

20190528-ABP-300535-17

An Bord Pleanála
64 Marlborough Street
Dublin 1

Sent via email to: bord@pleanala.ie

28th May 2019

PA Ref: 16/1012
Applicant: TIGL Ireland Enterprises Ltd
For: Permission for development which will comprise of coastal erosion management works at, and adjacent to, Carrowmore Dunes, White Strand, Doughmore Bay and Trump International Golf Links and Hotel, Doonbeg, Co. Clare. The development includes the provision of two new protection structures at the dunes. The construction/development will include excavation of existing sand, the use of sheet piling backstops with soil nailing, geotextile underlay, armourstone protection to the sheet piles with sand and cobbles currently on the beach being used to form a dune profile over a distance of 609 metres (626m curved length with additional revetment overrun) approximately at the southern end of Doughmore Bay, adjacent to and west of the Trump International Golf Hotel. The works will be over a distance of 256 metres (257m curved length with additional revetment overrun) approximately at the northern end of Doughmore Bay, west of the golf course. The storage of the excavated sand on site as part of ongoing replenishment and future site management is also proposed. In a seaward-landward direction the overall extent of the revetment structure will be approximately 12 metres seaward of the existing general dune face with additional underlayers and engineering works. The final structure will be screened from view. Also included as part of the development are enabling works; ancillary construction works and compound; public car park; ongoing access to the beach throughout the construction programme and beyond
Site: Carrowmore/Whitestrans/Doughmore, Doonbeg, Co. Clare

RE: Observations on applicant's response to appeals

Dear Sir/Madam,

Thank you for referring the applicant's response to appellants to An Taisce, who wish to make the following observations.

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Protecting Ireland's heritage, safeguarding its future

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Directors: Philip Kearney, Christopher Massi, Patricia Oliver, Judy Osborne (British), John Pierce (Chair), Charles Stanley-Smith (Secretary, British), John Sweeney

1. General Comment

An Taisce acknowledge that while the distinction drawn by the applicants between accreting and eroding dune systems is valid, the erosion of the Carrowmore dune system is nonetheless part of the natural dynamism of dune systems, albeit exacerbated in this case by the presence of the golf course.

Furthermore, Scottish Natural Heritage (SNH) and HR Wallingford (who carried out the beach monitoring studies for the applicant) authored a "Guide to managing coastal erosion in beach and dune systems" (2000)¹ which calls into question the use of hard coastal protection works in dune systems generally:

"Most approaches to erosion management are damaging to the environment to a greater or lesser extent. This is particularly so for projects entailing civil engineering operations such as revetment and seawall construction or major beach renourishment schemes."

And:

"Solid revetments and seawalls are not normally considered appropriate for dune protection²...they normally disrupt the natural dynamism of dunes and replace it with an artificial shoreline."

Further, in relation to eroding dune systems in particular:

*"Construction of continuous defences along an **eroding** dune face will dramatically change the coastal landscape and will disrupt the natural interchange of sand between beach and dune. This should be avoided if at all possible as the impacts are effectively irreversible" [An Taisce emphasis added].*

Due to the disruptive and damaging impacts of hard engineering works on dune systems, SNH maintain that adaptive management policies should, in all cases, be attempted before resorting to revetments and seawalls. Specifically, they state that, "*management approaches to the threat of asset loss should start with the consideration of adapting the backshore to allow natural erosion to continue.*"

While TIGL is undisputedly of economic importance to the local and wider West Clare community, it must be noted that the erosional forces threaten just the three seaward-most holes, which are built precisely on the sensitive dune system. An Taisce submit that the

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<https://www.nature.scot/sites/default/files/2017-07/Publication%202000%20-%20Beach%20Dunes%20-%20a%20guide%20to%20managing%20coastal%20erosion%20in%20beach%20dune%20systems.pdf>

² The subject application does constitute dune protection as the applicant wishes to protect the golf course by preventing erosion of the dune system.

potential for an adaptive management plan to be put in place, whereby the at risk holes are realigned and located on land which is less erosion-prone, should be seriously considered as a viable alternative to the construction of coastal defense works.

