

LOUTH COUNTY COUNCIL
Comhairle Contae Lú



**Section 177AE Application Report for Coastal
Protection Works at
Bellurgan Point, Dundalk, Co. Louth.**

Relating to Construction, Planning & Environment Report (in
Accordance with Section 177AE of the Planning and Development Act
2000 (as amended))

Revision History

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1. INTRODUCTION

The coastline of County Louth is of great amenity and recreational value. Furthermore, the coastline is home to a variety of natural habitats and many species of flora and fauna. Special areas of conservation (SAC), proposed natural heritage areas (pNHA) and special protection areas (SPA) designations cover much of the coastline.

This report provides information to facilitate a Section 177AE Assessment under the Planning and Development Act, 2000, (as amended) for proposed coastal protection works along the shoreline of Dundalk Bay at Bellurgan, Dundalk, Co. Louth. The site is northeast of Dundalk town and is located on the shoreline of Dundalk Bay, which is designated as both a “Special Area of Conservation” (Site Code 000455) and “Special Protection Area” (Site Code 004026).



Figure 1 – Location Map (Bellurgan Point, Co. Louth)

This location has suffered the effects of coastal erosion to varying degrees and is susceptible to the failure of the adjoining public road if protection measures are not put in place. Public road failure would result in the loss of access to private and commercial properties. If the erosion is allowed continue, as well as loss of access, these properties are susceptible to significant flood damage. Office of Public Works (OPW) funding has been approved (see Appendix A) to carry out coastal defence works at this location in order to protect public infrastructure and utility services.

Given that the proposed coastal protection works are within Dundalk Bay SPA and lie within 4-5m of the Dundalk Bay SAC, it was considered that significant effects to the Qualifying Interests (QI) of the designated areas were unlikely to be screened out during an appropriate assessment process. Therefore, Louth County Council

commissioned a Natura Impact Statement (NIS) for the proposed works. This NIS was carried out by Mulroy Environmental during the summer and autumn of 2023 and the report was finalised in January 2024. A copy of the NIS is contained in Appendix B.



Figure 2 – Dundalk Bay SPA & SAC boundary at works locations

2. PROJECT PARTICULARS

2.1. CLIENT

Louth County Council
County Hall,
Millennium Centre,
Dundalk, Co. Louth.
A91 KFW6.

2.2. PROJECT SUPERVISOR DESIGN PROCESS (P.S.D.P)

Louth County Council
County Hall,
Millennium Centre,
Dundalk, Co. Louth.
A91 KFW6.

3. PLANNING CONTEXT

The proposed scheme and subsequent Section 177AE Application have taken cognisance of the following National, Regional and Local planning policies:

3.1. NATIONAL & REGIONAL POLICIES

3.1.1. National Planning Framework (NPF) Project Ireland 2040

The NPF recognizes that as a result of climate change, sea levels and patterns of accretion and erosion are key issues for planning and flood risk assessment.

The following national policy objectives are considered relevant in the context of the proposed scheme:

National Policy Objective 41A: Ensure that Ireland’s coastal resource is managed to sustain its physical character and environmental quality.

National Policy Objective 41B: In line with the collective aims of national policy regarding climate adaptation, to address the effects of sea level changes and coastal flooding and erosion and to support the implementation of adaption responses in vulnerable areas.

3.1.2. Climate Action Plan 2023

The Climate Action Plan 2023 (CAP23) states that “climate change is causing fundamental and potentially irreversible changes to our marine environment, with consequences for all of society. Global ocean warming and ocean acidification may result in dire consequences for our marine ecosystems. At the same time, the intensity of storm events has increased, threatening coastal communities and infrastructure.” It is these globally occurring actions that give rise to the need for the proposed project.

3.1.3. Maritime Area Planning (MAP) Act 2021

The Maritime Area Planning (MAP) Act 2021 has provided the legal underpinning to an entirely new marine planning system, which will balance harnessing offshore wind potential with protecting our rich and unique marine environment. Enactment of the MAP Act has delivered a new legislative basis. A new agency, the Maritime Area Regulatory Authority (MARA), has been established to manage consenting, licensing, and enforcement activities in Irish marine space.

Louth County Council been advised by MARA that marine area consent (MAC) is not required for the proposed works as the works location is on the high side of the designated High Water Mark.

