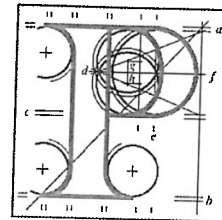


Our Case Number: ABP-315183-22

Planning Authority Reference Number: LRD6002/22S3



**An
Bord
Pleanála**

Peter Smyth
34 Vernon Drive
Clontarf
Dublin 3

Date: 22 December 2022

Re: Construction of 580 no. apartments and associated site works.
Lands to the east of Saint Paul's College, Sybil Hill Road, Raheny, Dublin 5

Dear Sir / Madam,

An Bord Pleanála has received your submission including your fee of €50.00 in relation to the above-mentioned large-scale residential development and will consider it under the Planning and Development Act 2000, as amended.

Your observations in relation to this appeal will be taken into consideration when the appeal is being determined.

Section 130(4) of the Planning and Development Act 2000, as amended, provides that a person who makes submissions or observations to the Board shall not be entitled to elaborate upon the submissions or observations or make further submissions or observations in writing in relation to the appeal and any such elaboration, submissions or observations that is or are received by the Board shall not be considered by it.

If you have any queries in relation to the appeal, please contact the undersigned. Please mark in block capitals "Large-Scale Residential Development" and quote the above-mentioned reference number in any correspondence with An Bord Pleanála.

Yours faithfully,

David Behan
Executive Officer
Direct Line: 01-8737146

LRD40 Acknowledge valid observer submission

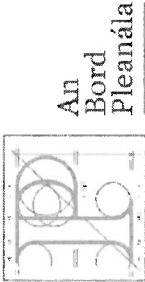
Teil
Glaio Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Lodgement Cover Sheet - LDG-060155-22



An Bord Pleanála

Details

Lodgement Date	21/12/2022
Customer	Peter Smyth
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-060155-22
Map ID	
Created By	Klaudia Wieszowska
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Observation / Submission
Section	Strategic Housing

PA Name	Dublin City Council North
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	

Observation/Objection Allowed?	
Payment	PMT-047039-22
Related Payment Details Record	PD-046929-22

Observation

318183

LRD 600/2253

LRD 40 to Issue

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG-	060155-22
ABP-	
21 DEC 2022	
Fee: €	Type:
Time: 15.21	By: aud

Peter Smyth
34 Vernon Drive
Clontarf
Dublin 3

20th December 2022

Re: ABP Ref 315183-22
Observation on 1st Party Appeal of DCC Planning Application
Planning Authority Reference Number – LRD6002/22/S3

Dear Sir or Madam,

I am writing this observation in relation to the appeal submitted on behalf of Raheny 3 Limited Partnership for development on lands to the rear of St. Paul's College, Sybil Hill Road, at St Anne's Park, Raheny, Dublin 5. I enclose the observation fee of €50. I am an objector to this development.

Please take into account the following considerations:

Habitat Considerations – Expert Opinion

In their LRD Opinion issued to the Developer in advance of the planning application, DCC specifically instruct

'Given that a key part of the assessment concerns potential impacts upon the waterbird Special Conservation Interests (SCI's) of the relevant Special Protection Areas as listed in Section 3.5 (page 16) of the AA screening document, the document shall contain a 'certificate of competence' which outlines the necessary expertise in waterbird ecology and / or the qualifications of the waterbird ecologist who undertook the assessment'

The current consultants employed by the developer are Enviroguide Consulting. The credentials of the contributors are set out in considerable detail in the Appeal. These biographies do not mention specific domain expertise in regard to Brent Geese or waterbird ecology. There are a small number of expert ecologists who have specific well-known expertise in Brent Geese. Enviroguide Consulting do not appear to have engaged with any of these known experts in Brent Geese ecology to contribute to their research or to provide any interpretation on their research. It is not clear whether Enviroguide Consulting consulted with Brent Geese experts when they were preparing the scope of surveys they completed

Please make sure that that inspector reviews the Enviroguide Consulting credentials documented in the planning application. I do not believe that they have demonstrated or documented sufficient expertise, scope and focus in regard to assessments that are making in regard to the Brent Geese.

Leslie Lewis who supported the DCC parks department report is a waterbird ecologist. Lesley has a BSc in Zoology and a PhD in shorebird ecology from University College Cork and maintains a research interest in shorebird ecology and human disturbance.

Helen Boland is the Dublin Bay Birds Project Manager and co-wrote the Birdwatch Ireland submission with Oonagh Duggan who is their Head of Policy and Advocacy. Helen is the manager of the Dublin Bay Birds Project and with 10 years as I-WeBS Organiser, and her involvement in several wader colour-ringing schemes, her main expertise is in coastal waterbirds. Helen is carrying out PhD research on wintering wader ecology, distribution and population trends, and the factors influencing them, including climate change and human-related disturbance.

