



An
Bord
Pleanála

Inspector's Report ABP-320617-24

Development	Proposed coastal protection works.
Location	Drummullagh, Omeath, Co. Louth.
Local Authority	Louth County Council
Type of Application	Application for approval made under Section 177AE of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	1. Dept. of Housing, Local Government and Heritage 2. Geological Survey Ireland
Observer(s)	None
Date of Site Inspection	29 th October 2024
Inspector	Niall Haverty

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1.0 Introduction

- 1.1. Louth County Council (LCC; ‘the Local Authority’) is seeking approval from An Bord Pleanála to undertake coastal protection works on a short section of coastline which is located within the Carlingford Shore Special Area of Conservation (SAC), a designated European site (Site Code 002306). The Carlingford Lough Special Protection Area (Site Code 004078) is also located c. 8km away. An application under section 177AE of the Planning and Development Act 2000, as amended, (‘the Act’), including a Natura Impact Statement (NIS), was lodged by the Local Authority on the basis of the proposed development’s likely significant effect on a European Site.
- 1.2. Section 177AE of the Act requires that, where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, section 177V of the Act requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European Site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

2.1. Overview

- 2.1.1. The proposed coastal protection works are located on a small area of the shoreline of Carlingford Lough, north of Omeath village, and involve the following:
- Removal of existing rock armour over the works footprint (40m long x 2.75m wide) and temporary storage of the rock armour at a designated storage area above the High Water Mark.
 - Excavation of a trench c. 2.75m wide x 1m deep over the works footprint and temporary storage of excavated material within the works area.

- Installation of a concrete footing, c. 1m wide to a depth of 0.45m – 0.6m for a length of 40m on the seaward side of an existing boundary wall to provide increased protection for the wall foundations.
- Placement of a layer of geotextile membrane within the excavated trench to mitigate against fines migration.
- Placement of rock armour within and above the excavation to form a coastal defence barrier in front of the boundary wall.

2.1.2. It is stated that the works location is susceptible to high winds, storm surge and coastal erosion and that historical flood defences have been diminished over the recent past, leaving a private residence adjacent to the works area at risk of coastal flooding. OPW funding has been approved to carry out coastal defence works at this location to protect the private residence.

2.1.3. The anticipated construction time is stated to be c. 4 weeks.

2.2. Accompanying Documents

2.2.1. The application was accompanied by the following documentation:

- Cover letter and related documentation, including a list of notified prescribed bodies, copies of notification letters and a copy of the newspaper notice.
- Section 177AE Application Report, prepared by Louth County Council, which includes:
 - Planning context, description of works, mitigation measures and assessment of environmental matters.
 - Overview of consultation and stakeholder correspondence.
 - OPW funding approval letter.
 - Natura Impact Statement, prepared by Mulroy Environmental.
 - Design drawings, photographs and plates.
 - Draft Construction and Environmental Management Plan (CEMP).

3.0 Site and Location

- 3.1. The site is located along the shoreline of Carlingford Lough on the Cooley Peninsula in County Louth, in the townland of Drummullagh, c. 800m north of Omeath village.
- 3.2. The site comprises a short strip of coastline in a rural area, which is currently occupied by rock armour coastal protection and a shingle shoreline area. The site is accessed via a local road to the north west and the landward (south west) boundary of the site is formed by the existing boundary wall of a single storey detached dwelling house which is to be protected by the proposed works.
- 3.3. The shoreline in the area generally comprises rock armour coastal defences and shingle with sparse vegetation and scattered one-off rural dwellings. The Carlingford to Omeath Greenway also passes through the area.
- 3.4. The permanent works area comprises a rectangular strip of land c. 40m long and 2.75m wide, with the temporary works area being an irregularly shaped area, c. 56m long and of varying width. The seaward (eastern) boundary of the temporary works area is formed by the High Water Mark.
- 3.5. The documentation submitted by Louth County Council includes a letter from the Maritime Area Regulatory Authority (MARA) stating that they are satisfied that none of the permanent or temporary works will be carried out in the Maritime Area and that there is no requirement for a Maritime Area Consent (MAC).

4.0 Planning History

4.1. Withdrawn Application

- 4.1.1. An application for coastal protection works at the same location was submitted to the Board on 17th January 2024 and subsequently withdrawn on 20th March 2024 (Ref. ABP-318881-24). It is stated that the current application has made minor amendments to the previous withdrawn application, with all permanent works now above the High Water Mark.

