**Consultative Committee to undertake a review of the issues surrounding the impact of gulls in urban areas**

**90 North King Street, 14 June 2019**

**Meeting 1**

**Minutes**

**Attendees:**

Dr. Derek McLoughlin (Chairman) (Chair)

Tom Cardiff (Balbriggan Community Committee) (BCC)

Gerry Coffey (Balbriggan Community Committee) (BCC)

Oonagh Duggan (Birdwatch Ireland) (BWI)

Dr. Steve Newton (Birdwatch Ireland) (BWI)

Gilbert Power (Fingal County Council) (FCC)

Dr. Hans Visser (Fingal County Council) (FCC)

Gerry Leckey (National Parks and Wildlife Service, (NPWS)

 Department of Culture, Heritage and

 The Gaeltacht)

Dr. David Tierney (National Parks and Wildlife Service, (NPWS)

 Department of Culture, Heritage and

 The Gaeltacht)

Roy Thompson (National Parks and Wildlife Service, (NPWS)

 Department of Culture, Heritage and

 The Gaeltacht)

Joe McMahon (National Parks and Wildlife Service, (NPWS)

(Secretary) Department of Culture, Heritage and

 The Gaeltacht)

**Background and Introduction**

The Chair gave a background to the purpose of the Consultative Committee to provide solutions and suggestions on how to manage the impact of gulls (specifically herring gulls) in certain urban areas while also ensuring Ireland was in compliance with Article 9(1)(a) of the Birds Directive. He indicated that the lifetime of the Committee could be a number of years. Each of BCC, BWI, FCC and NPWS would be asked for a short contribution to each of topics of the Agenda if they wished. The Chair gave a brief outline of each topic before opening the discussion to the representative groups.

**Overview of gull ecology, characteristics and behaviour, particularly in urban environment**

NPWS gave an overview on the status of Herring Gulls in Urban areas, a survey is due to be completed by end of July, preliminary figures indicate 10,333 breeding pairs which is an increase of 87% since Seabird 2000, but an overall decline of 33% since the mid-1970s. The drone survey undertaken by FCC in January indicates a possible 500+ pairs in North Dublin.NPWS hoped to liaise with Joint Nature Conservation Committee (UK) and meet them later this year to collate Ireland and United Kingdom data.

BWI indicated that there has been little increase in numbers of gulls in Skerries Islands but an increase on Lambay Island. They also gave history of cull that took place in 1970s for air safety reasons, and that botulism resulted in large decline of herring gulls. They said that herring gulls currently seem to have a preference for urban areas as there are no predators, and young don’t get cannibalised as they would where they nest in higher densities, e.g. islands. Food litter on streets is being used as an easy food source. BWI recalled a major cull of over 20,000 pairs of herring gulls in the 70s-80s, where alpha-chloralose was put on bread and hand-fed into the nests.

BCC gave background on problems with herring gulls relating to noise, faecal contamination, serious aggression causing injury and a requirement for stitches, tetanus and antibiotics treatments from seagulls and damage to property. BCC also asked the meeting who present on this Consultative Committee has the statutory authority and responsibility specifically to ensure that Article 9.1(a) which provides for the interests of public health and safety is fully and properly applied “in the interests of public health and safety” (per the Birds Directive) of citizens. There was no response from the CC members to this question, the Department stated that it is not competent in public health, BCC referred to the many licences over several years issued by the Department on grounds including public health. The Chair intervened and asked if BCC would agree to move this item down to ‘Any Other Business’ and BCC acceded to the Chairman’s request. In relation to the figure quoted in the drone study by the NPWS, additional input was given stating that the drone study covered a number of small sites within the Balbriggan Derogation zone, Skerries and Howth, and Balbriggan. BCC stated that the Balbriggan work was done after nests had been removed under the 2018/19 Derogation. 168 nest removals were recorded in 2017 in a very limited area of the Derogation zone. They stated survey only covered a very small area of Skerries and of Howth; and BCC are aware from reports of significant seagull numbers in Rush and Lusk; therefore BCC’s stated their view that the estimate of 500 pairs in North Dublin stated above substantially understates the numbers.

