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October 5th 2026

COMHAIRLE CONTAE LÚ
LOUTH COUNTY COUNCIL
5 OCT 2026
PLANNING

LOUTH COUNTY COUNCIL
5 OCT 2026
Customer Services

Planning Section

Louth County Council

Town Hall, Crowe Street

Dundalk, Co. Louth

Dear Sir or Madam,

RE – SECTION 5 DECLARATION ON BEHALF OF CARLINGFORD OYSTER COMPANY LIMITED, MULLATEE, CARLINGFORD, CO. LOUTH

Please find enclosed a Declaration Request on behalf of Carlingford Oyster Company Limited, Mullatee, Carlingford, Co. Louth.

The Declaration request consists of the following Please find enclosed Section 5 Declaration on behalf of our client, –

i. LCC Application Form
ii. Cheque in the sum of €80.00
iii. Planning Report by S. Ward & Co.
iv. Appropriate Assessment Screening by R. Goodwillie
v. Habitat Survey by B. Martin
vi. Winter Bird Survey by B. Martin

In addition, the following drawings are also enclosed -

J. Cunningham & Associates Limited – Drawing Schedule	
Dwg. Ref. No	**Description**
C2205-P01	Site Location Map
C2205-P02	Site Layout Map
C2205-P03	Floor Plan
C2205-P04	Elevations
C2205-P05	Sections

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Comhairle Contae Lú
Louth County Council

Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read "Guidance Notes" before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.

   (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.

   (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.

   (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.

2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.

3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.

4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

Carlingford Oyster Company Limited, Mullatee, Greenore Road (R176), Carlingford, Co. Louth

Phone Number: [redacted] E-Mail: [redacted]

2. Name and address of agent (if any):

Stephen Ward Town Planning & Development Consultants Limited, Jocelyn House, Jocelyn Street, Dundalk, Co. Louth

Phone Number: 042- 9329791 E-Mail: [redacted]

3. Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)

Please address all correspondence to Stephen Ward Planning Consultants at the above address.

4. Interest in site of the person seeking declaration:

Owner

(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

5. Location and full address of development referred to in Question 7

Mullatee, Greenore Road (R176), Carlingford, Co. Louth

Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at

https://irish.gridreferencefinder.com

SB 279673 – 127909X 467308Y

6. **Question for determination under Section 5 (See Note 1 above). The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:**

Please refer to the enclosed Planning Report by Stephen Ward Planning Consultants Limited.

7. **Does the development consist of works to be carried out to an existing or proposed protected structure?** ~~Yes~~ □ No X

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

N/a

I certify that the aforementioned is correct.

Signature of ~~Applicant~~: (Agent) [redacted] **Date** 2nd October 2026

Please include one copy of the following documents with this application form:

- **Site Location Map**: (Scale 1:1000)
- **Site Layout Map**: (Scale 1:200 or 1:500)
- **Floor Plans & Elevations**: (Scale 1:50, 1:100 or 1:200) **Existing & Proposed, where applicable**
- **Application fee:** (€80)

Completed Application Form & Fee of €80.00 may be sent to:

Planning Office, Louth County Council, Town Hall, Crowe Street, Dundalk, County Louth, A91W20C
OR
by email to planninggroup@louthcoco.ie with contact details to arrange payment of fee.

Use of Permitted Canteen for hosting of visiting customers and buyers
&
marginal increase in height to permitted tank room

at Carlingford Oyster Company,

Mullatee, Carlingford, Co Louth

Appropriate assessment (screening)

Report prepared for Stephen Ward Consultants

August 2026

Roger Goodwillie & Associates, Lavistown House, Kilkenny. Tel. 087-2443024

1. INTRODUCTION

The purpose of this report is to examine the possible impacts of the use of the existing canteen by persons other than employees, and the marginal increase in height to the existing tank room by c. 1.78m, on the integrity of the Natura 2000 site network, in particular on the nearby sites in Carlingford Lough – Carlingford Shore SAC and Carlingford Lough SPA. This is in the context of a Section 5 request, namely whether the following are or are not development within the meaning of the Act

(i) The use of the existing staff canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events.

(ii) Increase in height of the roof of an existing cold room by 1.78 metres from that permitted

Any changes in or close to a European site have to have due regard to Article 6 (3) of the EU Habitats Directive which states:

> *Article 6 (3): Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the [Natura 2000] site in view of the site's conservation objectives.*

This is transposed into national legislation by Regulation 31 of the European Communities (Natural Habitats) Regulations 1997.

The report has been written by Roger Goodwillie B.A., M.Sc., a full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and a practising ecologist for 40 years. He has been visiting the site since 2024.

The sources of information used to collect data on the Natura 2000 network of sites include:

- Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie, Google Earth and Bing aerial photography.
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie including; the Natura 2000 network Data Form; Site Synopsis; Generic Conservation Objective data.
- Online databases of rare, threatened and protected species. Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2013).

2. DESCRIPTION OF PROJECT SITE

The site is located on a former railway line linking Newry, Greenore and Dundalk. It includes an old quarry to the east of the buildings which is now flooded and which supplied railway stone. The buildings comprise purification tanks, sorting and packing lines and a canteen. These adjoin the bay itself but are built above the HWM of the Land Registry maps despite the fact that sea level rise has since converted most of the area to inter-tidal shore.



Aerial view of site in 2026 showing context of the business. Oyster-growing racks are seen offshore

The intertidal area adjacent to the site is characterised by a relatively flat sand shore, broken with several reefs of limestone. Above the strandline, coarse sediments of gravel, pebbles and broken shell dominate the shore. Below the strandline, the sediment is characterised by sand with abundant worm casts in mosaic with areas of coarser mixed sediments, boulders and cobble.

Adjacent shore to the north is overhung by trees and bushes and is mostly made up of the reinforcing rock of the railway bank.

A tractor route- to the oyster growing racks runs NE in front of the buildings, meeting the first racks about 200m away. These stretch to about 1100m offshore.

2.2 Fauna

A special study (Martin 2026) was carried out over the 2025/26 winter which involved regular counts of birds on the mudflats within a range of 200m of the development. This showed

that brent geese, redshank, oystercatcher, dunlin, knot, turnstone, common gull, black-headed gull, herring gull and mallard were the main species (as below)

Species	Peak number
Light-bellied Brent Goose	346
Shelduck	2
Wigeon	9
Teal	0
Mallard	28
Cormorant	1
Little Egret	9
Grey Heron	3
Oystercatcher	146
Ringed Plover	6
Grey Plover	1
Lapwing	17
Knot	38
Dunlin	53
Black-tailed Godwit	8
Bar-tailed Godwit	8
Curlew	23
Redshank	307
Greenshank	7
Turnstone	72
Black-headed Gull	96
Common Gull	154
Herring Gull	43
Great Black-backed Gull	8

2.3 Evaluation

The site itself has no value in an ecological sense but it adjoins mudflats which support many wintering birds, most notably brent geese, the qualifying species for the SPA.

No parts of the adjacent shoreline have a natural strandline vegetation.

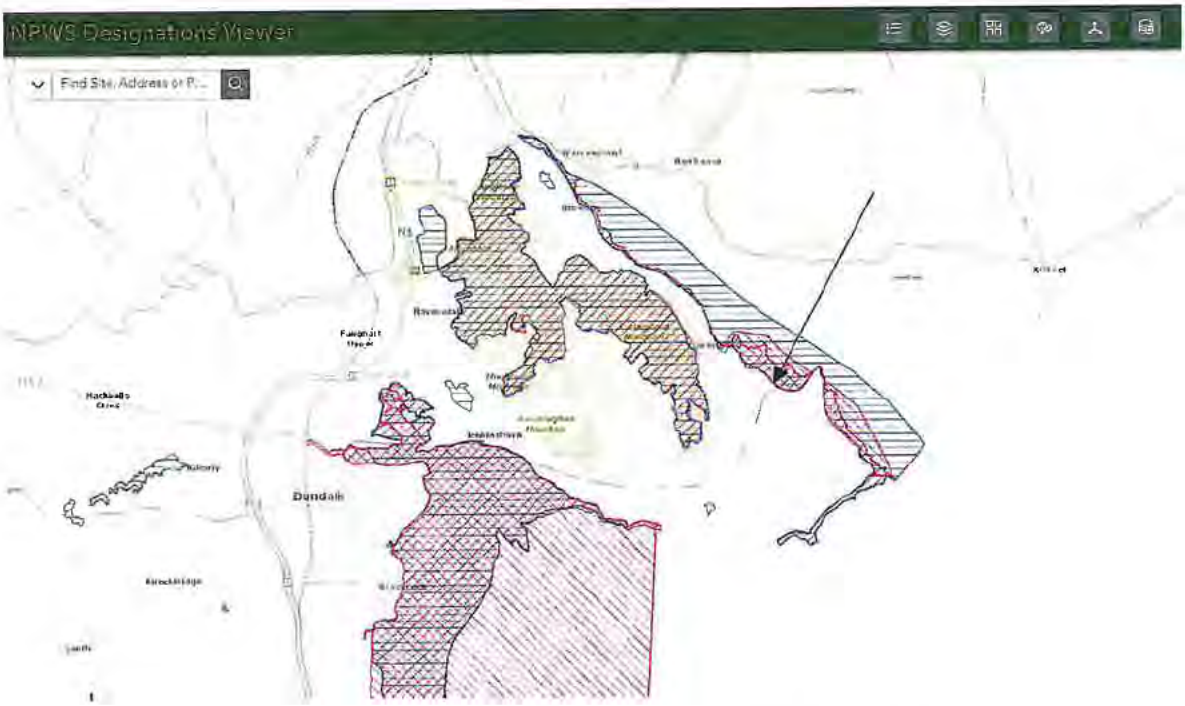
3. APPROPRIATE ASSESSMENT

3.1 Introduction

Appropriate assessment was introduced by the EU Habitats Directive as a way of determining during the planning process whether a project is likely to have a significant effect on the

integrity of any of the Natura 2000 sites so far designated (i.e. the candidate SAC's and SPA's), or their conservation objectives. There are five sites within 15km of the proposed project that could theoretically be affected (see map below). They are:

Name of Site	Site Code	Distance
Carlingford Shore SAC	2306	within
Carlingford Lough SPA	4078	5m
Carlingford Mountain	0453	2.km
Dundalk Bay SAC	0455	6.7km
Dundalk Bay SPA	4026	6.8km



Map of Natura 2000 sites in area showing position of current development

This AA Report has been prepared in accordance with the following guidance documents:

- AA of Plans and Projects in Ireland: Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2010)
- Appropriate Assessment Screening for Development Management. OPR Practice Note PN01 (Office of the Planning Regulator, 2021).
- Assessment of Plans and Projects in Relation to Natura 2000 Sites – Methodological Guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission, 2021);
- Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive (European Commission, 2021);
- Communication from the Commission on the Precautionary Principle (European Commission, 2000);

- Guidance Document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission (European Commission, 2007);
- Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019).

The following circulars have also been used:

- AA under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 and PSSP 2/10 (Department of Environment, Heritage and Local Government, 2010b);
- AA of Land Use Plans. Circular Letter SEA 1/08 & NPWS 1/08 (Department of Environment, Heritage and Local Government, 2008a);
- Compliance Conditions in respect of Developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites. Circular Letter PD 2/07 and NPWS 1/07 (Department of Environment, Heritage and Local Government, 2007a);
- Guidance on Compliance with Regulation 23 of the Habitats Directive. Circular Letter NPWS 2/07 (Department of Environment, Heritage and Local Government, 2007b)
- Appropriate Assessment Screening for Development Management OPR Practice Note PN01. March 2021

Guiding Principles and Case Law

A number of cases have been brought to both the national and European courts in relation to the AA process. Irish departmental guidance (Department of Environment, Heritage and Local Government, 2010a) in relation to AA was published over 10 years ago. Therefore, recent case law has, in many cases, superseded this guidance. Relevant case law, European Court of Justice (ECJ) rulings and European Commission (EC) publications have also been considered in the preparation of this screening.

3.2 Stages of Appropriate Assessment

In the Irish context the process is organised into four stages. Firstly a screening exercise (Stage 1) determines if a project could have significant effects on a Natura site. The project is screened without the inclusion of special mitigation measures unless potential impacts can clearly be avoided through design (or re-design). If impacts are identified or the situation is unclear a Natura Impact Statement (Stage 2) is provided to the planning or regulatory authority. Examples of significant effects are loss of habitat area, fragmentation of the habitat, disturbance to species using the site and changes in water resources or quality. If such negative effects come to light in the assessment, alternative solutions are investigated by the proponent (Stage 3) and mitigations made unless the project is deemed to be driven by 'imperative reasons of overriding public interest' in its current form. In this case Stage 4 deals with compensatory action.

3.3 Questions concerning the project

Whether the following specified works to, and activities carried out within, Carlingford Oyster's established and permitted oyster processing premises at Mullatee, Greenore Road (R176), Carlingford, Co. Louth whether undertaken alone or in combination, are or are not development, or are or are not exempted development within the meaning of the Act.

(i) The use of the existing staff canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events.

(ii) Increase in height of the roof an existing tank room by 1.78 metres from that permitted

3.4 Identification of relevant Natura 2000 sites

The Carlingford Lough sites are the only relevant ones as they are linked directly to the presence of the new structures. Carlingford Mountain is much above the development site in altitude whereas Dundalk Bay is far distant and there is no likely linkage with it.

3.4.1 Carlingford Lough SPA is of special conservation interest for the light-bellied Brent Goose. In winter the site supports an internationally important population of this species (mean 469 in the ten winters up to 2019/20). A range of other waterfowl occurs within the site, including Wigeon (138), Oystercatcher (336), Dunlin (160), Black-tailed Godwit (96), Redshank (295) and Turnstone (74). The intertidal flats provide feeding areas for the wintering birds. The sub-tidal areas outside the SPA support a range of species including Great Crested Grebe, Cormorant and Red-throated Diver.

The qualifying interests are

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
Wetland and Waterbirds [A999]

3.4.2 Carlingford Lough SAC is selected for the following habitats listed on Annex I of the E.U. Habitats Directive

[1210] Annual Vegetation of Drift Lines
[1220] Perennial Vegetation of Stony Banks

The shingle and drift line habitats extend more or less continuously from Greenore to west of Cooley Point on the outer (eastern) shore of the peninsula. They occur as a strip of varying width, from only a few metres in places, to up to about 50 m. One of the best developed areas is south of Ballagan Point. The substrate varies from stones and cobbles to gravels and coarse sands. The exposure level of this shoreline is high.

3.5 Conservation objectives

In the SPA (NPWS 2013a) the objectives are

- To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
- To maintain the favourable conservation condition of wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it.

These are measured by population trends in the birds and the distribution and quality of feeding areas.

The objective for each of the qualifying interests of the SAC (NPWS 2013b) takes the form of

- To maintain the favourable conservation condition of the Qualifying Interests of the SAC

based on the criteria of coverage, physical and vegetation structure and ecological functioning

The favourable conservation condition of a species is achieved when:

- population data on the species concerned indicate that it is maintaining itself
- the natural range of the species is neither being reduced or likely to be reduced for the foreseeable future
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Favourable conservation condition of a habitat is achieved when:

- its natural range, and area it covers within that range, is stable or increasing,
- the ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

3.5 Likely effects

A special study (Martin 2026) on the disturbance of wintering birds compared the oyster farm location with an undisturbed area to the north. It could demonstrate no significant effects of the farm on the wintering populations which are the basis for the SPA designation. This was derived from waterbird counts over the six-month period Sept-March 2025/26 and an analysis of disturbance events on 28 separate days.

