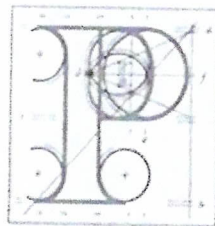


Our Case Number: ACP-324069-26



An
Coimisiún
Pleanála

An Taisce
c/o Seán O'Callaghan
5 Foster Place
Dublin 2
D02 V0P9

Date: 08 April 2026

Re: Proposed development under sections 175 and 177AE of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001-2005 (as amended) for proposed coastal and flood risk management works. A Natura Impact Statement (NIS) and an Environmental Impact Assessment Report (EIAR) have been prepared in respect of the proposed development. Burrow, Portrane, County Dublin

Dear Sir / Madam,

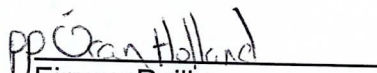
An Coimisiún Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

Please note that the proposed development shall not be carried out unless the Commission has approved it or approved it with conditions.

If you have any queries in relation to the matter, please do not hesitate to contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,


Eimear Reilly
Executive Officer
Direct Line: 01-8737184

JA02

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64 Sráid Maoilbhride
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64 Marlborough Street
Dublin 1
D01 V902

Ref: 324069

From Sean O'Callaghan <socallaghan@antaisce.org>

Date Fri 27/03/2026 16:14

To LAPS <laps@pleanala.ie>

 1 attachment (174 KB)

20260327-ACP-324069.pdf;

You don't often get email from socallaghan@antaisce.org. [Learn why this is important](#)

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Please find enclosed An Taisce – The National Trust for Ireland's submission on planning application ref: 324069.

Is mise le meas,

Seán O'Callaghan

Planning and Environmental Policy Officer

An Taisce – The National Trust for Ireland

Email: socallaghan@antaisce.org

www.antaisce.org



An Taisce

The National Trust for Ireland

5 Foster Place

Dublin 2, Ireland

D02 V0P9

20260327-ACP-324069

An Coimisiún Pleanála,
64 Marlborough Street,
Rotunda,
Dublin 1,
D01 V902.

Sent by email to: laps@pleanala.ie

27th March 2026

Ref: 324069

App: Fingal County Council

For: Proposed development under sections 175 and 177AE of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001-2005 (as amended) for proposed coastal and flood risk management works. A Natura Impact Statement (NIS) and an Environmental Impact Assessment Report (EIAR) have been prepared in respect of the proposed development.

Site: Burrow, Portrane, County Dublin

A Chara,

We thank you for referring the above application to An Taisce for comment.

1. Sea Level Rise Estimation

We would query the applicant's estimation of +0.50m metre of sea level rise by 2100 within a Medium Range Future Scenario (MRFS) which may be an underestimation when considering high emissions projection scenarios and projected glacial melt acceleration this century.

We would highlight high emissions scenario projections of mean sea level rise in coastal areas within research such as Jevrejeva *et al* (2014)¹ where it is recommended that a precautionary approach should be adopted and a low probability upper limit should be utilised when carrying out risk assessments for infrastructure. This would equate to a level of 1.8 metres which has a 5% probability of being exceeded. While it may currently be low probability, the consideration of high-emissions, high sea level rise scenarios in future infrastructure risk planning is crucial for such a

¹ Jevrejeva et al. 2014. Upper limit for sea level projections by 2100. Environmental Research Letters. Volume 9, Number 10. <https://iopscience.iop.org/article/10.1088/1748-9326/9/10/104008>

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Directors: Terri Morrissey (Chair), Neil Whoriskey (Vice Chair), John Conroy (Treasurer), Laura Segura Gutierrez (Secretary),

Finbarr Murray, Helen Shaw, Tony Holohan

vulnerable stretch of coastline, and for the presence of vulnerable properties which appear to be linked in the NIS to "a considerable amount of unplanned development" in the area. Consequently, the viability of these properties in light of climate change acceleration and projected increases in sea level rise, adverse weather patterns and storm surges requires serious consideration. Climate scientists predict an increase in the frequency and intensity of storm surges along coastal areas² which are additional to sea level rise and are compounded by high tides and low pressure.