BWI outlined its concerns that it is difficult now to determine numbers of birds present in Balbriggan or nesting sites due to the derogation which allows the removal of nests and eggs. BWI also outlined that it’s not just article 9(1)(a) of the Birds Directive that needed to be adhered to but the other articles too and in particular Article 9(2) and 9(4).

FCC had nothing additional to add to points already raised.

NPWS responded to points raised by BCC that herring gulls appeared to have greater preference to urban environment now than traditional sites, possibly due to less disturbance by predators, warm safe environment and easy food sources. Behavioural studies of Herring Gulls have also indicated that gull individuals are not all aggressive.

**Recommendation from NPWS that a tracking study be done of bird behaviour to see where they predominantly feed etc., e.g. out to sea, immediate surroundings, or further inland.**

**Impacts of gulls on urban dwellers**

BCC indicated that the issues around herring gulls had grown from being a few weeks a year, to now having roosts in housing estates all year round and causingnoise disturbance for up to 22 hours a day which is affecting people’s sleep and that there was aggressive foraging by gulls, not just when they are protecting chicks. They indicated they were causing serious damage and leaks to roofs by stripping materials from roofs for their nests, issue with faecal contamination and that many schools had to keep children in to eat their lunches due to aggressive foraging by gulls. They indicated that they had a number of case studies of problems individuals were having with gulls if the Chair wished to talk to these people directly. BCC expressed a view that the implications of the sleep deprivation issue are a common-sense matter that should not require an expert to be called into the CC, but that if this is not accepted by the CC (point in case being “anecdotal” label attributed elsewhere in the minutes), BCC would request that Prof. Moyna and also the Road Safety Authority (RSA) are invited make an evidence-based contribution on the sleep deprivation/fatigue issue and concomitant health and safety risks to the CC – BCC specifically referred to Professor Moyna’s RTE Awake Programme and also to the RSA website on driver tiredness publications, serious safety implications, and their national “Tiredness Kills” campaign.

FCC stated that they had many dealings with and supported the Department in relation to SACs and SPAs in its area. They supported a science based approach, legal approach and people approach and that there are many people distressed about the issue. They also stated that many people enjoy and actively feed gulls. FCC also said that persons who are suffering a nuisance from gulls on their roofs should not have to wait until the conclusion of the Committee work without remedial actions being taken.

The Chair stated that actions should be undertaken while the Committee is in place and be part of overall management programme, and not wait until its findings were concluded, and that the solution would have to be multi-faceted following a sociological / science-based approach. This will be pursued in parallel whilst ongoing multi-faceted solutions be sought following a sociological / science-based approach. BCC asked for a timeline for phased actions, and asked when the CC will produce its Interim Report. The Chair replied that the target would be within two months or so from this first meeting. BCC welcomed this scheduling objective.

BWI stated that they have received many positive calls from individuals in North Dublin who are against the Derogation for Gulls and that only a minority in favour of derogation and that it was only a North Dublin issue. There is a big issue with people feeding gulls which are affecting the gulls’ behaviours. They stated that they had worked with Dublin City Council on a “Gull Awareness Event” which was successful; however, there was lack of enforcement on “no feeding gulls” policy generally.

BWI also stated that any assessment of conditions of risk must have a scientific, quantifiable basis.

BCC did not accept BWI contention that the seagull problem is only a North Dublin issue. BCC stated that Dublin City Council had a 40 minute debate on Gulls issues on 12th June 2017, and that this was far bigger than a North Dublin issue, and offered to provide a public-I video of the DCC debate BCC stressed that managed solutions in the interests of public health **and** safety are necessary, must not be compromised, and that public health concerns and solutions must not be subordinate to any other considerations or solutions.

NPWS stated that the current controls in places relating to Section 42 applications for control of species that were causing damage, examples were given where licences were issued to hospitals, offices, etc. The Department acknowledged that herring gulls were causing distress to many people in North Dublin; however, after they were added to the Derogation for North Dublin, the majority of calls received from that area were against the change.