The most severe disturbance during this period came from a dog on the mudflats. Oyster farming caused no significant disturbance; brent geese would walk away from tractors and activity on the shellfish beds but continued to feed unless directly approached.
The activities discussed in this report are basically consist of the use of the canteen by persons not employed at the company (for buyers etc) and an increase in height of one of the structures on land.

Neither of these things will cause disturbance or a change in behaviour of the bird populations or the shoreline habitats and there are no likely negative effects.

3.6 Cumulative effects

Two large projects are at a preliminary stage at Carlingford Lough, an operations and maintenance hub for off-shore wind development (Pl. 24/60294) and a road bridge at Narrow Water (15.HA.0037). Both were subject to a Natura Impact Statement which found that all likely impacts could be prevented by suitable mitigation and there would be no long-term detrimental effect on the Carlingford Lough SPA or the Carlingford Shore SAC.

Since this is the case there can be no interaction with the existing development at Mullatee.

4. CONCLUSION

it is concluded that there is no likelihood that the items considered will have any impacts on the Natura 2000 sites, cause any impairment of their integrity or have any effect on the attainment of their conservation objectives.

This goes for the project itself or in combination with other proposals in the area.

References

Crowe, O., Boland, H. & Walsh, A. (2012) Irish Wetland Bird Survey: results of waterbird monitoring in Ireland 2010/11. *Irish Birds* 9, 397-410

DEHLG. 2009. Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Revised February 2010).

European Commission. 2000. Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg.

European Commission. 2002. Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg.

European Commission. 2007. Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC

European Commission. 2007. EU Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the Commission. IEEM. 2006.

Fossitt, J.A. 2000 *A guide to habitats in Ireland*. Heritage Council

Guidelines for Ecological Impact Assessment in the United Kingdom. Institute of Ecology and Environmental Management.

Martin, B. (unpublished report 2026) Carlingford Oyster Company Bird survey 2025-26.

NPWS (2013a) Conservation Objectives: Carlingford Lough SPA 004078. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2013b) Conservation Objectives: Carlingford Shore SAC 002306. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

PLANNING REPORT

DECLARATION REQUEST ON BEHALF OF CARLINGFORD OYSTER COMPANY LIMITED UNDER SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED) IN RELATION TO A SITE A MULLATEE, GREENORE ROAD, CARLINGFORD, CO. LOUTH

Stephen Ward
Town Planning & Development Consultants Ltd.

1.0 INTRODUCTION

This is a request for a Declaration made under the provisions of Section 5(1) of the Planning and Development Act, 2000 (as amended).

The Declaration is made by **Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, Co. Louth** on behalf of **Carlingford Oyster Company Limited of Mullatee, Greenore Road (R176), Carlingford, Co. Louth**. Carlingford Oyster Company Limited operate a permitted and long-established oyster farm and production enterprise from the site at Mullatee.

The company is a multi-award-winning seafood enterprise and has established itself as one of the country's leading oyster producers and exporters.

It is also a verified member of Bord Bia's Origin Green programme which seeks to reduce environmental impact by promoting sustainable food production practices, including supporting local communities.

2.0 BACKGROUND TO THE DECLARATION

This declaration request is made pursuant to alleged unauthorised developments that were identified in a Warning Letter Enf. Ref. 22 U212, issued by Louth County Council and dated 13th December 2024.

Since the Warning Letter was issued, Carlingford Oyster Company Limited, has maintained ongoing engagement with the Planning Authority to address the matters raised. Crucially, in light of the location of the site adjacent to Carlingford Lough, our client commissioned an appropriately qualified Ecologist to undertake a winter bird survey and habitat survey to ensure that all matters raised could be fully and comprehensively addressed. The Bird Survey concludes beyond all reasonable scientific doubt that the activities on the site have no significant impact on birds using Carlingford Lough.

A copy of the Winter Bird Survey accompanies this request under separate cover, along with an Appropriate Assessment Screening Report

With this critical survey work now complete and having demonstrated no significant impacts on the conservation objectives of Carlingford Lough SPA or Carlingford SAC, Carlingford Oyster Company Limited now seeks a determination in respect of two elements of the alleged unauthorised development at the site. These elements are -

(1) *Unauthorised change of use of canteen to restaurant*
(2) *Unauthorised increased height of roof to tank room*

Other alleged unauthorised developments will be dealt with by way of a separate planning application or other appropriate course of action to be agreed with the Planning Authority.

It should be noted that the enforcement correspondence refers to an unauthorised increase in height to "tank room". For clarity, however, it is the height of the adjoining cold room element permitted under P.A. Ref. No. 17/282 which is under query.

3.0 THE DECLARATION QUESTION

The Declaration Question is as follows –

Whether the following specified works to, and activities carried out within, Carlingford Oyster's established and permitted oyster processing premises at Mullatee, Greenore Road (R176), Carlingford, Co. Louth, whether undertaken alone or in combination, are or are not development, or are or are not exempted development within the meaning of the Act.

(i) *The use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events.*

(ii) *Increase in height of the roof to existing cold store room by 1.78 metres from that permitted under P.A. Ref. No. 17/232.*

4.0 SITE LOCATION AND DESCRIPTION

The subject site is located on the shore (eastern) side of the Greenore Road (R176) to the south of Carlingford Village. The site extends to approximately 0.9 hectares in area and is within the ownership of the applicant. It has a long-established and authorised use as an oyster farm and production facility. Accordingly, the appearance of the site is distinctly commercial comprising buildings, structures, yards, car parking and storage areas. Direct access to licenced off shore oyster beds is available from the site.

This declaration request is restricted to the use of the existing canteen and the height of the cold store building. These buildings were permitted under permission Ref. No. 17/282 and are located in the north-eastern part of the site. (Refer to Plate 1 overleaf).

Plate 1 – Aerial View of Carlingford Oyster Company Site



(Source – Bing Maps)

Existing Building the subject of this Declaration

Under the Louth County Development Plan 2021-2027, the site falls within the area affected by zoning objective **Rural Policy Zone 2** which is described as an *"Area under strong urban influence".*

A limited section the site is also located within Carlingford Shore Special Area of Conservation (SAC) Site Code 002306 and Carlingford Lough Special Protection Area (SPA) (Site Code 004078). Carlingford Lough is also a proposed Natural Heritage Area (pNHA) (Site Code 000452).

We repeat and we ask the Planning Authority to note, that both buildings have the benefit of planning permission and the Declaration Request relates only to the use of the canteen building and the height of the cold store building.

Carlingford Lough is one of two areas within the County identified as "Designated Shellfish Waters".

The R176 is designated a *"Protected Regional Road"* by the Plan. It is also listed as a *"Scenic Route"* by reference to Table 8.19 (Ref. No. SR14) and Map No. 8.20 as contained at Chapter 8 of the Plan.

5.0 PLANNING HISTORY

A summary of the planning history for the site is set out below.

P.A. Ref. No. 92/197 – Permission granted for change of use of quarry to shellfish handling and packing facilities.

P.A. Ref. no. 93/84 – Permission granted for oyster grading building.

P.A. Ref. No. 01/1319 – Permission granted for 2 storey dwelling house

P.A. Ref. No. 03/138 – Permitted granted for 2 storey dwelling house and septic tank.

P.A. Ref. No. 10/348 – Permission granted for construction of 54sq.m building which will contain new purification tanks & all associated site works.

P.A. Ref. No. 17/282 – Retention permission and permission granted for retention of existing storage shed; retention of existing pre-fab canteen facility; proposed change of use of above pre-fab structure from canteen to storage; proposed extension of existing main production building and proposed extension to existing purification building to include two no. cold stores, a wheelchair accessible toilet, an office, a kitchen and a canteen.

P.A. Ref. No. 22/828 – Permission refused for the change of use from existing storage /canteen (previous planning ref. 17/282) to restaurant use incorporating kitchen, sanitary facilities and small office, together with all ancillary site development works.

P.A. Ref. No. 23/60352 (ABP Ref. 318516-23) - Permission refused by ABP for retention and completion of partially constructed single storey extension to existing production building and to retain and complete 25 sq.m of additional production floorspace to the south-west of the partially constructed extension.

Enf. Ref. 22 U212 – Alleged unauthorised development concerning the use of the canteen and the height of the permitted tank room.

By reference to this planning history and the developments described, spanning over thirty years, the site has a permitted and established use as an oyster processing facility. The processing of oysters involves a range of activities that as reflected in the above development descriptions involves handling, grading, purification , storage and packing. These processes are undertaken across the site and are supported by ancillary development including canteen and office facilities.

It is important to clarify that while the permitted and established use is described as an oyster "processing" facility, the "processing" includes the growing, grading, rearing, purifying and packing of oysters in their original and unaltered state.

The established use constitutes primary food processing, as opposed to industrial processing, where the raw product is actually altered.

6.0 THE PLANNING UNIT

The planning histories listed and described in the foregoing section clearly describe and establish the longstanding use of the subject site as an oyster processing facility. That use is functionally and operationally linked to seven licenced aquaculture sites operated by Carlingford Oyster Company Limited in Carlingford Lough. The relevant licence numbers are as follows –

i. T01-008A
ii. T01-044B
iii. T01-025A
iv. T01-043A
v. T01-044A
vi. T01-102A
vii. T01-025C

(https://dafm-maps.marine.ie/aquaculture-viewer/)

Essentially, the oyster processing facility forms the shore-based element of the oyster farming business. The facility is entirely location dependant, with all preparation and processing facilities required to take place in direct proximity to the oyster 'farm' on the shores of Carlingford Lough in order to ensure the highest quality yield and product.

The cultivation of oysters from seed to maturity is a continuous, three-year repetitive and highly labour-intensive process that must be undertaken year-round and in all weathers. Due to the highly labour-intensive nature of oyster farming; the short shelf life of the end product; the need to meet the highest level of food hygiene standards and dependence on natural tidal and weather conditions and cycles, it is absolutely imperative that preparation and production facilities are located in direct proximity to the shore.

The facility employs 32 people on a full, part-time and seasonal basis. Employment at the site includes roles in farming, production, quality control, logistics, sales and marketing and account administration. As such, in addition to the processing and packing areas the facility also includes a canteen, staff amenities in addition to an ancillary office /administration space.

Proximity to the shore also means those involved in the farming element have access to staff facilities and amenities. This is very important, as these workers often spend long hours off-shore checking and turning bags in all weathers and sometimes during the night. To ensure their health and welfare, it is vital that all employees are able to spend time in a warm, dry and comfortable environment.

Another integral element of the activities on site is being able to offer customers, prospective customers and trade delegates the opportunity to view the lifecycle of the oyster from seed to maturity and then taste the product. This is both customary and necessary in order to maintain and attract business due to the high-end and premium nature of the product.

All of these constituent elements form part of the same single planning unit which is the oyster processing facility.

Plate 2 – Aerial View of Carlingford Oyster Company Site



(Source – Bing Maps)

7.0 STATUTORY DEFINITIONS

In order to set the legislative background to enable the declaration to be objectively assessed against a consistent definition baseline in terms of justification for and assessment of the impact of the proposed works on the protected structure the following definitions are considered relevant benchmark definitions.

Throughout this Declaration Request the applicant will reference the meaning attached to the word "material" in planning law. Firstly, the following definitions from the Planning and Development Act 2000 as amended are provided -

7.1 Definitions

The following definitions from the Planning and Development Act 2000 as amended are relevant -

a) Section 2 -

Section 2 provides the following definitions –

"Alteration" includes –

plastering or painting or the removal of plaster or stucco, or

the replacement of a door, window or roof

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures".

"Structure" means any building, structure, excavation, or other things constructed or made on, in or under any land, or any part of a structure so defined, and –

(a) where the structure so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes –

- the interior of the structure,
- the land lying within the curtilage of the structure,
- any other structures lying within that curtilage and their interiors, and
- all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii)

"Works" includes any act or operation of construction, excavation or demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."

b) Section 3

Section 3 defines development as –

"the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land".

c) Section 4

Section 4(1) of the Act states –

The following shall be exempted developments for the purposes of this Act –

(h) development consisting of the works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures."

8.0 APPLICANT SUBMISSION ON DECLARATION QUESTION

The following sections of this statement set out the applicant's submission on each of the two elements that form the Declaration question.

8.1 Applicant Submission on Part (i) Declaration Question

"Whether the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups for oyster tasting and sampling events, is or is not development or is or is not exempted development".

"Carlingford Oysters" are a high-end product. The company has established itself as one of the country's leading oyster producers, supplying "Carlingford Oysters" to customers in Ireland (20 %), the UK (50%), Belgium and Italy (10%), Hong Kong, Singapore, Thailand, Taiwan and China (20%).

Use of the Permitted Canteen - The canteen the subject of this request, was permitted under P.A. Ref. 17/282. The 'canteen' building has a gross floor area of 119sq.m and is located within a single storey building in the north-eastern part of the site. Approximately 11 sq.m of the permitted falls the SAC while no part of the permitted building is located within the SPA. The same building houses other parts of the processing cycle including purification tanks, a cold store and office accommodation for administrative functions.

The canteen is primarily used by employees of the oyster farm and processing facility as a staff amenity area. It currently contains tables and seating, a kitchen area with tea and coffee making facilities and toilets. It is accessible via two separate entrance doors located in the northern and southern elevations, with the former providing accessible access.

The canteen forms just one constituent part of the complex of the buildings and structures that make up the oyster processing facility permitted under P.A. Ref. 17/232 and other permissions listed in Section 5.0 of this report. The area functions as a canteen providing a space for people, primarily employees to eat and drink and it is currently laid out as such.

As you would expect, sanitary facilities are provided adjacent to the main eating area. The layout and facilities are consistent with its permitted use as a canteen. The use that is the subject of this referral does not alter the function of the canteen. The only difference being that it involves the use of the facility by people who are not employed by Carlingford Oysters.

In this regard it is worthy of note that the public notices describing the development for which permission was granted under P.A. Ref. No. 17/232 simply describe the area as a "canteen". Likewise, the area is identified as a "canteen" on the scheme drawings for the application. **No distinction is drawn as to the category of person who may use the facility under the permission. It is the applicant's contention therefore that the permitted development does not preclude the use of the area by persons other an than employees.**

Furthermore, P.A. Ref. No. 17/232 does not contain any conditions that would limit or restrict use of the canteen for the hosting of customers or buyers in the manner the subject of this referral.

The applicant wishes to clarify that the canteen does not operate as, nor is it used as a restaurant. From time to time and as required, in addition to functioning as the canteen for employees, it is used by the applicant to host customers, buyers and potential buyers as well as representatives of trade promotion (including Government trade promotion agencies) and regulatory bodies for sampling and tasting of oysters cultivated at the site. These visits to the canteen are promotional and for informational purposes only. They do not involve any payment or charge by visitors, unlike a conventional restaurant.

The hosting of visitors in this manner is often combined with a tour of the oyster farm premises and this has always been an integral part of the permitted oyster production activities carried on at the site. Prior to the construction of the existing canteen under P.A. Ref. No.17/282 these types of visits were accommodated in the old canteen on site which consisted of a portacabin structure. This type of activity has always therefore been an integral part of the day-to- day operations on the site. The only difference now is that hosting activities are now being carried out in a building of higher quality and standard, befitting the high-end nature and quality of the product.

To assist and inform the Planning Authority in its assessment of this Declaration request, and specifically item 1 of the Warning Letter that has arisen regarding the use of the canteen for the purposes described above, enclosed in support of this Declaration Request are a selection of accounts of recent visits to the subject site. These visitor accounts include the following and are enclosed at Appendix A

i. Ms. E. Sheehan, Market Specialist, Bord Bia Global Business Development Team, 20th May 2025
ii. Ms. G. Devine, Environmental Officer, Bord Iascaigh Mhara, 8th May 2025
iii. Ms. H. Barkhoff-Stötzner, Market Specialist, Bord Bia, 6th August 2026
iv. Ms. E. O' Connell, Department of Foreign Affairs and Trade, 25th September 2026

These accounts from recent visitors to the site demonstrate the importance and need for such visits from a sales, marketing and business development perspective. We again emphasise that there is no payment or charge involved with these visits and no restaurant 'menus'.