4.2. Recent Similar Applications in the Vicinity

- 4.2.1. On 29th October 2024, the Board approved two similar applications made by Louth County Council under s.177AE for coastal protection works of a similar scale and nature to those proposed in this application. Both sites were also located on the Cooley Peninsula, at Bellurgan Point, Co. Louth (Ref. ABP-318882-24) and Ballynamony (Murphy), Ballagan, Co. Louth (Ref. ABP-318875-24).

5.0 Legislative and Policy Context

5.1. The EU Habitats Directive (92/43/EEC)

- 5.1.1. This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. European Communities (Birds and Natural Habitats) Regulations 2011

- 5.2.1. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. National Nature Conservation Designations

- 5.3.1. The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage

Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.3.2. European sites located in proximity to the subject site include:

- Carlingford Shore SAC (Site Code 002306).
- Carlingford Lough SPA (Site Code 004078).

5.4. Planning and Development Act 2000, as Amended

5.4.1. Part XAB of the Act sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- Section 177AE sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177AE(1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177AE(2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177AE(3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V)(3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE(6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.

- The likely significant effects on a European site.

5.5. Project Ireland 2040: National Planning Framework

5.5.1. The following National Policy Objectives (NPOs) are noted:

- **NPO 41a:** Ensure that Ireland's coastal resource is managed to sustain its physical character and environmental quality.
- **NPA 41b:** In line with the collective aims of national policy regarding climate adaptation, to address the effects of sea level changes and coastal flooding and erosion and to support the implementation of climate adaption responses in vulnerable areas.

5.6. Climate Action Plan 2024

5.6.1. This plan identifies several risks to Ireland as result of climate change including: rising sea-levels that threaten habitable land & coastal infrastructure; extreme weather, including more intense storms & rainfall affecting our land, coastline & seas; further pressure on our water resources & food production systems with associated impacts on fluvial & coastal ecosystems; and increased chance & scale of river & coastal flooding.

5.7. Maritime Area Planning (MAP) Act 2021

5.7.1. The MAP Act establishes a new marine planning system and a new licensing and development management regime, to be administered by MARA, in conjunction with the Board and the coastal local authorities. The Act replaces the existing foreshore, planning and environmental processes with a single streamlined consent process. It is stated in the application documentation that, following engagement with MARA, a final design was reached whereby all temporary and permanent works were positioned above the High Water Mark and that consequently no MAC is required for the proposed works. A letter from MARA to LCC, confirming that no MAC is required, is included in Appendix C of the application report.

5.8. Regional Economic & Spatial Strategy 2019-2031

5.8.1. The following Regional Policy Objectives are noted:

- **RPO 7.3:** EMRA will support the use of Integrated Coastal Zone Management (ICZM) to enable collaborative and stakeholder engagement approaches to the management and protection of coastal resources against coastal erosion, flooding and other threats.
- **RPO 7.4:** Statutory land use plans shall take account of the risk of coastal erosion whereby new development should be avoided in areas at risk of coastal erosion to the greatest extent practicable.

5.9. Louth County Development Plan 2021-2027

5.9.1. Zoning objective

5.9.2. The site falls within the boundary of the Omeath Settlement Plan, included in Volume 2 of the CDP. It is located at the north western edge of the Plan area, in an area designated as 'L1 Strategic Reserve'.

5.9.3. The village is stated to be set within a designated Area of High Scenic Quality (AHSQ). Policy Objective OTH 19 seeks to protect the AHSQ in the landscape setting of Omeath.

5.9.4. The Coast

5.9.5. Section 11.5.3 deals with coastal protection and flooding and acknowledges the vulnerability of the coastline through the continuous natural dynamic processes of erosion and depositions.

5.9.6. The following Policies are noted:

- **ENV 53:** To explore, where coastal erosion is considered a threat to existing properties, the technical, environmental, and economic feasibility of coastal adaptation and coastal retreat management options.
- **ENV 55:** To identify, prioritise and implement necessary coastal protection works subject to the availability of resources, whilst ensuring a high level of protection for natural habitats and features, and ensure due regard is paid to

visual and other environmental considerations in the design of such coastal protection works.

5.9.7. Figure 11.3 of the Development Plan illustrates coastal erosion along the Louth coastline. Omeath is identified as an area subject to Coastal Erosion.

5.9.8. Landscape character

5.9.9. The site is located within the 'Carlingford Lough and Mountains incl. West Feede Uplands' Landscape Character Area (LCA). This is identified as being of 'International' importance.

5.9.10. Heritage

- Parts of Carlingford Lough are designated as SAC, SPA & pNHA.
- Maritime archaeology - notes the possibility of as yet undiscovered wrecks.

