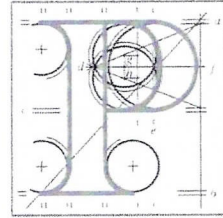


Our Case Number: ACP-324069-26



An
Coimisiún
Pleanála

Development Applications Unit
Department of Housing, Local Government and Heritage
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 07 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

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	communications@pleanala.ie


64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Your Ref: ACP-324069-26 DAU Ref: S177AE Burrow Portrane CFERM

From Housing Manager DAU <Manager.DAU@npws.gov.ie>

Date Fri 27/03/2026 14:44

To LAPS <laps@pleanala.ie>

 1 attachment (309 KB)

ACP-324069-26.pdf;

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,

Attached please find the observations/recommendations of the Department in relation to the aforementioned S177AE Planning Application.

Can you please confirm receipt of same?

Kind Regards,
Sinéad

—

Sinéad O' Brien
Executive Officer

—

Aonad na nIarratas ar Fhorbairt

Development Applications Unit

Oifigí an Rialtais

Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman Y35 AP90

Newtown Road, Wexford, County Wexford Y35 AP90

—



Your Ref: ACP-324069-26
DAU Ref: S177AE Burrow Portrane CFERM
(Please quote in all related correspondence)

27 March 2026

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to laps@pleanala.ie

Re: Notification under Section 177AE of the Planning and Development Act 2000 as amended

Re: The Burrow Portrane Coastal Flooding and Erosion Risk Management (CFERM) Scheme

A Chara

I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department co-ordinated by the Development Applications Unit under the stated headings.

Underwater Archaeology

The following observations and recommendations seek to align the proposed development with State policies and legal codes for the protection of archaeological heritage.

It is noted that the plans and particulars submitted as part of the Planning Application to An Coimisiún Pleanála incorporate an Environmental Impact Assessment Report (EIAR) Archaeology and Cultural Heritage Chapter by the Archaeological Diving Company (EIAR Chapter 11). The Chapter aims to identify Cultural Heritage, including Underwater Cultural Heritage, within the stated study area and to assess and mitigate any likely significant effects on this resource.

The Cultural Heritage Assessment comprises a Desktop review of known baseline information and includes the outcome of an Intertidal Archaeology Survey. Within the study area Recorded Monuments include a Chapel DU008-028---- and Holy Well DU008-029---- and within Portrane townland, the Church DU008-03101 and the Graveyard DU008-03102 of Portrane Church. Prior test-excavations at Portrane Church in 2002 revealed disarticulated



human bone, a section of a wall and prehistoric, medieval and post medieval artefacts. It is noted in the EIAR that:

“The one known archaeological site that lies within the working area of the Proposed Development is a burial site located in Quay townland, to the east of Portrane townland; site DU008-032. The site lies just east of a small formal burial ground, recorded on the historic OS maps as the ‘Asylum Burial Ground’” (EIAR 11.4.2).

The Archaeological Survey of Ireland of Ireland offers the following description of this site:

‘In 1942 burnt human bones in a beach deposit were discovered at Portrane. This deposit comprised charcoal and ash interpreted as the remains of a funeral pyre’.

Whilst there are five recorded shipwrecking events associated with Portrane and the Desk study and Intertidal Survey indicates that:

“there are no known shipwrecks to date within the Proposed Development area’

the EIAR notes that there is the potential for shipwrecks to be identified at Portrane due to

‘the large numbers of known wrecks recorded on Portmarnock strand to the south, where a similar but larger sand spit contains the remains of a significant number of timber shipwrecks that are exposed at Low Water Springs’ (EIAR 11.4.2).

The Intertidal Archaeological Survey identifies a previously unrecorded Jetty and concrete Sea Wall and it notes in relation to a Holy Well DU008-029 that:

“the location be confirmed, and that the project works avoid impacting the site’ (EIAR 11.4.3).