The reputation of the Louët-Feisser brand worldwide means the company plays a leading role both directly and indirectly in promoting not only Louth but also Ireland as a culinary tourism destination.

One of the company's biggest customers in Ireland, for example, is the Guinness Storehouse who have a permanent oyster stall on the upper floors of the building. The Storehouse has consistently been voted one of Ireland's top visitor attractions and welcomes over 1 million visitors a year from all around the world.

The company's oysters are also served and sold in some of the best-known restaurants and food purveyors in the world including, the Ivy, Scott's of Mayfair and Fortnum and Mason in London. They have also been

endorsed and used by many high profile national and international chefs including Kevin Dundon, Catherine Fulvio, Nevin Maguire, Gordon Ramsay and Rick Stein. Both Nevin Maguire and Head Chef to Rick Stein, Stephane Delourne have visited the site, with the former visiting and featuring the production facility in his *'Irish Seafood Trails'* TV programme promoting Irish seafood.

Other high-profile visitors to the site over the years, whose visits have featured in television programmes promoting both Irish food have included Billy Connolly in 2001 and more recently Niall Horan and Lewis Capaldi (2022). (Please refer to Appendix 2)

The point in highlighting the above visitors and endorsement is that these visits, whilst essential, are incidental and ancillary to the overall use of the site and premises. There is an increasing demand among buyers and consumers to know the origin of their food and the story behind so being able to provide this experience is absolutely critical to Carlingford Oysters. Given the high-end nature of their product in particular, customers and buyers place a very significant emphasis on quality and provenance and as such this type of activity is both customary and necessary in order to maintain and attract business.

While food may be consumed on the premises, the canteen does not operate as, nor is it used as a restaurant in the traditional sense, with all visits undertaken on a non-paying basis. Moreover, permission Ref. No. 17/232 contains no limiting conditions in respect of the use of the canteen in terms of who may use it. It is submitted that use of the canteen for the hosting of customers or buyers in the manner for the purposes described, is incidental and ancillary to, the use of the premises and site. **Accordingly, it is submitted such a use does not constitute a material change in use and consequently does not constitute development as defined under Section 3(1).**

Planning Case Law Precedent - In support of the above contention, we have also obtained Counsel's opinion on this matter and we are advised following the decision of Barron J. in the *Rehabilitation Institute v. Dublin Corporation* that the use of the canteen, if this use is restricted to use incidental and ancillary to the overall use of the premises, does not amount to development as it is not a material change use and therefore does not come within the definition of development as prescribed in Section 3 of the Planning and Development Act.

In that case Barron J. held that the use of a floor in the Rehabilitation Institute for workshop/manufacturing purposes was nonetheless incidental and ancillary to the overall use of the building as an administrative centre and as a consequence formed part of the use such that its use as a workshop did not amount to development for the purposes of Section 3 of the Act.

In *Carroll v. Brushfield,* Smyth J. held that in respect of the Clarence Hotel, the use of what was formerly the garage of the hotel as a nightclub did not amount to development as that nightclub use was, incidental and ancillary to, the use of the overall planning unit which was the hotel.

Applying these principles to the existing canteen, we are advised the subject canteen can be used for any purpose, incidental or ancillary to, the overall use of the premises and that use does not amount to a material change of use. Accordingly, it does not amount to development for the purpose of the Planning and Development Act.

As there is no material change from the use permitted in P.A. Ref .No. 17/282, it is therefore contended the use of the canteen for the purposes described is authorised and as such no planning issues arise.

8.2 Applicant Submission on Part (ii) of Declaration Question

"Increase in height of the roof an existing cold store room by 1.78 metres from that permitted is or is not development or is or is not exempted development"

It is the submission of the applicant that for the following reasons the increase in height of the roof of the existing tank room by 1.78 m is development but is exempted development.

Material Impact - As noted at the definitions Section of this Planning Report, the Act defines **"Works"** *as including* any act or operation of construction, excavation or demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."

A **"Structure"** means any building, structure, excavation, or other things constructed or made on, in or under any land, or any part of a structure so defined."

"Development" *is defined as* "the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land".

Having regard to the above definitions, it is considered that the increase in height of the roof by 1.78m constitute works and development as defined by Section 2 of the Act.

Under Section 4(1)(h) of the Planning and Development Act 2000 (as amended) development consisting of the carrying out of works for the maintenance, improvement and other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the *character of the structure* or of *neighbouring structures* are exempted development. Section 4(1)(h) is not subject to any restrictions or limitations.

It has been determined in planning case law, specifically Cairnduff v. O' Connell (1986) IR 73, that in addition to layout the character of a structure is derived from *"shape", "colour", "design"* and *"ornamental features"*. As pointed out by Herbert J. in Mc Cabe v. Coras Iompair Eireann (2006) IEHC 356, *"there are undoubtedly exceptional cases in which a single feature of a structure is so outstandingly remarkable or so important from an aesthetic, architectural or engineering perspective ,that it could be properly and rationally be said to derive its entire character from that single feature".* In Mc Cabe v. Coras Iompair Eireann (previously cited) Herbert J.

goes on to state the character of the structure should be assessed by *"looking objectively at the entity as a whole"* taking *all* of the elements that contribute to character into account.

The relevant drawings for the tank room extension as submitted under P.A. Ref. No. 17/232 show a proposed height of 3300mm for the cold store room element. Our client advises us the height tank room extension permitted under 17/232, as constructed, is 5100mm above ground level. This equates to a height difference of approximately + 1780mm.

The extended tank room is screened from the public road by the main production building which has a maximum height of 4800mm. The difference in height between the production building and extended tank room is approximately 300mm. It is submitted a height difference of 300mm is barely perceptible.

Having regard to the level difference that exists between the public road and the site i.e. c. 1.2m and the character, materiality and variety of permitted buildings on the site, it is submitted that the increase in height is not material and falls under the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

9.0 APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL MATTERS

The subject site located in direct proximity to Carlingford Lough SPA and SAC. Part of the permitted canteen c. 11 sq.m is located within the SAC. (Please refer to enclosed drawing by J.Cunningham & Associates – Drawing Ref. No. C2205-P02)

This Declaration request seeks confirmation from the Planning Authority pursuant to Section 5 of the Planning and Development Act, 2000 (as amended), that the use of the permitted canteen for the hosting of customers, buyers and trade missions does not constitute development within the meaning of the Act.

It also seeks confirmation that the increase in height of the existing tank room by 1.78m above that permitted is development and is exempted development pursuant to Section 4(1)(h) of the Act.

In the case of the former, the use of the canteen does not involve any physical works to the permitted canteen building. While the increase in height to the permitted tank room by 1.78m is entirely vertical in nature and does not involve any extension of the permitted footprint. The matters under consideration therefore do not involve any reduction or fragmentation of either Carlingford Lough SAC or SPA.

Having regard to the fact that these matters relate solely to constructed elements of the permitted oyster facility, it is considered that any impacts arising would be negligible and therefore there is no real likelihood of significant effects arising on Carlingford Lough SAC /SPA.

To ensure that all relevant matters are robustly and comprehensively assessed, however, Appropriate Assessment (AA) Screening has been undertaken and accompanies this application under separate cover. The Screening Assessment was undertaken by Roger Goodwillie B.A., M.Sc, a full Member of the Chartered Institute

of Ecology and Environmental Management (CIEEM) and a practising Ecologist for forty years. The AA Screening has been informed by a wintering bird survey and habitat survey undertaken by Mr. Breffni Martin over the 2025/2026 survey season.

The AA Screening concludes there is no real likelihood, either individually or in-combination with other plans or projects, of significant effects on European sites, specifically Carlingford Lough SAC /SPA.

Furthermore, as a relevant consideration, the applicant wishes to highlight that it is now recognised that oysters actually play a critical role in improving water quality and marine biodiversity[1]. In this regard, we would refer the Planning Authority to the enclosed email from a representative of Bord Iascaigh Mhara to our client, dated 4th June 2025. (Appendix C)

Oysters naturally filter water, helping to reduce excess nutrients and pollutants. Their presence also encourages the growth of seagrass and seaweed which provide vital spawning ground for fish and their predators, including birds. Not only do oysters provide a low impact and valuable food source, but they actually make a positive contribution to the environment, acting as highly valuable carbon sinks and nutrient remediators.

Given their enormous environmental benefits, there are now several initiatives across Britain and Ireland aimed at re-introducing oysters to improve water quality, enhance bio-diversity and restore degraded marine ecosystems. Such examples include the Green Ocean Foundation project in [2]Dun Laoghaire Harbour, in Dublin Bay with a similar initiative being undertaken by [3]Ulster Wildlife at Glenarm Marina in Antrim and in the [4]Firth of Forth, Scotland.

[1] https://www.nature.com/articles/s44264-025-00065-1#Abs1
[2] https://www.rte.ie/news/dublin/2025/1107/1542623-oysters-dublin-bay/
[3] https://www.ulsterwildlife.org/news/northern-irelands-first-floating-oyster-reef-established-glenarm
[4] https://www.wwf.org.uk/what-we-do/projects/restoration-forth

10.0 CONCLUSIONS

Having regard to the content of this submission we seek a Declaration Request decision that –

i) *The use of the canteen for the hosting of customers or buyers in the manner described, is incidental and ancillary to the permitted use of the premises and site. Accordingly, such use does not constitute a material change in use and consequently does not constitute development as defined under Section 3(1) of the Planning and Development Act, 2000 (as amended).*

ii) *The works described in part (ii) of this Declaration question are development, but are exempted development and therefore fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000 as amended as they would not materially affect the external appearance of the building so as to render it inconsistent with the character of the structure or of neighbouring structures.*

This is the case having regard to –

- Section 2, 3 and 4(1)(h) of the Planning and Development Act 2000 (as amended).
- The permitted and long-established use of the site as an oyster processing facility, which includes the canteen that was permitted under P.A. Ref. No. 17/282 and the extension to the cold store room also granted under the same permission.
- Planning case law referenced in this report
- The conclusions of the AA Screening, and related bird and habitat survey that accompany this Report under separate cover.

Yours faithfully,

Stephen Ward

APPENDIX A

8th May 2025
To Whom It Concerns,

Visit to Carlingford Oyster Company 6th May 2025

My name is Grainne Devine, and I work as environmental officer within the Sustainability and Certification section of Bord Iascaigh Mhara, Ireland's Seafood Development Agency. In my role I work directly with aquaculture businesses to support them to improve their environmental performance across all aspects of their work and assist with obtaining various certifications.

One of my current projects to is working with Business for Biodiversity Ireland (BFBI) to examine aquaculture sector impacts, dependencies, risks and opportunities in relation to nature and biodiversity. The Department of Housing, Local Government and Heritage and the Department of Agriculture, Food and the Marine have jointly funded the development of BFBI to promote and support measurable, certifiable actions on biodiversity within the private sector. They are driving the transition to a nature positive Irish economy, where activities enhance natural systems in addition to minimising impact, by harnessing the energy and innovation capacity of Irish businesses. This aligns with the National Biodiversity Action Plan and we hope that the project will provide insights and clarity about the performance of the sector, opportunities for improvement and highlight what is being done well.

As part of the project the BFBI team sought to visit a shellfish farm to learn firsthand about shellfish production processes and associated activities. We were invited to visit Kian Louet-Feisser at Carlingford Oyster Company on 6th May. The visit encompassed a visit of the farm at low tide together with a tour of the processing, depuration facilities and reception area for further discussions and oysters tasting. I have worked regularly with Carlingford oyster Company over the last 10+ years, but this was the first time that I was on a full tour of the business and its facilities. It was very enjoyable, informative and proved to be an excellent learning experience both for me and the colleagues from BFBI.

There was no fee associated with the visit. Kian and the team were very generous with their knowledge and time. They farm visit provided an excellent insight into this valuable Irish food producing sector, from farm to fork, highlighting the sustainability of the operation environmentally, socially and economically.

www.espion.ie

Yours Faithfully

Gráinne Devine
Environmental Officer

BORD BIA
IRISH FOOD BOARD

20/05/25

To whom it may concern,

My name is Ellen Sheehan and I work for Bord Bia on the Global Business Development team, based in our Dusseldorf office. As part of my role, I am responsible for identifying and developing opportunities for Irish food and drink companies in global markets and connecting Irish Producers with International Buyers. This is often done through organised inward buyer visits, trade missions and networking events.

I recently accompanied a group of buyers from Germany to Ireland. Our visit to Carlingford Oysters was a true highlight of the itinerary. For this important and influential group of international buyers, the visit was not only a chance to taste premium Irish oysters at their freshest, but also an opportunity to gain a deeper appreciation for the craftsmanship behind oyster farming and an undertanding of the sustainable pactices throughout the process. There were also no costs incurred by Bord Bia for this visit."

After the trip, one of the buyers remarked, *'Before this visit, it didn't really matter to me where the oysters came from, but after the visit to Carlingford Oysters and learning the story behind the product and their commitment to quality, these are now the only ones I want.'*

For me personally, it was a truly fascinating experience, and I was genuinely inspired by the passion and pride the entire Carlingford team showed for what they do. I believe the experience at the Carlingford Oyster farm/centre is essential to the growth of Irish oysters in international markets and plays a vital role in strengthening Ireland's reputation as a world-class foodproducing nation. It is somewhere I absolutely would like to include on my inward buyer visit itineraries going forward.

Yours sincerely,

Ellen Sheehan

Market Specialist, DACH

From: Hannah Barkhoff-Stötzner <Hannah.Barkhoff@bordbia.ie>
Date: 6 August 2026 at 12:26:19 p.m. IST To: Kian Louet-Feisser <kfeisser@gmail.com> Subject: Gilde Visit

HiKian

Although I couldn't join the trip myself (I was unfortunately sidelined by a sinus infection at the time!) , I wanted to personally thank you for your wonderful hospitality.

Visiting Carlingford and experiencing Carlingford Oysters through your storytelling, passion and expertise is truly a once-in-a-lifetime experience - one that the we, the Gilde Group, and indeed any visiting group, always greatly appreciate and remember.
I know the Group are very interested in listing Carlingford - the challenge being the purchase through VLV but I believe Sarah is in touch with you on this separately.

I also wanted to share the article that Gilde published about the trip. https://gilde.eu/blog/irland

Manythanks again,
Hannah

Hannah Barkhoff-Stötzner I Market Specialist - DACH
T: +49 21 1 88236184 M: +4915224335909 Hannah.Barkhoff@BordBia.IE
www.bordbia.ie BOI

Begin forwarded message:

From: Emer.OConnell@dfa.ie
Date: 27 September 2026 at 12:17:01 p.m. IST
To: "Info @ Carlingford Oyster Company" <info@carlingfordoystercompany.ie>, Mary Louet-Feisser <marylouetfeisser@yahoo.ie>, Kian Louët-Feisser <kian@carlingfordoystercompany.ie>
Cc: Patrick.McDonagh@dfa.ie
Subject: Visit to Carlingford Oyster Company - thank you

Dear Kian, Mary and all at the Carlingford Oyster company

I write to convey my sincere thanks to you all for the most memorable visit to the Carlingford Oyster company, rounding off a visit to Ireland for our Brussels-based EU-UK group on Friday last.

What a welcome you gave the group – they were simply wowed! The location; the oyster tasting, and the really informative insights on breeding and selling oysters in these times, will stay with the group for a long time to come. Without a doubt, they were clear it was the highlight of their visit to Carlingford.

