



An
Bord
Pleanála

Inspector's Report ABP-311776-21 addendum report – Appropriate Assessment

Development	29 Residential Units.
Location	The Loakers, Blackrock, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	21/1032.
Applicant(s)	BMH Investments
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.

Inspector	Philip Davis.
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1.0 Introduction

- 1.1. This addendum to the main report is to carry out an appropriate assessment (stage II) into the proposed development of 29 residential units on a site in Blackrock, south of Dundalk, County Louth.

2.0 Appropriate Assessment

The proposed housing site is approximately 250 metres of the coastline of Dundalk Bay, which is designated as SAC, SPA and pNHA. The SAC is the **Dundalk Bay SAC (site code 000455)**, and the SPA is the **Dundalk Bay SPA site code 004026**. These are designated for a variety of coastal and littoral habitats. Following a screening assessment by the planning authority an NIS was submitted. The screening assessment screened out all designated habitats within the area apart from the above two Natura 2000 sites – a conclusion with which I concur. I have read and examined this report and I am satisfied that the information within this NIS is sufficient to allow the Board to carry out a complete and precise assessment of all aspects of the project.

The SPA is designated for its importance for a series of wetland and waterbirds, mostly wintering on the estuary, i.e:

The site synopsis for Dundalk Bay SPA, which is also a Ramsar Site, states that it is of international importance as it regularly supports an assemblage of over 20,000 wintering water birds. It also qualifies as a site of international importance for supporting populations of Light bellied Brent Goose, Knot, Black-tailed Godwit and Bar-tailed Godwit. A variety of other species occur in numbers of national importance, such as Great Crested Grebe, Greylag Goose, Shelduck, Teal, Mallard, Pintail, Common Scoter, Red breasted Merganser, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Dunlin, Curlew and Redshank. Other wintering species which occur include Red-throated Diver, Great Northern Diver, Cormorant, Grey Heron, Little Egret, Mute Swan, Wigeon, Goldeneye, Greenshank and Turnstone. The site also supports nationally important populations of three wintering gull species - Black-headed Gull, Common Gull and Herring Gull. In spring and autumn, the site attracts a range of passage migrants, including Little Stint, Curlew Sandpiper and Ruff.

The SAC is designated for its extensive saltmarshes and intertidal sand and mudflats. It includes the following key habitats:

Estuaries
Mudflats and sandflats not covered by seawater at low tide
Perennial vegetation of stony banks
Salicornia and other annuals colonising mud and sand
Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)
Mediterranean salt meadows (<i>Juncetalia maritima</i>)

The conservation objectives for the SAC and SPA are both stated as to maintain the favourable conservation condition of the relevant habitats and bird species, as defined by the attributes and targets for each qualifying interest. All qualifying interests are directly or indirectly associated with the mudflats and associated coastal habitat features of the bay.

The proposed development does not directly encroach on any part of the designated habitats but does include a discharge of surface water to the bay via existing land drains. The site is also well vegetated and has some potential habitat value for nesting or foraging birds, although there are no indications that it is used for nesting or foraging by any of the species of interest for the SPA.

The NIS identifies a total of 12 designated habitats within 15km of the appeal site, some of these in Northern Ireland. A map of these is included in Appendix 1 of the site. The NIS screens out all but the Dundalk Bay sites identified above on the basis of distance, relative position, topography and land uses and concludes that none would be prone to potential or probable direct or indirect impacts arising from the proposed development. I am satisfied that this conclusion is justified and that only the Dundalk Bay SPA and SAC's could not be screened out.

I note that the proposed development is just one of several proposed developments in the area (summarised in Table 5 of the NIS), including the undeveloped parts of the industrial estate to the north, and the major housing development granted permission by the Board to the south. All these developments would result in the loss of regenerating scrubland or grassed farmland/hedgerow in the area and would result in the urbanisation of land, albeit all within the zoned area of Dundalk/

Blackrock. I have noted the comments and analysis in the inspectors' report on the NIS submitted with appeal reference **ABP-304782-19**.

As noted in the section on flooding and drainage above, there is some ambiguity about the required drainage pipe discharging surface waters to the bay. I would note that the attenuation features and filters are within the site and so within the control of the applicant – the NIS states that they discharge to land drains. I conclude that any alteration of the route or design of this outflow required by condition would be *de minimis* and would not have an impact on my assessment of the effects on the designated habitats as the impact on quantity and quality of water discharging to the bay would not be affected.

The planning authority carried out a screening process, which identified all European sites for which significant effects cannot be excluded (the adjoining SAC and SPA). I can confirm that there are no additional sites for which I would consider there would be significant effects, so no additional sites other than those assessed in the NIS need to be brought forward for inclusion in the AA (i.e. the NIS submitted with the application).

I have examined the NIS in the context of my site survey and other available sources of habitat and environmental data and I am satisfied that it includes sufficient information to allow the Board to carry out a complete assessment of all aspects of the project. The NIS includes a survey of the habitat value of the site with regard to species identified in the conservation objectives of the bay, and the potential impacts (of construction and operational stages) of direct water discharge to the bay in addition to direct impacts. It concludes that the water discharge via field drains will not have a quantitative or qualitative impact on water quality and so there would be no adverse impact on the qualifying interests. In the overall context of the nature of the proposed development and the overall receiving environment, I agree with this conclusion, and I do not consider that there would be either direct impacts from this discharge or direct or indirect additional impacts from other proposed developments in the vicinity. I also agree with the conclusion of the NIS that direct construction works and the final works would not impact directly or indirectly on any qualifying interests. I am therefore satisfied that a conclusion of no adverse effects can be reached.

3.0 Recommendation

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on Dundalk Bay SAC (site code 000455) or the Dundalk Bay SPA site code 004026. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site no's **000455** or **004026** or any other European site, in view of the sites Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

Philip Davis
Planning Inspector

5th December 2022