The risk of significant sea level rise is further exacerbated by the projected thinning of the Greenland and Antarctic ice sheets as a result of global heating patterns, a phenomenon not always included in climate change modelling. Another piece of research projects upwards of 2.4 metres of sea level rise in 2100 under a high emission scenario due to ice sheet contributions.³ In fact, such increases in sea level could be reached sooner due to the amplification of ice sheet thinning tipping points, a matter requiring urgent consideration by An Coimisiún in considering this coastal protection scheme.

As noted by the International Cryosphere Climate Initiative (ICCI)⁴:

*"Many ice sheet scientists now believe that **exceeding even 1.5°C** will be sufficient to melt large parts of **Greenland and West Antarctica**, and potentially vulnerable portions of **East Antarctica**; generating inexorable **sea-level rise that exceeds 10 meters** in the coming centuries, even if air temperatures are later decreased. The pace of this long-term, unstoppable sea-level rise will pose major long-term persistent challenges for all coastal regions; and result in widespread loss and damage of critical infrastructure".*

[An Taisce emphasis]

The ICCI also noted that the rate of sea level rise has more than doubled since 1993 and that rapid Antarctic ice sheet melt was not adequately represented in Intergovernmental Panel on Climate Change (IPCC) AR6 modelling such that up to 30% more of sea level rise by 2100 is possible. The ICCI also note that during warming following the last ice age, rapid ice sheet collapse episodes resulted in sea level rise at rates of over 4 metres per century, and such events cannot be ruled out given that current human-caused warming is over twenty times faster than the post ice-age warming.

Therefore, we submit that it is critical that these considerations are taken into account and that current planning for coastal protection which only considers a 0.5 metre sea level rise needs to be reconsidered. It is submitted that project design needs to factor in at least 2 metres of sea level rise by 2075 to ensure a precautionary and robust approach as well as value for public money. In this respect, the viability of existing properties at this vulnerable stretch of coastline for the remainder of the century requires investigation, as well as consideration of practical alternatives such as managed retreat and associated relocation/compensation measures. Furthermore, the viability of proposed flood defence structures may require reconsideration in light of this revised sea level rise consideration.

2. Flora Protection Order

² Wang et al. 2008. The impact of climate change on storm surges over Irish waters. Ocean Modelling 25. <https://maths.ucd.ie/~plynch/Publications/Wang-et-al-08.pdf>

³ Horton et al. 2020. Estimating global mean sea-level rise and its uncertainties by 2100 and 2300 from an expert survey. Climate and Atmospheric Science. <https://www.nature.com/articles/s41612-020-0121-5>

⁴ International Cryosphere Climate Initiative. 2024. State of the Cryosphere 2024 – Lost Ice, Global Damage. <https://iccinet.org/statecryo24/>

It is noted from the NPWS Site Synopsis of the Rogerstown Estuary SAC (site code: 000208)⁵, which is contained within the project footprint, that floral species protected under the Flora (Protection) Order 1999 were previously surveyed as being present in the SAC which may overlap with the area of proposed works:

"Two plant species which are legally protected under the Flora (Protection) Order, 1999, occur within the site: Hairy Violet (Viola hirta) occurs on the sand spit and Meadow Barley (Hordeum secalinum) occurs in the saline fields of the inner estuary. This species has declined, apparently due to reclamation and embankment of lands fringing estuaries. Another rare species, Green-winged Orchid (Orchis morio), occurs in the sandy areas of the outer estuary."

Given that this Site Synopsis was written in 2013, it should be ensured that the subject proposal is assessed with regard to species protected under the updated Flora (Protection) Order 2022 to ensure the absence of detrimental impact, and that the commissioning of survey data collection for such species within the area of proposed works should be requested as further information if absent from existing application particulars. This should also include surveying of the Green-winged Orchid (*Orchis morio*) given its rarity, despite not being scheduled under the Flora (Protection) Order 2022.

