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From: Malachy Quinn [REDACTED]
Sent: Monday 15 February 2021 09:17
To: WildBirdDeclarations
Subject: Submission to Wild Bird Declarations

Follow Up Flag: Follow up
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Firstly Thank you for the opportunity to make a submission to such an important document as this, as a resident of Balbriggan, Co Dublin, the protection of both our citizens as well as the protection of our bird species are important.-but public health is a large consideration in regards to this Submission.

The large numbers of Urban Gulls in our urban areas of North Fingal has resulted in an increased level of threat to the public health of residents as well as visitors. This is due mainly to accepted scientific research that the waste from Urban Gulls facilitates an increasing level of antimicrobial resistance in humans, with many millions spent on our health service, the opportunity to protect the public health is beneficial to the welfare of all our citizens.

The increasing numbers of urban gulls has had an effect on the welfare of our most vulnerable, this is reflected in the decision by the principals of but our Special Needs School (Skerries) & Primary Schools in Balbriggan/Skerries also in our many creches/early learning centres in Balbriggan to keep children in at lunch time due to Urban Gulls swooping down in pursuit of their lunches. One particular Child Care facility {Balbriggan Community Childcare} has put netting above its outdoor play area due to this behaviour..

As residents of Castlelands to the south west of Balbriggan town centre, I am particularly concerned about the large amounts of Gull nest identified following a drone count by Fingal County Council of the Castleland School Complex in particular the roof of Ardgillen College, these nest accommodate up to 500-600 urban gulls.

The derogation of 2017 that allowed for nest & egg removal in Balbriggan was a welcome move to addressing the Urban Gulls issue but the perimeter of the area included did not include the Castleland Area. I am urging that the Castleland Area be included in further actions decided on.

Some very in depth work has been undertaken locally by the Balbriggan Community Committee to engage with all relevant agencies, groups & government Departments to address the Urban Gulls issue in our community.

I would like to highlight the proposals of the committee of which I am supportive of

Specific Derogation Proposals:

2.1 Our proposal following is based on the large and verified evidence base gathered and submitted by our community since 2016. In our view, it is also fully supported by the expert advice and legal opinion (to date) that has been given to the CC since it commenced its work in June 2019, and indeed the recommendations made by the CC in its First Interim Report/Minority Reports (attached) as submitted in April 2020.

2.2-Our proposal relates directly to the existing Balbriggan Derogation, but given that it is grounded in substantive matters concerning public health and safety, it therefore applies equally and logically to all urban areas that are seriously impacted by high density urban seagull colonies that continue to proliferate freely and unmanaged.

2.3 -Our Derogation proposals for 2021.22 and future years are as follows: 2.3.1 Derogation as catered for under the Wildlife Act 2000 (Amended) (Section 59) and the 2011 Wildlife Regulations sections 54 and 55 and the governing Birds and Habitats Directives: I. as a minimum for 2021.22, a standard recurring derogation is required which states clearly in respect of people’s homes, schools, hospitals and other medical facilities, and premises involved in the manufacture, storage, sale and/or consumption of human food that: i) the above-specified premises are generally unsuitable as nesting sites for (specified seagull species) for reasons of public health and safety and for protection against injury and/or disease ii) it is legally permitted to remove the nest and eggs of (specified seagull species) iii) where chicks of (specified seagull species) have hatched they may be captured and relocated under licence refer to “X to be specified by the Dept./NPWS” iv) for any other issues with (specified seagull species) for any premises other than those listed above, a licence may be sought (ref x to be specified by the Dept./NPWS). II. such a derogation should be announced/confirmed in February 2021 and stated to be on a recurring basis in respect of the specified premises, and should be publicised in national media (print, on-line and broadcast). III. In the case of schools and Hospitals, formal communication of the Derogation provisions should also be provided through the Departments of Education and Health and the HSE. 2.3.2 BCC refers the Dept./NPWS to our Minority Report (attached) and to the CC’s First Interim Report (attached) submitted in April 2020 for our full set of recommendations and proposals on the urban seagulls issue. In particular, we also point to the Local Government services models for addressing urban seagull issues in all neighbouring jurisdictions, and also for the need to protect workers or other groups of people. e.g. our schoolchildren in impacted schools, who come into close contact with high-density detritus from urban seagull colonies.

2.4 - Comments on the Balbriggan Derogation since 2017. Once again we must advise the Dept./NPWS that the historic Balbriggan Derogation has had the following defects – all of which would be reasonably addressed subject to implementation of 2.3.1.a) above: i.) The derogation is issued too late to accommodate need – seagulls begin nesting as early as mid-April; the current ‘system’ is flawed in that nest removal commenced in mid-April on a site, may have that permission removed on 1st May e.g. on the second or third iteration of a nest removal process – a patently ridiculous proposition. This is why the ‘principle’ needs to be accepted that certain specified sites at 2.3.1.a) are unsuitable as nest sites for seagull species, and why earlier notice of the Derogation makes sense. ii.) The derogation is not transparent; very few people know about the NPWS website or the derogation process therefore an essential measure for reasons of public health and safety is not being properly communicated to people, schools, businesses etc. The lack of transparency is not at all consistent with publicity from other Government bodies on matters of public health and safety

2.5 - We also propose full transparency with regard to this PCP process and the resulting processes, all evidence weighed, and comparative judgement standards across all species considered - up to and including decisions on the Derogations Declaration and the publication thereof. Once again, we point out that seagulls begin nesting in mid-April and 1 st May is materially too late for the publication of Derogations in respect of seagull nests/eggs. It is not sensible or satisfactory to say that the 2020 derogation persists until 30th April as this produces a legally nonsensical position where a nest on a given site may be legally removed once or twice as seagulls retry to nest, but if the gulls nest a third time on or after the 1st May and the derogation is not renewed, it is illegal to remove the third nesting. Such silly minutiae ignore the fact that it is public health and safety that is at stake here. At the risk of repeating ourselves, the Dept./NPWS needs to accept, like all neighbouring jurisdictions, that certain specified locations (2.3.1a above) are just not suitable for seagull nesting on public health and safety grounds – and a standard Derogation needs to reflect that fact.

2.6 - In conclusion, our proposal is reasonable, sensible, legally sound and well precedented in every one of our neighbouring jurisdictions regarding how identical issues with urban seagull colonies have continued to be addressed over many years. Importantly, our proposal is also proportionate considering section 5.38 and recommendations 6.3 (Antimicrobial Resistance) and 6.4 in the legal opinion (attached) provided to the Dept./CC on 11th August last. Based on large amounts of verifiable evidence and expert advice (conservation-oriented and medical/health-oriented) provided to the Dept./CC since it commenced its work in June 2019, in our view, it is essential to provide the protections outlined in our proposal to communities impacted by high-density urban seagull colonies. There is no justification for continuing with what is tantamount to “Irish exceptionalism” on the urban seagull issue at the expense of and to the serious detriment of majorly impacted communities.

Thank you for your due consideration of my submission.

Is Mise
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Co.Dublin