5.9.11. Climate Change

5.9.12. The following Policy Objective is noted:

- **CA 4:** Support the work of Louth County Council in:
 - Developing a robust comprehension of the key risks and vulnerabilities of the County to the negative impacts of climate change;
 - The implementation of adaptation and mitigation actions of the strategy aimed at building climate resilience across local communities; and
 - Promoting the integration of effective adaptation and mitigation considerations into decision making processes.

5.9.13. Louth County Council Climate Action Plan 2024-2029

- States that the coastline is an important resource to protect and is one which is also subject to erosion from sea level rises due inter alia to climate change.
- States that sea level rise and storm surges may increase the risk of coastal hazards such as storm tide inundation and erosion events, resulting in degradation of natural environment through contamination (salination), result in loss of popular tourist areas (economic impact) and will increase clean-up and maintenance costs.

- Action NEGI 9 is to “develop a Coastal protection plan for Louth. Ensure the plan has due regard to environmental sensitivities associated with coastal areas such as the receiving marine environment, biodiversity, European sites, recreation and amenity value”.

6.0 The Natura Impact Statement

- 6.1. The application was accompanied by an NIS which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on relevant European sites, in view of the site’s conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

7.0 Consultations

7.1. Prescribed Bodies

- 7.1.1. The application was circulated to the following bodies:

- Department of the Environment, Climate and Communications.
- Department of Housing, Local Government and Heritage (DAU).
- National Parks and Wildlife Service.
- Department of Agriculture, Food and the Marine.
- Inland Fisheries Ireland.
- The Heritage Council.
- An Chomhairle Ealaíon.
- Fáilte Ireland.
- An Taisce.

7.1.2. Submissions were received from the Department of Housing, Local Government and Heritage (DAU) and Geological Survey Ireland (a division of DECC) and can be summarised as follows:

- **Department of Culture, Heritage and the Gaeltacht (Development Applications Unit):**
 - Development area is in the coastal zone above the High Water Mark in areas that are rich in both underwater and terrestrial archaeological heritage.
 - While there are no recorded wrecks in the area, there are numerous examples in close proximity, in Dundalk Bay. There are also wrecks whose precise location is unknown and it is possible that the development areas contain submerged wrecks and/or archaeological objects underwater.
 - Section 3 of the National Monuments (Amendment) Act 1987 specifies that a person shall not dive on, survey, damage or generally interfere with any wreck more than 100 years old or an archaeological object lying on, in or under the seabed or on or in land covered by water, except in accordance with a licence issued by the Minister. It is also noted that the proposed development areas are located proximal to recorded monuments.
 - Given the proposed works have the potential to affect underwater archaeological heritage, it is recommended that an Underwater Archaeological Impact Assessment report be compiled and submitted to the Department as Further Information (suggested RFI wording provided by the Dept.).
- **Geological Survey Ireland:**
 - GSI would encourage use of their datasets.
 - There are no County Geological Sites in the vicinity of the proposed coastal protection works.
 - Groundwater data viewer indicates area is underlain by a Poor Aquifer with 'High' vulnerability.
 - GSI would appreciate a copy of any site investigation reports, to be added to their database.

7.2. Public Submissions

- 7.2.1. No submissions were received from members of the public.

7.3. Response of Applicant to Submissions

- 7.3.1. The submissions were circulated to the applicant for information only and I am satisfied that there is sufficient information available on file for the Board to make its decision.
- 7.3.2. In this regard I note that the GSI submission raised no particular concerns while, as detailed in Section 9.1 below, I do not consider that the further information sought by the DAU is warranted in this instance and I consider that archaeological matters can be adequately addressed by way of condition.

8.0 Screening for Environmental Impact Assessment

- 8.1. The only potentially relevant class of development listed in Schedule 5 of the Planning and Development Regulations 2001, as amended ('the Regulations'), is Class 10(k) contained in Part 2 of the Schedule:

“Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but **excluding the maintenance and reconstruction of such works** or works required for emergency purposes.”
[Emphasis added.]

- 8.2. I consider that the proposed development would be excluded from the above class on the basis that it seeks to reconstruct existing rock armour coastal defences.
- 8.3. Therefore, the proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Regulations. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

9.0 Assessment

9.1. The Likely Consequences for the Proper Planning and Sustainable Development of the Area

9.1.1. The proposed coastal protection works would comply with national, regional and local policy in respect of climate change, rising sea levels and coastal protection.

9.1.2. The site is susceptible to high winds, storm surge and coastal erosion and, as a consequence, the existing rock armour coastal protection in this location has become displaced and depleted. This was readily apparent on my site inspection, and I refer the Board to the photographs on file. The Local Authority contends that this results in an increased risk of coastal flooding and storm damage to an existing private house adjacent to the site. The Local Authority states that, in line with OPW criteria and standards, a cost benefit analysis shows that there is a financial justification for carrying out the protection works in order to protect the private property. A letter from OPW to LCC, confirming their funding of the project, was submitted with the application.

