



An
Bord
Pleanála

Inspector's Report ABP-318882-24

Development	Coastal protection works at Dundalk Bay SAC & SPA
Location	Bellurgan Point, Co. Louth
Local Authority	Louth County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Inland Fisheries Ireland
Observer(s)	None
Date of Site Inspection	29 th March 2024
Inspector	Karla Mc Bride

1.0 Introduction

- 1.1. Louth County Council is seeking approval from An Bord Pleanála to undertake coastal protection works within the Dundalk Bay SPA and within c.4-5m of the Dundalk Bay SAC, which are designated European sites. There are several other European sites (SPAs & SACs) in the wider area although they do not have a direct connection to the proposed works. A Natura Impact Statement (NIS) and application under Section 177AE 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 Planning and Development act 2000 (as amended) 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 Planning and Development Act 2000 (as amended) 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. Louth County Council proposes to construct two sections of coastal protection works (A & B) and repairs to existing sea defences C at Bellurgan Point to the E of Dundalk where there is evidence of coastal erosion along the shoreline. The proposed rock armour, which would protect public infrastructure (local road) and private property (residential & commercial), would comprise the following works:
 - **A:** Excavate 1.0m deep x 1-3m wide trench along 60m of shoreline.
 - **B:** Excavate 1.0m deep x 1-3m wide trench along 15m of shoreline.
 - Place a layer of geotextile membrane in the trench.
 - Install a row of 3 x tonne boulders to form a bedding of rock armour.
 - Overlay with rows of boulders to form a sloped wall up to road level.

- **C:** Patch repair works at existing sea defences.
- The works would take c.4 weeks to complete.

2.2. **Accompanying documents:**

A Screening for AA & NIS report which includes:

- Design Drawings
- Photographs
- Stakeholder correspondence
- Draft CEMP
- OPW Funding Approval letter

3.0 **Site and Location**

- 3.1. The site occupies a coastal location at Bellurgan Point on the S side of the Cooley Peninsula in County Louth, c.10km to the E of Dundalk, and the surrounding area is rural in character. The site is located along a section of shoreline at Dundalk Bay SAC and SPA where there is evidence of coastal erosion, and it is bound on the landward side by a local road. There are several houses and commercial properties in the vicinity which are located on the landward side of the local road and the lands to the far N are mainly in agricultural use. The lands in-between the local road and the shoreline are characterised by a vegetated clay embankment and historic sea defences. The coastal area mainly comprises a vegetated shingle and gravel shore that graduates down to sand and mud flats, and there is Lower Saltmarsh habitat in the wider area, including to the S of the project site.

4.0 **Planning History**

- 4.1. Several historic planning cases in the vicinity but none of relevance to the site.

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** 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:** 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:** The Department of Culture, Heritage and the Gaeltacht 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.
- 5.4. European sites located in proximity to the subject site include:
- Dundalk Bay SAC (Site code: 000455)
 - Dundalk Bay SPA (Site code: 004026)
- 5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (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 177(AE) (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.

5.6. Planning policy

National Planning Framework:

Obj. 41A: seeks to ensure that the coastal resource is managed to sustain its physical character and environmental quality.

Obj.41B: seeks 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, in line with collective aims of national policy.

Climate Action Plan 2024:

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.

Maritime Area Planning (MAP) Act 2021:

This Act establishes a new marine planning system and a new licensing and development management regime, to be administered by the Maritime Area Regulatory Authority (MARA), in conjunction with An Bord Pleanála (ABP) and the coastal local authorities. The Act replaces the existing foreshore, planning and environmental processes with a single streamlined consent process.

Regional Economic & Spatial Strategy 2019-2031:

RPO 7.3: seeks to support the use of integrated Coastal Zone Management to enable collaboration and stakeholder engagement approaches to the management and protection of coastal resources against coastal erosion, flooding & other threats.

RPO 7.4: states that 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.

Louth County Development Plan 2021-2027***Zoning objective:***

Bellurgan is designated as a Rural Node in Table 2.4, which is characterised by residential development with limited resources.

The Coast:

S.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.

ENV 53: seeks 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: seeks to identify, prioritise & 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.

Figure 11.3: Bellurgan Point is identified as an area subject to Coastal Erosion.