Please make sure that the inspector gives appropriate weight to the Brent Geese expert engaged by Dublin City Council and the expert opinions expressed by Birdwatch Ireland. DCC Parks Department and Birdwatch Ireland both agree that the NIS does not provide the precise and definitive findings required to show that the Brent Geese population and other conservation interests will not be impacted by the loss of the development site.

Habitats Considerations – Conflicts of Opinion

Since 2015 the developer has engaged two separate companies to complete surveys to support an assertion that there is no adverse impact on the Brent Geese. In the original planning application 4185/15 Scott Cawley, engaged by the applicants, made no substantive conclusions regarding the impact or otherwise of this development on the Brent Geese other than that they might be impacted. The research was inconclusive. In subsequent applications and following a change of consultants to Enviroguide Consulting, the assessments have made conclusions that align with the applicant's interests.

The current model whereby developers engage and swap around environmental assessors to do 'independent assessments' is flawed. The law should be changed so that planning authorities tender for and contract habitat assessors and pass that cost onto developers.

The only substantive change I can see from the first 'inconclusive' assessment to the recent 'conclusive' ones is an assertion that the birds will travel to other sites if they have to. The inspector should challenge the changed interpretations presented in this planning application and understand the basis for these changes.

Habitats Considerations – Evidential burden

The developer asserts in the appeal that it is not required to do a 'monograph on Brent Geese' (a detailed written study of a single specialised subject or an aspect of it). I am inclined to disagree.

They are actually required under European legislation to do a detailed study to show that there are no adverse impacts from the permanent exclusion of Brent Geese from what was once their most important ex-situ feeding site.

So, for example no research was done on

- Site preference – do the geese thrive and have a better outcome on a site that is not disturbed such as the St Paul's playing fields over one that is continuously disturbed, such as the Springdale Road where they now congregate but are continuously disturbed.
- Proximity to feeding grounds - Do the Brent Geese suffer an adverse impact when they are required to travel a round trip of 22 km to the Phoenix Park when the site they used to go to in St Pauls is less than 2 km's from their roosting site.
- What is the quality of feeding on alternative sites. What is the level of disturbance on other alternative sites.

There are many more deficits in the research completed by the developer documented in the DCC Parks report and the Birdwatch submission.

In their appeal the developer asserts that there is no scientific basis or evidence to support the conclusions made by DCC Parks Department. Ironically it is as if Dublin City Council is required to do exactly what the developer claims it does not have to do – a monograph on Brent Geese in this regard. Of course, this is not true. The Precautionary Principle in its simplest form states: *"When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically"*. This principle is the basis for European environmental law. If there are reasonable outstanding questions in regard to the impact of this development on the protected Brent Geese then the precautionary principle must apply and there is no onus on DCC to fully establish scientifically these cause-and-effect relationships.

Habitat Considerations – Previous precedents

Please respect DCC's legitimate reasons for refusal of 3777/17 vis-a-vis protection of habitat, established community use and non-compliance with the requirements of Z15 under the Dublin City Development Plan.

Also consider ABP's conclusion in ABP 300559-18*'the Planning Authority is not satisfied that the proposed development would maintain the favourable conservation condition of light bellied Brent geese and would not adversely affect the integrity of the North Bull Island Special Protection Area, contrary to the provision of the Dublin City Development Plan 2016-2022 and contrary to the proper planning and sustainable development of the area'.*

Habitat Considerations – Brent Geese Population Trends

Ireland plays host to the vast majority of the Light-bellied Brent Goose population, with only a small numbers of the flyway population wintering in Britain, France, the Channel Islands and Spain. The flyway population of Brent Geese is close to 37,000. The all-Ireland estimate is 35,000. What we do in Ireland to support the population of the Brent Geese or otherwise is critical to their survival.

Something that is not illuminated, barely mentioned, in the reports prepared by the developer or its advisors is the fact that the Light-bellied Brent Goose population has actually declined in the short-term. Although in the very long-term the population has shown to be stable or increasing, the most up-to-date and scientifically accurate data on the population trends of Brent geese that can be found indicates declines in Brent geese population.

In the 'Estimates of waterbird numbers wintering in Ireland, 2011/12 – 2015/16' paper and the 'Irish Wetland Bird Survey: Waterbird Status and Distribution 2009/10 – 2015/16' publication linked below a 5-year decline in population of 15.5% and a 10-year decline of 10% is recorded.

https://www.npws.ie/sites/default/files/publications/pdf/IWM_106_Irelands_Wintering_Waterbirds.pdf

A more recent trend report here shows a five-year decline of 11.2% (5 years up to 2020)

https://birdwatchireland.ie/app/uploads/2022/04/iwebs_trends_00000_National.html

Worryingly the research completed by the developer and its advisors uncovered and discounted a significant adverse population trend of young or juvenile Brent Geese

Table 12 Table showing the average juvenile percentages of flocks (where estimate taken) over the past four seasons