3.1.4. Regional Spatial and Economic Strategy (RSES) 2019-2031

In line with national policy, the RSES 2019 – 2031 recognizes that “coastal erosion and flooding have the potential to seriously affect properties, businesses, transport infrastructure, coastal habitats and cultural heritage sites. Many areas are experiencing ‘coastal squeeze’ from increasing population and development pressures and the effects of climate change, with the east coast particularly vulnerable to sea level rise due to the large proportion of the population living in close proximity to the coast”.

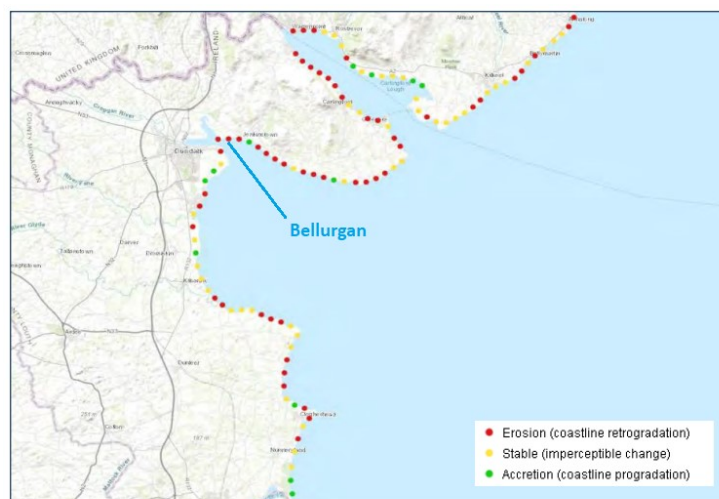
Regional policy objectives as they relate to coastal erosion are set out as follows:

RPO 7.3: Eastern and Midland Regional Assembly will support the use of integrated Coastal Zone Management (iCZM) to enable collaborative and stakeholder engagement approaches to the management and protection of coastal resources against coastal erosion, flooding and other threats. (The use of iCZM is also referenced under Section 11.5.2.1 - Integrated Coastal Zone Management in the Louth County Development Plan 2021 - 2027).

RPO 7.4: 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.

3.2. LOUTH COUNTY DEVELOPMENT PLAN 2021 - 2027

Chapter 11 of the Louth County Development Plan (CDP) 2021 - 2027, and in particular Section 11.5 “The Coast”, narrates the strategic, environmental and economic importance of the coastline of Louth. It also acknowledges the vulnerability of the coastline through the continuous natural dynamic processes of erosion and deposition.



Source: European Atlas of the Seas (2019)

Figure 3 - Extract from European Atlas of the Seas (2019)

Chapter 11 of the CDP identifies policies to which the proposed project will adhere to insofar as practical. These policies are namely:

ENV 53 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 To identify, prioritise and implement necessary coastal protection works subject to the availability of resources, whilst 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 any such coastal protection works

3.2.1. DEVELOPMENT PLAN ZONING

Bellurgan is classified as a Rural Node area under Table 2.4 of the Louth County Development Plan 2021 – 2027. Rural Nodes are characterised by residential development with limited services. The works area is located within the Bellurgan Rural Node and is an area of scenic beauty, with views extending across Dundalk Bay. There are a number of private dwelling houses and commercial properties located immediately adjacent to the shoreline and in close proximity to the proposed works.

3.2.2. CLIMATE CHANGE

The Louth CDP recognises that the coastline is an important resource to protect and is also subject to erosion from sea level rises due to climate change. Policy CA4 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.

3.2.3. FLOODING

Flood zones are geographical areas within which the likelihood of flooding is in a particular range and they are a key tool in flood risk management within the planning process as well as in flood warning and emergency planning.

Louth County Development Plan 2021 – 2027 states “Like other natural processes flooding cannot be completely eliminated, but its impacts can be minimised, with proactive and environmentally sustainable management of catchments, identifying areas vulnerable to flooding and by taking measures to ensure development does not individually or cumulatively contribute to an increase in flood risk. With climate change, there is a likelihood of increased

rainfall and rising sea levels, which coupled with increased urbanisation means that flood risk to property is likely to increase in the future.”

It is with this in mind, that Louth County Council wishes to carry out the proposed project in order to minimise the threat of coastal erosion at Bellurgan Point and thereby protect the local road, protect the local infrastructure and protect the property and economic interest of local residents and commercial property owners.