Landscape character:

- Dundalk Bay LCA is of Regional Importance.
- Lower Faughart, Castletown and Flurry River Basin is of Local Importance.

Heritage:

- Dundalk Bay is a designated SAC, SPA & pNHA.
- Maritime archaeology - notes the possibility of as yet undiscovered wrecks.

Climate Change:

CA 4: seeks to 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.

Climate Change Adaptation Strategy 2019-2024

- Seeks to manage the risk of flooding through a variety of responses.
- Irish Coastal Protection Strategy Study for the North-Eastern region identifies locations along the NE coast at risk of coastal flooding and coastal erosion.

6.0 The Natura Impact Statement

- 6.1. Louth County Council's application for the proposed development was accompanied by an Appropriate Assessment Screening Report and Natural Impact Statement (NIS) for the site which scientifically examined the proposed development and the European sites. The AA Screening reports identified and characterised the possible implications of the proposed development on the European sites, it concluded that significant effects on the European sites could not be ruled out and that the preparation of an NIS was required. The NIS reports also identified and characterised the possible implications of the proposed development on the 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 works.

7.0 Consultations

- 7.1. Consultations were undertaken with:

- Maritime Area Regulatory Authority (MARA)

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

- Minister for Communications, Marine & Natural resources
- Department of Housing, Local Government & Heritage (DAU)
- Inland Fisheries Ireland (IFI)
- Waterways Ireland
- The Heritage Council
- The Arts Council
- An Taisce
- Failte Ireland

One response was received from **IFI** which stated that it the proposed works are outside the IFI's jurisdiction.

7.3. **Public Submissions:**

No responses were received from any member of the public.

8.0 **Assessment**

8.1. **The likely consequences for the proper planning and sustainable development of the area:**

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

The site has been affected by coastal erosion to varying extents and the adjacent public road is at an increasing risk of being undermined in the future, given that it extends further along the coastline. However, if the natural processes of erosion continue unabated, the failure of the road could render the adjacent houses and nearby commercial properties inaccessible. The Council 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 public roads and private properties.

Design and layout:

The design and layout of the proposed coastal protection works are described in sections 2.0 and 3.0 above. The footprint of the proposed coastal protection works is mainly occupied by a vegetated clay embankment and a vegetated shingle and gravel shore, the works would not entail any significant vegetation removal, although there would be some small-scale localised removal. Having regard to the low-rise and linear nature of the works, and given that the project would protect adjacent infrastructure and properties from erosion, the design and layout of the proposed works are considered acceptable.

Visual & residential amenity:

The surrounding area is mainly characterised by rural land uses along with several detached houses and commercial properties including the Blue Anchor public house. The proposed development would not result in any significant removal of vegetation, and the project would not adversely affect the visual amenities of the area, having regard to its linear layout, small scale and low-lying nature.

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. Any localised removal of vegetation to accommodate the works would have a minor adverse 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 areas and the site lies within and/or adjacent to Dundalk Bay SAC, SPA and pNHA. Any potential adverse impacts on cultural heritage and biodiversity will be addressed in the following sections of this report.

Biodiversity:

The site is located within a rural area which is characterised by agricultural fields and narrow roads that are defined by mature hedgerows. The coastal area is characterised by a mix of coastal and estuarine habitats including a shingle and gravel shore and intermittent Lower Saltmarsh habitats. The project site mainly comprises a vegetated shingle and gravel shore which is framed by a low-rise vegetated embankment, and graduates down to mudflats. The proposed coastal protection works would be located parallel to the local road. The site is located within Dundalk Bay SPA and immediately adjacent to Dundalk Bay SAC and pNHA. The site and wider area may also be important for aquatic and mobile species for further afield European sites including Carlingford Lough to the E (incl. various waterbirds).

The shore and wider marine environs may provide a habitat, refuge, foraging area or resting place for a variety of terrestrial and aquatic animal species (incl. birds, fish & harbour seal), which have been described in the submitted documents. This includes an Natural Impact Statement which examined the relationship between the seashore and its environs, and several European sites. The NIS report 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, and the NIS also contains mitigation measures. Potential adverse impacts European sites (incl. SCI species & SAC habitats) is addressed in the following Appropriate Assessment section of this report.

In relation to current **Development Plan policies**, 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.