Year	No. of sites with LBBG observed	Total Sites in use by LBBG	Average Juvenile % of all flocks	Average Juvenile % of flocks of 400+	Peak Count recorded
2018/19	44	73	-	-	1280
2019/20	57	79	27.4	19	1200
2020/21	65	90	17	7.7	1065
2021/22	49	71	9.7	5.8	1578

For the 2021/22 season, the juvenile percentages of flocks were estimated and the overall average juvenile percentage recorded was 9.7%. The average juvenile percentage for sites where internationally important numbers of LBBG (over 400 LBBG) were recorded was 5.9%. For reference, the average juvenile percentage of flocks of over 400 geese (where such estimates were taken) in 2020/21 and 2019/20 was 7.7% and 19% respectively. The above data shows a drop in the average juvenile flock percentages over the last two seasons. How can this be perceived as anything other than a negative adverse population trend. Does it relate to the loss of a key feeding ground? Is it possible that it does? Is it too early to say if there is an adverse impact associated with the loss of the St Paul's playing fields? A juvenile percentage of 6% cannot sustain a population that has an average lifespan of 10 to 15 years.

The developer's advisors actually acknowledge a correlation in their reports that connects juvenile percentages to overall population trends. In the five years from 2012 to 2017 the overall population fell from 48,000 birds to 32,000. That decline was characterised by low and declining % of Juveniles. Why is this not drawn out as a significant risk in their report? There have also been periods of almost total breeding failure so it is not safe to assume that a declining juvenile count will actually recover. Who knows with any degree of certainty? Why take the risk of eliminating the most important ex situ feeding site for light bellied Brent geese?

From a European law perspective, given these population trends it is not safe to definitively state that there would be, or has not been an adverse impact on the population trend of this Special Conservation Interest species. It is not safe to assume at this time that the negative population trends and in particular the negative juvenile population trends is not related to the loss of habitat on the St Pauls Playing fields – once the most important ex situ foraging site for Light Bellied Brent Geese in Ireland. At a minimum it is possible that the loss of these lands has played a part in this declining population trend.

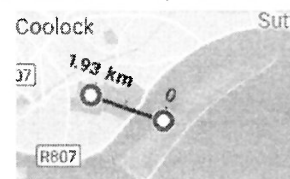
I believe the planners cannot conclusively confirm that the proposed development will not impact the North Bull Island SPA. At best and at a stretch the inspector might conclude that it is possible but unlikely. **Any doubt in this regard is sufficient to require the planning authorities to deny Planning Permission under the current legislation.** It has to be conclusive that there will be no impact and clearly it is not. I believe the 'precautionary principal' in the Habitats directive needs to be applied in rejecting this application.

Habitat Considerations – my own lived experience

Finally, science and evidence are important but so too is personal observation and common sense.

This application arrives at contestable and puzzling conclusions in regard to the Brent Geese which conveniently are aligned with the interests of the applicant, whilst presented as independent.

The closest site utilised by the North Bull Island SPA ringed Brent Geese historically was St Anne's Park. The St Paul's fields are in St Anne's Park, less than 2 Km from the North Bull Island SPA where they go to roost. (See google maps measurement)



In 2017 the St Pauls Playing fields were identified in surveys as the single biggest ex situ feeding site for Brent Geese in Ireland (1,550 birds) by a margin of 50%. In other years, when the grass was suitably kept, the St Pauls Playing fields were consistently the largest or second largest ex situ feeding location. They were definitely important to the Brent Geese. If the site was available to them in a suitable condition now the birds would return. It is proximate to where they roost and so preferable to them and it is an enclosed space where the birds experience little disruption.

The developer and its advisors argue an equivalence to a new open feeding site in the Phoenix Park called the 15 acres (peak count 254) some 12 Km's away from where the Brent Geese roost. How can a site that involves a commute of an extra 20 Km's a day be presented as an equivalent site? Of course, the birds will travel an extra 20 Km a day if they have to but it is hard to argue that they would choose to do it if they had a nearer suitable alternative. There is no research presented or consideration given to the potential negative impact on birds associated with long commutes for foraging. Why not?



This year (2021 / 2022 season) the biggest ex situ feeding site is the Scoil Ui Chonaill pitches in Clontarf (Peak count 1578 - 50% more than the next largest peak count) A large enclosed environment (similar to St Pauls) that is proximate to the SPA. This is compelling prima facie evidence that the birds prefer to be close to Dollymount and prefer to be in a safe environment free from dogs and other distractions. There is no mention of preference or proximity to the SPA in the 'independent' report. It is not even considered. Since the residual St Pauls Playing fields (retained by the school) have been made much smaller and surrounded by garishly painted high hoarding, alongside a significant increase in the intensity of its usage the birds are visiting there in much smaller numbers than they used to. The birds prefer not to be disturbed and prefer larger enclosed open spaces.



