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## **Planning and Development Acts, 2000 to 2019**

### **Planning Authority: Louth County Council**

**Application** by Louth County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 11<sup>th</sup> day of December 2019.

### **Proposed Development**

Construct two sections of coastal protection works at Seabank, Castlebellingham and Salterstown, Annagassan, County Louth where there is evidence of coastal erosion along the shoreline. The proposed rock armour, which would protect public infrastructure and private property, would comprise the following works:

#### **Seabank, Castlebellingham (20 metres)**

- Excavate a 1 metre wide x 1 metre deep trench along 20 metres of shoreline embankment.
- Place a layer of geotextile membrane in the trench.
- Install a row of three tonne boulders to form a bedding of rock armour.
- Overlay with rows of boulders to form a sloped wall up to road level.
- The works would take circa two weeks to complete

**Salterstown, Annagassan (80 metres):**

- Excavate a 1 metre wide x 1 metre deep trench along 80 metre of shoreline embankment
- Place a layer of geotextile membrane in the trench
- Install a row of three tonne boulders to form a bedding of rock armour.
- Overlay with rows of boulders to form a sloped wall up to circa 4 metre above OD.
- The works would take circa six weeks to complete

**Decision**

**Approve the above proposed development based on the reasons and considerations set out below.**

**Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

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

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the Government of Ireland Climate Action Plan, 2019,
- (d) the relevant Regional Economic and Spatial Strategy,
- (e) 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,
- (f) the conservation objectives, qualifying interests and special conservation interests for the Dundalk Bay Special Area of Conservation (Site Code: 000455) and the Dundalk Bay Special Protection Area Site Code: 004026),
- (g) the policies and objectives of the Louth County Development Plan 2015-2021,
- (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, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

### **Appropriate Assessment: Stage 1**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Dundalk Bay Special Area of Conservation (Site Code: 000455) and the Dundalk Bay Special Protection Area (Site Code: 004026) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

### **Appropriate Assessment: Stage 2**

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 Sites, namely the Dundalk Bay Special Area of Conservation (Site Code: 000455) and the Dundalk Bay Special Protection Area (Site Code: 004026), 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 Sites.

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 Sites, 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 Sites, 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, 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.

**Reason:** In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development or as may be required in order to comply with the following conditions shall be implemented. 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 interests of protecting the environment and the protection of European Sites.

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

**Reason:** In the interest of protecting the European Sites.

4. No site preparation, excavation of construction works should take place between October to March (inclusive).

**Reason:** In the interest of protecting wintering bird species and the European Sites.

5. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the works is 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.

6. A suitably qualified ecologist shall be retained by the local authority to oversee the works 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 interests of nature conservation and the protection of biodiversity.