BCC stated that there were no objections to the derogation from the hundreds of people and many businesses who availed of it, from areas/people suffering from the impacts of high density urban seagull colonies, in fact the derogation was welcomed by the vast majority of people and businesses.

The Chair highlighted that this was a complex issue relating primarily to one species of gull and that there were a wide variety of opinions and personal concerns on a solution. He also acknowledged the paper received from BCC outlining their main concerns and their explained requirements which had been received at a pre-meeting on 13 June 2019. Any solution to the recommendations of the Consultative Committee would have to be doable; science-based and comply with legislation.

**Managing gull populations**

The Chair spoke about how in urban areas there are very little predation of herring gulls compared to traditional sites. He indicated that gulls can range up to 40km to source food and put forward a question to the Consultative Committee on practical approach ideas they may have, for example, does deterrent netting on buildings work, could other habitats in traditional nesting areas be created, public information sessions, why they nest on some houses not others, if displaced where would they go, other towns or back out to the islands?

NPWS stated that the issue had not been discussed with other jurisdictions, and that while the number of gulls was increasing there was still no robust population estimate of herring gulls across Ireland and the United Kingdom. Possible research could be done using Darvic Rings, but this was a slow process as would take many years to gather data, or maybe use a traditional ring and have a specific colour code for herring gulls and get data across multiple locations, as they are showing an increase in other urban centres and as far inland as Mullingar. Gull chicks could be ringed before the end of this season, which end in late July. There is a bird ringing group based in Dublin that could ring gulls to track movements that would be willing to run this. Herring gulls only breed from being 5+ years. NPWS noted that some public authorities in the UK have by-laws banning feeding of gulls and engaged with public why it was not good to feed them.

BCC referred to the publicity pamphlet issued by FCC dealing with feeding and food waste management across Balbriggan, and also posted on-line by FCC – a first of its kind in Ireland, which originated as a community request from Balbriggan and was achieved through normal council procedures by the local councillors. BCC had sought compliance and enforcement pressures but FCC had stated they wanted to take a carrot approach initially and the pamphlet could be amended in future.

FCC has spoken to Dutch authorities who have been dealing with this issue also. Nest deterrents are too expensive a solution over a large geographical area. Nest management is a solution, however, difficulties with right of access and some people enjoy having gulls nesting on their roofs however, gulls may cause problems for the neighbours. There would also be major enforcement issues on feeding birds and better to use carrot than stick approach as solution. FCC issued a leaflet last year which was a public awareness scheme. Another issue that FCC put forward is that it is not known where individual gulls feed. FCC recommended that a sustained national public awareness campaign with enforcement for anti social behaviour ie feeding gulls. BCC welcomed this recommendation.

BCC suggested that the <https://fixmystreet.ie/> could be used as a tool for reporting individuals for feeding gulls and that peer pressure in problem estates and businesses might improve the situation. They also quoted a report from JC Coulson & BA Coulson (2015) Bird Study 62: 170-176 on the accuracy of urban nesting gull censuses and JC Coulson (2015) Waterbirds 38: 339-35 on the re-evaluation of the role of landfills and culling in the historic changes in the Herring Gull (Larus argentatus) population in Great Britain), that urban gulls don’t go back to being non-urban, and that other EU States, are ahead of us in terms of recognition of and dealing with the public health aspects of urban gull’s populations and suggested that the Committee look at what other Member States are doing and why they are acting on the matter. The denial of nesting has been a success and gave an example of just one street in Balbriggan where previously were 15 houses had nests, this year only 1 nest. BCC view is that systematic, repetitive denial of nesting – using managed services as commonplace in UK/EU impacted areas- in unsuitable locations e.g. residential, schools, hospitals, and human food businesses is urgently necessary.

BWI noted the need to quantify the issues, and that the public health issues around actively feeding gulls, and the need to take into account Article 9 of the Birds Directive regarding condition of risk and made reference to ECJ Case number C24/7/85 (Belgian case 1985?) in this regard. They also gave an example of how enforcement was working in relation to upland burning and reduction in fires in 2018 due to payments being withheld, and that any solutions would need to have a scientific basis.