On this theme of the suitability of any foraging site I have personally observed on a daily basis huge numbers of Brent geese on the grass beside the Springdale Road since they have been excluded from the St Pauls playing fields. It is close to the SPA but unfortunately it is nearly always the case that the Brent geese are continuously disturbed by walkers and dogs. So, they are up and down in the air, moving around the playing fields to get a bit of peace. There is no research presented as to the extent of disturbance for the birds on the sites they visit. This surely is an important factor that has been ignored. Just because they visit a site does not mean it is the most suitable site for them. **It is not the number of sites that is important, it is the quality and proximity of those sites to the SPA that is important.** This is ignored by the reports presented in this application. How could this not be a consideration in an 'objective analysis'

To suggest that the loss of these playing fields would not impact the birds does not make sense. It is counter intuitive. This was the key feeding ground for a protected species and it should be restored. Without it a protected species will be at greater risk or at a minimum it is not definite that they will not be and it is not definite that they have not been impacted by the loss of these fields.

Using the wording from the guidance on appropriate assessments '*... It is not possible to exclude, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on European sites*'

In order for this planning application to succeed, the Stage 2 Appropriate Assessment 'must provide a clear conclusion regarding the absence of adverse effects on the integrity of European sites'

Habitat Considerations – Other factors

European eels are a critically endangered species and are listed on the NPWS Red list for amphibians, reptiles and freshwater fish. The classification of the European eel as Critically Endangered, is a reflection of its significant decline in Ireland and the Europe- wide decline in eel populations. The Freshwater Biological Assessment of the Naniken River and the survey of eels completed on the Duck Pond seems to be insufficient. For example, the enviroguide survey was completed on a day where the pond was heavily silted. Why did the Enviroguide Senior Ecologist not return on a more favourable day? How is it possible to make sound conclusions based on such a limited survey?

The assertion that the current biological status of the Naniken river is not conducive to a healthy eel population may not be accurate. My experience is that the pond and the river are generally clean and the fact that the developer is relying on a snapshot survey is a poor way to complete this assessment. Having identified that the eels existed at all, the assessments done should have considered any additional risk posed to the eels by the proposed development. They just simply did not do that and so are inadequate.

I would like the Inspector to consider the protected badgers and the recommendation that the plans be altered to maintain the badgers where they are. To do this which is the right thing to do would completely undermine the design of the development as they are right in the middle of the biggest elements proposed

Planning considerations - Is the land Z15 or Z9 for the purposes of this planning appeal

The board needs to consider what zoning applies to this land. When the DCC decision was made the land was Z15. It is now Z9 since 14th December reflecting the current Development Plan. Has time run out on Z15?

Planning considerations - Do inadequacies / omissions in the Master Plan invalidate the planning application?

I believe they do and there is a precedent for this on these lands – in 2015.

When the Vincentians first started to break up and sell off their Z15 landholding they first closed and sold their swimming pool, indeed they asserted in a planning application that developing the swimming pool site was the extent of their development ambitions for their lands. Permission was refused in July 2015 by Dublin City Council for demolition of 3 no. dwellings and the erection of 79 no. dwellings, a crèche, a community/ café facility, basement parking and 2 no. accesses. It was stated under the first reason for refusal that *"the proposed development, in the absence of an overall masterplan for the Z15 zoned lands in the area, would materially contravene the Z15 zoning objective and associated policy, as set out in the Dublin City Development Plan 2011 – 2017, as varied, and in such context would result in the piecemeal and un-coordinated development of these lands..."* Dublin City Council Reg. Ref: 3383/14 (PL29N.244588). Planning was subsequently secured and the apartments were built.

When DCC reviewed the current Master Plan they were unaware of plans the Vincentian Fathers had for Sybil Hill House, imagine these plans were only disclosed two days after the current application under appeal was refused by Dublin City Council. Is this project splitting? Either way the current Master Plan which is a requirement in law is incomplete and currently misleading. So, it materially

contravenes the Z15 zoning objective and associate policy. ABP, in light of this recent disclosure post the DCC decision to refuse should reject this planning

Planning considerations – DCC have erred in their interpretation of Z15

Disappointingly DCC have essentially ignored the outcome of previous Judicial Review processes. The judgement of the High Court in Clonres CLG v An Bord Pleanála confirmed amongst other things that the established use within the application lands is sports pitches / sports grounds.

So, to secure the aims of the Z15 zoning objective the application needs to show how it secures the retention of the main sporting uses on these lands, including space for any necessary expansion of such uses.

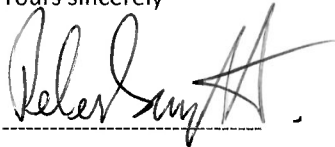
These fields were used extensively for GAA, Soccer, Athletics and Rugby. 6 full sized pitches plus loads of other free space. The pre-existing or existing use cannot be accommodated on the smaller footprint, comprising one residual rugby pitch and 6 very small micro soccer pitches. The picture provided by the developer shows a configuration of six miniature playing surfaces as follows - one 40 *65 m Pitch suitable for up to U11 only and five 25*45 up to U8 only. These are tiny and in no way compensate for the loss of pitches.