No wreck material was identified within the survey area. Section 11.5 describes the likely significant effects of the development on archaeology and cultural heritage. It states that:

‘There will be no direct impact on either DU008-028 or DU008-029, which are protected structures and both of which lie outside the working area of the Proposed Development. However, care should be taken to ensure that both the R C Chapel site and the Holy Well site are protected from indirect impacts during construction. Should impacts, direct or indirect, be required at either DU008-028 or DU008-029 such works can only proceed with the permission of the NMS and FCC’.

Construction of the seven fish-tail Groyne Structures will directly impact the foreshore and potentially impact on previously unidentified buried shipwrecks, palaeolandscapes deposits and archaeological objects. Mitigation recommendations include pre-Construction phase archaeological recording of concrete flood wall on Marsh Lane; fencing to be erected at the Recorded Monuments DU008-028 and DU008-029; and Archaeological Monitoring of



'all terrestrial, inter-tidal/foreshore and seabed disturbances associated with the development'

by suitably qualified and experienced maritime archaeological personnel licensed by the Department. Whilst the EIAR states that impacts on DU008-028, Chapel and DU008-029, Holy Well and the newly identified historic Sea Wall (ADCO 2) will be avoided because they are outside the working areas, it also states that:

'should impacts on the above be unavoidable, a full archaeological survey should be conducted prior to impacts and subject to the approval of the NMS at DHLGH, and FCC'.

Legal Codes and Policy Context

Archaeological Monuments are afforded statutory protection in the Record of Monuments and Places (RMP) established under Section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1930-2014. The *Frameworks and Principles for the Protection of the Archaeological Heritage* (Department of Arts, Heritage and the Gaeltacht and the Islands 1999, see Section 3.6.1(3) and 3.6.(4)) sets out national policy on the protection of the archaeological heritage in the course of development. It includes emphasis on the non-renewable nature of the archaeological heritage, the need to always consider its preservation *in-situ* as the first option, and also the need to carry out appropriate levels and forms of archaeological assessment in advance of development.

Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater, irrespective of age. Wrecks that are less than 100 years old and archaeological objects underwater or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act. Underwater Cultural Heritage also encompasses a broad range of saltwater and freshwater heritage, the protection of which is provided for in legal codes. The Wreck Inventory of Ireland Database (WIID) is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date, ranging from small fishing boats, dugout canoes and coastal traders to steamships and ocean-going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700 AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the marine area under consideration here.

The assessment of the Project that has been undertaken facilitates the Department to determine its likely significant effects on archaeological including Underwater Cultural Heritage, resulting from the construction of the Project and whether the proposed mitigation measures would adequately allow for the avoidance, reduction or offsetting of significant effects. Whilst the Department broadly concurs with the proposed mitigation measures as



set out in the EIAR, in order to ensure the Project fully aligns with statutory obligations, policy and guidelines for the protection of the State's archaeological heritage, as set out above, the Department recommends that the following Conditions are attached to any approval that may issue from An Coimisiún Pleanála. Note these recommended conditions align with Sample Conditions C5 and C6 as set out in OPR Practice Note PN03: Planning Conditions (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the Archaeological Assessment.

Archaeological Recommendations:

EIAR Mitigation

All recommendations and mitigation measures as set out in the Archaeology and Cultural Heritage Chapter of the EIAR shall be implemented in full, except as may otherwise be required in order to comply with the Conditions of this Order.

Project Archaeologist

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 works.

Geotechnical Investigations Archaeological Assessment

Any geotechnical investigation works will be the subject of archaeological assessment by the Project Archaeologist, who shall be provided with access to site investigation cores and physical samples for archaeological and, where warranted, geoarchaeological review and analysis by a qualified Geoarchaeologist. Where submerged palaeolandscape deposits or identified/potential archaeological materials are identified in Site Investigation cores/samples, they shall be, where warranted, subjected to Geoarchaeological Analysis, Scientific Dating and Palaeoenvironmental Analysis. The Department shall be furnished with a final Archaeological Report describing the results of the works.

