



An  
Bord  
Pleanála

## Board Order ABP-320617-24

### Planning and Development Acts, 2000 to 2022

### 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 21<sup>st</sup> day of August 2024.

**Proposed Development:** The proposed coastal protection works involve the following:

- removal and temporary storage of the existing rock armour over the works footprint (40 metres long by 2.75 metres wide),
- excavation of a trench approximately 2.75 metres wide by 1 metre deep over the works footprint and the temporary storage of excavated material,
- installation of a concrete footing approximately 1 metre wide by 0.6 metres deep for a length of 40 metres on the seaward side of a boundary wall,
- placement of a layer of geotextile membrane within the excavated trench, and,
- placement of rock armour within and above the excavation to form a coastal defence barrier.

All located on the shoreline of Carlingford Lough, north of Omeath village, within the townland of Drummullagh, Omeath, County Louth.

## **Decision**

**APPROVE the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## **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 Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) Climate Action Plan 2024,
- (d) the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
- (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 Special Area of Conservation (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 Stage 1:**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Carlingford Shore Special Area of Conservation (Site Code: 002306) is the only European Site 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 Site, namely the Carlingford Shore Special Area of Conservation (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 and 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 proposed 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 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 and 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. 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.

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 the 1<sup>st</sup> day of September to the 31<sup>st</sup> day of 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 excavation 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.

*Eamonn James Kelly*

**Eamonn James Kelly  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



Dated this *17<sup>th</sup>* day of *January*, 2025