I actually think they will not fit in the space provided by the developer – they are too tight in the space. So, the actual use of this space for fields may be exaggerated or not appropriate at all.

There is no evidence that the reduced footprint of pitches will meet the needs of the established users – Rugby, soccer, GAA. And there is no evidence that DCC checked this. Indeed, I enclose their own assessment that there is not enough space in St Annes for the demand DCC have. Further, other clubs such as St Laurence O'Toole's have lost their pitch in St Annes and have been pushed out due to increased demand due to the loss of the St Pauls Playing pitches

The proposed mini fields in this application to be taken in charge by the City Council will be insufficient in isolation or in combination with existing school pitches to meet the community sporting needs and are much less than the existing or pre-existing facilities.

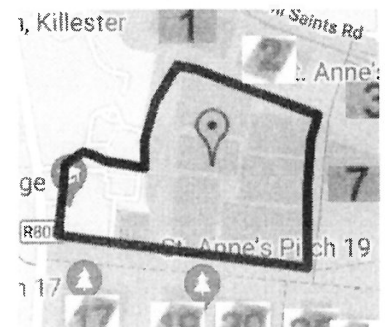
Yours sincerely



Peter Smyth

Attachments

Note from DCC regarding Shortage of fields since 2018
Plans for 6 pitches
Birdwatch Observation



**DUBLIN CITY COUNCIL
NORTH CENTRAL AREA COMMITTEE
21st November 2022**

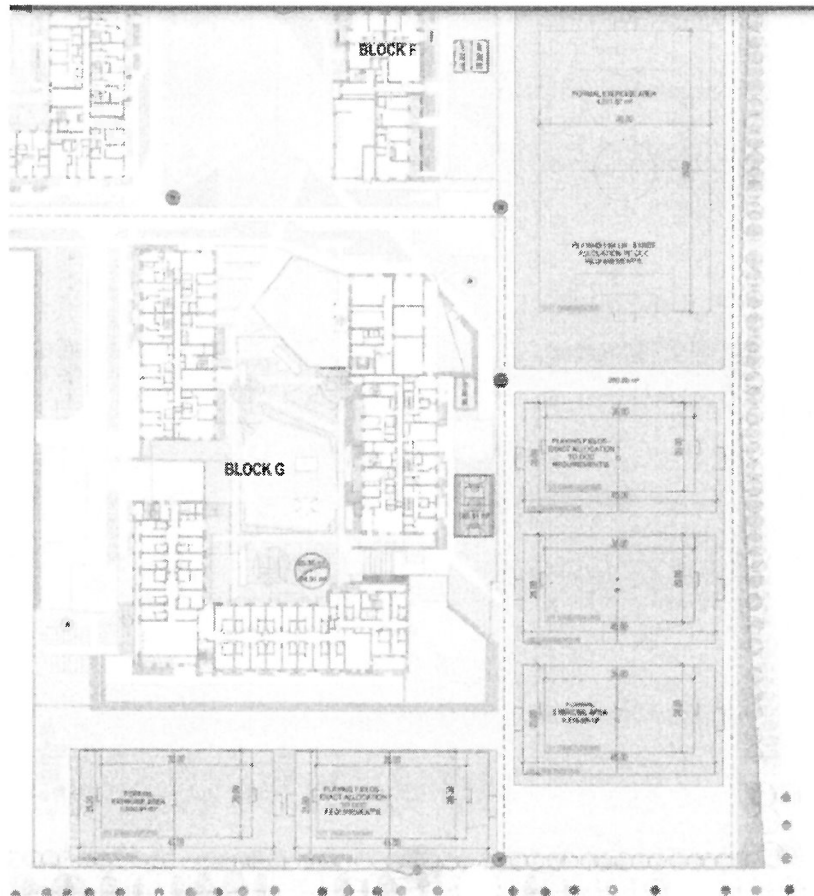
Mot4 Motion in the name of Councillor Naoise O'Muiri & Damian O'Farrell

That Dublin City Council commissions an external study to determine demand for playing pitches and sports facilities in St Anne's Park, that the Terms of Reference of this study would be agreed by the North Central Area Committee and that the process would involve engagement with all clubs, schools and organisations that currently use available playing pitches and sports facilities.

