs to be considered by the Board in conducting its Appropriate Assessment of the project, given that this quiet zone and other alternative habitat identified in the LAP were measures to mitigate for the loss of migratory bird habitat in some residentially zoned land. The Local





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Authority may be able to provide information to the Board in this regard. The Department has no further observations to make in relation to this matter.

5. Concerning Construction Compound No. 10, the Department recommended that in order to enhance the habitat, consideration should be given to attempting to restore some of the area to its previous fixed dune habitat. The Applicant has confirmed that it will consider this recommendation. It is suggested that the Board considers including, as a condition of planning, the production of a restoration plan to be agreed with the Local Authority prior to commencement of construction. Due to the shallow groundwater influence at Construction Compound no. 10, it is further suggested that hydrogeological investigations should guide restoration options. Any remaining seedbank which would assist in the restoration of the site should be protected during construction.
6. In relation to badger, a protected species under the Wildlife Act 1976, as amended, the Department notes that five setts will be impacted. The Department normally recommends that a licence be applied for in advance of planning to ensure that no modifications would be required or the project delayed at construction stage. However, the Department accepts that as construction of the Proposed Project is not scheduled to commence until two years after the submission of the planning application and that by this time, significant changes to badger territories may have occurred requiring revised mitigation. Therefore, the Department accepts that a pre-construction badger survey by a suitably qualified ecologist, covering the same area as the original survey and using the same methodology, and at a suitable time of the year, should be undertaken prior to the commencement of any works, after which a licence from this Department should be applied for.
7. Regarding smooth newt, a protected species under the Wildlife Act 1976, as amended, the Department accepts that it should be possible to relocate newts within the Coldwinters site. However, the Applicant must ensure that receptor ponds are suitable and have sufficient habitat capacity. Prior to the commencement of any works and following an up-to-date newt survey by a suitably qualified ecologist, covering the same area as the original survey, at a suitable time of the year (February to June), the Applicant should submit a licence application to capture newts to National Parks and Wildlife Service and include a capture methodology to ensure that no newts remain in the ponds to be removed. Monitoring of mitigation should be carried out to determine whether translocation has been successful.
8. In order to protect nesting birds, as required by article 5 (d) of the Birds Directive, the Department recommended that felling dates were changed from August to October to during the period September to October. In its response, the Applicant has committed to changing dates as requested so this point need not be considered further.