BCC observed that ‘public health’ concepts and insights are far more sophisticated in more recent jurisprudence and referred to the Dutch Supreme Court ruling in 2016 where 13 public health grounds were used to re-activate Amsterdam seagull control programmes that were injuncted by the Dutch Fauna Federation in 2014; BCC observed that the Dutch imported the Birds Directive into their National law.

**The Chair concluded that we need a micro and macro solution to the issue, with immediate measures but also long term approach needed and that the special aspects (what gulls are doing in one area versus other areas should understood).**

**Research requirements**

The Chair suggested topics that could be looked at including census of gulls, analysis of their forage range and movement patterns and the impacts of existing measures in place, and health implications.

BCC suggested that the Committee link in with research taking part in the State like the EPA funded AREST Project coming out of NUIG and involve Dublin City Council and other impacted Council areas e.g. Galway up front as well rather than undertake a separate blocks of work. BCC had put together a list of AMR research that they are aware of and would send the list on to the Committee. They also queried why several other EU States (including UK/NI, French, Dutch et al as stated in EU Commissioner Vella (DG Environment) letter to former MEP Lynn Boylan in January 2019 (previously provided to the Chairman and Secretary), use public health concerns for their derogations however, Ireland does not*.*

NPWS indicated that other EU States were ahead of us in relation to research and that the Department had approached HSE relating to public health concerns, however, from a letter received from them (2016) did not consider the gulls issue a public health issue. Some UK towns did not use the general licence but get separate licence for public health, and that the general UK licence has since been revoked. BCC responded that Natural England (not the UK) had withdrawn it’s general licence that this had nothing to do with seagulls – it was to do with feral pigeons and a case taken by Chris Packham; General licences in NI, Scotland and Wales remained in operation.

BCC disagree with NPWS interpretation of the advice from the HSE; BCC quoted a separate letter they had received from Commissioner Vella stating that public health issues are being used for Article 9 derogation purposes in several member states including Ireland – and the only issue cited by the EU Commissioner is that Ireland has not provided “quantitative data” in relation to its actions. They also indicated there was a serious anomaly for other species of birds in the Irish general licence e.g. Hooded crows, Magpies and Pigeons which are legally classified by the Department as a threat to public health under general licence. Therefore BCC restated its fundamental objection to the clear anomaly within which ‘public health’ is denied in the Balbriggan Derogation. BCC proposed that a dual system of general licences and composite licences for local authorities manage services is needed for Derogations. BCC stated that there is no circumstance in which people or schools should be compelled by the state to accept gulls breeding and living on their roofs.

Action recommended that clarification be sought from the HSE in advance of the next meeting regarding public health and safety concerns. BCC stated that they do not expect the HSE or the Dept. of Health to change their written, taken positions i.e. that his is a DCHG/NPWS matter.

NPWS recommended there be a three pillar approach to the Research Requirements – Conservation Status (ecology of the gulls), Mitigation toolbox and Efficacy of Control, and the need to look at data gaps e.g. AMR, distil effects of gulls on wellbeing (sleep deprivation), anecdotal evidence (quantifiable and robust data), whilst complying with Article 9 relating to deterrents and reducing numbers. The priority of NPWS is to preserve and protect biodiversity and that research be done that can be replicated in other areas.

BWI highlighted the loss of natural nesting habitat of gulls on the islands that has been lost due to scrub encroachment. They also indicated the need for quantifiable data e.g. birds caught, droppings collected and analysed and then go to Dept. of Health with these findings to determine whether there is a public health issue. They also queried while the current derogation has been in place for 3 years there was no scientific data to show where these birds have been displaced to and if queried if any monitoring has been done.

FCC indicates they have some research done. They proposed that leg ringing (Sean Kingston) to do it in this breeding season, do some satellite tracking of bird behaviour (longer-term goal), and that public health authority do some research too on public health concerns.