9.1.3. Design and Layout

9.1.4. The design and layout of the proposed coastal protection works are described in sections 2.0 and 3.0 above. The site footprint is already mainly occupied by existing rock armour, with limited areas of shingle shoreline and sparse vegetation. The works would not entail any significant vegetation removal, although there would be some minor localised removal. Having regard to the minor scale and extent and the linear nature of the proposed development, which essentially replicates and improves the existing rock armour at this location and given that the project would increase the protection of an adjacent dwelling house from erosion, storm damage and coastal flooding, the design and layout of the proposed works are considered acceptable.

9.1.5. Visual and Residential Amenity

9.1.6. The surrounding area is mainly characterised by rural land uses along with several scattered detached houses, agricultural buildings and the Carlingford to Omeath

Greenway. As noted above, Omeath is designated as an Area of High Scenic Quality and the site is within a Landscape Character Area of 'International' importance.

- 9.1.7. The proposed development would not result in any significant removal of vegetation, and the project would not adversely affect the sensitive visual amenities of the area, having regard to its linear layout, small scale, low-lying nature and the presence of existing rock armour in this location. The proposed development will not be readily visible from any public roads or scenic routes/viewpoints and when viewed from the shoreline it will be consistent in appearance with rock armour existing on site and found in many locations along the shoreline of the Cooley Peninsula.
- 9.1.8. In terms of general residential amenity, the proposed works would not overlook, overshadow, result in a loss of privacy, or otherwise adversely affect the amenity of any nearby dwelling houses. As noted above, there is already rock armour at the site, which will be enhanced and improved by the proposed works and I am satisfied that this will have a positive impact on the residential amenity of the dwelling house adjacent to the site due to the increased protection it will enjoy from erosion, storm damage and coastal flooding. The short duration of the proposed construction phase (c. 4 weeks) is also of note in this regard.
- 9.1.9. Any localised removal of vegetation to accommodate the works would have a negligible impact on the visual amenities and character of the area in the short term and would not give rise to an adverse impact on the amenities of nearby houses in the long term. There are several recorded cultural heritage features in the wider area and the site lies within Carlingford Shore SAC and close to Carlingford Lough pNHA. Any potential adverse impacts on cultural heritage and biodiversity will be addressed in the following sections of this report.
- 9.1.10. Biodiversity
- 9.1.11. The application site, while coastal in nature, is located to the north of Omeath village within a primarily rural area which is characterised by agricultural fields, scattered one-off housing and narrow local roads, as well as the existing Carlingford Greenway. The site is located within the Carlingford Shore SAC and is adjacent to the Carlingford Lough pNHA.
- 9.1.12. The site is immediately adjacent to an existing dwelling house and includes both a permanent works area and a temporary works area. It comprises existing rock

armour in the permanent works area, with shingle shoreline comprising the larger temporary works area. A total of 7 No. habitats were recorded in the vicinity of the site. The permanent works area of the overall site comprises Sea Walls, Piers and Jetties (CC1) habitat, with the temporary works area located within the wider Sheltered rocky shores (LR3) habitat. Other habitats included Muddy sand shores (LS3), Mixed Broadleaf/Conifer Woodland (WD2), Treelines (WL2), Amenity grassland (GA2) and Buildings and artificial surfaces (BL3). No habitats corresponding to the Perennial vegetation of stony banks or Annual vegetation of drift lines habitats for which the Carlingford Shore SAC was designated were recorded in the area.

- 9.1.13. A Natura Impact Statement was submitted with the application, examining the relationship between the site, the proposed development and several European sites. The NIS was informed by desk top studies and field surveys which described the ecological characteristics of the receiving environment and identified the potential impacts on Europeans Sites and biodiversity. The NIS also contains proposed mitigation measures. The potential for adverse impacts on European Sites is addressed in the following Appropriate Assessment section of this report.
- 9.1.14. In relation to relevant Development Plan policies, I note that Policy ENV 55 seeks to identify, prioritise and implement where necessary coastal protection works to the availability of resources, while ensuring a high level of protection for natural habitats and features, and ensure due regard is paid to visual and other environmental considerations in the design of such coastal protection works.
- 9.1.15. The proposed works would require the temporary removal of existing coastal habitat in the permanent works area and potential temporary disturbance to the shore habitat in the temporary works area. This may result in a short-term localised impact on biodiversity in terms of loss of plant species present within the site, and disturbance to foraging areas during the works (c. 4 weeks duration). However, no adverse long-term impacts are anticipated after the works are completed. The proposed works would take place at a considerable distance from any recorded areas of the designated Annual Vegetation of Drift Lines habitat, which is a QI for the Carlingford Shore SAC. Having regard to the small scale of the works, any localised impacts on existing sparse vegetation which includes constituent species for the Qis would not be significant. I note in this regard the commitment to enhance biodiversity

through the use of rough materials, such as jagged or textured rocks, to add structural complexity and create microhabitats to encourage increased species colonisation. Further analysis on matters relating to the SAC is contained in the AA Section of this report below.