4. BELLURGAN POINT COASTAL PROTECTION WORKS

4.1. LOCATION

The proposed works location is along the shoreline of Dundalk Bay on the Cooley Peninsula in the townland of Bellurgan, northeast of Dundalk, Co. Louth. Grid co-ordinates for the site are as follows:

| | ITM | Irish Grid |
|------------------|--------|------------|
| Easting: | 708558 | 308630 |
| Northing: | 808275 | 308265 |



Figure 4 - Works Area

4.2. PROJECT JUSTIFICATION

An area of coastline at the above location has experienced ongoing coastal erosion over the last number of years and, in particular, during the storm events of the recent years. Continued erosion at this location threatens to cause a public road to fail and potentially expose 15 No. private properties and 4 No. commercial properties to the effects of coastal erosion. In line with OPW criteria and standards, a cost benefit analysis shows that there is financial justification for carrying out coastal protection works to the coastline at this location in order to protect the public road and private and commercial properties.

4.3. SYNOPSIS OF THE WORKS

The proposed works involve the following (refer to Appendix C, Drawing No. CE2023-01-01Rev. B):

- Site preparation including construction of proposed access ramps and haul roads,

- At Location A, excavation of 1m deep trench, approximately 60m in length, along the toe of the existing shoreline embankment to facilitate first row of rock armour,
- At Location B, excavation of 1m deep trench, approximately 15m in length, along the toe of the existing shoreline embankment to facilitate first row of rock armour,
- Placement of a layer of geotextile membrane within the trench to mitigate against any migration of fines from under the rock armour,
- Placement of the first row of 3 tonne boulders within these excavations to form a bedding of rock armour off which further armour will be positioned,
- Further excavation to suit site conditions and placement of remaining rows of rock armour, with each row stepped back, to form a sloped wall at a slope of approx. 1 - 1.5 of rock armour up to the existing road level,
- Patch repair at Location C using existing stonework where possible to repair an area of approximately 100 square meters of existing sea defences.
- Removal of temporary haul road and access ramps, and site tidy up.

4.4. TIMESCALE FOR THE COMPLETION OF THE CONSTRUCTION WORK

Anticipated construction time is approximately 4 weeks.

4.5. EXISTING ENVIRONMENT

Bellurgan is classified as a Rural Node area under Table 2.4 of the Louth County Development Plan 2021 – 2027. The works area is located within an area of scenic beauty, with views extending across Dundalk Bay. There are numerous dwelling houses and a number of commercial properties located immediately adjacent to the shoreline (See Figure 5). North of these properties, land is mainly agricultural.