Archaeological Monitoring

Archaeological monitoring of construction stage works and activities shall be undertaken as follows:

- a. The services of a suitably qualified and experienced, to the satisfaction of the National Monuments Service, Maritime/Underwater Archaeologist shall be engaged to carry out full-time Archaeological Monitoring of all construction groundworks, including activities that impact on the foreshore, seabed, intertidal zone, 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 National Monuments Service, 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 National Monuments Service, as part of the Archaeological Licence Application. This shall include for the systematic spreading of all dredged/excavated 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 1987 National Monuments Act). 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 National Monuments Service, 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 licensed (Section 3 1987 National Monuments Act) and shall include handheld Metal Detection Survey, which shall also be licensed (Section 2 1987 National Monuments Act).
- 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. The Monitoring Archaeological Team 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 Developer to suspend all construction activities on the affected area (as defined by the Monitoring Archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the Monitoring Archaeologist) and all construction activities shall immediately cease within the TAEZ 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 Developer shall undertake any ensuing mitigating action as is required by the National Monuments Service. Such 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 National Monuments Service. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the National Monuments Service. 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 National Monuments Service. All resulting and associated archaeological costs shall be borne by the Developer.

- h. The Planning Authority and 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, Palaeoenvironmental Analysis, Geoarchaeological Analysis, conservation of archaeological objects, as required by the National Monuments Service and the National Museum of Ireland. Where significant archaeological discoveries are made, they shall be fully published in an appropriate academic format and be the subject of a public dissemination programme. All post excavation and publication costs shall be borne by the Developer.

Construction Environment Management Plan

The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or Underwater Cultural Heritage constraints relevant to the proposed development. 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.

Nature Conservation

Having reviewed the documentation supporting this Application, and especially Chapters 12 'Marine Biodiversity' and 13 'Terrestrial & Coastal Biodiversity' of the Environmental Impact Assessment Report (EIAR), the Supporting Information for Screening for Appropriate Assessment (AA) and the Natura Impact Statement (NIS), submitted in support of it, the Department considers that in general this documentation appears to present an accurate evaluation of the potential effects of the proposed CFERM Scheme at the Burrow, Portrane, on flora, fauna and ecologically significant habitats, including on Qualifying Interests (QIs) for European Sites. In general too, the measures proposed in this documentation to avoid and mitigate possible adverse effects on biodiversity resulting from the proposed CFERM Scheme appear to constitute all such measures that it is probably realistic to implement in



the context of the proposed Scheme's aim of installing coastal defence infrastructure at the Burrow to minimise as far as possible the risk of future coastal erosion and flooding resulting in the destruction of residential and other buildings located there. The Department considers however that more details could have been included in the documentation submitted with regards to the possible effects of the works to be undertaken during the construction of the proposed coastal defences on certain areas of Qualifying Interest (QI) habitats for the Rogerstown Estuary Special Area of Conservation (SAC), which according to the documentation will be temporarily affected by these works, and that certain additional measures may be required to be proposed to mitigate adverse effects on these QI habitats.

The supporting documentation also identifies certain adverse effects on biodiversity, and particularly on QIs for European Sites, which cannot be avoided if the proposed CFERM Scheme is to be implemented as planned. The NIS therefore suggests:

“that the Proposed Development should proceed to consideration under Article 6(4) of the Habitats Directive and the competent authority must decide if it can be progressed for imperative reasons of overriding public interest (IROPI).”

The Department accepts this suggestion of the NIS that consideration of the proposed CFERM Scheme under Article 6(4) is warranted but is of the opinion that the submitted EIAR and NIS underestimate to some degree the extent of the QI habitats which will be affected in the long term by the proposed Scheme. Consequently, if it is determined that the proposed Scheme should proceed on the basis of IROPI, the scale of the Compensatory Measures it would be necessary to adopt to ensure the overall coherence of Natura 2000 is protected may have to be somewhat greater than might be inferred to be required from the evaluation of the effects of the proposed CFERM Scheme on QI habitats set out in the submitted EIAR and NIS.

