053966

Our Case Number: ABP-307652-20

An Bord Pleanála

[redacted]

Date: 26 May 2022

Re: Construction of the Boyne Greenway, pedestrian and cycleway linking Drogheda Town in Co. Louth to Mornington Village in Co. Meath
Townlands at Ship Street in Drogheda, Co. Louth to Mornington Village in Co. Meath

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Kieran Somers
Executive Officer
Direct Line: 01-8737250

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LDG-053966-22.

submission to An Bord Pleanála re the Further Information on the Construction of the Boyne Greenway Drogheda to Mornington, Co. Meath & Co. Louth

Planning Ref ABP-307652-20

May 19th 2022

1.0 Introduction

scientific and advocacy staff have reviewed and assessed the further information supplied for the application to An Bord Pleanála for the development of a pedestrian and cycle greenway between Drogheda and Mornington, Co Meath along the Boyne estuary and to the coasts, and make the following submission.

Despite additional survey work and assessment of same, the proponents of the project have not proved that the significant adverse impacts identified and brought about by disturbance to waterbirds caused by the operation of the proposed greenway can be mitigated. In addition, in this submission presents new research published in 2022 on the fragility of the Boyne Estuary and its waterbirds where the populations of some species have experienced dramatic declines in the last several years. We request that this information forms an important element of the assessment of the proposal.

supports national and local efforts to bring employment through tourism activities to rural Ireland. In addition, we are 100% behind initiatives to cut fossil-fuel propelled car journeys and reduce greenhouse gas emissions as well as initiatives to encourage healthy living and exercise amongst citizens. The climate crisis and the biodiversity crisis are two sides of the same coin however and they must be addressed together. This means that solving the climate crisis must not come at the expense of our wild birds and other biodiversity that is also in serious peril as will be described later.

The Boyne estuary is a stunning, wild and very important wetland in Ireland and globally. It provides a winter home to thousands of waterbirds of many different species of different sizes, shapes, colours and songs. Most of these birds travel spectacularly long distances on their migration to Ireland. In fact Irish wetlands are really important sites in a global context as they are rest and feeding areas along the East Atlantic Flyway. Waterbirds rely on the estuary for food and shelter during the winter when their breeding grounds in Greenland, Iceland and the high Arctic are covered in ice and food is not available.

Flyways are aerial roads used by migratory waterbirds going to and from their breeding grounds. The East Atlantic Flyway stretches from Northeast Canada to North Siberia in Russia, southward along the coastlines of the Baltic Sea, North Sea and Eastern Atlantic Ocean (including the Irish coastline) all the way to South Africa.