- 9.1.16. No invasive plant species were recorded at or in the vicinity of the application site during the surveys, however I recommend that a biosecurity condition should be attached to ensure that construction works and associated plant and vehicles do not introduce or contribute to the spread of invasive plant and animal species.
- 9.1.17. While no mammals were recorded on site, a variety of bird species were noted in the surveys and the site may have foraging potential. Although there would be some disturbance during the construction works and localised loss of seashore habitat and vegetation, I consider that, given the small scale of the works adjacent to an existing house, Greenway and the short duration of the works (c. 4 weeks), it is unlikely that the proposed development would cause a long-term disturbance to birds. The proposed development will effectively replicate the existing rock armour in a more robust manner, and vegetation is therefore likely to re-establish after the short construction phase. The applicant has stated that works will not take place during the wintering bird season, and I recommend that this requirement be included as a condition, if the Board is minded to grant permission.
- 9.1.18. The site is unlikely to provide suitable foraging and/or roosting habitat for bats, given its exposed location adjacent to an existing house, Greenway, roadway etc. No adverse impacts on bats are therefore likely.
- 9.1.19. The proposed works have the potential to release deleterious construction materials or other pollutants such as fuel or oils into Carlingford Lough in the absence of appropriate safeguards. This could adversely affect water quality, aquatic invertebrates, benthic and intertidal communities, and fisheries (incl. contamination and habitat loss & degradation), along with general noise and disturbance. However, I am satisfied that the mitigation measures contained in the NIS and CEMP would be sufficient to ensure that appropriate measures are put in place during the works to protect water quality. In particular I note the detailed requirements relating to the pouring of concrete and the storage of fuels and oils.

- 9.1.20. Having regard to the very small scale of the proposed works and the fact that they will essentially reconstruct and improve existing rock armour along this short section of the extensive shoreline, I do not consider that any adverse impacts on coastal processes are likely to arise. Likewise, no additional or increased flood risk is likely to occur due to these factors and I do not consider that the proposed works are likely to give rise to any significant odours or emissions.
- 9.1.21. Finally, I note that it is proposed to appoint an Ecological Clerk of Works to oversee the works.
- 9.1.22. In conclusion, having regard to all of the above, I am satisfied that the potential impacts on biodiversity would be temporary, short term and subject to the implementation of the mitigation measures outlined in the NIS and CEMP, would not be significant.
- 9.1.23. Cultural Heritage
- 9.1.24. The site is located within the Cooley Peninsula and along Carlingford Lough which has a rich archaeological heritage. While there are no known cultural heritage features in the immediate vicinity of the site, there are several in the wider area, including Recorded Monuments, Protected Structures and buildings recorded in the NIAH. The National Monuments Service Wreck Viewer identifies a number of recorded shipwrecks in Carlingford Lough, the closest of which is c. 3km to the south east of the site.
- 9.1.25. The submission received from the DAU requests that an Underwater Archaeological Impact Assessment (UAIA) be sought from the applicant as further information and submitted to the DAU. The submission references recorded wrecks in Dundalk Bay, which is located to the south of the Cooley Peninsula, while the application site is on the northern edge of the peninsula.
- 9.1.26. Noting that there are no Recorded Monuments, recorded wrecks, or other known archaeological features in the vicinity of the site and noting that the site where the permanent works are proposed is a relatively minimal strip of land (c. 40m x 3m) above the High Water Mark, immediately adjacent to an existing residential boundary wall and which already has rock armour placed on it, I do not consider that a UAIA is warranted in this instance.

9.1.27. While there is the potential for unknown or unrecorded archaeological features to be present on the site, I consider that this issue can be adequately addressed by means of a planning condition requiring archaeological monitoring and supervision. I note that such a condition was attached by the Board in other recent decisions for similar coastal protection works on the Cooley Peninsula in Co. Louth (i.e. ABP-318882-24 and ABP-318875-24).