Reply

The Parks Service has good communications lines with the clubs that have an allocation of sports pitches in St. Anne's Park and feels that it is best placed to have a full understanding of the total local demand for pitches in the park. As part of the annual allocation process the clubs are required to demonstrate the number of teams, juvenile, adult etc. that they have participating in formal competition and provide details of league affiliation which acts to provide a verification of the clubs need for facilities for the year. Each year the Parks Service's allocations team endeavours to find the best fit to meet this local demand from the available pitches of all codes within the park. The Parks Service also regularly meets with representatives of these local clubs and is amenable to certain suggestions they may have around orientation of pitches etc. which may better suit the club's needs as their age profile and membership numbers change over time. Local demand has increased in recent years and has ultimately outstripped availability particularly since 2018 and over the lock down periods necessitating certain prioritisations of local clubs over those at more of a distance from the park. Each year as allocations within the park could no longer be given to such clubs alternatives allocations elsewhere were offered.

Contact: Fergus O'Carroll, Senior Executive Parks Superintendent
Tel: 222 5525
Email: parks@dublincity.ie





BirdWatchIreland
protecting birds and biodiversity

Dublin City Council Planning Department

Unit 20 Block D
Bullford Business Campus
Kilcoole
Greystones and.ie
Co. Wicklow
Ireland

Patron Éarlámh
Michael D. Higgins Micheál D. Ó hUiginn
President of Ireland Uachtarán na hÉireann

October 10th 2022

Re: LRD6002/22-S3

To Whom it May Concern:

BirdWatch Ireland has reviewed the Natura Impact Assessment associated with the proposed development - LRD6002/22-S3.

It has deeply concerned BirdWatch Ireland that since the last decision by An Bord Pleanála to refuse planning at this same site, that the developer has refused to cut the grass at the site. The survey work and analysis by the consultants for this application show the impacts of the elimination of habitat; the site has become totally unusable by the geese with no birds recorded at the site since 2018/2019 despite this site being the top site for Brent geese in Dublin according to the Scott Cawley analysis in previous applications.

Ireland supports circa 90%+ of the entire flyway population of Light Bellied Brent Geese that breed in the Northeast Canadian Arctic. We have significant responsibility to safeguard the species and the habitats it relies upon. This must be at the forefront of the mind of Dublin City Council as it considers this planning application.

Article 4.4 of the Birds Directive requires that the state avoid deterioration of habitats.

<<In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article>>.

The presentation of information in the 2022 NIS cannot state that the development at the St Paul's site, the loss of habitat at that site, and the use of other sites by the geese in Dublin shows that there will be no significant impacts to Brent geese or the integrity of the adjacent SPAs. In the Scott Cawley Natura Impact Statement for the 2017 application, the lands at St. Paul's were identified as being of 'major' importance relative to other grassland feeding sites in Dublin city used by Brent geese. **The site at St Paul's should be restored for Brent geese and other conservation interests.**

It is a failure of the local authority and state agencies that no comprehensive survey or management plan has been put in place in the interim to safeguard the ex-situ feeding sites of Brent geese and other conservation interests of the adjacent Special Protection Areas (SPAs) in Dublin city and environs. In addition, while there has been tracking work undertaken on how Brent use particular sites in the Greater Dublin Area, these results have not been published. This information is critical to any current and future developments that could result in loss of habitat for Brent and for their conservation. Colour ring reading whilst very valuable in many ways; in this particular instance, there may be an observer bias with the ring reading as it is only a snapshot in time on any given day based on the time that the observer chooses to be at the site. It does not provide the full overview/information that tracking the birds would provide since tracking is round the clock over many weeks and months removing any observer bias.

The Natura Impact Statement 2022 (2022 NIS) conclusions do not provide the precise and definitive findings required to show that the Brent geese population and other conservation interests will not be impacted by the loss of the actual development site and from the significantly increased disturbance at the adjacent St. Paul's School playing pitch or other sites.



Directors: G Lyons, Chairperson, C Casey, A Tallon, C O'Keeffe, B Martin, J Fitzharris, A McMillan

Registered charity no. 8703. BirdWatch Ireland is the trading name of the Irish Wildlife Conservation Charities (BirdWatch Ireland) a company limited by guarantee.
Registered in Ireland, no. 112980. Registered office: Unit 20, Block D, Bullford Business Campus, Kilcoole, Co. Wicklow, Ireland.



BirdWatchIreland
protecting birds and biodiversity

Dublin City Council cannot grant permission for this project unless it has made certain that there will not be an adverse effect on integrity of European sites.

Unit 20 Block D
Bullford Business Campus
Kilcoole
Greystones
Co. Wicklow
Ireland

t:
e:
and.ie

Patron
Michael D. Higgins
President of Ireland

Éarlámh
Micheál D. Ó hUiginn
Uachtarán na hÉireann



The central argument put forward in the 2022 NIS is that based on the data indicating that while no Brent geese have been recorded on the development site they have been recorded using alternative sites available to them. This overly simplistic assessment erroneously assumes that Brent geese turning up in significant numbers on other sites equates to having no significant effect on their populations. The results in the NIS confirm nothing more than the fact that numbers of birds were recorded on sites other than St. Paul's, from which they have now been displaced. The analysis presented in the NIS does not go further to demonstrate how this is evidence for a lack of population level effects on Brent geese. It applies binary logic to a complex multi-factorial situation.