Personally, I was only sorry yesterday when I went to my local fishmongers to see that their oysters were not from Carlingford! I'd have certainly bought them if they were!

I'm conscious the heavy lift it was for you all accommodating a group of our size. You did it however with such flair. Thank you.

Wishing you all at Carlingford Oyster Company every continued success with your business. I'd be most grateful also if you'd pass on our thanks to your BIM colleagues too for joining us.

Best wishes, Emer

Emer O'Connell
Director, EU-UK & Benelux Unit | Stiúrthóir, Aonad AE-RA agus Benelux

An Roinn Gnóthaí Eachtracha agus Trádála | Department of Foreign Affairs and Trade
M +353 86 044 7583 / T +353 (0)1 408 2071
E emer.oconnell@dfa.ie | W www.gov.ie/dfa Ireland.ie

APPENDIX B

Plate 1 – Kian Louët-Feisser hosting Billy Connolly at the site in 2001 for the filming the TV series *Billy Connolly's Grand Tour of Ireland, England and Wales*



Plate 2 – Kian Louët-Feisser hosting Nevin Maguire, Chef and Bord Bia Collaborator for the filming of *Neven's Coastal Food Trails* in 2021 (a Bord Bia sponsored production)



Plate 3 - Kian Louët-Feisser hosting Lewis Capaldi and Niall Horan on site in 2022 for the filming of the TV documentary *Niall Horan's Homecoming with Lewis Capaldi*



APPENDIX C

From: Kian Louet-Feisser <kfeisser@gmail.com> on behalf of Kian Louet-Feisser

Begin forwarded message:

From: Patricia Daly <Patricia.Daly@bim.ie>
Date: 4 June 2025 at 8:31:54 a.m. GMT+1
To: Gary Harty <oileainoysters@gmail.com>, Kian Louët-Feisser <kian@carlingfordoystercompany.ie>

Hi Gary,

This paper, which is freely available in the journal Nature Sustainable Agriculture is from an EMFAF funded project, is based on figures taken from Irish oyster farms: https://www.nature.com/articles/s44264-025-00065-1 The main points from the paper are:

1. Low Environmental Impact of Oyster Farming: Irish Pacific oyster farming exhibits relatively low environmental impacts, with emissions measured at 373.86 kg CO_2 eq./tonne, 1.33 kg SO_2 eq./tonne, and 0.39 kg PO_4 eq./tonne. These figures are lower compared to other seafood and terrestrial animal production sectors.
2. Ecosystem Services Provided by Oysters: Beyond their role as a food source, oysters contribute positively to the environment by removing, on average, 3.05 kg of N and 0.35 kg of phosphorus (as P) per tonne harvested. Additionally, they sequester approximately 70.52 kg of carbon, acting as nutrient remediators and carbon sinks.
3. Potential for Sustainable Protein Production: Given their low environmental footprint and ecosystem service benefits, oysters represent a sustainable option for future protein supply, aligning with goals to reduce the environmental impacts of food production.
4. Alignment with Environmental Policies: The promotion of bivalve aquaculture, such as oyster farming, supports recent European policies like the European Green Deal and the Farm to Fork Strategy, which advocate for sustainable food systems with lower environmental burdens.
5. Need for Improved Ecosystem Service Modelling: The study highlights the necessity for future research to enhance the modelling of ecosystem services provided by bivalve production, to better understand and quantify their environmental benefits.

1

The paper is Open Access and is freely available to all, making this an easily accessible document for interested parties and industry.

Trish Daly

Aquaculture Development Executive

BIM

T +353 1 2144253
M +353 87 2058832
E patricia.daly@bim.ie

Bord Iascaigh Mhara

PO Box 12

Crofton Road

Dun Laoghaire Dublin

Ireland's Seafood Development Agency bim.ie

2

Carlingford Oyster Company Bird survey 2025-23

Draft 15/06/26

Context

This survey is undertaken in the context of an Appropriate Assessment relating to the Carlingford Oyster Company site at Carlingford. The scope of this survey is to assess waterbird usage in the immediate vicinity of the site and to compare this with a similar area adjacent and to the Special Protection Area sub-site (Greenore to Carlingford). The survey does not consider the aquaculture activity on the intertidal area, as this has been assessed in previous studies (reference).

Statement of authority

Breffni Martin of Regintel is appointed as the lead project ornithologist and terrestrial ecologist for the proposed development. In this role he is responsible for reviewing and assessing the possible impact on birds stemming from the development, and inter alia, on terrestrial habitats and relevant other fauna. Breffni obtained a BSc in biology from UCD in 1983 and has been involved in bird and wildlife conservation in county Louth for more than 20 years. He has undertaken over 50 environmental assessments, particularly in relation to coastal and estuarine habitats and has authored many papers in this area. The current designation of Carlingford Lough SPA is partially based on work and a paper which he authored. He has undertaken the Irish Wetland Birds Survey on the north Louth shore since 2005, as well as several specialist studies (e.g. on oystercatchers, little terns, seals). Breffni is also a highly experienced JNCC qualified Marine Mammal Observer. He founded and chaired the Louth branch of Birdwatch Ireland and served as a director on the board of Birdwatch Ireland 2017-21. He also founded the Louth Nature Trust of which he is also a trustee and manager.

Site description

This report focuses on the Special Protection Area. The habitat being surveyed consists of mixed sediment comprising muddy sandy flats, interspersed with stones, boulders, limestone reefs, shingle and crushed shells. There are several paths through the area to accommodate the movement of vehicles associated with aquaculture. The site is bounded on one side by a sea wall enclosing a Greenore golf course, some housing, the aquaculture facility and the Greenore Carlingford Road. See habitat description and appendix 1.

Designations

Carlingford Lough SPA qualifying interests are

- Light-bellied Brent Goose (Branta bernicla hrota) [A046]

- Wetland and Waterbirds [A999]

See appendix 2 and appendix 3.

Brent Goose

Carlingford Lough SPA comprises parts of the south side of Carlingford Lough, Co. Louth, between Carlingford Harbour and Ballagan Point. The predominant habitats present are intertidal mixed sediment, sand and mud flats. The site is a SPA under the Birds Directive, of special conservation interest for Light-bellied Brent Goose. In winter the site supports an internationally important population of Light-bellied Brent Goose and other birds primarily including other wildfowls, waders and gulls.

Wetlands and waterbirds

The Birds Directive pays particular attention to wetlands, and as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland and Waterbirds. The Wetlands and Waterbirds habitat within the SPA comprise extensive areas of intertidal sand and mud flats, open marine waters, tidal rivers, creek and channels and supratidal areas that are not frequently inundated by the tide but contain shoreline and coastal habitats.



Methodology

Desktop assessment

A large range of published literature, maps, papers, development history and site documentation was reviewed including:

Published information on habitats and species that are listed as Qualifying Interests (QIs) in the case of SACs and Special Conservation Interests (SCIs) in the case of SPAs for relevant European Sites.

Various developments that have received consent in the past, including the applicants.

Literature from National Parks and Wildlife Service (NPWS) data sources for all relevant European sites including site synopsis for European sites, conservation objectives, qualifying interests, and GIS layers (habitats and species).

Further data was obtained from the following sources (non-exhaustive):

- The National Parks and Wildlife Service (NPWS) of the Department of Housing, Local Government and Heritage (www.NPWS.ie), Maps and Data.
- The Irish Wetland Birds Survey
- The National Biodiversity Data Centre (NDBC) (www.biodiversityireland.ie);
- BirdWatch Ireland (www.birdwatchireland.ie);
- Recent and historical OSi mapping and aerial imagery, including www.geohive.ie;
- Information on local watercourses from www.catchments.ie;
- Information on water quality in the area (www.epa.ie);
- Information on soils, geology and hydrogeology in the area (www.gsi.ie);
- Information on the Status of EU Protected Habitats and Species in Ireland (Article 17 report) (NPWS, August 2019);
- Irish Whale and Dolphin Group (www.iwdg.ie)
- Louth County Development Plan 2021 – 2027, including the accompanying Appropriate Assessment documentation (Natura Impact Report).
- Sublittoral Survey of Northern Ireland (2008).
- Available benthic data (NPWS, Marine Institute and INFOMAR).
- Areas subject to aquaculture licences (GIS mapping published by Department of Agriculture, Food and the Marine).
- Foyle and Carlingford Loughs Agency
- Bord Iascaigh Mhara (regarding aquaculture)

Field Surveys

On foot of the literature review, and with particular reference to Cutts "Waterbird Disturbance Mitigation Toolkit" (Institute of Estuarine & Coastal Studies (IECS) University of Hull, 2013), the following methodology was developed:

An area 200 metres around the site was identified and mapped, along with a similar area adjacent to the site - appendix 4. The method involves the comparison of bird abundance, behaviour and distribution in the two zones, the northern-most one being the reference site, and the southern one being the comparator site, the Zone of Influence stemming from the development. The 200-metre distance is based on the likely Zone of Influence (ZoI) stemming from the development site and based on Cutts methodology. Birds beyond 200 metres are considered unlikely to be impacted in any way. These two zones were surveyed over the winter months from September to March 2025-26 taking in a variety of tides and weather conditions. All birds in the area were assessed over a two-hour period and a maximum count per species was recorded. Bird behaviour and distribution were also noted, including disturbance, aggression, feeding, preening, roosting and loafing.

Two nighttime surveys were undertaken to assess possible nigh roosts and activity, to the extent permitted by light conditions using a night vision scope (Pulsar Axion).

Analysis

The analysis phase involves comparing the ZoI site (South) with the reference site (North), and with the wider Natura sub-site covering bird abundance and number of species present, as well as disturbance and behavioural aspects.

A further comparison with all species using the whole subsite, Greenore to Carlingford, (WeBS subsite 01419) was undertaken.

Results

Literature

The site is designated for brent geese and waterbirds and wetlands.

Brent Goose (*Branta bernicla hrota*)		
Attribute	**Measure**	**Target**
Population trend	Percentage change	Long term population trend increasing or stable
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by light-bellied brent goose, other than that occurring from natural patterns of variation
Waterbirds and Wetlands		
Habitat area	Hectares	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 595 hectares, other than that occurring from natural patterns of variation

Figure 1 Carlingford Lough designations

The Natura site designation and supporting documents were reviewed along with several previous appropriate assessments and planning literature. These support the notion that the practice of aquaculture is "neutral" in terms of its impact on birds.



Figure 2 Foraging area for brent geese shown in orange, in the context of aquaculture areas (in white)

The most recent published reports show a significant increase in light-bellied brent geese numbers over the past 10 years. The overall trend for waterbirds, notably those that frequent the Zone of Interest is positive (redshank, turnstone, curlew). [references needed]



Figure 3 Zostera beds

Field surveys

Counts were deigned to capture a range of tidal and weather conditions at the site. See appendix 4

The results are provided in appendix 5. Summary statistics are provided below.

Species Diversity

The total number of species observed in each area was recorded.

Area	Species
South	24
North	18

The comparator area (south) had a higher diversity of species than the reference site (north). This may be due to the slightly more diverse habitats. The absent species are knot, grey plover, bar-tailed godwit, greenshank and great black-backed gull.

Bird Abundance

Area	Abundance
South	1386
North	1590

The reference site has slightly more birds than the comparator by a margin of 17%. The most significant difference concerned brent geese with a cumulative total of 691 compared with 346 in the reference site. Furthermore this was mainly based on a single count date 18th November when 346 were recorded in the northern site; these birds were grazing on eel grass, which is not present in the same quantities on the south comparator side. Later in the year this pattern switched with a count of 254 at the end of march in the comparator site, likely due to the presence of large amounts of green algae in that area.

Maxima

Peak and average counts were calculated for each side.

Area	Maximum total	Average
South	312	58
North	511	88

The second highest count in the northern zone was 315, closer to the max count in the southern; the high count in the north reflects a single count early in the season consisting of brent geese. If this is discounted the results are similar and reflect the slightly more diverse habitat in the south zone.

Bird distribution

High water

At high tide a few birds sometimes roost in the shingle area immediately to the south of the site, and sometimes on the oyster trestles temporarily stored there. Typical numbers are as follows:

Redshank 6 to 8

Curlew 1 to 3

Turnstone 4 to 6

Mallard 2 to 4

There are no other roost areas withing the ZoI. Brent geese frequently "up end" to feed through high tide, often adjacent to the proposed retention site.



Figure 4 Brent feeding near proposed retention site

Falling tide

As the tide ebbs, waterbirds follow it out in a line feeding the exposed mud and sand, rooting in seaweed and picking prey items off the surface. Gulls also drop into the intertidal area. wildfowl,

notably brent geese, tend to sit on the water until the tie has partly receded, initially feeding by upending, then grazing as they walk along.

Low water

At low tide waterbirds generally spread out over the intertidal area feeding based on prey opportunities and various stochastic triggers. Gulls tend to loaf, wash and sometimes roost on various rocky outcrops and reefs. In the early part of the season brent focus their feeding on zostera noltii (eel grass) mainly to the north of the site; later in the year their focus is on algal blooms (Ulva sp) that occur in different parts of the intertidal area. These small blooms are caused by eutrified agricultural runoff primarily.

Rising tide

As the tide starts to flow again there is typically some movement as birds exploit last minute feeding opportunities and find roost locations for the duration of the high tide.

This overall pattern was regular and unaffected by factors like day of week (the site is much less active on Sundays), level of aquaculture activity, exceptional tides, weather and low level disturbance. Only in instances where there was exceptional disturbance did this trigger a significant response.



Figure 5 Redshank and turnstone roostign on oyster trestles

Disturbance

Disturbance of birds was recorded systematically during all surveys. Any disturbance events were scored according to the severity of the effects on the birds, from none to major (see Table 2). Because there is a great deal of human activity around the bay from port the port, the golf course, cars on the adjacent road, walkers, dogs, shipping, boating bait collecting, fishing etc, only disturbance events which resulted in an impact, however small, on birds was recorded. The origin of some disturbance events could not always be determined, since birds taking flight in the distance may trigger a knock-on response in the ZoI. Birds have variable sensitivities to disturbance (see fig 1).

In addition to this species may habituate to regular disturbance.

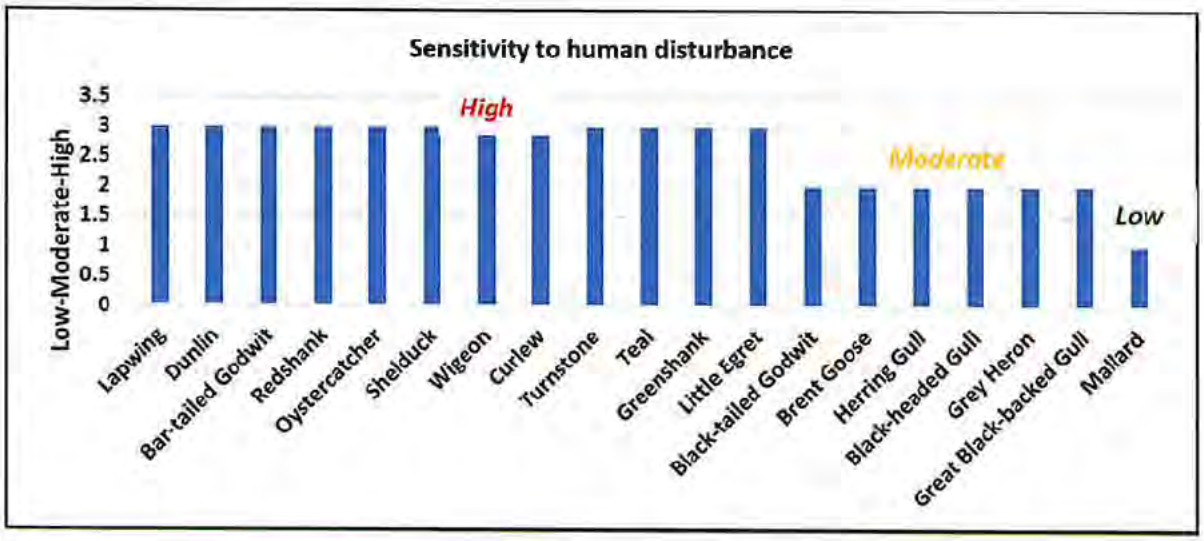


Figure 6 Wader sensitivity to disturbance (Nairn, 2017)

Response to disturbance	Impact	Grade
Walk away	Minor	2
Fly away but stay in area	Medium	3
Fly away leaving area	Major	4

Figure 7 Response to disturbance

Disturbance events

Area	South	North
Minor	7	2
Medium	3	5
Major	1	1

The most common disturbance events in the ZoI stemmed from aquaculture activity, specifically personnel or vehicles (tractors with trailers) moving through the area to and from the oyster trestles. The typical response was for birds to simply walk away or make a very short flight. Examples of medium effects were the following:

- A large group of motorcyclists roared past on the Carlingford road
- Two individuals digging for bait in the company of a small dog
- Kayakers circling the area at high tide
- A loud bang of unknown origin, possibly the port area.