9.1.28. Need, Effectiveness & Alternatives

9.1.29. I am satisfied that the applicant has provided adequate background information to justify the need for the proposed coastal protection works. The existing dwelling adjacent to the site is increasingly exposed to coastal erosion, storm damage and coastal flooding as the existing rock armour becomes displaced and depleted over time. The proposed development would enhance and improve the existing coastal defences at this location and I am satisfied, on the basis of my examination of the submitted documents and assessment of the site and environs, that the proposed development constitutes an appropriate and proportionate response to the aforementioned needs while minimising environmental impacts.

9.1.30. Conclusions

9.1.31. Having regard to the foregoing, I am satisfied that the proposed development is acceptable in principle and that the coastal protection works are justified having regard to the proximity of a dwelling house to the shoreline and the degradation of the existing rock armour coastal defences upon which it relies to avoid storm damage and flooding. I am satisfied that a decision by the Board to approve the proposed development would be consistent with the principles of proper planning and sustainable development.

9.2. The Likely Effects on the Environment

9.2.1. Having regard to the nature and scale of the proposed development, which essentially comprises improvement and reconstruction works to a small section of existing rock armour coastal protection, and noting the characteristics of the receiving environment, and notwithstanding its location within a European Site (which will be considered below), I am satisfied that the proposed works would not have any significant adverse effects on population and human health, biodiversity,

land, soil or water, air and climate, material assets, cultural heritage or the landscape. Notwithstanding this conclusion, and noting the DAU submission, the Local Authority should be required to undertake archaeological monitoring of the site during construction.

9.3. The Likely Significant Effects on a European Site

9.3.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive.
- The Natura Impact Statement.
- Appropriate Assessment.

9.3.2. Compliance with Articles 6(3) of the EU Habitats Directive

9.3.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

9.3.4. The Natura Impact Statement

9.3.5. The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within one European Site (Carlingford Shore SAC) that has the potential to be affected by the proposed development. It predicted the potential impacts for this site and its conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European Site and its conservation objectives.

9.3.6. The NIS was informed by the following studies, surveys and consultations:

- A desk top study (including GIS mapping and data from NPWS, NBDC, EPA, GSI, OPW, BCI).
- Drone photogrammetry survey.
- Walkover bird survey and habitat survey of the proposal site and surroundings.

9.3.7. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not have an adverse effect on the integrity of the Carlingford Shore SAC or any other European Sites.

9.3.8. Having reviewed the NIS and the supporting documentation, I am satisfied that it: provides adequate information in respect of the baseline conditions; clearly identifies the potential impacts; and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 10 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

9.3.9. Appropriate Assessment

9.3.10. I consider that the proposed development, which comprises the construction of coastal protection works, is not directly connected with or necessary to the management of any European site.

9.3.11. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source-pathway-receptor principle and sensitivities of the ecological receptors, the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects. Due to the proximity of the site to the border, 4 No. of the sites are located in Northern Ireland.

9.3.12. European sites considered for Stage 1 screening:

European site	Qualifying Interests and Special Conservation Interests	Distance (Direction)
Carlingford Shore SAC (Site Code 002306)	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220]	0m Site is within SAC boundary
Carlingford Mountain SAC (Site Code 000453)	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Alkaline fens [7230] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220]	1.85km (SW)
Carlingford Lough SPA (Site Code 004078)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wetland and Waterbirds [A999]	7.7km (SE)
Dundalk Bay SAC (Site Code 000455)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220]	9.3km (S)

European site	Qualifying Interests and Special Conservation Interests	Distance (Direction)
	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	
Dundalk Bay SPA (Site Code 004026)	Great Crested Grebe (Podiceps cristatus) [A005] Greylag Goose (Anser anser) [A043] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Common Scoter (Melanitta nigra) [A065] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162]	9.3km (S)

European site	Qualifying Interests and Special Conservation Interests	Distance (Direction)
	Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999]	
Rostrevor Wood SAC (Site Code UK0030268)	Old sessile oak woods with Ilex and Blechnum in the British Isles	4.8km (NE)
Derryleckagh SAC (Site Code UK0016620)	Transition mires and quaking bogs Old sessile oak woods with Ilex and Blechnum in the British Isles	6.6km (NNW)
Slieve Gullion SAC (Site Code UK0030277)	European dry heaths	10.4km (NW)
Carlingford Lough SPA (Site Code UK9020161)	<u>SPA Selection Features:</u> Light-bellied Brent Goose Common Tern Sandwich Tern <u>Additional ASSI Selection Features:</u> Great Crested Grebe Shelduck Scaup Red-breasted Merganser Oystercatcher Dunlin Redshank	5.7km (ESE)

- 9.3.13. Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale and nature of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for 1 No. of the 9 No. European sites referred to above.
- 9.3.14. The remaining 8 No. sites, of which 4 No. are located in Northern Ireland, can be screened out from further assessment because of the very minor scale and extent of the proposed works, the short (c. 4 week) duration of works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the significant separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 000453, 004078, 000455, 004026, UK0030268, UK0016620, UK0030277 or UK9020161 in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.
- 9.3.15. **Relevant European sites:** The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for the Carlingford Shore SAC are set out below.