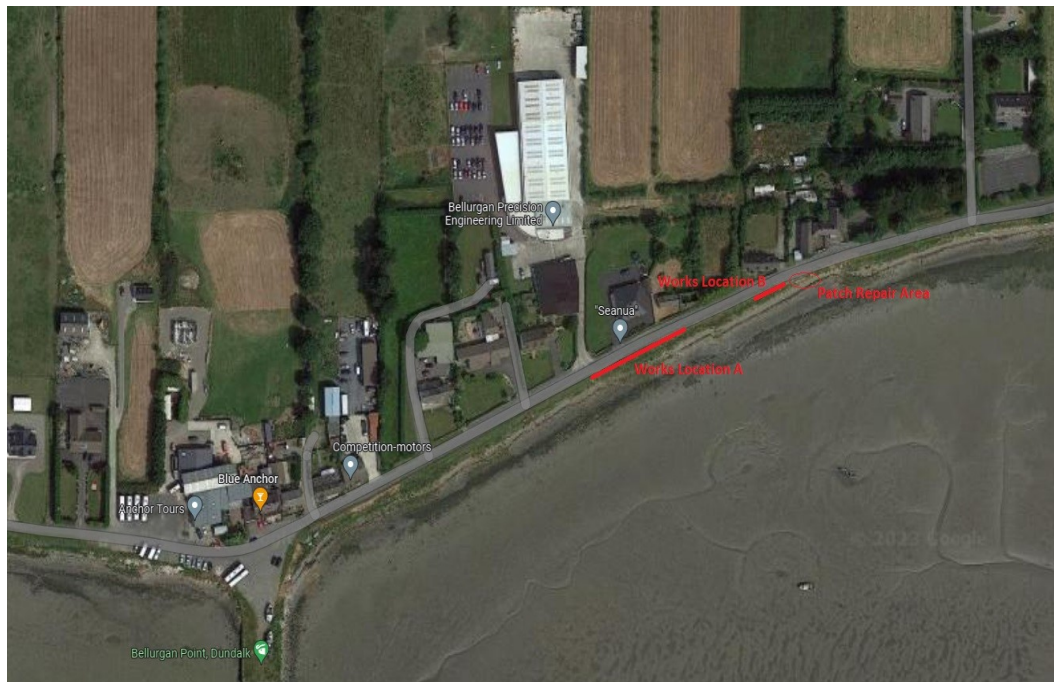


Figure 5 – Satellite view of works area

4.6. DESIGN DRAWINGS

Design Drawing No. CE-2023-01-01 Rev. B has been prepared to demonstrate and aid the understanding of the proposed works.

4.7. MITIGATION MEASURES

The following extract from the Bellurgan Point NIS identifies the following proposed mitigation measures:

- A site-specific Construction and Environmental Management Plan (CEMP) will be prepared for the development in advance of the works by the appointed Contractor with a draft CEMP submitted to Louth County Council's representative for approval prior to commencement of the works;
- Prior to the commencement of construction, a separate Invasive Alien Plant Species (IAPS) assessment may be required along with this report. The project site may need to be re-surveyed to establish the extent and locations of invasive plant species within the site in order to determine buffer zones and a suitable management strategy;
- In order to minimise any impact to Annex I habitats ([1220] Perennial Vegetation of Stony Banks and [1330] Atlantic salt meadows) in the vicinity of the area proposed for the new rock armour, it is proposed that daily supervision by an Ecological Clerk of Works (EcOW) is provided. Those areas on the foreshore identified as Annex I habitats should be fenced off prior to construction works commencing with daily monitoring carried out before, during and after the completion of the construction works;

- Construction of coastal protection works should only take place outside of the winter migratory bird months of September to March;
- Two temporary haul roads, an Engineered Haul Road and a Non-Engineered Haul Road, between 3-5m wide have been proposed between the site boundaries and the high tide mark. This is to allow machinery access to transport materials to and from the works areas and to avoid blocking the adjacent local public road. To achieve access to Location A, a ramp is proposed extending from the adjacent road to the foreshore to the west of location A. This will allow access to a Temporary Engineered Haul Road which will run along the full length of location A. In order to protect the vegetated shingle and gravel shore areas and minimise disturbance, the Temporary Engineered Haul Road will consist of pea gravel, geotextile terram, overlaid with aggregate and gravel cover.
- To achieve access to Locations B and C, a ramp is proposed extending from the adjacent road to the foreshore to the west of Location B where vegetation cover is lowest. This second Temporary Haul Road will not require a protective engineered design as in Location A, as there is little plant life present along its route in comparison.
- A tarpaulin sheet should also be placed over vegetation within 1-2 metres of site works to prevent any damage caused by excavation or construction works;
- During periods of heavy precipitation and run-off, works will be halted or working surfaces/pads will be provided to minimise soil disturbance;
- Any bulk fuel storage tank should be a sufficient distance from the foreshore and properly bunded with a bund capacity of at least 110% of that of the fuel tank. No refuelling or storage of fuel will occur within the works area;
- Disturbance will be minimised when excavating with retention of existing vegetated areas as much as possible. By limiting land disturbance, erosion hazards will be reduced;
- The pouring of concrete for the project shall be completed during dry weather to avoid seepage to the groundwater environment;
- Temporary fills or stockpiles will be covered with tarpaulin to avoid sediment release associated with heavy rainfall;
- All fuels, lubricants and hydraulic fluids for equipment used on the construction site should be stored a sufficient distance from the foreshore in a roofed and bunded hazardous liquids container. These liquids should be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment in accordance with current best practice;

- A wheelie bin type hydrocarbon spill kit will be required and should be positioned close to the works area at the foreshore to deal with any leakage from plant working within the coastal protection works site; and
- Given the risk posed by the leakage of hydrocarbons from the excavator and dumper (e.g. hydraulic fluid from leaking cables, leaking diesel, lube oil, etc), a sufficiently long floating spill boom with a suspended curtain will need to be put in place on the foreshore to prevent the spread of any hydrocarbons in the event that a leakage of hydrocarbons occurs. The floating spill boom will be required to completely encircle the entire works area with the boom being tethered to posts installed upgradient of the high-water mark. The integrity of the boom will require checking twice a day.