The single major disturbance was caused by a loose dog out at the tideline. While the dog did not come close to the ZoI, the knock-on effect of birds rising in the distance resulted in almost every bird in the whole area lifting, with many crossing the lough to Mill Bay. to the



Figure 8 Tractor trailer accessing the site

Interpretation

Abundance

A T-Test comparing the two sets of data produced a p value of 0.3099 which would strongly suggest that the data sets are comparable (A low p-value (<0.05)) means the difference is statistically significant).

Behaviour and distribution

No significant differences in behaviour of overall distribution between the reference and comparison sites was noted.

Disturbance

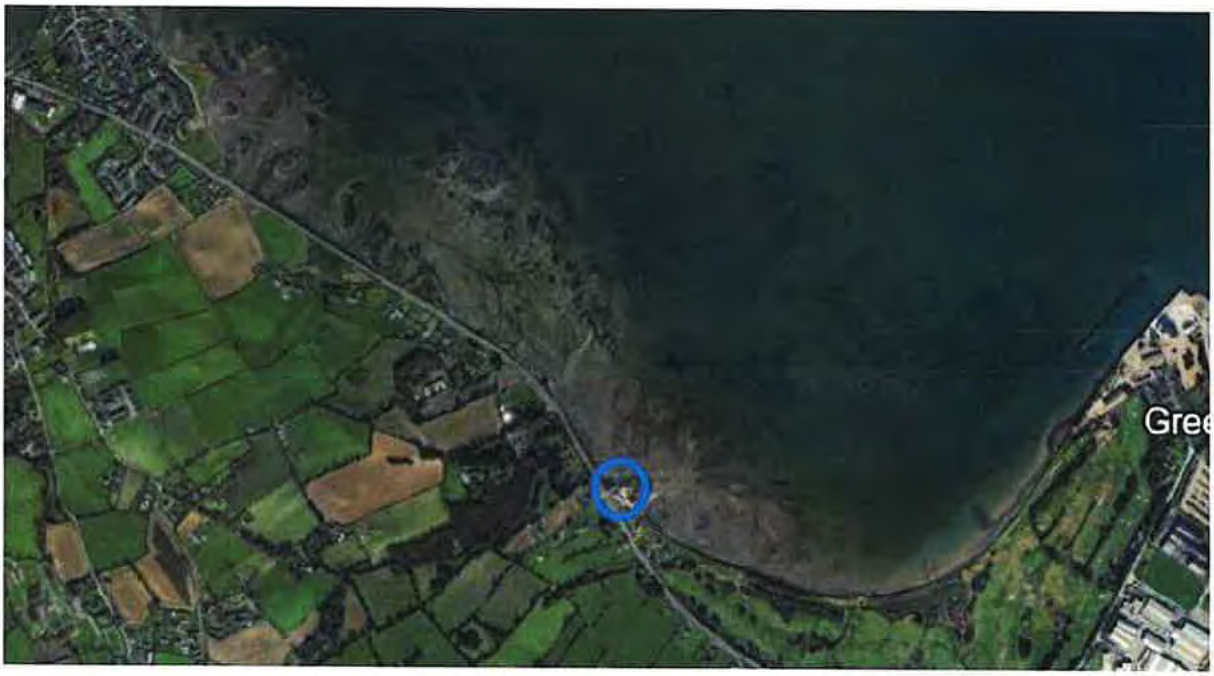
A slight difference between the two sites in terms of disturbance was occasionally seen, but the disturbance events were insignificant.

Conclusions

It may be concluded that there is no significant difference between the reference and the comparator site in terms of bird abundance, behaviour, distribution or disturbance. It may be therefore further concluded that the activities on the proposed retention site do not have a significant impact on birds using this area.

Appendix 1

Site location



Appendix 2

Designations



Appendix 3

Refer to AA Screening Report by R. Goodwillie

Appendix 4



Reference zone (North)



Comparator zone (ZoI) South

Appendix 5

Date	Time start	Time finish	Tide type (S, N, I)	Tide state (H, L, R, F)
08/09/2025	11:00	13:00	S	H
21/09/2025	15:00	17:20	N	R
28/09/2025	11:00	12:20	N	L
30/09/2025	14:15	15:50	N	R
01/10/2025	14:10	15:35	N	R
19/10/2025	13:50	15:15	I	L
20/10/2025	11:00	12:20	S	H
21/10/2025	14:00	16:00	N	F
03/11/2025	12:15	13:50	N	F
18/11/2025	07:00	08:50	S	L
22/11/2025	15:10	17:00	N	F
28/11/2025	16:00	17:20	N	H
01/12/2025	10:10	11:50	N	R
14/12/2025	11:10	12:45	N	L
15/12/2025	13:20	15:00	N	L
31/12/2025	09:00	10:15	S	R
02/01/2026	15:00	17:00	N	L
06/01/2026	13:05	14:50	N	L
21/01/2026	13:45	15:40	S	H
25/01/2026	14:50	17:00	N	H
10/02/2026	09:50	11:15	N	L
19/02/2026	12:30	13:40	S	H
25/02/2026	11:00	13:00		L
28/02/2026	09:00	11:00		F
02/03/2026	07:00	08:30		R
08/03/2026	14:10	15:20		H
11/03/2026	11:00	12:30	N	H
27/03/2026	14:10	15:35		L

Appendix 5

Species	**South**	**North**
Light-bellied Brent Goose	346	691
Shelduck	2	4
Wigeon	9	3
Teal	0	4
Mallard	28	15
Cormorant	1	0
Little Egret	9	8
Grey Heron	3	3
Oystercatcher	146	147
Ringed Plover	6	14

Grey Plover	1	0
Lapwing	17	93
Knot	38	0
Dunlin	53	156
Black-tailed Godwit	8	26
Bar-tailed Godwit	8	0
Curlew	23	11
Redshank	307	252
Greenshank	7	0
Turnstone	72	45
Black-headed Gull	96	82
Common Gull	154	23
Herring Gull	43	13
Great Black-backed Gull	8	0
Peregrine	1	0
Total	1386	1590

Carlingford Oyster Company
Habitat survey

Draft 28/06/26

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- Underlying Geology 2
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- Initial Construction of Development Site 3
- Designation of Carlingford Lough Natura Sites 3

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- Carlingford Lough 4
- Development Site and Zone of Influence 4

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Context

This survey is undertaken on behalf of Carlingford Oyster Company in respect of an existing oyster processing facility at Mullatee, Carlingford, Co. Louth. *hereafter "site"). The scope of this survey is limited to the natural habitats within an identified zone of influence (ZoI) around the site, as opposed to the built habitat, which is described in the accompanying Report by Stephen Ward & Co. Planning Consultants. The ZoI is based on a Source-Pathway-Receptor framework regarding possible impacts from the site. The geological and historical context of the site is important for understanding its present configuration.



Figure 1 Zone of Influence

Site History and Background

Underlying Geology

The site itself is underlain by Visean limestone and calcareous shale; the limestone dates from the carboniferous period 320 million years ago when it was deposited in a shallow tropical seas; about 100 metres to the north the bedrock transitions to Silurian metasediments which form the Longford - Down Inlier – figure 1. The next notable geological event was the eruption of volcanoes in the Mourne and Cooley mountains (Slieve Foye is the eroded root of a volcano from this time). These eruptions triggered by the opening of the North Atlantic Ocean which started about 65Ma ago. These eruptions caused the limestone pavement to lift and tilt, as well as producing many intrusions of igneous rock dominated by granite but also significant volumes of mafic rocks such as gabbro, dolerite and basalt which may be observed today in the lough and hinterland.

The next major geological event was the coming of the ice ages from about 2 million years ago ending about 10,000 years ago, which formed the configuration mapped in the 6-inch map 1829-42. A hard nub of limestone blocked the glacier at Greenore and other locations, notably at the development site. At that time the mudflats stretched as far as Millgrange townland to the south of the site, which then gave way to fenlands (Botherboy and Locra) – see figure 2. As a result the

Carlingford lough mudflats and hinterland contain many instances of exposed limestone and igneous rock intrusions.

Development of the Railway

Many of these were used for quarrying material which was ultimately used in the construction of King John's castle, Carlingford walled town and many other historical structures in the area. In 1862 Dundalk and Greenore Railway was conceived to provide a link between the towns in its title and the London and North Western Railway port at Greenore, from where a ferry service operated to Holyhead.

This project involved the construction of a railway bank enclosing what is present day Greenore golf course and passing immediately to the west of the construction site, currently the main road to Carlingford, the R176. The bank was protected by a pitched sea wall constructed of cut limestone block quarried locally. The current golf course was back filled from dredge from the lough's entry channel and subsequently, spoil from the railway. It was opened between Greenore and Dundalk in 1873 and extended to Newry in 1876. The company operated a hotel at Greenore.

There were several level crossings at the development site permitting access to the shore. An analysis of the 25-inch map from 1926 suggests that the development site was quarried for limestone, and that a quarry pond, possible freshwater or brackish, remained – see figure 3. Because of the limestone block, the sea wall ended where the rock emerged (the southern level crossing) and continued northwards after the entrance of the development site.

Analysis of various maps produced during the 1940s- 70s are of poor resolution and do not show the site in sufficient detail. In any case in 1951 the railway was abandoned and the rail infrastructure dismantled in 1956. Thereafter the road connecting Greenore to Carlingford was built during the 106s, largely following the track of the railway.

Initial Construction of Development Site

The 1996 ordinance survey map derived from aerial photography shows the site in detail at that point in time – figure 4. Here the pond/quarry can be clearly seen with a channel opening to the mudflats. A single shed and some vehicles can also be discerned. The upper shore is dominated by a shingle bank with some vegetation visible. Dipping limestone and reefs supporting wrack can also be discerned.

By 2006 the development site is well developed and still occupied the same basic footprint as it did in 1996 prior to any designation.

By 2025 the site had expanded to the east on the southern side of the pond, and along the southern shore as far as the ancient level crossing, identified by still standing pillars. See figure 6

Designation of Carlingford Lough Natura Sites

Carlingford lough was classified as Special Protection Area (SPA) in October 1996 and Carlingford Lough SAC was proposed as Site of Community Importance (SCI) in June 2001.

Carlingford Lough SPA was designated in 2012 through S.I. No. 464/2012 - European Communities (Conservation of Wild Birds (Carlingford Lough Special Protection Area 004078)) Regulations 2012 and Carlingford Shore SAC was designated in 2018 S.I. No. 289/2018 - European Union Habitats (Carlingford Shore Special Area of Conservation 002306) Regulations 2018. Conservation objectives

and site synopses are appended in appendix. The respective designation maps in relation to the development site are shown in figures 7 and 8.

An analysis of these maps and the shape data published by NPWS would suggest that approximately 11 sq.m permitted canteen is located within the SAC. Some areas adjacent to the development site are used for storage of oyster trestle tables but these are not included in the calculation, as this area forms part of the oyster cultivation area, as opposed to the development site.

Site Description

Carlingford Lough

The intertidal habitats described below were recorded during multiple site walkovers carried out during the summer of 2025.

The southern shore of Carlingford Lough between Greenore and Carlingford where the development site is located supports large expanses of intertidal mudflats, sandflats and mixed sediment. Most of the intertidal area along the southern shore is licenced for aquaculture production.

The intertidal area adjacent to the development site is characterised by a relatively flat sand shore broken with several reef of dipping limestone and various intrusions. Above the strandline, coarse sediments characterised by gravel, pebbles and broken shell dominate. Below the strandline, the sediment is characterised by sand with abundant worm casts in mosaic with areas of coarser mixed sediments, boulders and cobble in an undulating pattern. Extensive areas of Zostera noltei are present to the north of the development site, some with paths permitting the passage of aquaculture machinery.). Patches of the invasive species, common cord grass (Spartina angelica), are present on the north side of the intertidal area, not yet colonising the area adjacent to the development site– see figure 9. The intertidal reefs are dominated by fucoids and Ascophyllum nodosum

The main characterising biotopes recorded in the intertidal area are:

- LS.LMp.LSgr.Znol: Zostera noltei beds in littoral muddy sand
- LS.LSa.MuSa: Polychaete / bivalve dominated muddy sand shores
- LR.LLR.F.Asc.FS: Ascophyllum nodosum on full salinity mid eulittoral rock

Oyster bags, trestle tables and other material associated with aquaculture are present on the intertidal area, and along the shore.

The upper shore is completely covered on most tides, so that there is little opportunity for terrestrial or supralittoral vascular plants to establish. Most of the shore itself is composed of the pitched sea wall with the exception of two areas of rocky outcrop, one the development site and a further area to the north known as oysterman. Two islands remain exposed at most tides forming small patches of saltmarsh, and in one case salicornia beds.

Development Site and Zone of Influence

The site and surrounding area corresponding to a 200-metre zone of influence around the site was surveyed in both summer and winter months. the ZoI is based on possible impacts on habitats stemming from activities on and around the site, including but not limited to the following:

- Transport of aquaculture equipment by tractor and trailer

- Movement of personnel onto and off the shore
- Movement of materials, oils, contaminated water, equipment such as bag ties, hooks etc and other debris from the site onto the mixed sediment flats

The habitat consists of intertidal mixed substrate consisting of mud, sand, shingle, reefs, boulders and crushed shells corresponding to Mixed sediment shores (LS5 per Fossitt).

The shore to the south of the site is a pitched sea wall extending down to Greenore port about 1km distant (CC1). The seawall supports a number of lichens and small vascular plants. Immediately to the south of the retention site is an example of perennial vegetating of rocky shores (corresponding to shingle banks per Fossitt (CB1)) with the following species typical of that habitat present: oraches (Atriplex littoralis), Sea Beet (Beta vulgaris subsp. maritima), Wild Carrot (Daucus carota), Red Fescue (Festuca rubra), Rock Samphire (Crithmum maritimum), and Sea Radish (Raphanus raphanistrum subsp. maritimum). These give way to hedgerow species on the landward side including Gorse (Ulex europaeus), Bramble (Rubus fruticosus agg.), plantains (Plantago spp.), Nettle (Urtica dioica), thistles (Cirsium arvense, C. vulgare), Bindweed (Calystegia sepium), Ragwart (Jacobaea vulgaris), yarrow (Achillea millefolium), sow-thistle (Sonchus oleraceus), and docks (Rumex spp.), corresponding to WL1 per Fossitt.