As proposed the CFERM Scheme comprises works along three areas of the 1.8 km long Sand Spit extending across the mouth of the Rogerstown Estuary that forms the Burrow. On the inner estuary side of the Burrow near its northwestern corner a 190m long embankment is to be constructed to protect two residential properties at the end of Burrow Road. The proposed works are to be carried out immediately adjacent to the Rogerstown Estuary SAC and Rogerstown Estuary Special Protection Area (SPA) and will involve some temporary encroachment on these European Sites. According to the EIAR and NIS submitted, an area of 70 square metres of the Annex I habitat Perennial vegetation of stony banks [1120], which is not a QI for the Rogerstown Estuary SAC, will be temporarily affected by these works.

Also, on the estuary side of the Burrow, at Marsh Lane in the Spit's southwestern corner near its junction with the main Portrane-Donabate Peninsula, it is proposed to construct a circa 130 m long sheet piled Flood Wall and c. 200 m long embankment to protect another group of residential buildings. Overall it is set out in the EIAR and NIS that to facilitate the construction of the Flood Wall and Embankment at Marsh Lane 1.6 square metres of the QI habitat for the Rogerstown Estuary SAC Atlantic Salt Meadows [1330] will be permanently



lost, and that 0.18 ha of the same habitat and 60 square metres of another QI habitat for the SAC, Mediterranean Salt Meadows [1410], will be temporarily affected by the proposed works. The area of Atlantic Salt Meadows habitat which will be permanently lost represents 0.00043% of this habitat within the Rogerstown Estuary SAC, while the area of that habitat and Mediterranean Salt Meadows habitat to be temporarily affected by the Marsh Lane works represent 0.48% and 2.18% of these respective habitats within the SAC.

At Marsh Lane (as at Burrow Road), in order to minimise effects on habitats within the Rogerstown SAC, it is intended that bog mats will be laid out at the toe of the Sea Wall and lifted during every tidal cycle to allow necessary construction works to be undertaken from the estuary side of the proposed coastal defences. Seemingly, these works from the estuary side will be largely carried out by personnel on foot, and it is stated on page 22 of the NIS that

“no construction plant will be permitted access to the foreshore area seaward of the defence line.”

But on page 52 of the same document there are other apparently conflicting statements with regards to usage of machinery for the proposed works at Marsh Lane. These state

“ Further temporary impacts associated with the movement of construction machinery within the working area will give rise to potential temporary loss of approximately 0.18 Atlantic salt meadows [1330] and 60m² of Mediterranean salt meadows [1410]”

And

“It is considered that the movement of excavators and other tracked vehicles within the proposed working area which, as stated above, is inclusive of areas of Atlantic and Mediterranean salt meadows, will give rise to at least temporary loss of some saltmarsh vegetation within the affected areas.”

There is also mention in this section of the NIS of several studies concerning the capacity of Salt Marsh Vegetation to recover from vehicular movement impacts and the possibility in certain cases

“that active restoration measures may be required to ensure that soil conditions are optimised for recolonization by saltmarsh plants.”

Taking account of these studies, the section's final paragraph states:

“On the basis of the above, it is considered that any temporary impacts to Atlantic salt meadows and Mediterranean salt meadows habitats associated with the movement of excavators and other construction machinery would give rise to the temporary loss (short to



medium term) of these habitats. It is recommended that mitigation measures are implemented to address such temporary impacts.”

However, neither in the NIS or the EIAR, nor in any other documents submitted in support of the present Application, are mitigation measures set out to address the temporary impacts on the Atlantic Salt Meadows and Mediterranean Salt Meadows habitats referred to above, which may result from the proposed works at Marsh Lane.

