

An
Coimisiún
Pleanála

Commission Order ACP-323898-25

Planning and Development Act, 2000, as amended

Planning Authority: Donegal County Council

Application by Donegal County Council 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 Coimisiún Pleanála on the 20th day of November 2025.

Proposed Development: The proposed development works will include the following:

- i. Construction of a two new sheet pile pier sections encased in a concrete façade (44.5 metres x 10.1 metres to the south and 49.3 metres x 10.1 metres in an easterly direction).
- ii. The area enclosed by the new pier will be dredged to a depth of -0.9 metres Chart Datum.
- iii. Prior to dredging, a sheet pile retaining wall will be installed in front of the existing slipway to prevent it from being undermined.
- iv. An additional area of approximately 1121 metres squared behind the existing pier will be reclaimed using predominantly the dredged material.

All located at Port Pier, Inver, County Donegal.

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 Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also 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) 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,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Donegal Bay Special Protection Area (Site Code: 004151), Donegal Bay (Murvagh) Special Area of Conservation (Site Code: 000133), St. John's Point Special Area of Conservation (Site Code: 000191), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Galway Bay Complex Special Area of Conservation (Site Code: 000268), Clew Bay Complex Special Area of Conservation (Site Code: 001482), West Connacht Coast Special Area of Conservation (Site Code: 002998), Inishmore Island Special Area of Conservation (Site Code: 000213), Duvillaun Islands Special Area of Conservation (Site Code: 000495), Lower River Shannon Special Area of Conservation (Site Code: 002165), Slyne Head Peninsula Special Area of Conservation (Site Code: 002074), Slyne Head Islands Special Area of

Conservation (Site Code: 000328), Lough Eske and Ardnamona Wood Special Area of Conservation (Site Code: 000163) and West of Ardara/ Maas Road Special Area of Conservation (Site Code: 000197),

- (e) the policies and objectives of the County Donegal Development Plan 2024-2030,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development, and
- (i) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Donegal Bay Special Protection Area (Site Code: 004151), Donegal Bay (Murvagh) Special Area of Conservation (Site Code: 000133), St. John's Point Special Area of Conservation (Site Code: 000191), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Galway Bay Complex Special Area of Conservation (Site Code: 000268), Clew Bay Complex Special Area of Conservation (Site Code: 001482), West Connacht Coast Special Area of Conservation (Site Code: 002998), Inishmore Island Special Area of Conservation (Site Code: 000213), Duvillaun Islands Special Area of Conservation (Site Code: 000495), Lower River Shannon Special Area of Conservation (Site Code: 002165), Slyne Head Peninsula Special Area of Conservation (Site Code: 002074), Slyne Head Islands Special Area of Conservation (Site Code: 000328), Lough Eske and Ardnamona Wood Special Area of Conservation (Site Code: 000163) and West of Ardara/ Maas Road Special Area of Conservation (Site Code: 000197), 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 Commission 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 Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Donegal Bay Special Protection Area (Site Code: 004151), Donegal Bay (Murvagh) Special Area of Conservation (Site Code: 000133), St. John's Point Special Area of Conservation (Site Code: 000191), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Galway Bay Complex Special Area of Conservation (Site Code: 000268), Clew Bay Complex Special Area of Conservation (Site Code: 001482), West Connacht Coast Special Area of Conservation (Site Code: 002998), Inishmore Island Special Area of Conservation (Site Code: 000213), Duvillaun Islands Special Area of Conservation (Site Code: 000495), Lower River Shannon Special Area of Conservation (Site Code: 002165), Slyne Head Peninsula Special Area of Conservation (Site Code: 002074), Slyne Head Islands Special Area of Conservation (Site Code: 000328), Lough Eske and Ardnamona Wood Special Area of Conservation (Site Code: 000163) and West of Ardara/ Maas Road Special Area of Conservation (Site Code: 000197), in view of the Sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission 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 Commission 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 Sites' conservation objectives.

In overall conclusion, the Commission 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 Sites' 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, would not interfere with the existing land uses in the area and would not interfere with traffic safety. 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. 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 interests 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 the 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 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. The CEMP shall include:
 - (a) All mitigation measures indicated in the Natura Impact Statement.
 - (b) Location and extent of silt fencing to be installed on site.
 - (c) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.
 - (d) Updated to include the location of any and all archaeological or underwater cultural heritage constraints relevant to the proposed

development as set out in the final Underwater Archaeological Impact Assessment report. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.

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

5. The following nature conservation requirements shall be complied with:
 - (a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.
 - (b) Prior to the commencement of development, details of measures to protect marine mammals shall be outlined and placed on file, having specific regard to relevant impact mitigation and monitoring measures set out in the 'Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' (Department of Arts, Heritage and the Gaeltacht, 2014) for all dredging and pile driving activities, including the use of an independent marine mammal observer (MMO) and adherence to relevant operational protocols
 - (c) No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.
 - (d) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence.

- (e) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season, and any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a derogation licence granted by the Minister of Housing, Local Government and Heritage.

Reason: In the interests of biodiversity and nature conservation.

- 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.
 - (a) All recommended mitigation measures as set out in the Underwater Archaeological Impact Assessment Report: Port Pier Improvement Works, County Donegal, (Mizen Archaeology, April 2025), shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
 - (b) A project archaeologist shall be appointed to oversee and advise on all aspects of the project, including detailed design, construction activities and the management of all archaeological and post-excavation works.
 - (c) All site investigation works shall be subject to prior archaeological assessment and on-site monitoring by a suitably qualified and experienced archaeologist. The local authority shall furnish the project archaeologist with the results of all site investigation works and shall provide access to cores and physical samples for archaeological and, where warranted (e.g. by the discovery of submerged palaeolandscape deposits), geoarchaeological review. Following the completion of all geotechnical

and archaeological works and any necessary post-excavation specialist analysis, the Department shall be furnished with a final archaeological report describing the results of the works.