Immediately adjacent to this is an ancient access point constructed as part of the railway, probably a level crossing to allow access to the shore corresponding to habitat BL1, **Stone walls and other stonework (per Fossitt).**

On the north side of the site is an area that was historically infilled and planted with coniferous trees; hedgerow type vegetation subsequently colonised. This then again gives way to the pitched sea wall that continues 400 metres until it meets a further small rocky outcrop.



Figure 2 Temporary storage of damaged oyster stands in red, adn new ones in yellow

The wider area around the site consists of mixed sediment interspersed with reefs and dipping limestone boulders. An area of mixed sediment immediately to the east of the site is used for temporary storage of trestle stands requiring repair, and new replacement ones. A few damaged

oyster bags were noted, along with some ties, hooks and other aquaculture equipment, likely having become detached from stands during stormy weather.



There is no evidence for Annual vegetation of drift lines, a qualifying interest, anywhere in the vicinity or the development site, or indeed in the whole area between Greenore and Carlingford.

There was no evidence of the red book species Oysterplant (Mertensia maritima).

Vehicles and personnel follow set paths through the habitat so that any impact is limited to these paths. Small amounts of bag ties and other aquaculture equipment could be found in the ZoI, particularly along the drift line, or in seaweed piles washed up by the tide. While small amounts of oil could be seen on the parking area for tractors at the site, this was not directly observed on the mudflats, but it may be inferred that this may happen.

Likely Significant Impacts

A small portion of the permitted canteen building, c 11 sq.m, is located within the SAC. This habitat is intertidal mixed sediment, corresponding to the habitat listed in the SPA Conservation Objectives, which is cross referenced to the SAC Qualifying Interests (which notes that this SAC overlaps with Carlingford Lough SPA (004078) and that the conservation objectives for this site should be used in conjunction with those for the overlapping site as appropriate.

It is unlikely that the site impacts perennial vegetation of stony banks in any way since the habitat is not present, nor likely to have been present, in the area occupied by the site.

Conclusion

A small portion of the permitted canteen, overlaps with the SAC. This area is estimated as 11 sq m. Please refer to enclosed drawing ref. no. C2205-P02 by J. Cunningham & Associates C2205-P02.

The activities on site may impact the qualifying interest identified as Wetlands and Waterbirds but this impact is likely to be small, barely measurable.

The activities on site are unlikely to significantly impact the area of qualifying interest perennial vegetation of stony banks in any way.

Appendix 1 - Figures



Figure 3 Carboniferous limestone in blue.



Figure 4 6-inch map 1929 42

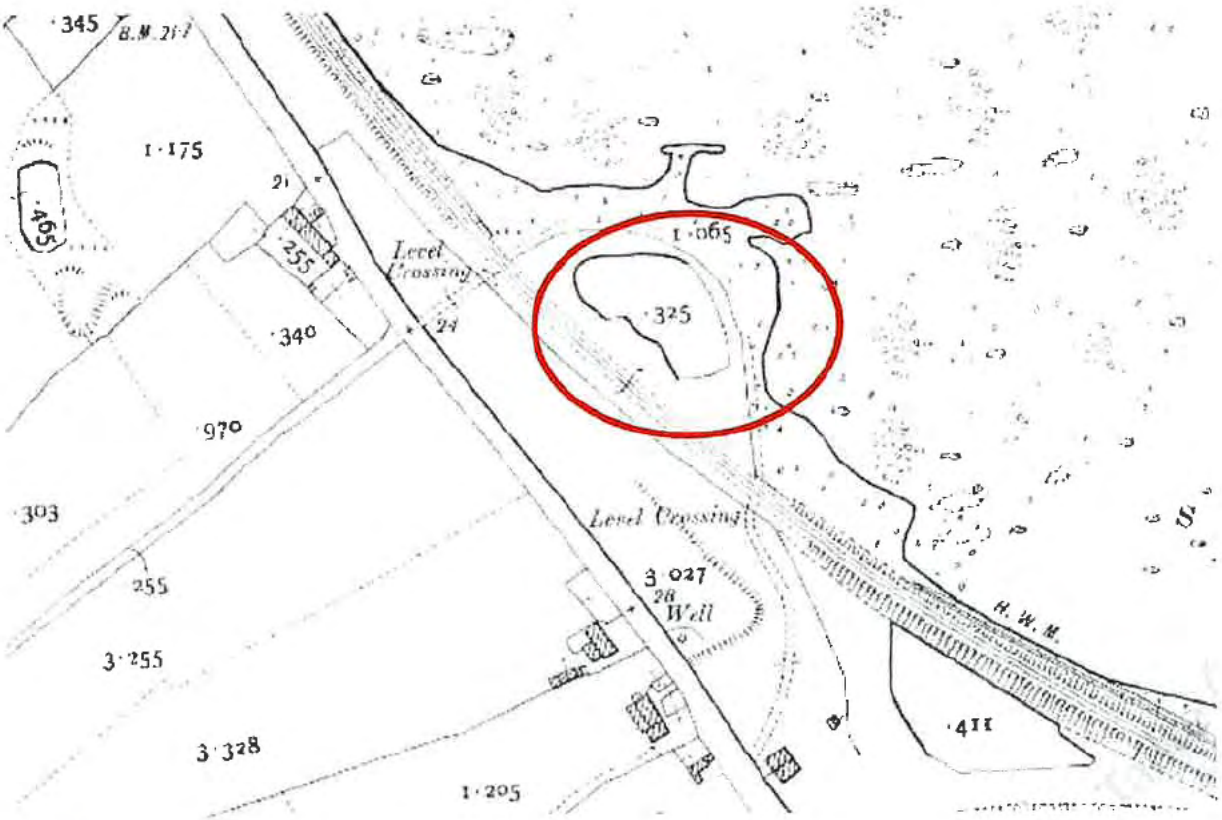


Figure 5 25-inch map 1926



Figure 6 Development site 1996



Figure 7 Development site 2006



Figure 8 Development site September 2025



Figure 9 SAC 2018



Figure 10 SPA 2018



Figure 11 Zostera beds Carlingford Lough (green) with aquaculture areas in blue and spartina in red

Appendix 2 – conservation objectives

Qualifying Interests

indicates a priority habitat under the Habitats Directive

002306 Carlingford Shore SAC

1210 Annual vegetation of drift lines

1220 Perennial vegetation of stony banks

Conservation Objectives for : Carlingford Shore SAC [002306]

1210 Annual vegetation of drift lines

To maintain the favourable conservation condition of Annual vegetation of drift lines in Carlingford Shore SAC, which is defined by the following list of attributes and targets:

Attribute	Measure	Target	Notes
Habitat area	Hectares	Area stable or increasing, subject to natural processes, including erosion and succession	Current area unknown, but thought to occur in a mosaic with perennial vegetation of stony banks (1220). Habitat is very difficult to measure in view of its dynamic nature, which means that it can appear and disappear within a site from year to year. See coastal habitats supporting document for further details
Habitat distribution	Occurrence	No decline, or change in habitat distribution, subject to natural processes	Current distribution unknown, but thought to occur in a mosaic with perennial vegetation of stony banks (1220). See coastal habitats supporting document for further details
Physical structure: functionality and sediment supply	Presence/ absence of physical barriers	Maintain the natural circulation of sediment and organic matter, without any physical obstructions	Accumulation of organic matter in tidal litter is essential for trapping sand. Rock armour is present at Ballagan Point and Greenore. These physical barriers will affect sediment supply. See coastal habitats supporting document for further details
Vegetation structure: zonation	Occurrence	Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession	Thought to occur in a mosaic with perennial vegetation of stony banks (1220). See coastal habitats supporting document for further details
Vegetation composition: typical species and sub-communities	Percentage cover at a representative number of monitoring stops	Maintain the presence of species-poor communities with typical species: sea rocket (*Cakile maritima*), sea sandwort (*Honckenya peploides*), prickly saltwort (*Salsola kali*) and orache (*Atriplex* spp.)	Based on data from the Coastal Monitoring Project (CMP) (Ryle et al., 2009) and Gaynor (2008). See coastal habitats supporting document for further details
Vegetation composition: negative indicator species	Percentage cover	Negative indicator species (including non-natives) to represent less than 5% cover	Negative indicators include non-native species, species indicative of changes in nutrient status and species not considered characteristic of the habitat. Based on data from Ryle et al. (2009). See coastal habitats supporting document for further details

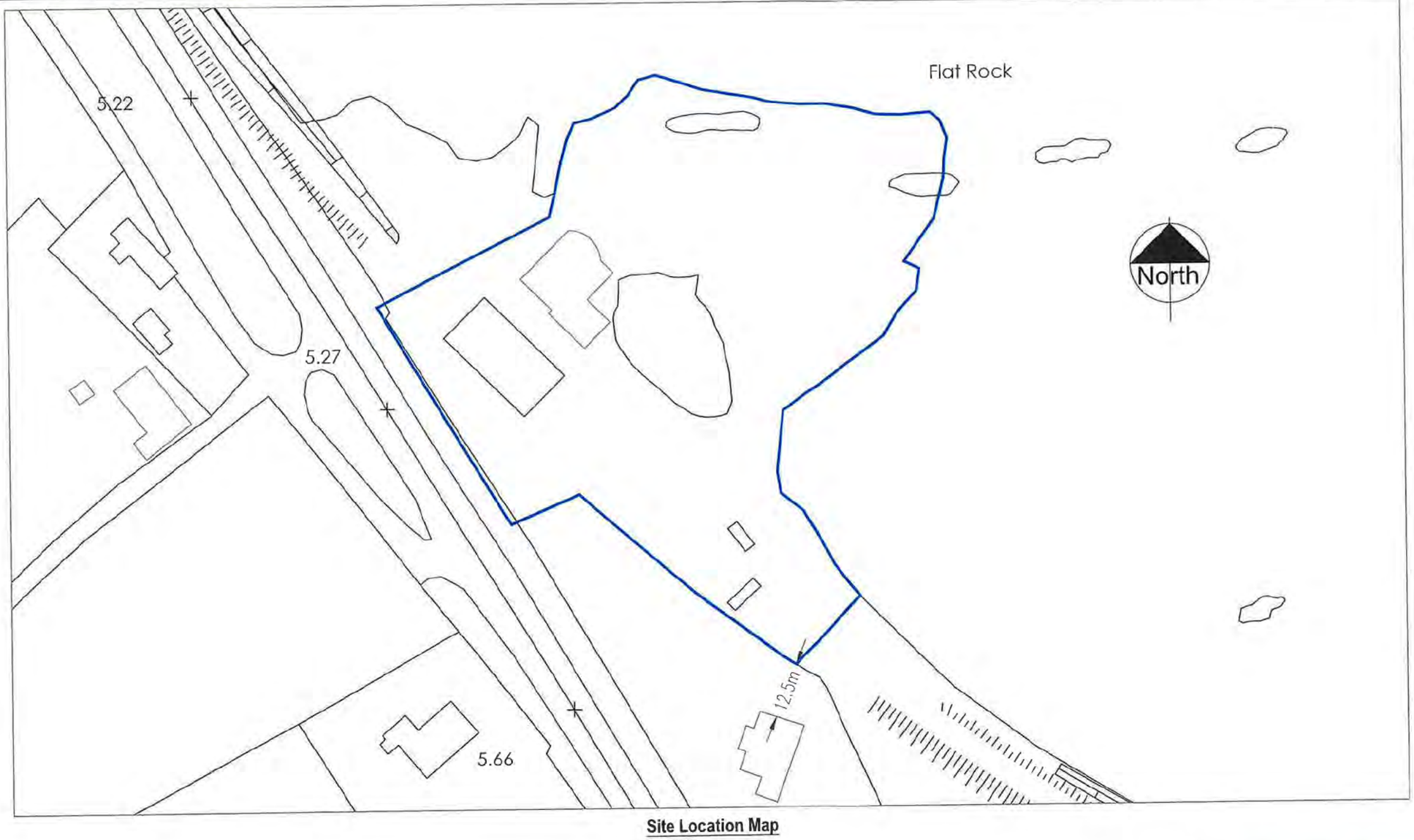
Conservation Objectives for : Carlingford Shore SAC [002306]

1220 Perennial vegetation of stony banks

To maintain the favourable conservation condition of Perennial vegetation of stony banks in Carlingford Shore SAC, which is defined by the following list of attributes and targets:

Attribute	Measure	Target	Notes
Habitat area	Hectares	Area stable or increasing, subject to natural processes, including erosion and succession	Current area unknown. Habitat recorded during the National Shingle Beach Survey (NSBS) (Moore and Wilson, 1999) from three sub-sites: Whitestown to Cooley Point, Ballagan Point and Greenore. Although extent was not mapped, these contiguous sites extend for 3.5km along the coastline. Area of vegetated shingle is estimated to cover 130ha. NB Further unsurveyed areas maybe present within the SAC. See coastal habitats supporting document for further details
Habitat distribution	Occurrence	No decline, or change in habitat distribution, subject to natural processes. See map 3 for mapped locations	Based on data from Moore and Wilson (1999). Exact current distribution unknown, although the habitat has been recorded along a 3.5km stretch of coastline from Greenore, extending south to Cooley Point (Moore and Wilson, 1999). See coastal habitats supporting document for further details
Physical structure: functionality and sediment supply	Presence/ absence of physical barriers	Maintain the natural circulation of sediment and organic matter, without any physical obstructions	Based on data from Moore and Wilson (1999). West of Cooley Point there has been a lot of development at Templetown beach, including the installation of a car park. The NSBS noted two areas of coastal defences (rock armour), one in an area south of Ballagan Point and another in an area south of Greenore (approx. 200m in length). A number of tourism-related developments, including a promenade protected with rock armour, have been constructed at Greenore. Shingle features are relatively stable in the long term. See coastal habitats supporting document for further details
Vegetation structure: zonation	Occurrence	Maintain range of coastal habitats including transitional zones, subject to natural processes including erosion and succession	Based on data from Moore and Wilson (1999). At Ballagan Point the shingle vegetation is backed by cobble-based grassland. Elsewhere along the Carlingford shore, gradations to inland habitats are disrupted by a road. Habitat is thought to occur in a mosaic with annual vegetation of drift lines (1210). See coastal habitats supporting document for further details
Vegetation composition: typical species and sub-communities	Percentage cover at a representative sample of monitoring stops	Maintain the typical vegetated shingle flora including the range of sub-communities within the different zones	Based on data from Moore and Wilson (1999). See coastal habitats supporting document for further details
Vegetation composition: negative indicator species	Percentage cover	Negative indicator species (including non-natives) to represent less than 5% cover	Based on data from Moore and Wilson (1999). Negative indicators include non-native species, species indicative of changes in nutrient status and species not considered characteristic of the habitat. See coastal habitats supporting document for further details

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Site Location Map
1 : 1000

NOTES

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CPR Note:
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All materials used in connection with the works to comply with the Construction Products Regulation (EU) No. 305/2011 and the harmonised technical specification/standards that fall within the remit of the CPR No. 305/2011

Legend:
Site Ownership

OSI Licence No.
EN 0037726

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Cert No. 1776
ENGINEERS IRELAND

Job Title: Development at Carlingford Oyster Company, Mullatee, Carlingford, Co. Louth

Client: Carlingford Oyster Company

Title: **Site Location Map**

Scale: 1:2500
Date: 09/09/2026
Drawn By: A.S.
Checked By: J.C
Sheet Size: A3
Drawing Number: C2205 - P01

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North

Legend:

- Site Ownership (Area ~ 0.9ha)
- Area of site the subject of Section 5 Declaration
- SPA
- SAC
- Area (11.1m²) of Canteen that is located within the SAC

O.S. Sheet No: 1568-C

Approx Areas Within SAC & SPA:

11.1m² ~ Approx area of Canteen that is located within the SAC

855m² ~ Approx area of site ownership denoted by blue lines that lies within the SAC

3600m² ~ Approx area of site ownership denoted by blue line that lies within the SPA

Special Area Conservation (SAC)

Special Protection area (SPA)

5.27

ESB Pole

TO DUNDALK



Key Plan
N.T.S.