On the seaward eastern side of the Burrow the CFERM Scheme proposes the construction of seven y-shaped or fishtail Groyne over a 1.3 km length of the beach located there. The Groynes are to be constructed partially of concrete ‘Seabee’ units at present in use as interim coastal defences along this stretch of beach and partially of stone probably to be sourced from Arklow Rock. Once the Groynes have been completed, 425,000 tonnes of sand brought from Liverpool Bay will be pumped ashore and laid down in the beach sub-cells between the Groynes in order to renourish the beach. These works are to be undertaken entirely within the Rogerstown Estuary SAC. The footprint of the Groynes will occupy 1.36 ha of the QI habitat for the Rogerstown Estuary SAC Mudflats and Sandflats not covered by seawater at low tide [1140], which will be permanently lost. This area represents 0.368 ha of the Mudflats and Sandflats not covered by seawater at low tide habitat within the SAC. The area of this habitat which it is estimated will be directly affected by the beach renourishment is 12.01 ha representing 3.246 % of the habitat in the Rogerstown Estuary SAC.

It is anticipated that it will be necessary to renourish the cells between the Groynes installed on the eastern shore of the Burrow with additional sand from Liverpool Bay every 5-10 years in order to maintain the effectiveness of the CFERM Scheme works in minimising erosion of the Burrow Spit. Apparently, these renourishment works will be continued indefinitely into the future in conformity with the ‘Hold the Line’ strategy of coastal management that has led to the development of the presently proposed Burrow CFERM Scheme. The NIS and EIAR supporting the current Application suggest that the initial renourishment of beach on the eastern shore of the Burrow and the future renourishments proposed should be considered as causing short-term and temporary losses of the area of Mudflats and Sandflats not covered by seawater at low tide habitat affected by renourishment within the SAC.

The area of this habitat where the Groynes are to be installed and proposed beach renourishment is to be undertaken, like the rest of the Intertidal and Sub-tidal areas in the vicinity of the Rogerstown Estuary, has been subjected to a more detailed habitat classification based on survey data as set out in Chapter 12 ‘Marine Biodiversity’ of the EIAR and the habitats identified assigned codes based on the European Nature Information System (EUNIS). The three habitats identified in accordance with EUNIS in the area where the Groynes are to be erected and beach renourishment is to be carried out are: Barren Atlantic littoral coarse sand (MA5-231), Speckled Sea Louse in *Eurydice pulchra* in Atlantic littoral mobile sand (MA5-2332), Amphipods and polychaete worms *Scolelepis spp.* in Atlantic fine sand (MA5-233).



The magnitude of the beach renourishment at the Burrow every 5-10 years during the Maintenance phase of the proposed CFERM Scheme will be subject to the rate of losses during the intervening period, expected to range between 50-75% of the initial renourishment volume. Various case studies are referred to in the EIAR and NIS regarding the periods of time required for faunas in similar habitats to those at the Burrow where beach renourishment was carried out to recover from the disturbance resulting from renourishment. Taking account of these studies the NIS concludes

"it is considered that the proposed beach nourishment works are likely to give rise to temporary loss of habitat of up to two years duration in a worst-case scenario, of an area inclusive of 12.01ha (the total area proposed for beach renourishment works)."

Even allowing that a worst-case scenario will not occur every time into the future, it will be necessary to renourish the beach at the Burrow. It therefore appears reasonable to assume the area of the QI habitat for Rogerstown Estuary Mudflats and Sandflats not covered by seawater at low tide which will be affected by such renourishment will for a considerable portion of time into the indefinite future be recovering from disturbance caused by repeated renourishment works as a result of the Proposed Development. The Department consequently does not accept the evaluation of the EIAR and NIS supporting the present Application that the loss of the c.12 ha of this QI habitat affected by beach renourishment can be considered a temporary effect. Rather the Department considers that the area of Mudflats and Sandflats habitat not covered by seawater at low tide habitat affected by renourishment must be considered as being likely adversely affected in the long term by the implementation of the proposed Burrow CFERM Scheme.