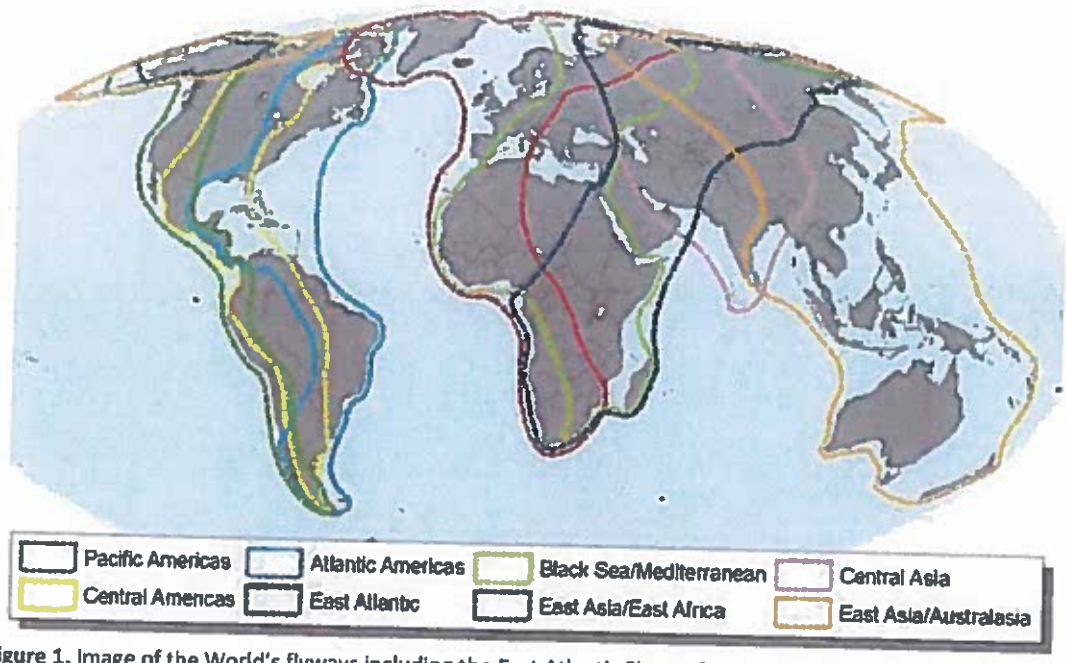

Figure 1. Image of the World's flyways including the East Atlantic Flyway from BirdLife International[1]

Waterbirds using this flyway travel from their breeding grounds to their wintering grounds, of which the Boyne Estuary is one example. There are a range of pressures and threats to species which use this flyway, as well as the important wetland sites along it. Fishing, agriculture, disturbance from humans, waste pollution and urbanisation have direct significant influences on the conservation status of individual populations along the flyway[2]. In addition, the flyway is under significant threat from climate change, a problem that is likely to get worse. Loss of habitat at coastal wetland sites is extremely serious considering current and future sea level rise predictions. Waterbirds will be pushed to the highest reaches of available coastal wetland habitat. The chipping away at wetland sites along the flyway including direct take of habitats and damage from pollution, disturbance and more, degrades the quantity and quality of these sites for waterbirds. It should be noted therefore that any impacts to the Boyne Estuary, an important site along the East Atlantic Flyway, should be considered as impacting the global flyway populations.

An estuary is also made up of a suite of habitats all of which are valuable in their own right. From mudflats to saltmarsh, the range of habitats and the wildlife and plants they support is truly inspirational as these are tough environments to live in. Many cities including Dublin have built over

[1] http://datazone.birdlife.org/sowb/casestudy/the-flyways-concept-can-help-coordinate-global-efforts-to-conserve-migratory-birds

[2] van Roomen M., Citegetse G., Crowe O., Dodman T., Hagemeijer W., Meise K., & Schekkerman H. 2022 (eds). East Atlantic Flyway Assessment 2020.The status of coastal waterbird populations and their sites. Wadden Sea Flyway Initiative p/a CWSS, Wilhelmshaven, Germany, Wetlands International, Wageningen, The Netherlands, BirdLife International, Cambridge, United Kingdom available here https://www.waddensea-worldheritage.org/sites/default/files/2022_East%20Atlantic%20Flyway%20assessment%202020.pdf

expanses of mudflats, while some like Tokyo are now restoring them to attract more wild birds and create buffers against climate change.

Greenways are important but they should be built in areas which can accommodate what is essentially a new narrow road. Roads should not be built in important sites for wild birds. It is very important that greenway proposals guarantee no significant adverse impacts upon wildlife and habitats that are already seriously threatened. **Because the Boyne Greenway poses a significant threat to the bird life in the Boyne Estuary SPA, we object to this development.**

2.0 Issues of Concern

The main focus of our submission is on the risk of significant impacts on the avian and habitat conservation interests of the Natura 2000 sites impacted by the proposed Boyne greenway. As described in the Natura Impact Statement *'a significant portion of this route falls within the boundary of the Boyne Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC), with approximately 2.4km of proposed Greenway route within the SPA/SAC areas, of which approximately 610 metres (m) would be within the intertidal zone'.*

Development within a site designated as a SPA for wintering waterbirds in light of national and site waterbird trends

Of significant concern to BirdWatch Ireland is that 2.4kms of the greenway is proposed within the boundary of the Boyne Estuary SAC and SPA and adjacent to the River Boyne and River Blackwater SAC with 610m over intertidal habitat. The greenway therefore poses a significant threat to the avian conservation interests in these sites, as well as to some of the habitats. These threats include the threat of disturbance from the users (pedestrians, cyclists, people with dogs, anti-social behaviour by people) of the greenway day and night which could also cause displacement of these species and impact the integrity of the Natura 2000 network.