Site Layout Map
1 : 500

NOTES

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ENGINEERS IRELAND

Job Title:	Development at Carlingford Oyster Company, Mullatee, Carlingford, Co. Louth
Client:	Carlingford Oyster Company
Title:	**Site Layout Map**
Scale:	1:500
Date:	09/09/2026
Drawn By:	A.S.
Checked By:	J.C
Sheet Size:	A3
Drawing Number:	C2205 - P02

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North

Legend

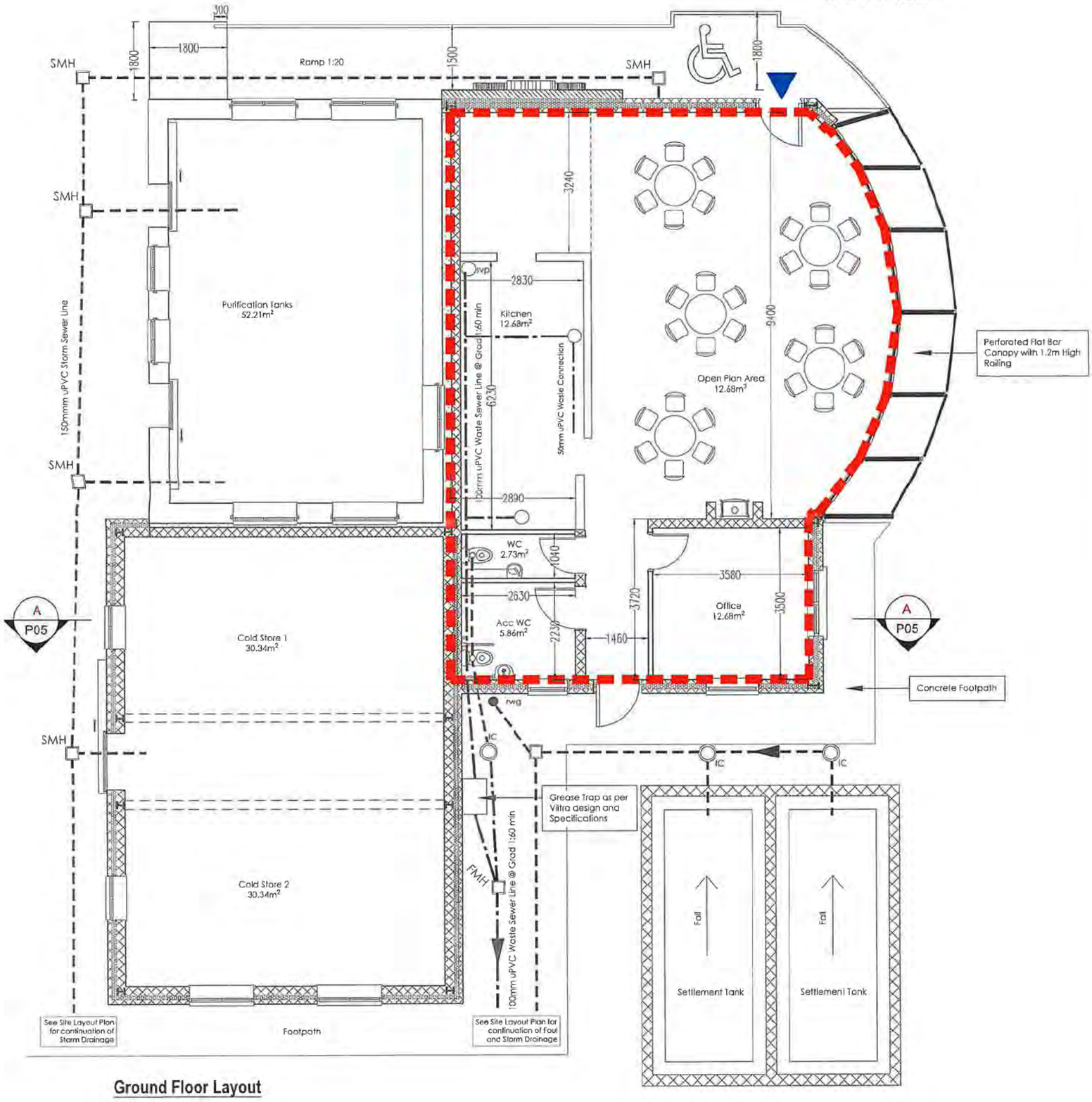
Floorplan of Existing Canteen (Area = 122m²)

NOTES

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Ground Floor Layout

1:100

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Cert No.1776
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Job Title: Development at Carlingford Oyster Company, Mullatee, Carlingford, Co. Louth

Client: Carlingford Oyster Company

Title: **Proposed Floor Layout**

Scale: 1:100
Date: 09/09/2026
Drawn By: A.S.

Checked By: J.C
Sheet Size: A3
Drawing Number: C2205 - P03

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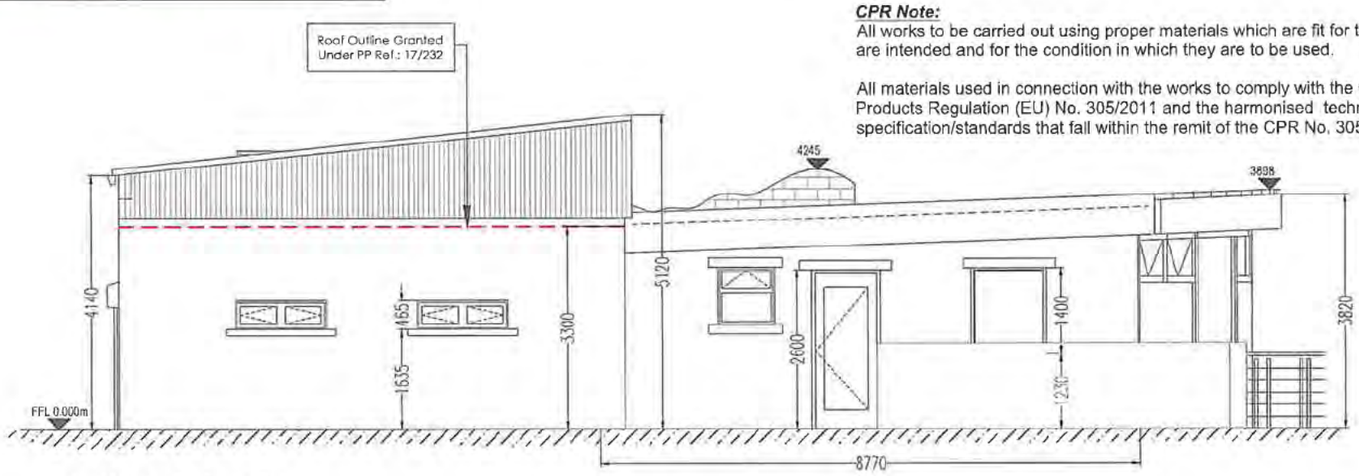
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NOTES

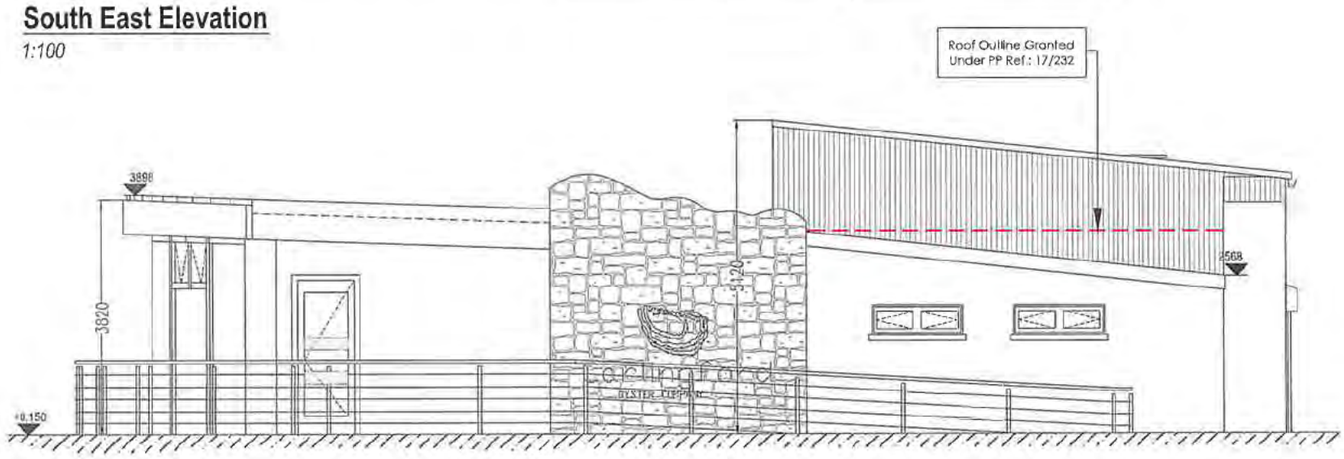
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CPR Note:
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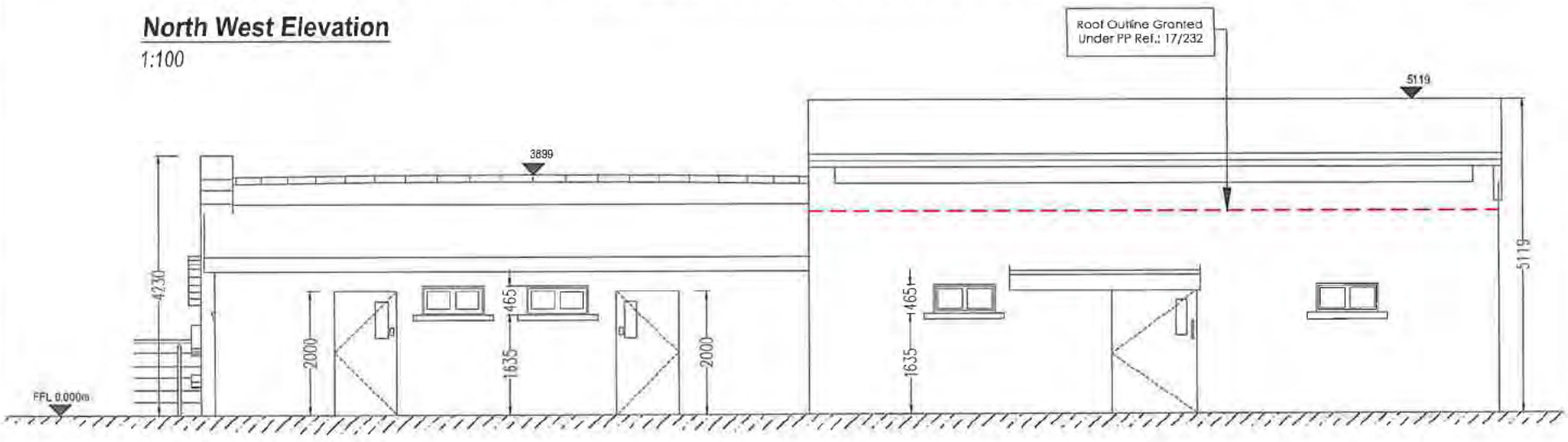
All materials used in connection with the works to comply with the Construction Products Regulation (EU) No. 305/2011 and the harmonised technical specification/standards that fall within the remit of the CPR No. 305/2011



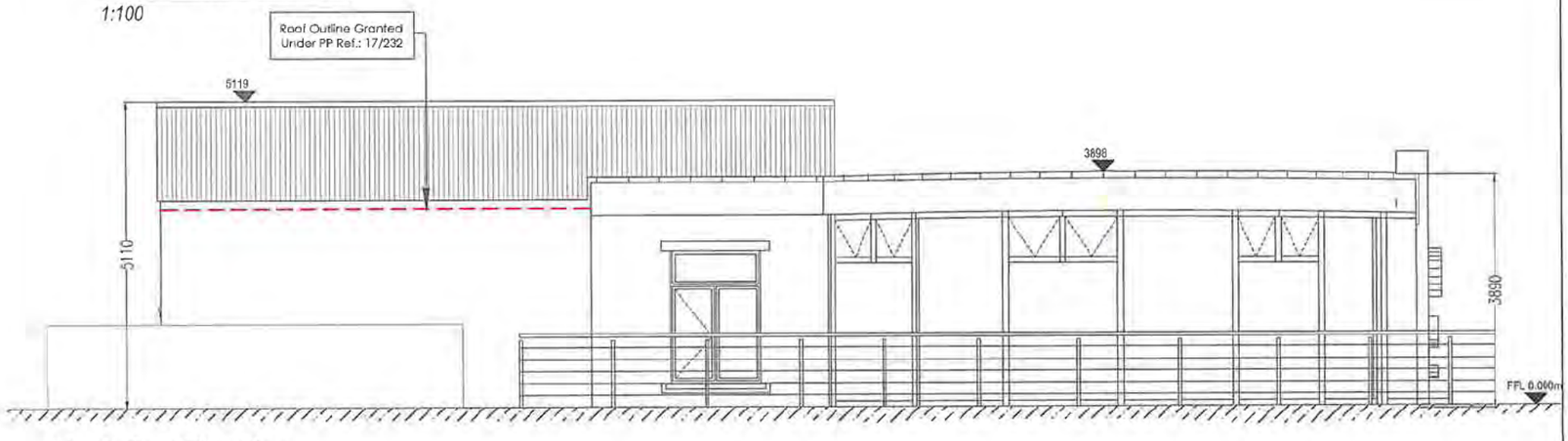
South East Elevation
1:100



North West Elevation
1:100



South West Elevation
1:100



North East Elevation
1:100

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Job Title: Development at Carlingford Oyster Company, Mullatee, Carlingford, Co. Louth

Client: Carlingford Oyster Company

Title: **Elevations**

Scale: 1:100
Date: 09/09/2026
Drawn By: A.S.