In addition to the NIS mitigation measures, the successful contractor will be required to adhere to the following for the contract period:

- The successful contractor will be notified by Louth County Council of his obligations relating to Health and Safety and Environmental Protection.
- The boundary of Dundalk Bay SPA and SAC will be identified and the working area will be fenced off at the outset of the site works.
- Storage of fuels and oils and daily refilling shall be undertaken at least 50m away from the SPA & SAC in a contained bunded area and the Contractor shall have the required spill kits available.
- All contractors plant shall be checked daily to ensure there are no fuel leaks.
- Tyres and tracks of plant and construction related vehicles will be checked for the presence of plant material (e.g. leaves, roots and rhizomes) from non-native invasive species before initial arrival on site and each return journey to site.
- The donor site for the materials i.e. quarry which is to act as the source of gravel and stone will be subject to screening for non-native invasive species prior to the commencement of works.
- Construction works shall be confined to hours stipulated in Section 6.2.
- Contractor to comply with all measures identified within the adopted Construction Environmental Management Plan (CEMP).
- Car parking within the works area or within the SPA or SAC will not be permitted during the works.
- Pouring, placing and working of concrete shall comply with the following in order to mitigate against calcite runoff:
 - Concrete to be poured when the tide is receding,

- Concrete will not be permitted to be poured if a high tide level is at risk of reaching the works location,
 - Concrete to be poured during dry weather only,
 - During the curing process, “wet concrete” will be covered and remain so until concrete has sufficiently cured, and
 - Insofar as possible, the water content of the specified concrete will be minimised.
- Storage of materials and plant will only be allowed within the works area and/or the proposed storage area as shown in Figure 6.

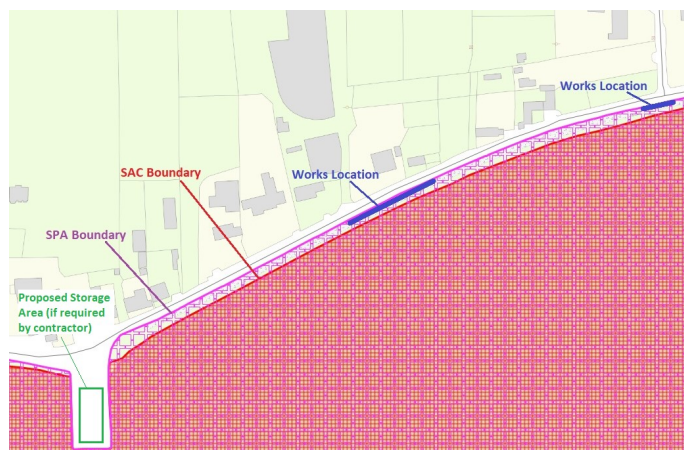


Figure 6 – Proposed Storage Area

4.8. CONSTRUCTION PHASE(S)

Should this project proceed to construction stage and given the small scale nature of the works, it is anticipated that the construction works will be completed in one single phase. The anticipated actions required for construction of this coastal protection scheme are as follows:

- Inductions and site set up by appointed contractor. No item of plant or equipment (including stores or offices) shall be placed or parked on the SAC and SPA zones.
- Site Protection Measures: Carry out mitigation measures as identified in the NIS and Section 4.7 above.
- Site preparation including construction of temporary access ramps and haul road.
- Excavation and preparation of trench for foundation boulders.
- Placement of rock armour and geotextile membrane.
- Patch repair to existing sea defences.
- Reuse of material excavated from trench within the voids of rock armour protection.
- Removal of all temporary works and tidy up of site.

4.9. EMISSIONS/DISCHARGES DURING CONSTRUCTION

No discharges or emissions to land or sea will be arising from the proposed works. There will be the standard temporary noise emissions arising from construction traffic and works for the duration of the project, however this is expected to be minimal. It is anticipated that an excavator and site dumper will be the main items of plant operating during each working day, with intermittent deliveries of rock armour from tipper lorries.

Restricting the works to outside of the wintering season (October to March inclusive) will avoid disturbance to the wintering birds from any air, odour or noise emissions that may arise.

4.10. OPERATIONAL PHASES

There are no operational requirements for the proposed works aside from routine inspection.

4.11. FLOOD RISK ASSESSMENT

The proposed development will not give rise to any flooding or impact adversely upon adjoining lands.