The proposed works would require the removal of **seashore habitats and vegetation** which would have a short-term localised impact on biodiversity in terms of disturbance to foraging areas, resting places and refuges during the works, however no adverse long-term impacts are anticipated after the repair works are completed. The proposed works would take place a distance from the designated Lower Saltmarsh habitats which are a QI for the Dundalk Bay SAC although the haul route may affect some areas in the absence of mitigation. Having regard to the small scale of the works the localised loss of Shingle and Gravel shore habitat (incl. Perennial vegetation of stoney banks) would not be significant. Further analysis below in AA Section of this report.

A wide variety of **bird** species were noted in the surveys of the shore and surrounding area (incl. wintering waterbirds, common species & passerines). Although none were recorded nesting at or close to Bellurgan Point, the surrounding area may have foraging, nesting and roosting potential. Although there would be some disturbance during the construction works and localised loss of seashore habitat and vegetation, given the small scale, low profile and linear nature of the works adjacent to an existing local road, 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. However, any vegetation clearance should take place outside of the bird nesting season.

The seashore and surrounding coastal and estuarine environs may provide suitable foraging and/or roosting habitat for **bats** given the characteristics of the nearby farm structures and the wider presence of trees and hedgerows along the local road and agricultural fields. However, Bats are not designated QIs for the SAC and the proposed works would not involve the demolition of any structures, and no adverse impacts are anticipated.

The surrounding coastal and estuarine waterbodies could provide suitable support habitat for several species of **fish and harbour seal**. The proposed works at the seashore have the potential to release and convey deleterious construction materials into the water in the absence of appropriate safeguards which 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, the mitigation measures contained in the NIS report would ensure that appropriate protection measures are put in place during the works (incl. no concrete mixing or vehicle washing on site, protection of the waterbodies from silt & chemical contamination). The works should only take during periods of low tide, water quality should be protected, and noisy activities be curtailed if harbour seal is nearby. These concerns could be addressed by way of a planning condition.

No **invasive plant species** were recorded at or in the vicinity of Bellurgan Point or the seashore during the surveys, however a biosecurity condition should be attached to ensure that the works (and vehicles) do not introduce or contribute to the spread of invasive plant and animal species.

Having regard to the small scale of the proposed works along a short section of the extensive shoreline, no adverse impacts on **coastal processes** (incl. hydrodynamics, sediment patterns & wave climate) are anticipated, and the contents of Appendix 2 of the Report are noted. No additional **flood risk** is anticipated, the proposed works would not give rise to any significant **odours** or **emissions**.

It is proposed to appoint an **Ecological Clerk of Works** to oversee the works and the mitigation measures contained in the NIS report would protect sensitive species (incl. birds).

In conclusion, having regard to all of the above, the predicted impacts on biodiversity would be temporary and short term as most species will return to the area after the works are complete.

Cultural heritage:

The site is located within the Cooley Peninsula which has a rich archaeological heritage and there are several sensitive heritage features in the vicinity, including Recorded and National Monuments, and Protected Structures. The submitted

documents describe the historical importance of the surrounding area, and the Development Plan contains several objectives which seek to protect protected structures, historic buildings and features of archaeological significance. Given that the proposed development would be located at a substantial remove from any recorded historic features, it would not adversely affect the character or setting of any of the sensitive structures, and the project would comply with the Development Plan objectives. However, the surrounding lands may contain as yet undiscovered historical artefacts, which could be addressed by way of a planning condition which requires that appropriate investigations are undertaken before the works commence. Discoveries should be recorded, preserved by record, monitored and reported on to the DHLG&H and the Council.

Need, effectiveness & alternatives:

I am satisfied that the applicant has provided adequate background information to justify the need for the proposed coastal protection works. Bellurgan Point has been identified as an eroding coastline and the local road that runs parallel to the shoreline is at risk of being undermined, which would in turn affect access to nearby residential and commercial properties. The project would comprise the installation of two small sections of rock armour along with repairs to the existing coastal defence wall. I am satisfied, on the basis of my examination of the submitted documents and assessment of the site and environs, that the proposed development will function effectively, and that the works constitute an appropriate and proportionate response to the aforementioned needs.

Conclusions:

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 the local road (which also provide access to private residential & commercial properties & agricultural land) to a section of the eroding coastline.

