

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday 14 March 2022 11:55  
**To:** Housing WildBirdDeclarations  
**Cc:** [REDACTED]  
**Subject:** wild birds Derogations for 2022/23 – NPWS Public Consultation Process  
**Attachments:** letter re Seagulls 14.03.22.doc

**Follow Up Flag:** Follow up  
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Dear Sirs

Attached please find letter from [REDACTED] Director of The Reilly Group in relation to the above.

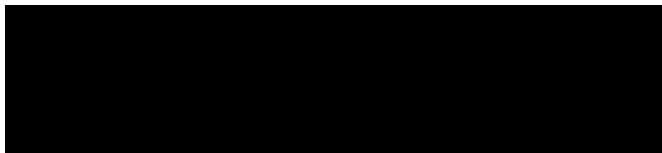
*Many Thanks*

*Kind Regards*

[REDACTED]  
*The Reilly Group*

[REDACTED]

*The Reilly Group*



11<sup>th</sup> March 2022

Department of Housing Local Government and Heritage  
Wildlife Licensing Unit  
National Parks and Wildlife Service (NPWS)  
90 North King Street  
Dublin 7

By email to: [WildBirdDeclarations@housing.gov.ie](mailto:WildBirdDeclarations@housing.gov.ie)

Re: Wild Birds Derogations for 2022/23 – NPWS Public Consultation Process

**Submission to whom it concerns:**

We have been updated by our community committee on developments over the past year about the urban seagull issue, the Consultative Committee on urban gulls, expert legal advices received by the Department, and the outcome of the National Urban Gull Survey as published last September.

It was no surprise to us that your survey put the figure of breeding Herring gulls in Balbriggan and its districts at a whopping 1,485 nesting pairs – we have been telling you since 2016 that we have what can only be described as escalating infestation levels in our town. Our late father [REDACTED] wrote to you and to successive Ministers on a number of occasions about the harms that rapidly expanding colonies are doing in residential areas, in our schools and in our businesses. Minister Darragh O’Brien knows our family very well and is fully informed on this issue.

Surely the Department must now recognise that this is a serious and escalating public health and safety issue that needs to be addressed. How can any community be expected to live with constant and intense noise for months at all hours of the night, sleep deprivation, extensive fouling, aggression and attacks on people, including on our schoolchildren and elderly people, and severe damage to property, with uncontrolled escalation every year? Your expert legal opinions paid for by the taxpayer state clearly that derogations are justified on public health and safety grounds. Indeed, they also state that the Department has been both misapplying and in breach of the law and has been wrongly advising successive Ministers in relation to derogations and public health and safety requirements. If the opinions are in fact correct, how can the Department or the Minister justify the situation we still find ourselves in after six years legislating for a solution to this problem.

What is the point of community participation in Reviews, and Committees and Public Consultations all with evidence-based submissions if they are constantly being ignored and the pertinent law is being disregarded by the Department/NPWS? How can this whole situation be justified as communities suffer escalating serious impacts from seagulls?

We do acknowledge that the partial derogation granted by former Minister Humphreys in 2017 has made an important contribution towards dealing with many issues that are being caused by seagulls. However, the derogation needs to clearly acknowledge that this is a public health and safety issue, and it needs to be well publicised as such, well in advance of the traditional 1<sup>st</sup> May date. Furthermore, we passionately believe that the derogation must be kept in place permanently to teach seagull colonies to avoid nesting in places where they do not belong and never will belong. Notwithstanding the derogation, seagulls continue to cause problems in many parts of our town. Our family and most of our staff live in the town and we know our customers personally. The issues from the birds are a constant topic of conversation from April through the summer. As a fishing town, we are well used to seagulls, but what has happened in recent years is not natural at all.

Fingal County Council must have a role to play in the protection of public health and safety and we are aware that Ireland is extremely far behind in this respect compared to our neighbours. We have noted with great interest the new urban seagull policy and autonomous Local Authority licencing system in England, and its explicit prioritisation of the preservation of public health and safety in the urban seagull context, while it applies very strict protection of the species in their natural habitat. This is a noticeably clear, reasonable and common-sensed policy which has its priorities right. Does the Department contend that the British operate higher standards of public health and safety protection than we do here in Ireland – surely that would be a nonsensical position, and unacceptable?

It is obvious that the situation can only get worse unless a proper approach to the issues is adopted. There is no wish whatsoever in our community to harm seagulls, but the birds must be prevented from doing the serious and escalating harm to our community that has been happening in recent years – before matters get worse. What justification is there for not addressing this problem?

Therefore, on behalf of our family business, staff and customers, and of our town in general we submit in good faith that the current Derogation must be amended to acknowledge that this is a public health and safety issue, and that it must be well publicised as such. We believe that the derogation must be perpetuated in urban areas to protect areas where seagulls do not belong. Considering the survey results, it is clear that many other areas also need protection now. It really is important and timely that the relevant authorities come to grips with the urban seagull problem and deliver a reasonable and proportionate solution that prioritises and protects public health, public safety and security of property. Proper management and control using proportionate measures, as catered for in the pertinent law are all in the immediate and long-term interests of the birds as well. Otherwise, what does the Department/NPWS think is going to happen if it continues to allow the urbanised Herring gull species to run out of control?

Yours sincerely



The Reilly Group Ltd