While the applicant states in Section 2.2.1 that An Taisce have solely referenced generic desktop studies and do not have site specific data, we would observe that while our submission does indeed draw on the recognised expertise provided by Scottish National Heritage, our response also relies heavily on submissions made to Clare County Council on this specific development by their own Environmental Assessment Officer (EAO), and the ecological consultancy JBA Consulting, who were engaged by Clare County Council to examine the RFI data provided to the council. We also reference the NPWS documentation which is specific to this site, and submissions by them in relation to this specific development. Both the EAO and JBA Consulting outlined that the data necessary to give a definitive conclusion on the coastal processes would need to be based on longer term data, and as such An Taisce cannot definitively prove potential impact by the development, no more than the applicant can disprove it, based on the data available.

Irrespective of the type of sediment dynamics of the system, the fundamental premise of An Taisce's appeal is that insufficient data has been provided to remove all reasonable doubt that the proposal would not have adverse impacts on the Carrowmore Dunes Special Area of Conservation (SAC), and we would argue that this remains the case. The interpretation of reasonable doubt has been clearly elucidated by the courts, and the stringent guidelines appertaining to such a conclusion. Further, where An Taisce highlight lacunae in the data, which would lead to uncertainty, our judgement is based on the data provided in the planning documentation, including the opinion of other bodies such as the NPWS, JBA Consulting and the Environmental Assessment Officer (EAO) from Clare County Council, and is informed by recent well argued legal judgements.

2. Additional Coastal Processes Monitoring

An Taisce acknowledge the applicant's submission of an updated report (February 2018) from HR Wallingford on coastal processes in Doughmore Bay, which supplies further data from surveys conducted in April 2017, August 2017, and January 2018. While these new data contribute to the understanding of coastal processes in the area, An Taisce do not consider that less than one year of additional data is sufficient to remove reasonable doubt regarding the impact on the SAC and attendant qualifying interests, as outlined in our original appeal.

In Section 3.2.3 the applicant asserts that An Taisce quoted JBA Consulting out of context, and misinterpreted their results to suggest inadequacies. The applicant then asserts that:

'There remain no substantive concerns arising from the JBA review.'

However, An Taisce would refute this, and highlight that in Section 3.2.2, subsection 2.1, 2.3 and 2.4 of the applicants response, they quote JBA Consulting outlining the limited data available:

*"The best available data has been used and this has been done in an appropriate manner. It remains however that **there is limited data available.**"* [An Taisce emphasis added]

We submit that the data provided by the additional studies remains inadequate in this regard. The applicant refers to long term beach modelling which they used to drive predictions of long term evolution, but An Taisce submit that the robustness of this modelling has not progressed sufficiently since the original submission, and as such does not address the concerns raised by JBA Consulting. While the applicant has supplied additional monitoring, it only provides three more monitoring dates over a period of 10 months. Indeed, HR Wallingford indicate that they consider the sediment budget to be medium-term. We submit that although these dates undoubtedly add to the body of evidence, they are insufficient to provide the necessary longitudinal data from which to draw conclusive and definitive findings, and the concerns raised by the EAO, JBA Consulting and An Taisce have not been allayed.

In addition, the applicant compares and contrasts the COSMOS and the Beachplan models, arguing that Beachplan was used for modelling the long term impact, not the COSMOS model. However, An Taisce would observe that statistically speaking a model is only as robust as the data upon which it is based, and regardless of what model was used, the input data remains the same, and the quantum of data was deemed by JBA Consulting to be limited for predictive modelling purposes.