Reason: In the interest of the protection of the archaeological heritage of the area.

8. The final detailed design for the project shall be the subject of a revised and updated Underwater Archaeological Impact Assessment, to be submitted to the Department for review and approval, prior to the commencement of any construction works. The Underwater Archaeological Impact Assessment report shall contain the following:
 - (a) Results of licenced archaeological test-excavations, accompanied by a hand-held metal detection survey, of the stone alignment identified in the Underwater Archaeological Impact Assessment Report: Port Pier Improvement Works, County Donegal, (Mizen Archaeology, April 2025). The archaeological test-excavations shall be carried out under a Section 26 (National Monuments Act, 1930) licence from the National Monuments Service of this Department and in accordance with an approved method statement. Licensed metal detection shall be undertaken in tandem with the test excavations and under a detection device consent (Section 2 of the National Monuments (Amendment) Act, 1987). Licenses shall be applied for to the National Monuments Service of the Department and shall be accompanied by a detailed method statement. A period of 3-4 weeks should be allowed to facilitate processing and approval of the licence application and method statement.
 - (b) Results of buildings archaeology assessment of all historic structures and features (including but not limited to the surviving structural remains of the former whaling station/salt works and adjacent structures and features) that fall within the proposed development area. The assessment shall comprise of archaeological recording (annotated plans, elevations, sections, details of features and interpretative drawings derived from measured surveys, photographic surveys, digital surveys, opening-up

- works) that secure an understanding of the origins, development and phasing of all architectural structures and features (including any reused architectural carved stones).
- (c) Results of archaeological dive survey, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where proposed dredging works are proposed. The archaeological dive survey and metal detection survey shall be undertaken by a suitably licenced and experienced underwater archaeologist. All identified and potential underwater cultural heritage shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment. A dive/survey licence (Section 3 of the National Monuments (Amendment) Act, 1987) and detection device consent (Section 2 of the National Monuments (Amendment) Act, 1987) shall be required for the archaeological dive survey and metal detection, respectively.
- (d) A detailed Archaeological Impact Assessment that addresses all identified or potential impacts on underwater cultural heritage, including on recorded and potential submerged wrecks, archaeological objects, sites, structures, palaeolandscapes and features. The Underwater Archaeological Impact Assessment shall make recommendations on measures to avoid or, where necessary, mitigate all identified potential/identified impacts and significant effects on underwater cultural heritage. The local authority shall be prepared to be advised by the Department in this regard or in regard to any subsequent recommendations that may issue. Mitigation recommendations shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), further archaeological test-excavations, stabilisation/conservation works to the historic structures within the proposed development area and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the National Monuments Service. No construction works

shall be undertaken until formal approval in writing has been received by the local authority from the Department.

Reason: In the interest of the protection of the archaeological heritage of the area.

9. Archaeological monitoring shall be undertaken as follows:
- (a) The services of a suitably qualified and experienced, to the satisfaction of the Department maritime/underwater archaeologist shall be engaged to carry out full-time archaeological monitoring of all dredging and construction activities or works with the potential to impact on underwater cultural heritage.
 - (b) The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the Department, maritime/underwater archaeologist, under a Section 26 (National Monuments Act, 1930) excavation licence and in accordance with an approved method statement.
 - (c) A finds retrieval strategy shall be implemented and agreed with the Department as part of the archaeological licence application. This shall include for the systematic spreading of all dredged material at a suitable repository to facilitate hand-searching and metal detection for finds retrieval, to be undertaken by a suitably qualified and experienced archaeologist working under a detection device consent (Section 2 of the National Monuments (Amendment) Act, 1987). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound. The finds retrieval strategy shall address the likely post-excavation requirements for all archaeological objects, including those from an underwater environment, including recording, finds processing, analysis and long-term conservation of material recovered during the project.

- (d) Sufficient, suitably experienced and qualified, to the satisfaction of the Department, underwater archaeologists shall be in place to ensure continuous archaeological monitoring works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be on standby in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licenced (Section 3 of the National Monuments (Amendment) Act, 1987) and shall include handheld metal detection survey, which shall also be licenced (Section 2 of the National Monuments (Amendment) Act, 1987).
- (e) In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all in-stream/river margin construction activities or works with the potential to impact on underwater cultural heritage. The monitoring archaeologist shall be provided with adequate notice (minimum eight weeks) of all forthcoming works that require their attendance.
- (f) Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, including wrecks, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the local authority to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The local authority shall immediately institute a Temporary Archaeological Exclusion Zone to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the Temporary Archaeological Exclusion Zone in order to facilitate investigative assessment, protection and prompt notification to the National Monuments Service and other statutory authorities, as required.
- (g) Following assessment of the newly discovered archaeological materials, the local authority shall undertake any ensuing mitigating action as is required by the Department. Mitigation shall prioritise redesign or partial

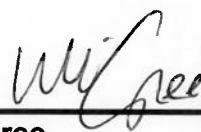
redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the Department. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the Department. All resulting and associated archaeological costs shall be borne by the local authority.

- (h) The Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, paleoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the Department and the National Museum of Ireland. Where significant archaeological discoveries are made, they shall be fully published in an appropriate academic format. All post excavation and publication costs shall be borne by the local authority.

Reason: In the interest of the protection of the archaeological heritage of the area.

10. The local authority, in conjunction with the project archaeologist, shall commission and install an information panel on the whaling station site that draws attention to its history and significance.

Reason: In the interests of the protection and promotion of the archaeological, industrial and cultural heritage of the area.



Liam McGree

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 7th day of September 2026