Site Name	Qualifying Interests	Attributes & Targets
Carlingford Shore SAC (Site Code 002306)	Perennial vegetation of stony banks	Habitat area: Stable or increasing, subject to natural processes, including erosion and succession. Habitat distribution: No decline or change, subject to natural processes. Physical structure (functionality and sediment supply): Maintain the natural circulation of sediment and organic matter, without any physical obstructions.

Site Name	Qualifying Interests	Attributes & Targets
		Vegetation structure (zonation): Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession. Vegetation composition: Maintain the typical vegetated shingle flora including the range of sub-communities within the different zones. Vegetation composition: Negative indicator species (including non-natives) to represent less than 5% cover.
	Annual vegetation of drift lines	Habitat area: Stable or increasing, subject to natural processes, including erosion and succession. Habitat distribution: No decline or change, subject to natural processes. Physical structure (functionality and sediment supply): Maintain the natural circulation of sediment and organic matter, without any physical obstructions. Vegetation structure (zonation): Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession. Vegetation composition: Maintain the presence of species-poor communities with typical species: sea rocket (<i>Cakile maritima</i>), sea sandwort (<i>Honckenya peploides</i>), prickly saltwort (<i>Salsola kali</i>) and orache (<i>Atriplex</i> spp.)

Site Name	Qualifying Interests	Attributes & Targets
		Vegetation composition: Negative indicator species (including non-natives) to represent less than 5% cover

1. Carlingford Shore SAC (Site Code: 002306)

Description of European Site

The Carlingford Shore SAC site comprises the entire southern shoreline of Carlingford Lough and continues round the tip of the Cooley Peninsula to just west of Cooley Point. While the principal conservation interests lie in the perennial vegetation of shingle banks and the annual vegetation of drift lines, the site also has intertidal sand and mudflats, patches of saltmarsh, some areas of dry grassland, and an area of mixed deciduous woodland. The site is flanked by Carlingford Mountain to the south-west. The underlying rock within the SAC is mainly carboniferous limestone. This outcrops in places in the form of bedrock shore or reefs. Granite boulders are occasionally found. Intertidal mudflats and sand/gravel banks also occur.

Map 3 of the Conservation Objectives document for the SAC identifies the mapped locations of the 'perennial vegetation of stony banks' habitat within the SAC. The locations identified are to the east of Greenore village, at Ballagan Point on the eastern tip of the Cooley Peninsula and to the south of Ballagan Point, at Whitestown to Cooley Point. None of these mapped locations are in the vicinity of the application site.

Description of Application Site

The site comprises existing rock armour and areas of shingle, with a footprint for the permanent works of c. 110 sq m. A stone boundary wall separates the site from the adjacent residential property immediately west of the site. A narrow patch of sparse vegetation can be seen in the area between the existing rock armour and the boundary wall.

Seven habitat types were found in the vicinity of the site, including: Sea Walls, Piers and Jetties (CC1), Sheltered Rocky Shores (LR3), Buildings and Artificial Surfaces (BL3), Mixed Broadleaved Woodland (WD1), Treelines (WL2), Improved Amenity Grassland (GA2) and Muddy Sand Shores (LS3). Within the site boundary, 1 No. habitat types was identified: Sea Walls, Piers and Jetties (CC1). The Sheltered Rocky Shore (LR3) habitat is immediately northeast of the site, followed by a Muddy

Sand Shore (LS3) habitat further northeast down on the lower shore. No invasive plant species or habitats listed as Qualifying Interests (QIs) for Carlingford Shore SAC were identified within the site location. I note that a number of individual plant species identified within the site corresponded with those listed in the description of the QI habitat types however, as noted above, the classification of the habitats found on site did not correspond with the QI habitats.

No evidence of terrestrial or marine mammal activity was found at the site. The bird survey identified relatively common species such as Long-tailed tit, European robin, Eurasian oystercatcher, Carrion crow, Common greenshank and Rook. Only the oystercatcher has a 'Red List' status.

Conservation Objectives

1. To **maintain** the favourable conservation condition of Annual vegetation of drift lines in Carlingford Shore SAC, as defined by a list of specific attributes and targets (see Table above).
2. To **maintain** the favourable conservation condition of Perennial vegetation of stony banks in Carlingford Shore SAC, as defined by a list of specific attributes and targets (see Table above).