3. Habitats and Birds Directive

Given the location of the proposed works within the Rogerstown Estuary SPA (site code: 004015) and the Rogerstown Estuary SAC (site code: 000208), it should be determined whether the proposal is likely to have a significant effect, either individually or in-combination with other plans or projects, on the European site in view of the site's conservation objectives where Qualifying Interest habitats and species must be maintained at favourable conservation status. It is noted that a permanent loss of Annex I habitat is anticipated in the NIS within the footprint of proposed flood walls, embankments and fishtail groynes. The extent of this loss requires clarification and assessment against specific attributes of each habitat within the conservation objectives to ensure that favourable conservation status is not compromised by the project.

With regard to SPA Qualifying Interest species, it should be ensured that Article 4(4) Birds Directive requirements are satisfied with regard to taking appropriate steps to avoid the deterioration of habitats or any disturbances affecting the birds within the SPA. This should also include the absence of disturbances to bird species linked with the neighbouring Lambay Island SPA given the requirement to preserve ex-situ habitats and species:

Article 4(4): "In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats."

Furthermore, a recent ruling in CJEU Case C-131/24 *VIRUS (I)* has confirmed that the protection of wild birds from disturbance otherwise prohibited by Article 5(d) pertaining to deliberate disturbance during breeding and rearing is conditional on the conservation status of the species concerned and prohibits disturbance at a population level. The CJEU has taken a broad interpretation of the concept of "deliberate" acts of harm which includes the acceptance of a possibility of disturbance. This means

⁵ <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000208.pdf>

that harm would be a foreseeable outcome of a proposed course of action, even if not the aim of the activity or project concerned. (Case C-784/23 *Voore Mets*)

Consequently, it should be determined if the subject proposal's surveys indicate the presence of amber/red-listed birds of conservation concern, which has implications for allowance of deliberate disturbance and would appear to contravene the objectives of the Birds Directive of general protection for all bird species. The Court also confirmed that it is permissible to take account of mitigation measures when deciding whether disturbance is likely to occur under Article 5(d), necessitating an assessment by the planning authority of the rigour of proposed mitigation, which should be effective and grounded in the best available science. It should be ensured that the objective of maintaining populations of birds at a satisfactory level or adapting them to that level is not compromised by approval of the project.

We would highlight that Article 9 derogations under the Birds Directive appear to be highly restrictive, with derogations to permit harm to commonly occurring birds in the wild not of conservation concern being difficult. (Case C-784/23 *Voore Mets* & Case C-131/24 *VIRUS (I)*)

4. Nature-based Solutions

Notwithstanding our previous points, we would encourage consideration of nature-based solution and ecosystem-based adaptation options which may be feasible for integration into the coastal defence structures. Examples of coastal nature-based solutions include nourished beaches, dune protection, vegetated dunes and marshes, artificial reefs, hybrid solutions such as a seawall with a salt marsh, vegetated engineering and chestnut sand fences.⁶ With regard to Groynes, An Coimisiún should have regard to Climate ADAPT analysis of this option.⁷ In particular we would highlight the following design option:

"A more recent alternative are submerged groynes, which have limited impact on the landscape and allow sediments to pass over them after the formation of a ramp."

We also note that the consultancy firm MKO produced a piece of research entitled 'Desk-based Study on Nature-based Solutions in Coastal and Transitional Waters' in which dune-related coastal adaptation/mitigation measures seem to have been considered for the Burrow area, which requires closer investigation by An Coimisiún to ascertain the extent to which the results of this research have been integrated into the proposal as currently formulated.

Please acknowledge our submission and advise us of any decision made.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland

⁶ <https://lawwaters.ie/app/uploads/2025/07/11.-Katherine-Cronin.pdf>

⁷ <https://climate-adapt.eea.europa.eu/en/metadata/adaptation-options/groynes-breakwaters-and-artificial-reefs>