

Control of Certain Wild Bird Species - Public consultation

Submission by Clare Daly, MEP

The people of Balbriggan have, for a number of years, co-existed with large numbers of urban seagulls. For many of the locals, this co-existence has not been a happy one - with numerous complaints regarding noise (and attendant sleep deprivation) during the nesting season from April to September; faecal mess on homes, schools, play areas and food premises; aggressive foraging by seagulls and attacks on local people; and damage to house roofs and to schools and business premises.

Issues with urban gull colonies in North County Dublin have arisen and escalated since the closure of landfills in 2013. After this date, high-density seagull colonies established themselves and expanded in residential estates, and on schools and business premises. Ireland is the only country in Northern Europe that does not provide proactive support to communities where significant urban seagull colonies have established, and which does not recognise the potential adverse public health effects of such colonies.

Of particular concern is the public health risk posed by seagull faecal mess - as Professor Dearbhaile Morris from NUI Galway stated in her presentation to the NPWS *Consultative Committee to undertake a review of the issues surrounding the impact of gulls in urban areas* in April 2020, seagulls are contaminated with and implicated in the dispersal of anti-microbial resistant (AMR) bacteria in the environment. Professor Morris told the Consultative Committee that high density colonies pose an AMR contamination risk, and 'an abundance of caution' is required in regard to public health when high-density seagull colonies are present, with the young, the elderly and the immune-compromised particularly vulnerable to AMR contamination. A number of peer-reviewed studies have also shown that urban seagulls are contaminated with AMR, and are involved in its dispersal.

As the Minister is aware, there have been repeated calls for measures to address the seagull colonies located in Balbriggan, and for the colonies to be managed as permitted under Article 9 of the Wild Birds Directive. Article 9 provides that Member States may derogate from the provisions of Articles 5 to 8 of the Directive, where there is no other satisfactory solution, for the following reasons:

- a) in the interests of public health and safety or in the interests of air safety or to prevent serious damage to crops, livestock, forests, fisheries and water or for the protection of flora and fauna;
- b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
- c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.

Our understanding is that since 1986, Ireland has implemented a regime whereby 'a threat to public health and safety' is the necessary threshold for a decision to derogate from Articles 5 and 8 of the Directive. Our understanding further is that a legal opinion prepared for the Consultative Committee and submitted in August 2020 suggested that in implementing the threshold of 'threat to' rather than 'in the interests of' public health and

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safety, the derogation regime in place in Ireland 'is not in conformity with Article 9 of the Birds Directive'. The legal opinion goes on to say that:

'Article 9 expressly refers to public health and safety as a derogation criterion and would appear in principle to allow for a derogation to address the concerns articulated at the Committee in light of the evidence of AMR and zoonosis as well as more anecdotal evidence.'

As noted, other European jurisdictions allow for control of urban gull species in the interests of public health and safety, as well as in the interests of air safety, protection from serious damage to crops, livestock, forests, fisheries and water, and protection of flora and fauna. We note that the *First Interim Report of the Consultative Committee* looked favourably on the approach taken by Nature England to this issue, and suggested that this could 'inform potential solutions for developing a context-appropriate gull management strategy for Ireland'. We note also, however, that the Interim Report also recommends that, 'The roles of all relevant public authorities in relation to urban gulls should be clarified by DCHG on a collaborative basis. This process should clearly delineate roles and clarify responsibility on resource issues appropriate to the respective Department/Public body.' Our understanding is that the adoption of the kind of approach taken by Nature England is dependent on the clarification of these roles, and we therefore urge the Minister to implement this recommendation without any delay. We note further that concerns were expressed by the Balbriggan Community Committee (BCC), which participated in the Consultative Committee hearings, that if an approach such as that adopted by Nature England were to be pursued, all eight of the principles on which it is based should be adhered to, and 'class licenses' as well as individual licenses provided for. It is important that strong consideration is given to the concerns and proposals of the BCC in this regard.

We understand that a Minority Report by the Balbriggan Community Committee and submitted to the Consultative Committee advocates for a recurring derogation from the relevant provisions of the Birds Directive to allow for the management of high-density colonies in urban areas in the interests of public health and safety, at least in the short-term, and pending the clarification of the roles and responsibilities of the relevant public authorities. This is a suggestion that should be examined by the Minister.