4.12. HYDROLOGICAL/HYDROGEOLOGICAL IMPACT

There are no watercourses or surface water systems within the vicinity of the works. The proposed works will not have any hydrological or hydrogeological impact upon the site location. (Refer to Section 5 of the NIS)

4.13. ASSESSMENT OF LANDSCAPE STATUS AND VISUAL IMPACT

The permanent works will not be visible from any designated scenic routes or the Regional Road, R173. The permanent works will only be visible from the adjacent public road and from the shoreline in proximity of the works.

Given the small scale nature of the works (75m in length) and the low lying nature of the permanent works, there will be minimal effect on the overall visual appearance of the coastline.

(See Appendix D for current views of the proposed works area).

4.14. ARCHAEOLOGY, ARCHITECTURE AND CULTURAL HERITAGE

A preliminary overview of the existing environment with regards to archaeology, architecture and cultural heritage was carried out. This desk based review of available data (obtained from MapViewer Database 2020) is collated in Appendix E. The review has determined that the proposed project has negligible impact on known archaeology, architecture or cultural heritage.

4.15. AIR, ODOUR AND NOISE EMISSIONS

The permanent works will not give rise to any ongoing air, odour or noise emissions.

5. CONSULTATION

Public consultation prior to formal application under Section 177AE of the Planning and Development Act 2000 (as amended) is not a statutory requirement. Given the limited size of the proposed works, the works location and the limited number of affected individuals, Louth County Council has not carried out any formal Public Consultation Days for this project however consultation as per below has been carried out.

5.1. CONSULTATION WITH ELECTED REPRESENTATIVES

Local councillors have been briefed about the project status through a series of Louth County Council periodic newsletters and informal discussions. They will be further briefed via newsletters as to the status of the application once the application has been formally submitted.

5.2. CONSULTATION WITH PRESCRIBED BODIES

The following list of Prescribed Bodies will be formally notified of this Section 177AE Application as set out in Article 121 of the Planning and Development Regulations 2001 (as amended):

- Department of Environment, Climate and Communications,
- Department of Agriculture, Food and Marine,
- Department of Housing, Local Government and Heritage, including the National Parks and Wildlife Service,
- An Taisce,
- Heritage Council,
- Inland Fisheries Ireland,
- An Chomhairle Ealaíon (The Arts Council), and
- Fáilte Ireland.

6. SITE RULES & RESTRICTIONS

6.1. SITE RULES

The following is a non-exhaustive list of specific site rules which are to be developed by the successful tenderer:

- Mandatory that all site personnel have a valid Safe Pass.
- All staff to be inducted on the Health and Safety and Environmental issues.
- Control of access to the site and the prevention of unauthorised entry.
- Arrangements for personal protection measures for employees, visitors and other contractors and sub-contractors.
- Arrangements for spillages.
- Arrangements for training of employees in health, safety and welfare at work and how to deal with environmental issues.
- Arrangements to ensure that other contractors and sub-contractors provide evidence of their health and safety and environmental policies to ensure compliance with site rules.
- Arrangements for ensuring that all visitors to site comply with the site rules.
- Emergency procedures to deal with accidents.

6.2. SITE RESTRICTIONS

The following site restrictions will apply:

- No item of plant or equipment (including stores or offices) shall be placed or parked on the SAC and SPA zones.

- Restrictions on Working Hours

Normal working hours are as follows but cognisance should be given to tidal conditions which will restrict available working hours:

0800 - 1800 hrs Monday-Friday

800 - 16.30 hrs Saturday

- Restrictions on Access

The Contractor shall ensure that access to and from all properties adjoining the site shall not be unreasonably restricted during the construction works. The maintenance of access shall be the responsibility of the principal contractor.

7. UNFORSEEN CIRCUMSTANCES

Where any unforeseen circumstances arise, the matter must be submitted to the Project Supervisor Design Process (PSDP) as soon as possible after the event. Thereafter, the PSDP shall determine the most appropriate course of action, bearing in mind any planning conditions, environmental restrictions etc.

All unforeseen circumstances shall be documented and recorded by the PSDP.

APPENDICES

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Appendix B Natura Impact Statement

Appendix C Design Drawing

Appendix D Photographs

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Appendix F Draft Construction Environmental Management Plan

Appendix A

OPW Funding Approval Letter

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Appendix B

Natura Impact Statement

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Appendix C

Design Drawing

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Draft Construction Environment Management Plan

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