Potential direct effects:

Having regard to the nature of the proposed development and the presence of existing rock armour at the site, I consider that the potential for direct or indirect effects only arises during the construction phase and relates to the following:

- Water quality impacts due to calcite run-off from newly poured concrete running onto the foreshore.
- Water quality impacts due to leakage of hydrocarbons from plant and machinery onto the foreshore.

Potential indirect effects:

- Potential indirect effect on migratory birds is identified during construction due to disturbance due to noise, increased human presence or removal of feeding habitat. However, this is an SAC site and as such no birds are listed as QIs for this site.

Potential in-combination effects:

- None anticipated.
- Two similar coastal protection projects on the Cooley Peninsula have been recently approved by the Board (ABP-318875-24 and ABP-318882-24) but these are located 10.6km and 13km, respectively, from the proposed development, with low potential for in-combination effects.
- The construction of the Carlingford Greenway, which is adjacent to the proposed development, is practically complete and therefore in-combination effects are unlikely to arise.

Mitigation measures:

- Site-specific CEMP (draft CEMP included in application).
- Supervision of works by an Ecological Clerk of Works (EcOW).
- Timing of works outside of the winter migratory bird months of September to March.
- Ecological enhancements to boost biodiversity and offset any possible negative impacts on the local ecology (e.g. use of jagged/porous rocks, artificial texturing, or repurposing existing weathered rocks to create complexity and microhabitats which will increase species colonisation).
- Halting of work or use of working surfaces/pads during periods of heavy precipitation and run-off.
- Storage of fuels, lubricants and fluids in a bunded area a sufficient distance from the foreshore, with no refuelling or storage of fuel within the works area.
- Limit disturbance when excavating and retain as much of the vegetated areas as possible to reduce erosion hazards.
- Concrete pours completed in the dry to avoid seepage to the groundwater environment.
- Covering of temporary fills or stockpiles to avoid sediment release.

- Careful storage and handling of liquids to avoid spillage, unauthorised access or vandalism. Spill containment in accordance with current best practice. Wheelie bin type hydrocarbon spill kit positioned close to the works area.
- Use of a floating spill boom with suspended curtain on the foreshore to prevent spread of any leakage of hydrocarbons from the excavator and dumper.

Residual effects/Further analysis:

- None anticipated post-mitigation.

NIS Omissions:

- None noted.

Suggested related conditions:

- Finalise CEMP.
- Appoint Project Ecologist to supervise works.
- Timing of works outside of wintering migratory bird moths.
- Biosecurity measures (Cleaning of plant and machinery).

Conclusion:

I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

9.3.16. Appropriate Assessment Conclusions

9.3.17. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European Site No. 002306, or any other European site, in view of the site's Conservation Objectives.

10.0 **Recommendation**

10.1. On the basis of the above assessment, I recommend that the Board approve the proposed development, subject to the reasons and considerations below, and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) EU Habitats Directive (92/43/EEC),
- (b) European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) Climate Action Plan 2024,
- (d) Regional Spatial and Economic Strategy 2019,
- (e) The policies and objectives of the Louth County Development Plan 2021-2027,
- (f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (g) the conservation objectives and qualifying interests for the Carlingford Shore SAC (site code: 002306),
- (h) the nature and extent of the proposed works as set out in the application for approval,

- (i) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (j) the submissions received in relation to the proposed development, and
- (k) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Carlingford Shore SAC (site code: 002306) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Carlingford Shore SAC (site code: 002306), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

Proper Planning and Sustainable Development / Likely Effects on the Environment

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity or give rise to a traffic hazard, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be

prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of biodiversity.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols.

Reason: In the interest of protecting the environment and the European Sites.

5. No site preparation, excavation of construction works shall take place between 1st September to 31st March (inclusive).

Reason: In the interest of protecting wintering bird species.

6. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

7. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on site during construction works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Professional declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Niall Haverty
Senior Planning Inspector

6th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320617-24		
Proposed Development Summary	Proposed coastal protection works		
Development Address	Drummullagh, Omeath, Co. Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	✓	Class 10(k) of Part 2 of Schedule 5: "Coastal works to combat erosion and maritime works capable of altering the coast through the construction, for example, of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but excluding the maintenance and reconstruction of such works or works required for emergency purposes."	Inspector's Comment: I consider that the proposed development would be excluded from the above class on the basis that it seeks to reconstruct existing rock armour coastal defences.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			

Yes		N/A	EIA Mandatory EIAR required
No		N/A	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		N/A	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-Screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____