Given that the RFI outlined the limitations in using the provided short term monitoring data for long term changes, and that JBA Consulting outline that the initial data provided, from 2003 (partial beach) and 2014-2016 (full frontage) were insufficient for providing an assessment of long term trends, An Taisce would highlight that an extra 10 months on this is clearly not equivalent to long term monitoring data. The original concerns regarding the timescale remain, and An Taisce submit that the concerns which were clearly enumerated by the EAO still stand:

'The lack of sufficient data upon which to validate the model and therefore produce definitive findings capable of removing all reasonable scientific doubt leaves the Competent Authority unable to conclude a finding of no adverse effects on site integrity as a result, taking regard of the site specific conservation objectives for the qualifying interests of this site.' (Appendix 6: EAO Report 21st Fe. 2017; Appendix 7: EAO Report 18th Dec. 2017)

An Taisce would also note that there is significant annual variability recorded in the latest sediment survey carried out by HR Wallingford, with erosional and depositional forces dependant on the severity of storms and benign wave conditions. They highlighted that

accretion in the last three sampling dates was three times the erosion which took place between 2014 and 2016:

'with increased amounts of beach monitoring it can now be seen that the beach is subject to seasonal and annual variability, linked to the severity of the storms and periods of more benign wave conditions.'

and:

'The wave conditions for the period summer 2016-summer 2017 were reduced compared to the two previous years, and over this period net accretion took place on the beach.'

This would further underline our concerns regarding the use of such short term data for modelling long term trends. Although the applicant initially stated that their modelling was based on a robust sediment budget, it would appear that the data they used for 2014-2016 were quite different to that gathered in the 2017-2018 ten month sampling period. This further emphasises the need for long term modelling data to smooth out inter-annual aberrations which can unduly bias the overall model conclusions. While the applicant outlines that historical mapping data could be utilised in this regard, neither JBA Consulting nor HR Wallingford would appear to have considered these as valid sources, as evidenced in the first line of the HR Wallingford report:

'Little information on beach changes across the bay is available before 2014.'

In Section 2.4 of the response to appellants, the applicant states that there is seasonal and short term variation, but given that the additional sediment modelling indicated that there was inter-annual variation, with marked differences in sediment behaviour between the two main sampling periods, An Taisce would argue that this variation is in fact more long term, and supports the concerns raised regarding the paucity in the data provided on which long term sediment models were based.

An Taisce did indeed select certain elements of the JBA Consulting report, those which we felt highlighted the fundamental shortfalls in the data provided by the applicant. We stand behind that decision, and would again highlight that despite the applicant including and commenting on multiple other sections from the JBA Consulting report, the limited nature of the data which was clearly highlighted in the JBA Consulting report remains problematic, and 10 months of extra data is unlikely to be sufficient in this regard. The applicant would appear to call into question the decision by the EAO to rely on data provided by JBA Consulting in informing her conclusions. Given that JBA Consulting were hired for their professional expertise by Clare County Council, it would follow that the Environmental Assessment Officer should be permitted to reference their report, and give credence to their expert analysis of the impact of the potential development.

An Taisce would agree with the EAO's conclusion on the RFI:

"A scientifically robust demonstration of the scheme's ability to conserve the natural dynamic processes was not presented, and this is the essential benchmark needed to ensure compliance with the Habitats Directive before the scheme could be permitted."

An Taisce submit that the new data provided by HR Wallingford still fails to demonstrate that the proposal will conserve the natural dynamic processes.

In summary, we submit that the fundamental basis of our appeal remains unresolved, pertaining to the limited nature of the data available. The applicant has provided data for a period covering an extra 10 months, but this cannot be considered to be long term monitoring. In our considered opinion these data are not sufficiently robust to remove reasonable doubt, the legal implications of which we outline in Section 4.

3. Protected Dune Habitats

3.1 Mobile Dunes

The NPWS have described the Carrowmore Dunes as being *'the best dune system in Clare'*, and they list the EU Annex I sand dune habitats for which the site is designated as Fixed dunes (priority habitat), Mobile dunes and Embryonic dunes.³

The NPWS mapping indicates that the mobile dune habitat occurs as a narrow band fronting the fixed dune and comprises just over two hectares in area at the northern end of the site where there is a small area of building dune from recycled sand. By cross-referencing NPWS maps with maps provided by the applicant, the area of mobile dune would appear to be directly adjacent to the south end of the proposed northern defense structure (Figure 1 and Figure 2).