Factors such as forage quality of grass sward and disturbance impacts have not been addressed to determine what drives the geese to use particular sites at particular times. Research carried out by members of the Irish Brent Goose Research Group has shown that winter habitat quality (as it is in many other migrants) is a key driver of reproductive success¹². The presence of a species – i.e. occupying a habitat patch for example – is different from habitat choice. Thus the wider range of sites are utilised out of necessity rather than choice – they are functional (provide food) but they may carry disadvantages that make them sub-optimal – such as have poorer resources (with subsequent effects on adult and juvenile body condition, survival and reproductive output), have poorer access to resources (reduced feeding rates and loss of feeding time due to disturbance for example) and/or be more energetically costly to visit etc. In this population we also know that the population trend is driven mostly by variation in productivity. It follows that the loss of favoured (optimal) selected feeding areas may thus have particular negative consequences for this population. We raised this point in our past submissions relating to this site and this has not been addressed.

Also, we know that the geese use of inland feeding sites changes seasonally, with time of day and with the tidal cycle. The information presented would need to capture the dynamic nature of this and the changing importance of sites. It is also important to note that the birds might get around a third of their daily energy requirements in just two hours of foraging at one of these sites at certain times of year' (*pers comm Prof Stuart Bearhop, IBGRG*). It also cannot be assumed that other 'available' sites are suitable and that there are no impacts on fitness or survival of the species. Indeed, there is also no mention of the fact that family groups of Light-bellied Brent geese switch earlier to feeding on terrestrial sites as the winter progresses due to the juveniles being less efficient at foraging on the more-profitable marine resources (Inger et al. 2010)³. The factors that influence Brent goose use of terrestrial sites as not been fully investigated in this NIS.

No evidence has been provided to underpin that the statement that the mere availability of other sites means that the loss of the site at St. Paul's (development lands and the adjacent pitch) is insignificant. Measuring the lack of a negative response would be required. This would need to be done by determining the survival rates of marked adults birds, reproductive outcomes of birds which use(d) the site and no longer can versus a control group which never did; energy budgets of birds between years would also need to be calculated. The presence and absence observations of marked birds at the survey times is not a replacement for this work.

¹ Cleasby IR, Bodey TW, Vigfusdottir F, et al. (2017) Climatic conditions produce contrasting influences on demographic traits in a long-distance Arctic migrant. *Journal of Animal Ecology*. 86(2):285-295. doi:10.1111/1365-2656.12623. 130

² Harrison XA, Hodgson DJ, Inger R, Colhoun K, Gudmundsson GA, McElwaine G, Tregenza T, Bearhop S. (2013) Environmental conditions during breeding modify the strength of mass-dependent carry-over effects in a migratory bird. *PLoS One*. Oct 15;8(10):e77783. doi: 10.1371/journal.pone.0077783

³ Inger, R., Harrison, X. A., Ruxton, G. D., Newton, J., Colhoun, K., Gudmundsson, G. A., McElwaine, G., Pickford, M., Hodgson, D. and Bearhop, S. (2010), Carry over effects reveal reproductive costs in a long distance migrant. *Journal of Animal Ecology*, 79: 974, 982. doi:10.1111/j.1365-2656.2010.01712.x



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The estimate of available capacity within the network of sites also does not consider the quality of the sites at a given time in terms of forage and freedom from disturbance. It cannot be said that existing suitable sites where geese have been recorded can be considered to be optimal at all times and at the time the geese need them for feeding. In addition, see point 5.0 below in relation to queries on the calculation of the hectares of available sites.

The data provided by the consultants shows that the geese are using other sites but it does not say why. We have no data on the quality of these sites and whether they are less important overall.

None of the data provided (network survey or site survey, ring code reading) prove that the St. Paul's playing pitches was not an important site, nor that the other available sites can replace this major site, and nor do they prove that there is 'no impact' on the species. And finally the factors influencing Brent Goose use of a site have not been investigated.

There is no scientific evidence to show that the use of new and additional sites will not affect the fitness of the population in the long term. The effects of displacement from ex-situ grassland sites of high importance may not be apparent in a single year and the true impact may only be understood long after the impact has occurred once the effects become apparent at the population level, over many breeding seasons.

Another major concern in the assessment presented in the NIS is the lack of consideration given to the cumulative loss of a number of similar sites across the Dublin area. A full understanding and assessment of the cumulative impacts, including the proposed development site itself, of the loss of important ex-situ grassland sites for Brent geese is not presented in the 2019 NIS. The lack of effective protection for ex-situ feeding sites for Brent geese is a failure of the planning system where evidently potential cumulative impacts of development applications are not adequately being assessed and 'falling between stools' of the planning authorities and should be a red flag to the board if assessing such applications or appeals now and into the future.

