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September 8th, 2020

Construction of the Boyne Greenway Drogheda to Mornington, Co. Meath & Co. Louth

Submission of [redacted]

The implications of the proposed development for the proper planning and development of the area concerned.

(1) The issue of project splitting arises in relation to this project and the proposed Navan to Drogheda Greenway.

(2) If there is a limited amount of headroom for disturbance of fauna than a full study of the Navan to Mornington Route/ Routes should be made, such that informed priorities can be made.

(3) Is this project to avail tourism, or commuting, or leisure walking?

(4) How does this project comply or further National Tourism Development Objectives? http://www.discoverboynevalley.ie/sites/default/files/Boyne-Valley-Tourism-Strategy.pdf

(5) Is this proposal premature to the development of the Boyne: Navan **Drogheda Greenway?**

(6) What alternative routes were considered?

(7) What imperative is there to build at this location considering the Natural 2000 sensitivities?

(8) What materials would be used and what CO2 footprint would they have?

(9) What priorities are allocated at County Development Plan and Regional Development Guidelines to this stretch of Greenway?

(10) What levels of traffic would the facility generate?

(11) How will pedestrians be protected from traffic?

(12) What kind of lighting will be required or proposed?

(13) Will more car parking demand be generated?

(14) What catchment area of Meath and Louth or Dublin is it meant to serve?

The likely effects of the proposed development on the environment.

It is difficult to determine the impact on the environment unless issues 1 to 14 are answered.

What alternative infrastructure was considered? Urban Ropeways etc?

https://www[redacted]com/en/application-areas/urban/

The likely significant effects of the proposed development on a European site.

It is difficult to determine the impact on the environment unless issues 1 to 14 are answered

(a) The issues arise, as to cumulative impact on adjoining protected sites by way of encouraging more potential disturbing traffic to the SAC, SPA, areas. An example is the growing prevalence of land yachting, walking dogs off leashes disturbing fauna.

(b) Other cumulative impacts include predation and disturbance by cats on Fauna.

Please have regard to the following in considering this submission.

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds [2009] OJ L20/7 (hereinafter Birds Directive).

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1992] OJ L206/7 (hereinafter Habitats Directive).

Arie Trouwborst, Phillipa McCormack and Elvira Martínez Camacho, 'Domestic Cats and their Impacts on Biodiversity – A Blind Spot in the Application of Nature Conservation law' (submitted for publication).

Regulation (EU) 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species [2014] OJ L317/35 (hereinafter IAS Regulation). The various obligations to address invasive alien species set out in the Regulation will only apply to domestic cats once the species is included in the List of Invasive Alien Species of Union Concern administered under the Regulation. The inclusion of species in the

List depends on the consent of a majority of EU Member States (IAS Regulation, arts 4 and 27).

Convention on the Conservation of European Wildlife and Natural Habitats (1979) ETS 104 (hereinafter Bern Convention).

Convention on Biological Diversity (1992) 1760 UNTS 79 (hereinafter CBD).

Protocol (to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean) concerning Specially Protected Areas and Biological Diversity in the Mediterranean (1995) 6 Yearbook of International Environmental Law 887.

Agreement on the Conservation of African–Eurasian Migratory Waterbirds (1995) 2365 UNTS 251.

Habitats Directive, art 6(1)–(2).

European Commission, Managing Natura 2000 Sites: The Provisions of Article 6 of the "Habitats" Directive 92/43/EEC (European Commission 2018) 32; see also CJEU Case C–404/09 Commission v Spain [2011] ECR I–11853; Hendrik Schoukens, 'Ongoing Activities and Natura 2000: Biodiversity Protection vs Legitimate Expectations?' (2014) Journal for European Environmental and Planning Law 1.

CJEU Case C–96/98 Commission v France [1999] ECR I–8531; Case C–117/00 Commission v Ireland [2002] ECR I–5335; Case C–301/12 Cascina Tre Pini [2014] ECLI:EU:C:2014:214.

CJEU Case C–418/04 Commission v Ireland [2007] ECR I–10947.

Tjitse op de Hoek, Maarten Schrama and Chris Smit, 'Verwilderde Katten op Schiermonnikoog' (2013) 114 De Levende Natuur 4.

BirdLife International, Pterodroma madeira – The IUCN Red List of Threatened Species 2018: e.T22698062A132622973.

CJEU Case C–518/04 Commission v Greece [2006] ECR I–42; Case C–183/05 Commission v Ireland [2007] ECR I–137; Case C–383/09 Commission v France [2011] ECR I–4869; Case C–340/10 Commission v Cyprus [2012] ECLI:EU:C:2012:143.

CJEU Case C–441/17 Commission v Poland [2018] ECLI:EU:C:2018:255, para 252.

On the application of art 12 to hybridisation, see Arie Trouwborst, 'Exploring the Legal Status of Wolf-Dog Hybrids and Other Dubious Animals: International and EU Law and the Wildlife Conservation Problem of Hybridization with Domestic and Alien Species' (2014) 23 Review of European, Comparative and International Environmental Law 111.

Birds Directive, art 9(1).

Case C–383/09 (n 79) para 37; see also Charles George and David Graham, 'After Morge, Where Are We Now? The Meaning of "Disturbance" in the Habitats Directive' in Gregory Jones (ed), The Habitats Directive: A Developer's Obstacle Course? (Hart Publishing 2012) 43, 52.

Case C–441/17 (n 80) para 252.

Hendrik Schoukens and Kees Bastmeijer, 'Species Protection in the European Union: How Strict is Strict?' in Charles-Hubert Born and others (eds), The Habitats Directive in Its EU Environmental Law Context: European Nature's Best Hope? (Routledge 2015) 121, 138.

Case C–340/10 (n 79).

Case C–103/00 (n 86).

AG Opinion in Case C–6/04 Commission v United Kingdom [2005] ECR I–9020, para 118.

CJEU Case C–221/04 Commission v Spain [2006] ECR I–4515.ase C–340/10 (n 79)

European Commission, Guidance Document on the Strict Protection of Animal Species of Community Interest under the Habitats Directive 92/43/EEC (European Commission 2007) 33.

Yours sincerely