The Boyne Estuary SPA is an internationally important and designated site for waterbirds and wetlands. Wintering waterbirds have experienced a 15% decline in 5 years[3]. More alarming is the comparison over a longer time period, which shows that our wintering waterbirds have declined by almost 500,000 individuals (40%) since the mid-1990's, a truly shocking finding. 'Total numbers have declined by 138,160 (15%) since the 2006/07-2010/11 period, with waders experiencing the largest declines; the combined totals of 15 wader species having declined by over 19%.

Burke et al state "Climate change is likely a significant factor is affecting total numbers of wild bird populations as well as causing the shifts in range.... However, this should not mask the many local pressures faced by wintering waterbirds. In Ireland, many waterbirds are vulnerable to recreational disturbance, habitat modification and loss, and potential impacts from increased aquaculture and renewable energy developments, each of which has the potential to lower survival rates and total numbers of their respective Irish and flyway populations as a result".

More recently, the I-WeBS Office has published updated national trends for wintering waterbird species, and site-specific trends for sites that meet the required analytical criteria, the Boyne Estuary

[3] Burke, B., Lewis, L. J., Fitzgerald, N., Frost, T., Austin, G. & Tierney, T. D. (2018) Estimates of waterbird numbers wintering in Ireland, 2011/12 – 2015/16 Irish Birds No. 41, 1-12.

being just one[4]. We appreciate that this information was not published in time to be included in the Ecological Impact Assessment report (EIAR) or Natura Impact Statement (NIS) for this greenway project, however they are available now and should be considered in the decision making process by An Bord Pleanála.

Of the ten wintering waterbird special conservation interest listed for the Boyne Estuary SPA, **half have a declining national status** based on the long-term 23-year trend. Three species (Golden Plover, Grey Plover and Lapwing) have undergone a large decline in wintering populations. **Importantly, seven species are now exhibiting declines over the recent five-year period, while nine species have declined in the last 12 years. This suggests that species that across the long-term that appear to be doing okay, are now in decline.**

Waterbird SCI for the Boyne Estuary SPA	National Trend - 5 year	National Trend - 12 year	National Trend - 23 year	Status (based on 23-year trend)
Shelduck (*Tadorna tadorna*)	6.3	-0.8	9.3	Stable or increasing
Oystercatcher (*Haematopus ostralegus*)	-17.5	-31.1	10.8	Stable or increasing
Golden Plover (*Pluvialis apricaria*)	-16.9	-58.1	-54.1	Large decline
Grey Plover (*Pluvialis squatarola*)	-30.6	-39.4	-57.8	Large decline
Lapwing (*Vanellus vanellus*)	-6.5	-45.1	-63.9	Large decline
Knot (Calidris canutus)	0.0	-12.2	-9.8	Intermediate decline
Sanderling (Calidris alba)	-23.8	-11.1	84.6	Stable or increasing
Black-tailed Godwit (*Limosa limosa*)	22.5	25.0	92.3	Stable or increasing
Redshank (*Tringa totanus*)	-14.0	-28.4	6.7	Stable or increasing
Turnstone (*Arenaria interpres*)	-33.6	-46.0	-23.7	Intermediate decline

Of the ten wintering waterbird special conservation interest listed for the Boyne Estuary SPA, half have a declining site status based on the long-term 23-year trend. Four species (Golden Plover, Grey Plover, Lapwing and Turnstone) have undergone a large decline in wintering population size. Importantly, six species are now exhibiting declines over the recent five-year period, while nine species have declined in the last 12 years. This site-based data suggests that species that across the long-term appear to be doing okay, are now in decline within the Boyne Estuary SPA.