8.2. Screening for Environmental Impact Assessment

The proposed development is a “project” for the purposes of EIA under Stage 1 stage (a) of the OPR guidance and further consideration is required. The project is listed as a type of development in Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended), although it is not of a scale whereby a mandatory EIAR would be required. In relation to sub-threshold development, having regard to the nature and small scale of the proposed development, which would comprise amendments and an extension to an existing long established burial ground, and the characteristics of the receiving environment which is not densely developed, nor covered by any sensitive geological, natural or cultural heritage designations, and proximity to the boundary of a European site), I am satisfied that the proposed development: -

- 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, and
- Would not result in any significant demolition works, use of natural resources, production of waste, pollution or nuisance, or give rise to a risk of major accidents and/or disasters, a risk to human health.

The need for a sub-threshold environmental impact assessment can, therefore, be excluded, as the project does not meet any of the criteria determining whether a sub-threshold development would be likely to have significant effects on the environment, with regard to the characteristics of the works, its location, and the characteristics of potential impacts.

8.3. The likely effects on the environment

Having regard to the nature and scale of the proposed development which would comprise two small sections of coastal protection works and repair works to existing sea defences, and the characteristics of the receiving environment which is not densely developed, populated or covered by any sensitive cultural heritage or landscape designations, and notwithstanding its proximity to European sites, 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, it is noted that surrounding areas has a rich archaeological heritage dating back to the arrival of the Megalithic period. As such the Council should be required to undertake archaeological monitoring the site.

8.4. **The likely significant effects on a European site:**

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

8.5. **Compliance with Articles 6(3) of the EU Habitats Directive:** 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.

8.6. **The Natura Impact Statement**

The application was accompanied by an NIS which described the proposed developments, the project sites 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 two European Sites (Dundalk Bay SAC & SPA) that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

8.7. The NIS was informed by the following surveys, documents and consultations:

- Desk top study (incl. NPWS, EPA, NIEA, GIS, NIGSI & OSI).
- Walkover and site survey

- 8.8. 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 European sites (Dundalk Bay SAC & SPA)
- 8.9. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).
- 8.10. **Appropriate Assessment**
- 8.11. I consider that the proposed development, which would comprise the construction of coastal protection works along the NE shore of Dundalk Bay, is not directly connected with or necessary to the management of any European site.
- 8.12. 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.
- 8.13. European sites considered for Stage 1 screening:

European site	Qualifying Interests & Special Conservation Interests	Distance
Dundalk Bay SAC Site code: 000455	Estuaries Mudflats & sandflats not covered by seawater at low tide Perennial vegetation of stony banks Salicornia & other annuals colonizing mud & sand Atlantic salt meadows Mediterranean salt meadows	Adjacent to SAC site boundary (c.4m).

European site	Qualifying Interests & Special Conservation Interests	Distance
Dundalk Bay SPA Site code: 004026	Great Crested Grebe, Greylag Goose & Light-bellied Brent Goose Shelduck, Teal, Mallard, Pintail, Common Scoter & Red-breasted Merganser Oystercatcher, Ringed, Golden & Grey Plover, Lapwing, Knot & Dunlin Black-tailed & Bar-tailed Godwit Curlew & Redshank Black-headed, Common & Herring Gull Wetland and Waterbirds	Within SPA site boundary.

The potential effects relate to:

- In-situ impacts on qualifying interest species within the European sites:
 - Release & transport of pollutants in ground or surface water.
 - Loss habitats used by QI/SCI species.
 - Loss of foraging & commuting areas used by QI/SCI species.
 - Noise disturbance to QI/SCI species during construction.
- Ex-situ impacts on qualifying species outside the European sites but which are an integral and connected part of the population.

8.14. Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale 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 sites and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for both of the European sites referred to above.

8.15. **European sites:** The relevant Qualifying & Special Conservation Interests, including any applicable attributes & targets for these sites, are set out below.