³ NPWS (2014) Carrowmore Dunes SAC (site code 2250) Conservation objectives supporting document -coastal habitats

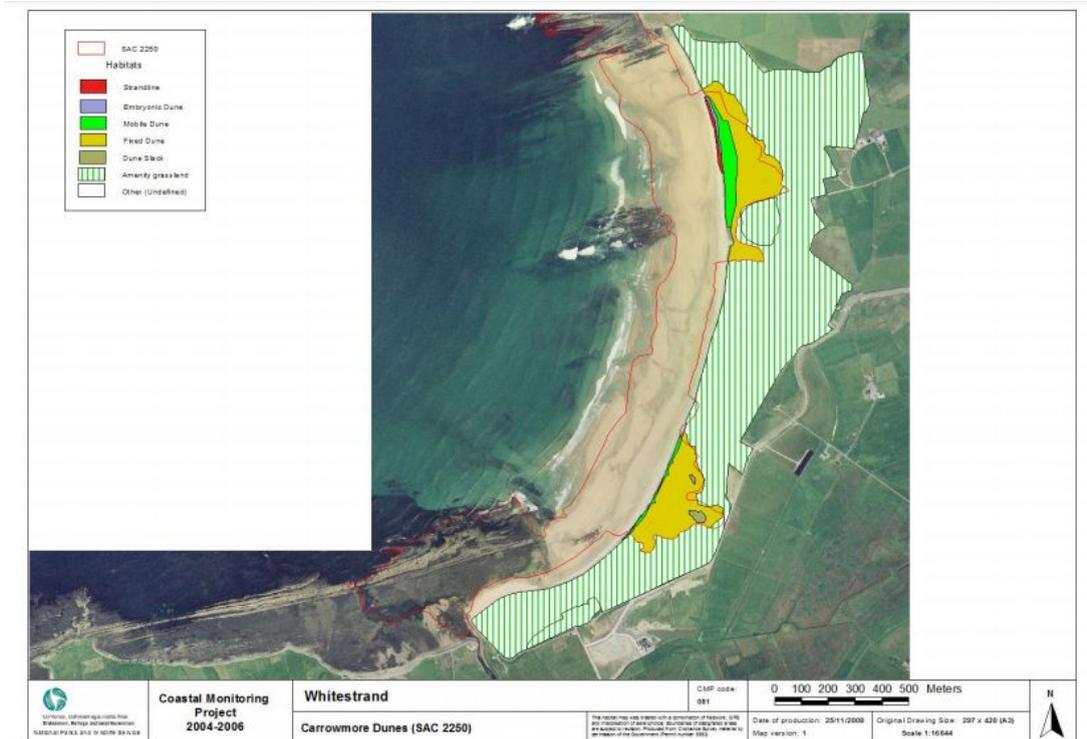


Figure 1: Location of mobile dunes (bright green) as mapped by the NPWS⁴



Figure 2: Map provided by applicant with northern revetment outlined in black

⁴ NPWS (2014) Carrowmore Dunes SAC (site code 2250) Conservation objectives supporting document -coastal habitats

It is extremely pertinent that the NPWS highlight that, in regard to the Carrowmore Dunes:

'The mobile dunes have been impacted historically by agricultural activities and currently by ongoing natural erosion. The remaining mobile dune habitat may be impacted in the future by the activities of the golf course, if the installation of hard coastal protection is permitted in the area outside of, but adjacent to the cSAC⁵.'

And that:

'If the golf course continues to attempt to shift the dynamics of the sediment circulation to protect their sections of the frontline, the mobile habitat of the cSAC may suffer.'

In Section 3.1.3 the applicant cites EU guidance and outlines that conservation objectives should not be static. An Taisce would observe that it does not follow that they should adjust to incorporate impacts due to the development of adjacent dunes. In relation to this, in Section 3.1.8 the applicant states that:

'the long term evolution of the beach is the same in front of the dune SAC, with or without partial shore protection.'

However, An Taisce would highlight that they are drawing conclusions based on their Beachplan model, which, as already outlined, is based on data which has been deemed by some bodies to be insufficient to provide for long term predictions. They refer to the current dynamic processes, and draw conclusions from them, but An Taisce would again highlight that the robustness of their modelling of long term sediment dynamics of the area has been called into question due to the lack of long term monitoring data. As such their conclusion of no impact must be critiqued in light of that.