Consequently also, if An Coimisiún Pleanála, as the Competent Authority, determines following consideration under Article 6(4) of the Habitats Directive that the Proposed Development should be permitted to proceed on the basis that it is required for IROPI, the long-term adverse effects on the c. 12 ha of QI Habitat Mudflats and Sandflats not covered by seawater at low tide affected by beach renourishment as part of the Burrow CFERM Scheme will have to be taken into consideration when the scale of the measures which it will be necessary to adopt to compensate for the loss of QI habitats attributable to the implementation of the scheme is determined.

The proposed renourishment works on the eastern Burrow shore will also directly affect a 0.22 ha area of the Annex I priority habitat Fixed dunes with herbaceous vegetation (grey dunes) [2130] at the northern extent of these works. This habitat is a QI for the Rogerstown Estuary SAC. In relation to effects on it of renourishment the NIS states

"While it is envisaged that there will be short-term habitat loss effects upon grey dune habitats within the footprint of areas proposed for beach renourishment at the Burrow, associated with the deposition of dredge material, it is considered that the long-term result of proposed beach renourishment will give rise to increased protection of dune from erosion."



In reaching the above conclusion, the NIS considers it relevant in addition that beach nourishment is used in many locations to nourish existing dune structures and though principally undertaken to reinforce their function as sea defences such beach nourishment also conserves the dune habitats themselves. The NIS further, noting the recorded disappearance of a 20 m wide strip of grey dune habitat from the Burrow between 2014 and 2021, predicts that further erosion events in any case (without the implementation of coastal defence works) would endanger the narrow band of grey dune habitat remaining in this area.

While, in light of the considerations referred to in the NIS, the Department accepts its conclusion that adverse effects on part of the grey dune habitat on the Burrow as the result of the deposition of sand on this area in the course of the beach nourishment works may be considered of a short-term nature and necessary to be undertaken as part of these works, it notes that other areas of grey dune are also included in the working area for the beach renourishment works, and that together with the area of grey dune habitat directly affected by the renourishment works they total 0.79 ha of this habitat which the NIS states will be temporarily affected by these works. The 0.79 ha concerned represents 9.44 % of the grey dune habitat within the Rogerstown Estuary SAC. However, how these other areas of grey dune habitat within the renourishment working area are to be affected in the course of the renourishment works does not appear to be set out in the NIS or other documentation supporting the current Application. The Department considers it desirable that all temporary effects on grey dune habitat areas at the Burrow likely to result from the beach refurbishment works should be clearly defined in the NIS so that it is possible to evaluate whether the actions resulting in such effects are necessary for renourishment works to proceed, or whether any possible adverse effects on grey dune habitat from these actions could be avoided by the adoption of alternate methodologies for the renourishment works.

With regards to any potential detrimental effects on other QI habitats for the Rogerstown Estuary SAC which may occur due to the carrying out of the proposed renourishment works, the Department considers, if the conclusion of Chapter 6 'Coastal Processes' of the EIAR based on hydrodynamic numerical modelling can be relied on, that the renourishment works will not result in any adverse effects outside their immediate vicinity from the deposition of sediment, then it can be accepted that no detrimental effects to QI habitats for the SAC other than those referred to above should result from the implementation of these works.

The Department is, in addition, satisfied that as set out in the NIS no adverse effects on QI or Special Conservation Interest (SCI) bird species for the Rogerstown Estuary SPA will result from the proposed Burrow CFREM Scheme. Only small numbers of the wintering bird species which are SCIs for the SPA have been recorded foraging in the close vicinity of the three areas of the Burrow where coastal defence works are proposed, and any potential adverse effects on these birds can be considered to have been eliminated by the scheduling of these works for outside the periods of the year when significant numbers of overwintering birds are likely to be present.