Site Name	Qualifying Interests & Special Conservation Interests	Attributes & targets
Dundalk Bay SAC Site code: 000455	<p>Estuaries</p> <p>Mudflats & sandflats not covered by seawater at low tide</p> <p>Perennial vegetation of stony banks</p> <p>Salicornia & other annuals colonizing mud & sand</p> <p>Atlantic & Mediterranean salt meadows</p>	<p>Habitat area (stable or increasing).</p> <p>Habitat area (stable or increasing) & Community distribution (conserve mud communities in natural condition).</p> <p>Habitat area (stable); Habitat distribution (no decline); Physical structure (maintain circulation of sediment & organic matter); Vegetation structure (maintain range of habitat zonations); Vegetation composition (Maintain the presence of species-poor communities with characteristic species & less than 5% negative species indicators);</p> <p>Habitat area (stable); Habitat distribution (no decline); Physical structure (maintain circulation of sediment & organic matter and creek & pan structure); Vegetation structure (Maintain range of saltmarsh habitat zonations, structural variation within sward, range of sub-communities & no significant expansion of negative species – Spartina).</p> <p>Habitat area (stable); Habitat distribution (no decline); Physical structure (maintain circulation of sediment & organic matter, creek & pan structure and natural tidal regime); Vegetation structure (maintain variation, range of sub-communities & no significant expansion of negative species – Spartina).</p>
Dundalk Bay SPA Site code: 004026	<p>Great Crested Grebe, Greylag Goose & Light-bellied Brent Goose</p> <p>Shelduck, Teal, Mallard, Pintail, Common Scoter & Red-breasted Merganser</p> <p>Oystercatcher, Ringed, Golden & Grey Plover, Lapwing, Knot & Dunlin</p> <p>Black-tailed & Bar-tailed Godwit, Curlew & Redshank</p>	<p>All species:</p> <p>Long term population trend is stable or increasing,</p> <p>and</p> <p>No decrease in numbers, range or distribution of areas used, subject to natural variation.</p> <p>Permanent occupied habitat area is stable.</p>

Site Name	Qualifying Interests & Special Conservation Interests	Attributes & targets
	Black-headed, Common & Herring Gull Wetland and Waterbirds	

Favourable Conservation Status is achieved when:

1. Habitats

- The natural range (and area covered) is stable or increasing.
- The specific structure and functions which are necessary for its long-term maintenance exist now and for the foreseeable future.
- The conservation status of its typical species is favourable.

2. Species

- Population dynamics data indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats.
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future.
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

1. Dundalk Bay SAC (site code:000455)

Description of European site: Dundalk Bay is a very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending c.16km from Castletown River on the Cooley Peninsula (N) to Annagassan / Salterstown (S), and the bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry. This SAC comprises several QI habitats including estuaries, saltmarshes, sand & mudflats and shingle beaches, and it is of international importance to a larger number of wintering bird species.

Section specific description of European site: The affected area is located in the NE section of Dundalk Bay SAC at Bellurgan Point which lies within the Estuary. It is defined by a low embankment that separates the shoreline from the local road and adjacent lands. The site and surrounding area is characterised by a vegetated embankment along the SAC site boundary and the shoreline comprises a vegetated band of shingle and gravel shore” (cobbles & pebbles) which contains sections of Annex 1 “Perennial Vegetation of Stony Banks”. The shingle and gravel shore eventually graduates down to the “Mudflats & sandflats not covered by seawater at low tide” habitat. The “Lower Saltmarsh habitat” (incl. Atlantic Saltmarsh) habitat occurs intermittently along the coastline and to the near S of the project site. All three habitats are QIs for the Dundalk Bay SAC.

Conservation Objectives

1. To ***maintain*** the favourable conservation condition of the Qualifying Interest habitats in Dundalk Bay SAC including the following relevant habitats:
 - Estuaries
 - Mudflats & sandflats not covered by seawater at low tide.
 - Perennial vegetation of stony banks.
 - Atlantic salt meadows.
 - Mediterranean salt meadows.
2. To ***restore*** the favourable conservation condition of the Qualifying Interest habitats in Dundalk Bay SAC including the following relevant habitats:
 - Salicornia and other annuals colonizing mud and sand.