There is also no data provided on the overall loss of sites important for foraging especially since 2016 or the impact of increased disturbance at some sites. The cumulative effects assessment requires additional work to understand the scale of the effects of the developments proposed, the impacts to grassland quality and the impacts of disturbance.

The NIS asserts that the loss of the St Paul's site is not significant because the geese are not loyal to the site, use St. Paul's sites on a random basis, and also that suitable alternatives are available. The statement that St. Paul's is not significant is contrary to the findings of the 2017 NIS (by Scott Cawley) for the previous development application and the 2019 NIS itself which identified the proposed development site as a Priority 1 site. The 2022 NIS shows that of the 6 years of surveys accumulated, that counts at St Pauls were the second highest when all peak counts are considered since 2015, see Fig 1 below extracted from the NIS.



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Table 11. Sites with highest peak counts of LBBG in the last six seasons.

Winter	Site with highest peak count of LBBG	Peak count of LBBG
2015/16	Ard Scoil Rís	867
2016/17	St. Paul's	1530 ⁹
2018/19	St. Malachy's Football Club	1280
2019/20	Erin's Isle GAA	1330
2020/21	St. David's CBS	1365
2021/22	Scoil Uí Chonail GAA Club	1578

Figure 1 Peak Count table extracted from 2022 NIS

The consultants hone in on the 15 Acres site at the Phoenix Park as a new site for Brent. Large numbers were recorded there during the pandemic when likely there was not many people visiting the site and disturbance was at a minimum. No information is provided on the extent of disturbance or lack thereof at this site.

Assessment of use of grassland by other bird species that are conservation interests is also lacking.

In 2016 BirdWatch Ireland undertook a project assessing the movements and usage of Dublin Bay by wintering waterbirds using innovative tracking devices⁴. The goal of the project was to assess the efficacy of using this technology and to gather information on the birds in the coastal environment. A total number of 14 birds were caught and fitted with GPS tracing devices including three Curlews, five Redshanks and six Oystercatchers. The results of this relatively small sample size showed the extensive use of grasslands by Curlew and Oystercatcher. Furthermore, these analyses were the first to demonstrate the specific locations of terrestrial (grassland) feeding sites. The importance of inland terrestrial green field sites to individuals at certain stages of the tidal cycle was highlighted. Curlew (1 individual) travelled frequently to inland playing fields and parks to feed. Further specific analyses are needed to examine these patterns of movement during day and night and across the tidal period. These additional analyses will also help in identifying regularly used grassland sites – such assessments are invaluable for measuring the true value of urban amenity grasslands for wild waterbirds and will certainly assist with future management measures. The report of this tracking work concluded that 'the utilisation of these green field sites by wading species such as Curlew and Oystercatcher may indicate that these individuals are exploiting these sites opportunistically during the high tide cycles when intertidal habitats are not accessible. However, the results of the home range analysis of the individuals featured in this study indicate that birds used these green-field sites during low tide tidal cycles as well. Therefore, there are other factors influencing their choices which may include food resource depletion (in intertidal areas), intra-specific competition etc.' This survey was the first of its kind in Ireland to fit GPS tracking devices to wintering waterbirds. Additional research needs to be done to understand how these species use the grasslands surrounding Dublin bay.

Dublin Bay holds important wetlands and internationally important numbers of wintering waterbirds that use the grasslands surrounding the bay to feed on. In 2017 research published by BirdWatch Ireland showed that there has been a 40% decline in waterbirds in 20 years⁵. Climate change is an influencing factor but 'this should not mask the many local pressures faced by wintering waterbirds. In Ireland, many waterbirds are vulnerable to recreational disturbance, habitat modification and loss, and potential impacts from increased aquaculture and renewable energy developments, each of which has the potential to lower survival rates and total numbers of their respective Irish and flyway populations as a result'. Many of these grasslands are under threat of being concreted over though the exact scale of the threat is not known. Coupled with forecasted sea level rise due to a changing climate threatening some

⁴ Cummins, S., and Crowe, O., (2017) Assessing the Movements and Usage of Dublin bay using Innovative Technology: A report on phase 1, Wading Birds. BirdWatch Ireland.

⁵ Burke, B., Lewis, L. J., Fitzgerald, N., Frost, T., Austin, G. & Tierney, T. D. (2018) Estimates of waterbird numbers wintering in Ireland, 2011/12 – 2015/16. Irish Birds No. 41, 1-12.



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of these habitats, it would be worthwhile if resources were spent to understand the importance of these grasslands to the waterbirds of the adjacent SPA(s) before they are lost forever and conservation efforts put in to saving them.

This submission was prepared by Oonagh Duggan, Assistant Advocacy and Helen Boland, Dublin Bay Birds Project Manager of BirdWatch Ireland.

Yours sincerely,

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