Waterbird SCI for the Boyne Estuary SPA	Site Trend - 5 year	Site Trend - 12 year	Site Trend - 23 year	Status (based on 23-year trend)
Shelduck (*Tadorna tadorna*)	-10.7	-16.8	17.5	Stable or increasing
Oystercatcher (*Haematopus ostralegus*)	-22.6	-37.4	-18.0	Intermediate decline
Golden Plover (*Pluvialis apricaria*)	-36.2	-72.0	-61.4	Large decline
Grey Plover (*Pluvialis squatarola*)	-78.6	-70.1	-54.3	Large decline
Lapwing (*Vanellus vanellus*)	14.1	-43.2	-63.3	Large decline
Knot (Calidris canutus)	52.8	-17.3	14.1	Stable or increasing
Sanderling (Calidris alba)	-67.8	-63.9	16.9	Stable or increasing

[4] Kennedy, J., Burke, B., Fitzgerald, N., Kelly, S.B.A., Walsh, A.J. & Lewis, L.J. (2022) Irish Wetland Bird Survey: I-WeBS National and Site Trends Report 1994/95 – 2019/20. BirdWatch Ireland Waterbird Report to the National Parks and Wildlife Service. BirdWatch Ireland, Wicklow. (*https://birdwatchireland.ie/app/uploads/2022/04/iwebs_trends_report.html*)

Black-tailed Godwit (*Limosa limosa*)	12.8	34.7	79.3	Stable or Increasing
Redshank (*Tringa totanus*)	4.3	-9.00	1.7	Stable or increasing
Turnstone (*Arenaria interpres*)	-35.8	-74.9	-82.1	Large decline

These declines are large and worrying. We believe that any project that has the potential to increase disturbance to waterbirds or reduce the spatial distribution of the species by encroachment into their habitat should not proceed.

Erroneous arguments

The NIS states *'similarly, it should be noted that in providing a designated walking route, recreational use within ecologically sensitive areas (with regard to QI habitats and SCI species) would likely be reduced, as pedestrians, cyclists and dogs (including users already frequenting these areas prior to the construction of the proposed development) may be more likely to remain within the Greenway route than stray into wider sensitive areas within these European sites. Similarly, when viewed in combination with information signage identifying the value of biodiversity features and the need for users to avoid sensitive areas, the Greenway route may discourage members of the public from straying into more sensitive areas'.*

We believe that this is a flawed argument in favour of a greenway. We are in the midst of a biodiversity crisis and wintering waterbird declines, nationally and at the site, are alarming. We believe that site-based management measures are required at the Boyne Estuary and at many other sites, **to reduce existing/current levels of disturbance and encroachment into waterbird habitats**. The introduction of a greenway and information signage for example, falls a long way short of the measures that are required to reduce pressures on this wetland site and others and to tackle the loss of waterbirds in the Boyne estuary.

In addition, the disturbance assessments undertaken by the consultants do not and cannot replicate the disturbance caused by up to the projected 1000 additional cyclists and walkers on a daily basis during the winter period. On an annual basis during the most sensitive months, the projected users would reach approximately 210,000 users (Sept-March 7 x 30 days x1000 users). This would be a phenomenal impact to waterbirds at this fragile site.