An Taisce has noted in a previous submission dated 30th November 2017 the strong parallels between the Doonbeg case and the impact on sand dunes at the Trump International Golf Links Menie golf course in Aberdeenshire, Scotland. The golf course overlaps the Foveran Links Site of Special Scientific Interest (SSSI), which was designated as such because it was one of the prime examples of mobile sand dune systems in the UK. Before the golf course was constructed the dunes naturally shifted northward by as much as 11 metres per year over an area of 15 hectares. However, when TIGL stabilised the dunes to protect the golf course, their natural movement was severely impeded. Dr Jim Hansom, a geomorphologist at Glasgow University, said in an interview with the BBC (published 8 November 2017) that this loss of natural dynamism will likely result in the dunes losing their designation as an SSSI. Similarly, Scottish Natural Heritage, which is now assessing the status of the Foveran Links SSSI, stated that the golf course had caused habitat loss and damage to the dune system.

⁵ NPWS (2014) Carrowmore Dunes SAC (site code 2250) Conservation objectives supporting document -coastal habitats

In Section 2.5.1 of the applicant's response document, the applicant notes that the processes that influence dunes in Aberdeenshire, Scotland are different than those in Doonbeg, and that solutions applicable in one setting and associated inference concerning impacts may be inappropriate when transferred to another setting. While the processes and solutions may be different, the aim of this comparison was to illustrate the real life impact of coastal protection structures on dynamic dune systems, and to serve as a warning for what can result from ill-considered coastal protection works.

The NPWS have indicated that there is a real risk to the mobile dune system should coastal protection works be permitted adjacent to the SAC, and models used by the applicant to conclude that there will be no impact are not based on long term monitoring data. As such the threat remains to be robustly disproven, and the licensing authority should be mindful of what can happen to dynamic dune systems, such as those in Aberdeenshire, when inappropriate coastal protection works are permitted.

3.2. Impacts Beyond and Behind the Revetments

In Section 3.1.1 the applicant outlines that the purpose of the revetments is to protect the dune face, not the SAC:

'It must be stated at the outset that the coastal defense works are designed to protect the coastal edge of the golf course and not the dunes of the SAC.'

However, An Taisce would observe that given the proximity of the revetment to the SAC, it is of paramount importance that the applicant be able to prove, beyond reasonable doubt, that the SAC dune habitats will not be damaged by these works, or in other words will be protected should this development proceed. While the purpose of the proposed coastal defence structures is to protect the golf course, the protection of the adjacent SAC is implicit. The same could be argued for any development in, or within the zone of impact of, a protected site. It would be rare that a development proposed by a private developer would be specifically designed to protect an SAC. Nevertheless, the requirements of the Habitats Directive are clear in that the conservation objectives of an SAC must be protected regardless of the primary purpose of the development.

In their response to the NPWS, the applicant repeatedly stresses (for example, Section 3.1.3) that the proposed works are located outside of the SAC area and that there will be no physical barrier in front of the SAC dune face. While this is accurate, the applicant again fails to acknowledge that the impacts of hard coastal protection works can extend into dune systems well beyond the end of the revetments as well as behind them. This is emphasised by Scottish Natural Heritage and HR Wallingford in their aforementioned coastal erosion guidance document. They also note that "*defence of one section of shoreline may result in accelerated erosion elsewhere.*"

This concern was clearly expressed by the Planning Authority in the RFI, JBA Consulting, and the Clare EAO. The EAO's report (December 2017) in response to the RFI submission highlights the lack of information provided on impacts beyond and behind the structures:

'It is clear that there remains a level of uncertainty in relation to the outflanking of the defences and the end effects over time on the SAC. This is clearly evident through the monitoring programme contained within the BMP [beach management plan], which is required to provide information on the evolution at the ends, which will be used to plan the management of the structure and its end effects after 2066 to avoid impinging on the SAC... The lack of definitive findings and conclusions that would be capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned leaves it difficult for the Competent Authority to conclude a finding of no adverse effects on site integrity as a result, based on the likelihood of Habitats 2110, 2120, and 2130 failing to meet their conservation objective attribute targets.'