Potential direct effects: Potential direct effects relate to the potential loss of or disturbance to the QI “Lower Saltmarsh” and “Perennial Vegetation of Stony Banks” habitats along the haul route to and at the work locations respectively. However, there would be no significant impacts on the QI Attributes or Targets for these habitats which seek to ensure that the habitat area is stable with no decline in distribution, the maintenance of natural circulation of sediment, organic matter, tidal regime and vegetation structure, with no significant expansion of negative species. This would be subject to the implementation of mitigation measures set out below

(incl. avoidance & buffers). It is noted that the purpose of the proposed works is to protect the area from the more severe impacts of coastal erosion, which would in turn have a positive stabilising influence on the shoreline and these QI habitats. Also, given the perineal nature of the species within the “Perennial Vegetation of Stony Banks” habitat, it is likely that the affected areas will be re-colonized with no long-term adverse impacts predicted. No direct effects anticipated for the QI habitat “Mudflats & sandflats not covered by seawater at low tide”, having regard to the scale and depth of the proposed works at both sections and to the separation distance between the works and this habitat.

Potential indirect effects: Potential indirect effects relate to damage to QI habitats (and species) as a result of trampling, accidental spillages, and sediment run off during construction.

Potential in-combination effects: None anticipated having regard to the low density of development in the area and the absence of any plans or projects in the vicinity, with the minor exception of small scale works at nearby houses.

Mitigation measures: Site-specific CEMP; Mark off site & haul route prior to works; avoidance of QI habitats; lay protective layers (pea shingle) for movement of machinery; no works during heavy rainfall; no soils, materials, plant or equipment placed or parked in SAC; remote bunding of store fuels & oils; daily vehicle & plant checks; and invasive species checks of vehicles and imported materials.

Residual effects: None anticipated post mitigation.

Suggested related conditions: Finalise Construction & Environmental Management Plan and appoint Project Ecologist.

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).

2. Dundalk Bay SPA (site code: 004026)

Description of site:

As for Dundalk Bay SAC above. This SPA is of international importance to a large number of wintering bird species and it contains a wide variety Special Conservation Interest bird species as well as Wetlands and Water birds. The extensive sands and mud flats have a rich fauna of molluscs, polychaetes and crustaceans which provide an important food resource for most of the waterfowl.

Section specific description of European site:

As for Dundalk Bay SAC above. The site graduates down to the “Mudflats & sandflats not covered by seawater at low tide” habitat.

Conservation Objectives:

To ***maintain*** the favourable conservation condition of the various Special Conservation Interest bird species, Wetlands & Water birds in Dundalk Bay SPA.

Potential direct effects: No direct effects anticipated in relation to any direct loss of feeding grounds as the QI “Perennial vegetation of stony banks” and “Lower Saltmarsh” habitats are not a main food source for birds. The “Mudflats & Sandflats not Covered by Seawater at Low Tide” habitat would not be affected by the works, having regard to the scale of the proposed works at both sections and to the separation distance between the works and this habitat.

Potential indirect effects: Potential indirect effects relate to disturbance to wintering bird species whilst feeding during the construction phase. This could impact on their ability to build up fat reserves during the winter months to make the return journey back to their summer breeding grounds. However, having regard to the small scale of the works and their limited duration of the works (c.4 weeks), it is unlikely that any adverse impacts would occur.

Potential in-combination effects: None anticipated.

Mitigation measures: As for Dundalk Bay SAC above. No works during winter season (October to March) to avoid disturbance to wintering birds.

Residual effects/Further analysis: None anticipated post mitigation.

NIS Omissions: None noted.

Suggested related conditions: As for Dundalk Bay SAC above.

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).

8.16. **Appropriate Assessment Conclusions:**

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.000455 or site no.004026 or any other European site, in view of the site's Conservation Objectives.

9.0 Recommendation

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) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the Government of Ireland Climate Action Plan, 2024,
- (d) the Regional Economic & Spatial Strategy, 2019,
- (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 SAC (site code: 000455) and the Dundalk Bay SPA (site code: 004026),
- (g) the policies and objectives of the Louth County Development Plan 2021-2027,
- (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:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Dundalk Bay SAC (site code: 000455) and the Dundalk Bay SPA (site code: 004026), are the only European Sites 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 Sites, namely the Dundalk Bay SAC (site code: 000455) and the Dundalk Bay SPA (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 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.

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 interest 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 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). Noise inducing activities should temporarily cease in if Harbour seal is observed hauling out along the shoreline

Reason: In the interest of protecting wintering bird species and the European sites, and harbour seal.

5. The County Council 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.

6. 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.

7. The County Council 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 County Council 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.

Karla Mc Bride

Inspectorate

22nd April 2024