The NIS lists examples of other cases where greenways/cycleways are close to SPA sites. This does not necessarily mean that these projects have caused no impact. For instance, at the Exe Estuary in the UK, Liley et al. (2011)[5] have shown that waterbirds are faced with significant pressure from disturbance *'the parts of the estuary with the lowest levels of access (and therefore disturbance) are also the parts of the estuary with the highest bird counts'*. The waterbird population at this site is known to be adversely disturbed at times[6]. The Exe Estuary also has a management partnership and has completed a wide range of scientific research with on-going monitoring in an attempt to manage the issue of disturbance. This level of management is not seen at any wetland site in the Republic of Ireland. While the NIS for the current proposal cites research studies focusing on the Exe Estuary by internationally accredited authors, this research done in 2007 and 2008 is now out of date. The

[5]Liley, D., Cruickshanks, K., Waldon, J. & Fearnley, H. (2011). Exe Estuary Disturbance Study. Footprint Ecology.
[6]https://community.rspb.org.uk/placestovisit/exeestuary/f/exe-estuary/134752/press-release-on-disturbance-issues-affecting-brent-geese-and-wildfowl

species' population trends and status were likely very different over a decade ago. Latest species trends as shown by the BTO WeBS Alerts show that several species have undergone significant declines including Oystercatcher and Grey Plover (refer to Figure 2). Hence the pressure upon these species is now greater.

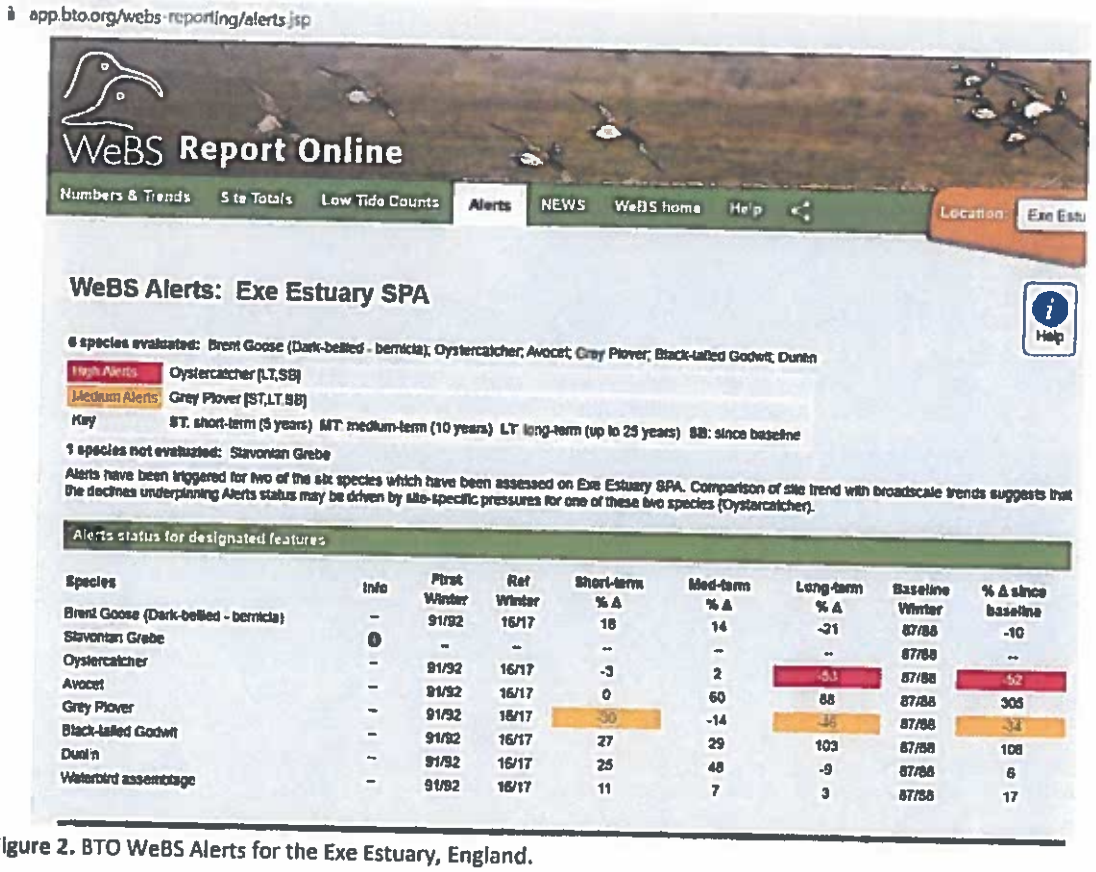

Figure 2. BTO WeBS Alerts for the Exe Estuary, England.