The applicant addresses the outflanking of the revetments in sections 2.11 and 3.3.4 of their response, but they provide no additional data to address this uncertainty. And, as repeatedly highlighted by An Taisce, the modelling data to which they refer is not sufficiently robust given the paucity of long term data used to create the model. As such, we submit that it cannot be concluded that there will be no impacts on the SAC.

3.3 Haul Route

The proposed haul route for beach access during the construction phase passes through Annex I habitat (shifting dunes along the shoreline with *Ammophila arenaria*). It also runs directly through *Vertigo angusitor* habitat (the Annex II protected snail, and one of the qualifying interests of the SAC) in the SAC as demarcated on Map 6 of the NPWS's Conservation Objectives document for the Carrowmore Dunes.

The applicant has stated that the impacts of constructing and using the route are fully reversible because they plan to rehabilitate the area. There is no further data in the applicant's response outlining how they reached this conclusion of no impact, only that the dune habitat will be reinstated. The short and long term impacts of the construction of the access route, the regular movement of vehicles and supplies along the route, and the potential for accidents and spills has not been adequately assessed.

This point should be considered in light of guidance by SNH which stresses that moving machinery through dunes will cause significant damage.

4. Legal Framework

In Case C-258/11, Sweetman & Ors. V An Bord Pleanála & Ors it was held that the provisions of Art 6 (2) –(4) of the Habitats Directive must be interpreted together "as a

*coherent whole in the light of the conservation objectives pursued by the directive” and that they impose a series of specific obligations necessary to achieve and maintain favourable conservation status. A plan or project will negatively impact upon a site if it prevented the “lasting preservation of the constitutive characteristics” of the site for which it was designated, with reference to the sites conservation objectives. Significantly it was determined that “authorisation for a plan or projectmay therefore be given only on condition that the competent authoritiesare certain that the plan or project will not have lasting adverse effects on the integrity of the site. That is so where **no reasonable scientific doubt remains** as to the absence of such effects.” [An Taisce emphasis added]*

The competent authority must therefore refuse authorisation for any plans or projects where there is uncertainty as to whether the plan or project will have adverse effects on the integrity of the site. It was also held in paragraph 44 that :

*“So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it **cannot have lacunae** and must contain **complete, precise and definitive findings** and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned (see, to this effect, Case C 404/09 Commission v Spain, paragraph 100 and the case-law cited)...” [An Taisce emphasis added]*

In Kelly v An Bord Pleanála & Ors., [2013 No 802 J.R.] with reference to Commission v Spain c-404/09 the High Court held in paragraph 36 that the competent authority must carry out an Appropriate Assessment for a plan or project in light of the best scientific knowledge in the field and that the final determination of the competent authority must include complete, precise and definitive findings. It was also held that the competent authority must also lay out the rational and reasoning which was used to arrive at the determination (see Sections 7 and 8 of An Taisce’s appeal and Section 5 of this document). The case repeated the conclusion of CJEU at para. 44 in Case C-258/11, namely that an AA “cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt.” Consequently, it was held that an AA must include “examination, analysis, evaluation, findings, conclusions and a final determination.”

The Kelly Judgement has provided a very helpful clarification of the requirements of an AA and in particular in paragraph 40 a summary of what must be delivered by the process in order to be lawfully conducted:

“(i) Must identify, in the light of the best scientific knowledge in the field, all aspects of the development project which can, by itself or in combination with other plans or projects, affect the European site in the light of its conservation objectives. This clearly requires both examination and analysis.

(ii) Must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps. The requirement for precise and definitive findings and conclusions appears to require analysis, evaluation and decisions. Further, the reference to findings and conclusions in a scientific context requires both findings

following analysis and conclusions following an evaluation each in the light of the best scientific knowledge in the field.

(iii) May only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where upon the basis of complete, precise and definitive findings and conclusions made the Board decides that no reasonable scientific doubt remains as to the absence of the identified potential effects.

While the additional data is stated by the applicant to be the 'best available' this does not preclude the requirement, as clarified repeatedly by the courts, for it to be complete, precise and definitive, and capable of removing all reasonable scientific doubt.