**The Chair proposed in advance of next meetings, costings of options be ranked and prioritised.**

**Terms of reference for the group**

The Chair stated that the prioritised actions of the Committee be drawn up and proposals put to the Department of Culture, Heritage and the Gaeltacht for funding and that projects have to be concurrent and not wait until the proposed lifespan of the Committee is concluded in 2 years.

BCC queried whether Public Health concerns are included in the Terms of Reference of the Committee.

NPWS indicated that the Consultative Committee Minutes, Terms of Reference, Committee Membership, Reports and documents submitted to assist the work of the Committee will be published on the NPWS website when agreed. Also in relation to Research Projects what would they cost and that only finite funding available from the Department, but could it be sourced elsewhere.

The Chair proposed that the mechanics of the Research Projects be ironed out over the next 2 meetings and that it might be necessary to employ an outside body to manage and draft a specification with a suite of priority research projects  via public tendering mechanism.

NPWS also suggested that a broader approach may also be needed (e.g. input from social scientists, biologists, ecologists, faecal swabs for AMR).

**Requirement for additional expertise to address or potentially join the group**

The Chair proposed that additional members be sought in Health and Legal areas.

BCC raised the public health aspects of the Derogation Declaration and why the wording in the Declaration is “pose a threat to public health and safety” rather ”in the interests of public health” and as is specified in EU Directive. BCC considers the legal threshold being applied in the Declaration is materially higher than in the Directive. They indicated that the Departments of Health, the HSE Housing and Environment in correspondence with them and their TDs said that this matter (viz the seagull issue) is entirely a matter for DCHG/NPWS. BCC proposed that Assistant Professors Barry McMahon (UCD) and Martin Cormican (HSE) be asked to contribute regarding AMR at the next meeting and that and legal experts be invited. They also suggested that Professor Moyna (DCU) (studies done on Sleep and Health), EPA (Bird Control and AREST project), UK experts on nest removal and health and Safety) and Middlesex University research) be asked to present.

NPWS has no staff competent in microbiology and that if guano *presents* *this* is a reason for nest removal. NPWS proposed that Ian O’Connor (NUIG survey work on urban gulls in Galway) and that a social scientist be asked to present too. Irish experts on Section 42 licences (Barry Nolan), are asked to present too. Steve Coulson (UK and Coastal towns – what works and what doesn’t), be asked to present too.

BWI suggested John Coulson (Durham University) and Peter Rock (Control Measures in UK).

FCC proposed a workshop on Mitigation Measures could be set up and number of presentations be made at that separately, ask company from Holland that has experience on doing control measures over a number of years to present.

The second meeting could include presentations in a workshop format that would all discussions with the presenters and the Consultative Committee.

BWI highlighted the importance of getting this process right since it is precedent setting for other threatened species.

**AOB**

The Chair stated that there would be a summary of the meeting drafted with priorities and different strands approach e.g. workshop.

BCC reminded the meeting that a question of serious importance to them, raised earlier, and been moved with their agreement to AOB. In the light of BCC statements and amendments recorded earlier, BCC again asked “who around the CC table has the statutory authority and responsibility to ensure that the Article 9 1 a provision “in the interests of public health and safety” is fully availed of with the over-arching priority due to the health and wellbeing of citizens.

The Department said in reply that it answers to the Commission

In the absence of either an answer to the BCC question or any further clarity on the core issue BCC emphasised that it is imperative that clarity on public health be defined especially as the laws and regulations have been implemented (including public health determinations) by the Department over many years, and continue to be implemented by the Department. If such clarity is not forthcoming within the CC, BCC will have no choice but to continue to pursue the necessary clarity through the political process.

BCC stated that their sense from the meeting was/is that citizens’ wellbeing is subordinate to bird ecology and this is unacceptable to BCC. Their view is that, having had a long meeting this morning, they do not expect this question to be addressed now at this meeting, however we believe that that this issue must be fully resolved at the next meeting.

The next meeting of the Consultative Committee was proposed for August 2019.