Inadequate assessment against conservation objectives and species trends

The overarching Conservation Objective for Boyne Estuary SPA "is to ensure that waterbird populations and their wetland habitats are maintained at, or restored to, favourable conservation condition". Of the ten wintering waterbird special conservation interest listed for the Boyne Estuary SPA, half have a declining site status based on the long-term 23-year trend. Four species (Golden Plover, Grey Plover, Lapwing and Turnstone) have undergone a large decline in wintering population size. Importantly, six species are now exhibiting declines over the recent five-year period, while nine species have declined in the last 12 years. This site-based data suggests that species that across the long-term appear to be doing okay, are now in decline within the Boyne Estuary SPA.

We appreciate that this new site trend information was not published in time to be included in the Ecological Impact Assessment report (EIAR) or Natura Impact Statement (NIS) for this greenway project. However, negative waterbird trends at national level were already well known.

Based on the new trend data, the majority of the waterbird populations listed for the Boyne Estuary SPA need to be restored. Hence extra caution should be taken in terms of any proposed projects that may cause adverse impacts.

Significant proportions of waterbird SCI species occur in close proximity to the greenway

The NIS provides information on numbers of waterbird SCI species recorded in close proximity to the proposed greenway route (Page 59). The numbers recorded, are said to *'equate to a large proportion of the 'SPA citation population'*. However these calculations are misleading because the site population sizes will have changed since the baseline SPA data period. Some species may now occur at the site in higher numbers, while some species may have decreased in number at the site (see trend data above). Clearly, many species now occur at the Boyne estuary in lower numbers than during the baseline period.

Significant disturbance/displacement is likely

The NIS states ....*'when viewed together, these five sub-sites within/in close proximity to the proposed Greenway route were found to contain significant proportions of the SPA populations for seven of the ten SCI waterbird species in 2018 and/or 2021: specifically Shelduck, Golden Plover, Grey Plover, Lapwing, Black-tailed Godwit, Redshank and Turnstone'*. This means that a single disturbance event could cause displacement of a significant proportion of the site population of a species. This would be a **significant impact** upon the conservation objective *'no significant decrease in the range, timing or intensity of use of areas by the waterbird species of Special Conservation Interest'*. The NIS states that *'additional measures (including mitigation and monitoring) would be required to ensure operational disturbance of these populations is not present at a level that risks adverse effects on these populations, and therefore adverse effects on the integrity of Boyne Estuary SPA'*.

Ineffective mitigation

Importantly, we do not have confidence that the proposed mitigation will adequately prevent significant impacts. Half height and full height screening may seem to be suitable to screen human movement along the greenway, but certain waterbird species could be displaced by such structures especially those species that require open clear habitats such as Grey Plover and Dunlin (require open sightlines). Furthermore the proposed screening could harbour/provide shelter and cover for predators of waterbirds such as raptors. This in itself could then lead to indirect impacts upon waterbirds and a change in their distribution[7].

The suggested measure of signage to stop disturbance impacts of dogs being let off leash is particularly weak. There is no proof provided that signage works. On the contrary, signage to convey legal requirements for dogs on leash, anti-littering, anti-dog fouling are routinely ignored in Ireland and laws are poorly enforced.

Habitat Take from the SPA and SAC

The 4m wide proposed greenway will enter the Boyne Estuary SPA and Boyne Coast and Estuary SAC for 2.4km. This is 9600m^2 square of Natura site removed from the SPA and SAC. This direct impact has not been addressed in the NIS and directly impacts the integrity of the Natura 2000 network. The Conservation Objectives of the Boyne Estuary SAC should be reviewed[8]. Target one of the Objective 'To maintain the favourable conservation condition of Estuaries in the Boyne Coast and Estuary SAC' is 'The permanent habitat area is stable or increasing, subject to natural processes' where 'This target

[7] Cresswell, W. (2008) Non-lethal effects of predation on birds. *Ibis*, 150, 3-17.