The applicant further outlines in Section 2.4.1, and again in Section 2.19.1, that the data provided is 'in line' with comparable project applications in the UK/Europe, but this is unsubstantiated, and provides no further information in regard to these comparable projects. An Taisce submit that this is not a robust argument, nor has any clear evidence been provided on which to rebut our point of appeal. There is no indication of where these other applications are, what the specific geographical conditions are, if these proposals are in sensitive coastal areas, what sort of systems they relate to, and if they are located in SACs/SPAs. As such, given the lack of supporting information, we submit that this point is irrelevant in the context of this appeal and should be discounted by the relevant authority.

If uncertainty exists regarding the potential impact of any proposed development full account should be taken of the precautionary principle, and the proposed development should be resisted. Due to gaps in data, the extent of the risks could not be quantified and identified through Appropriate Assessment, and therefore the precautionary principle should apply. As such, priority should be given to protecting the environment from potential adverse impacts over economic interests. An Taisce therefore submit that An Bord Pleanala should have regard to the precautionary principle in determining this appeal.

5. Planning Authority Decision

An Taisce submit that the Local Planning Authority has still not given any justification for the divergence of opinion between its decision to grant planning for the development and the advice provided by both their own EAO, and JBA Consulting, whom they commissioned to assess the RFI response provided to them by the applicant. In a letter dated April 4th 2019 from Clare County Council to An Bord Pleanala, the council maintain the stance they took in granting permission for the application that:

'It is considered that the issues raised in the appeals regarding the EIA and NIS have been addressed in the planning reports on file.'

This letter does not address the lack of written evidence in both the Planner's Report and the decision document that the Local Authority has given proper consideration to the numerous concerns raised by the EAO, JBA Consulting, NPWS, An Taisce, and other third

parties when conducting its assessments of the EIA and NIS as required by law (see Sections 7 and 8 of An Taisce's appeal for further detail). An Taisce consider that the Appropriate Assessment carried out by Planning Authority under Section 177V of the Planning and Development Act 2000 (as amended) could not satisfy the requirements of Article 6(3) of the Habitats Directive and maintain that our original concerns about the validity of the decision still stand.

6. Conclusion

To summarise, An Taisce submit that the additional monitoring data does not constitute long term monitoring data, and as such the robustness of the coastal process models upon which the applicant predominantly base their original argument, and rebuttals, must be called into question. The difficulty facing the relevant authority in regard to reaching a conclusive decision on this case is outlined in Section 2.6 of the JBA Consulting report:

*'For this application, due to the presence of the SAC, the potential impacts of the proposed works on the Natura 2000 sites that occur in the zone of influence of the coastal protection must, with the best scientific knowledge, be fully understood and recognized for the proposed scheme to go forwards. In accordance with the Habitats Directive the competent authority (e.g. Local Authority) can only agree to a plan or project after having determined that it will not adversely affect the integrity of the site concerned. **Even with expert judgment this remains difficult to do with the limited monitoring data available, the complexity of dynamic beach dune systems and the uncertainty related to climate change predictions.***
[An Taisce emphasis added]

The legal requirement to conclude beyond reasonable doubt has been clearly elucidated by the courts. In our considered opinion, the data provided remains insufficient to negate the uncertainty and reasonable doubt argument raised by multiple appellants, in addition to the scientific advisors to Clare County Council. We submit that, in keeping with our previous submissions, the relevant authority cannot conclude, beyond reasonable doubt, that the proposed development will not adversely affect the integrity of the SAC. While the applicant has provided additional data to strengthen their argument, in light of the serious concerns raised by the NPWS, JBA Consulting, the EAO for Clare County Council, in addition to multiple appellants, we submit that this data remains insufficient to remove uncertainty regarding potential impacts on the SAC.

An Taisce therefore recommend that An Bord Pleanála overturn the local planning authority's decision to grant permission for the subject proposal.

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

Sincerely yours,



Dr. Elaine McGoff, PhD
Natural Environment Officer
An Taisce - The National Trust for Ireland



Phoebe Duvall, MSc
Planning Office
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