The Department also accepts the evaluations set out in the NIS that no significant effects are likely on QIs for other European Sites in the general vicinity of Portrane as a result of the implementation of the proposed Burrow CFERM Scheme.

Considering significant elements of biodiversity other than QIs for the Rogerstown Estuary SAC and Rogerstown Estuary SPA identified in the EIAR as occurring in the Burrow area, and which might possibly be affected by the Proposed Development, the two most important are probably the nesting colonies of Little Tern and Sand Martin that are located on the Burrow. The Little Tern colony is situated at the northeast corner of the Burrow where up to 20 pairs of this species have nested in recent years together with 6 pairs of Ringed Plover. This area is located 400 m north of the area where it is intended to install Groynes and undertake beach renourishment as part of the proposed coast defence works. The Department agrees with the assessment of the EIAR that at such a distance from the proposed works the nesting Little Terns should not be affected by any disturbance caused by them.

The Sand Martin colony, where 12 adults were recorded during survey work, is described in the EIAR as being situated in a sandy bank on the east shore of the Burrow, and it is further stated therein that:

"It is envisaged that the embankment which supports breeding sand martin will be retained within the proposals."

The Department considers that the retention of this Colony should be included as a Condition of the granting of permission for the Proposed Development.

Recommendations

In light of the above the Department recommends that the Board should request the Applicant to supply as Further Information an Amended NIS to include the following:

1. Details of any likely adverse effects of the usage of construction machinery or other vehicles in the proposed construction of a Flood Wall and Embankment at Marsh Lane on the QI habitats for the Rogerstown Estuary SAC, Atlantic Salt Meadows and Mediterranean Salt Meadows, occurring in that area.
2. Any mitigation measures which may be required to encourage the recovery of the QI habitats Atlantic Salt Meadows and Mediterranean Salt Meadows present within the Rogerstown Estuary SAC in the vicinity of the proposed coast defence works at Marsh Lane from adverse effects to these habitats that could result from the usage of machinery or vehicles in the construction of the defence works.
3. Details of any proposed usage of areas of the Annex I priority habitat Fixed dunes with herbaceous vegetation (grey dunes) present in the Burrow during the course of the beach renourishment works to be undertaken on the Burrow's eastern shore and



may adversely affect this habitat other than the usage of the 0.12 ha of grey dune habitat where sand is to be deposited as part of the renourishment works.

4. Mitigation measures to be employed to avoid adverse effects to the areas of Annex I priority habitat Fixed dunes with herbaceous vegetation (grey dunes) present in the Burrow during the course of the beach renourishment works to be carried out there, other than any adverse effects to the area of such habitat on which sand is to be deposited as part of these works, or if adverse effects to areas of grey dune habitat other than that on which the sand will be deposited are considered unavoidable, the measures which will be utilised to promote the recovery of those areas to a satisfactory conservation status.

Reason:

To facilitate the fully informed Appropriate Assessment (AA) by the Competent Authority of the potential effects of the Proposed Development on the QI habitats for the Rogerstown Estuary Atlantic Salt Meadows and Mediterranean Salt Meadows and the QI priority habitat Fixed dunes with herbaceous vegetation (grey dunes) and allow evaluation of the efficacy of any measures proposed to mitigate possible adverse effects on these habitats identified in the Amended NIS.

The Department also recommends that the following Condition should be attached to any planning permission, if granted for the Proposed Development:

That the sand bank in which a Sand Martin Colony is located on the eastern shore of the Burrow should be preserved from any interference during any works undertaken to implement the proposed Burrow CFERM Scheme.

Reason:

To avoid the destruction of the nests, eggs and nestlings of Sand Martin, an Orange Listed Bird Species, in the course of carrying out this proposed Scheme.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie, or to the following address:

The Manager, Development Applications Unit (DAU), Government Offices, Newtown Road, Wexford, Y35 AP90

Is mise, le meas

Joanne Lyons
Higher Executive Officer
Development Applications Unit, Administration