[8] Conservation Objectives for the Boyne Coast and Estuary SAC https://www.npws.ie/sites/default/files/publications/pdf/001957_Boyne%20Coast%20and%20Estuary%20SAC%20Marine%20Supporting%20Doc_V1.pdf

refers to activities or operations that propose to permanently remove habitat from a site, thereby reducing the permanent amount of habitat area'. All of the habitats within the SAC and SPA are important for waterbirds. While some might not be used for feeding, they may be used for roosting but are also buffers. They will also be increasingly important as sea level continues to rise. This land take has not been properly addressed in the NIS.

Miscellaneous

The Ecological Impact Assessment refers to the 2013 BirdWatch Ireland and Royal Society for the Protection of Birds (RSPBNI) Birds of Conservation Concern in Ireland (BoCCI) assessment of the conservation status of wild birds on the island of Ireland but in 2021 a new assessment[9] was published and is available on the BirdWatch Ireland website. Table 3.1 of the further information ECIA therefore contains several errors.

3.0 Conclusions

The point that is so often missing from impact assessment concerning wintering waterbirds is that waterbirds are surveyed and found not to occur in certain places or close to certain areas, and these areas are therefore considered to be unimportant (or less important) for the species. We disagree with these rationales. In fact, given that the Boyne Estuary is a SPA, we believe that all habitat within the designated site that all areas should be considered important despite the frequency of use of a site by waterbirds and they should be managed thus to avoid disturbance. This is because (1) waterbird counts are 'snap-shots' and certainly always underestimate the use of areas and (2) all areas within the designated site should be available for use by waterbirds at any time because this use, or requirement of use, will depend on so many interlinking factors such as weather, direction of prevailing wind, state of the tide, season/month, presence/absence of predators, presence/absence of intraspecific and interspecific competitors etc.

Assessing impacts of disturbance and encroachment into habitats upon waterbirds is fraught with difficulty. Therefore we advise a precautionary approach. Ultimately, the lack of adequate assessment of impacts of developments upon our wintering waterbirds in the past is at minimum partially responsible for the observed declining populations (see above). We believe that the precautionary principle should be adhered to at all times in cases where confidence in impact assessment conclusions is weak.

The special nature of wetlands and their national and international importance such as that of the Boyne Estuary SAC and SPA does not seem to be fully grasped. The surveys conducted point clearly to the high numbers of species present in the estuary including in very sensitive areas. The risk of disturbance from projected use of the site by 210,000 new users is alarming. The disturbance assessments undertaken highlight the existing issues with disturbance which is extremely worrying. The proposal that the greenway would somehow address this disturbance is fundamentally wrong. It would bring its own suite of disturbance issues. The mitigation measures presented are weak and ineffective. The European Court of Justice has ruled that the conclusions to an Article 6.3 assessment "cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned". It is our view that the conclusions to the AA do not achieve this threshold. The proposal should therefore be rejected.

[9] Gilbert, G, Stanbury, A., Lewis, L., (2021) Birds of Conservation Concern in Ireland 4: 2020–2026 *Irish Birds* 43: 1–22.

There are alternatives available though. In its stead proposals should be considered to reduce car journeys in the area and encourage more sharing of road space for pedestrians or cars. Or discussions should be encouraged with landowners in the area to see if land could be found to develop a suitable greenway for people. In addition, proven measures should be put in place by the Council to tackle the existing issues with disturbance and other issues in the area. This should include measures to raise public awareness about the significant international value of the Boyne estuary and the biodiversity it supports. A management plan for the site should be put in place.

Yours etc..