Checked By: J.C
Sheet Size: A3
Drawing Number: C2205 - P04

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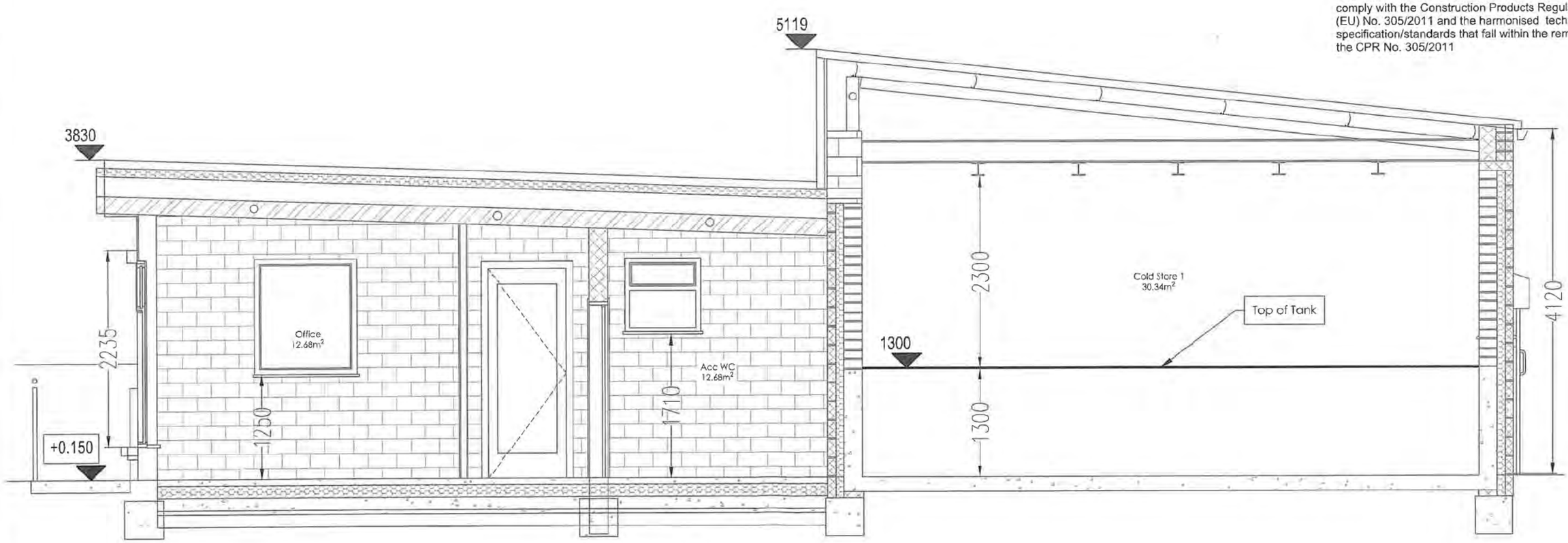
NOTES

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Section A-A
1:50

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Job Title:	Development at Carlingford Oyster Company, Mullatee, Carlingford, Co. Louth
Client:	Carlingford Oyster Company
Title:	**Section A - A**
Scale:	1:50
Date:	09/09/2026
Drawn By:	A.S.
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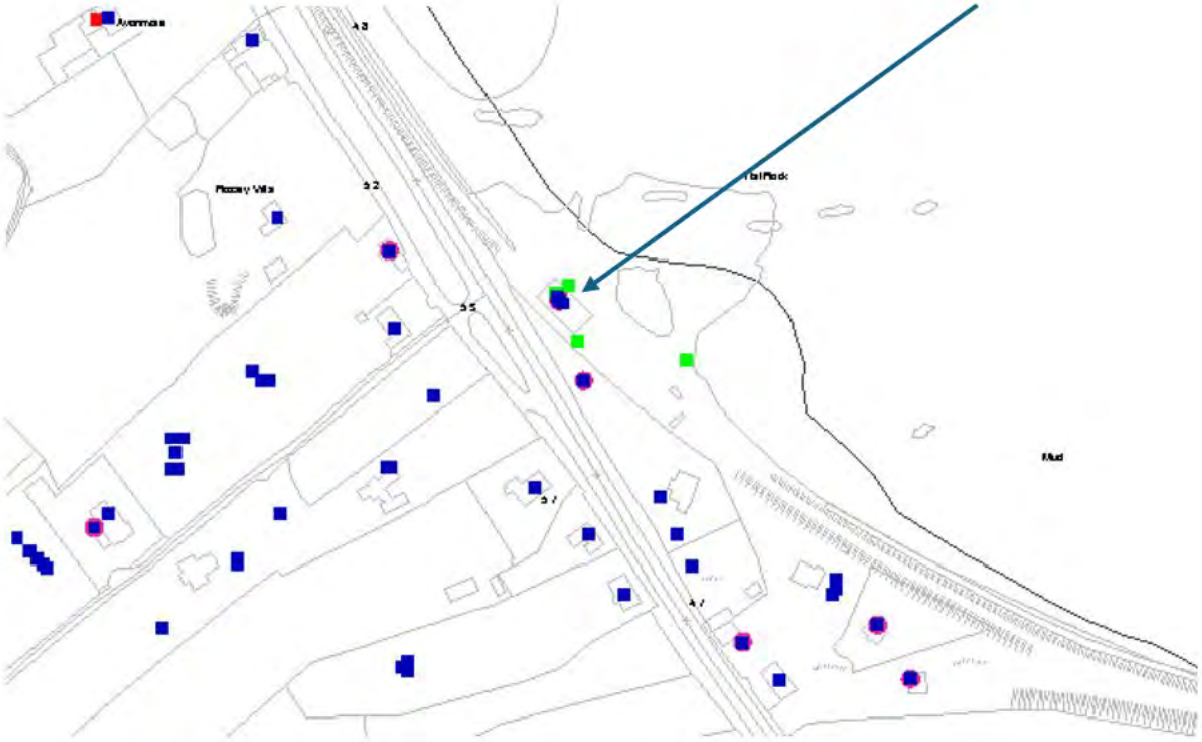
Louth County Council
Section 5 Declaration

Planning Ref:	S5 2026/70
Applicant's Name:	Carlingford Oyster Company Ltd
Type of Application:	**Section 5 Declaration**
Question:	*Whether the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232 and is it or is it not exempted development*
Site Location:	Carlingford Oyster Company LTD, Mullatee, Greenore Road, Carlingford, Co. Louth
Due Date:	1st November 2026

Site Location and Description

A declaration has been sought as described by the applicant in relation to the *"use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232" is or not development and is or not exempted development.*

The site is located in Rural Policy Zone 2 as per the Louth County Development Plan 2021-2027 (as varied).





Road side elevation

2. Planning History

There are nine previous planning permissions pertaining to this property:

23/60352: Retention and completion of a partially constructed single storey extension permitted under P.A. Ref. No. 17/282 to the existing production building. The existing production building was permitted under P.A. Ref. 93/ 84 and has operated from the site for nearly 30 years. Permission is also sought to retain and complete c. 25 sq. m of additional production floorspace to the southwest of the partially constructed extension. The retention and completion of the extension and additional floor area will facilitate the internalisation of part of the production process.

The decision to **grant** was by Louth County Council on the 6/11/2023 was **appealed** by a third party to An Bord Pleanála **ABP-318516-23.** ABP **refused** retention on 2nd September 2024.

23/224: EXTENSION OF DURATION OF 17/282 - Retention permission and Permission for development to consist of 1. The retention of an existing storage shed. 2. The retention of an existing prefab canteen facility. 3. The proposed change of use of the above prefab structure from canteen to storage. 4. The proposed extension of the existing main production building and 5. The proposed extension to existing purification building to include 2 no. cold stores, a wheelchair accessible toilet, an office, a kitchen and a canteen. *SIGNIFICANT FURTHER INFORMATION RECEIVED ON 28/11/2017 PROVIDES FOR THE RETENTION OF 2 REFRIGERATION UNITS AND INSTALLATION OF A NEW SEPTIC TANK ON SITE**
The application was **withdrawn** on the 2/6/2023.

22/828 -Permission for the change of use from existing storage/canteen (previous planning ref. no. 17/282) to restaurant use incorporating kitchen, sanitary facilities and small office, together with all ancillary site development works. Refused.

17/282: Retention permission and Permission for development to consist of 1. The retention of an existing storage shed. 2. The retention of an existing prefab canteen facility. 3. The proposed change of use of the above prefab structure from canteen to storage. 4. The proposed extension of the existing main production building and 5. The proposed extension to existing purification building to include 2 no. cold stores, a wheelchair accessible toilet, an office, a kitchen and a canteen. *SIGNIFICANT FURTHER INFORMATION RECEIVED ON 28/11/2017 PROVIDES FOR THE RETENTION OF 2 REFRIGERATION UNITS AND INSTALLATION OF A NEW SEPTIC TANK ON SITE**
(Permission **granted** 23/01/2018)

10/348: Permission for the construction of a new 54m² building which will contain new purification tanks & all associated site works.
(Permission **granted** 18/11/2010)

03/138: 2 storey dwellinghouse & septic tank.
(Permission **granted** 03/05/2003).

01/1319: 2 Storey Dwellinghouse.
(Permission granted 24/06/2002).

93/84: Oyster Grading Building.

92/197: Change of Use of Quarry to Shellfish Handling & Packing Facilities.
(Permission **granted** 22/01/1993

Enforcement History

There are three other unauthorised development files associated with this property.

22U119: Alleged unauthorised restaurant operating.
Case **Closed** 18/7/2022.

19U084: Non-compliance with Conditions and Drawings granted under planning ref: 17/282 - timber post and rail fence and storage location of trestles.
Case **closed** 24/1/2022.

12U030: Double streetlight for security purposes
Case **closed** 27/7/2013.

3. Declaration Sought

The applicant has stated at question 7 of the submitted application is:

- *Whether the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232 is or is it not exempted development*

The applicant has submitted the following particulars for consideration: -

- Section 5 Declaration Application Form
- Site location map
- Planning Report
- Appropriate Assessment Screening Report
- Habitat Survey

- Winter Bird Survey.

4. EIA Screening and Determination

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being granted. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017.

Based on information provided and having considered the nature, size and location of the subject development, I am satisfied that there is no real likelihood of significant effects on the environment and as such, an EIAR is not required.

5. Appropriate Assessment

The application was accompanied by a Stage 1 Appropriate Assessment Screening Report prepared by Roger Goodwillie and Associates. The submitted Appropriate Assessment Screening Report, prepared by the applicant's ecological consultants, was undertaken in accordance with Article 6(3) of the Habitats Directive and relevant national and European guidance. The assessment comprised a:

- Description of the project
- Review of designated sites,
- Conservation objectives,
- Likely effects/cumulative effects.
- Conclusion: There is no likelihood that the developments will have any impact on the Natura 2000 sites, cause any impairment of their integrity or have any effect on the attainment of their conservation objectives.

Planning Authority Determination: Given what is described as a new “visitors centre” by the applicant on social media, I conclude have regard to the location and the adjoining Carlingford Lough SAC and SPA that given the nature and scale of the development and separation distances involved, I cannot be satisfied that the development does not have an impact on the adjoining European sites by reason of noise, emissions, lighting and human activity/disturbance.

I also note the existing unauthorised, partially constructed extension to the production facility that was refused by An Bord Pleanála under reference ABP-318516-23 (LCC Ref: 23/60352) on 3rd September 2024, for the following reason:

> **REFUSE permission for the above development for the reasons and considerations set out below.**
>
> **Reasons and Considerations**
>
> On the basis of the information provided with the planning application and the appeal, and given the nature and siting of the works proposed to be retained along the shoreline and with a direct hydrological connection to Carlingford Lough, the Board is not satisfied that the proposed development, by itself or in combination with other plans or projects, would not be likely to have a significant effect on the designated Carlingford Lough Special Protection Area (Site Code: 004078) and the Carlingford Shore Special Area of Conservation (Site Code: 002306) in view of the sites' Conservation Objectives. Furthermore, the works proposed to be retained in this instance would be contrary to policy objectives NBG 3 and NBG 5 of the Louth County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area. In such circumstances, the Board is precluded from giving further consideration to a grant of planning permission.

Therefore, given the decision of An Bord Pleanála to refuse the retention and completion of the existing unauthorised partially constructed extension to the production facility under reference ABP-318516-23 (LCC Ref: 23/60352) on 3rd September 2024, on reasons related to environmental protection in combination with other plans or projects, I consider that Article 9(1)(a)(viiiB) is applicable.

The applicant has also submitted bird and habitat survey which I have reviewed and note the conclusions. However, given the scale of the development and the change of

use, I am not satisfied that the development does not have an impact on the adjoining European sites by reason of noise, emissions, lighting and human activity/disturbance.

6. Legislative Context

S.I. No. 662/2024 - The Planning and Development Act 2024 (Commencement) Order 2024

Planning and Development Act, 2024

Sections 1-5 of the Planning Act of 2024 commenced in December 2024.

Section 2 states that**:**

In accordance with Section 2 of the Planning & Development Act, 2024 "*Development"* means the carrying out of any works on, in, over or under land or on ,in ,over or under the maritime area, or the making of any material change in the use of any structures or other land, or the sea, seabed or any structure in the maritime area.

"Exempted development" means (a) development of a class prescribed under *section 9*, or

(b) development that is exempted development by virtue of *section 152*;

"alteration" includes, in relation to a structure—
(a) plastering or painting,
(b) the removal of plaster or stucco, and
(c) the replacement of a door, window or roof,
that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

"structure" means a building, edifice, construction, excavation, or other thing constructed or made on, in or under any land, or a maritime site, or any part thereof, or(b) the land or maritime site on, in or under which such building, edifice,

construction, excavation, other thing or part is situated

"Unauthorised development" means, in relation to land or a maritime site—
(a) unauthorised works (including the construction, erection or assembly of an unauthorised structure), or
(b) an unauthorised use;

"Unauthorised structure" means *a structure on, in, over or under land or a maritime site, other than -*
(a) exempted development,
(b) development carried out in accordance with-
(i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
(ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
(iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
(iv) a permission granted under *Part 4*,
(c) *Chapter 6* State authority development within the meaning of *Part 4*,
(d) development required by—
(i) a notice under *section 339*,
(ii) an order under *section 341*,
(iii) an enforcement notice under *section 350*, or
(iv) a planning injunction under *section 351*,
or
(e) development carried out in accordance with—
(i) a licence under *section 13*, or
(ii) a licence under section 254 of the Act of 2000;

"unauthorised use" means, in relation to land or a maritime site, a use that is a material change in use of the land or maritime site, other than-
(a) exempted development,
or
(b) development carried out in accordance with—
(i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,

(ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
(iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 , or
(iv) a permission granted under *Part 4* ,
(c) *Chapter 6* State authority development within the meaning of *Part 4* ,
(d) development required by—
(i) a notice under *section 339* ,
(ii) an order under *section 341* ,
(iii) an enforcement notice under *section 350* , or
(iv) a planning injunction under *section 351* ,
or
(e) development carried out in accordance with—
, or
(ii) a licence under section 254 of the Act of 2000;

"*unauthorised works"* means any works on, in, over or under land or a maritime site, other than—
(a) exempted development,
(b) development carried out in accordance with—
(i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
(ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
(iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
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(c) *Chapter 6* State authority development within the meaning of *Part 4*,
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(i) a notice under *section 339*,
(ii) an order under *section 341*,
(iii) an enforcement notice under *section 350*, or
(iv) a planning injunction under *section 351*,
or
(e) development carried out in accordance with—
(i) a licence under *section 13*, or
(ii) a licence under section 254 of the Act of 2000;
"Works" includes an act or operation—

(a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site,
(b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and
(c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

Planning and Development Act 2000 (As amended)

Section 4 states that**:**

Section 4(1) provides a list of statutory exempted development including development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used under section 4(1)(a).

Section 4(1)(h) provides for *"Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures".*

Section 4(2) provides for the making of regulations relating to exempted development. The Planning & Development Regulations (PDR) 2001 (as amended) give effect to section 4(2).

Section 5 states that**:**

(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the

planning authority any information necessary to enable the authority to make its decision on the matter.

(2) *(a)* Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.

(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.

(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

Section 32 states that**:**
Section 32 PDA 2000 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development, which is unauthorised, for the retention of that unauthorised development.

Section 177U(9) states that

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

Planning and Development Regulations (2001) (as amended)

Article 6 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 6 of the Planning & Development Regulations, 2001 (as amended) provides (subject to the restrictions in article 9 PDR 2001) for the classes of exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.

4. (a) Subject to paragraph (b), the carrying out of such works as are necessary to secure compliance with the Building Regulations, 1997 (S.1. No. 497 of 1997) shall, the case of development consisting of the construction of a dwelling or dwellings in respect of which permission under Part IV of the Act of 1963 was granted before 1st June 1992, be exempted development.

(b) Paragraph (a) shall not apply to in the case of development consisting of the construction of a building designed for use of 2 or more separate dwellings.

Article 9 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 9(1) of the Planning & Development Regulations, 2001 (as amended) provides restrictions on exemptions as follows:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—
(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes, or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or 13 other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan local area plan or the draft development plan or draft local area plan.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under Section 14 or a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930), as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the

development which would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site;

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under Section 18 of the Wildlife (Amendment) Act 2000.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Article 10 of the Planning & Development Regulations (PDR) 2001 (as amended) – Changes of Use:

Article 10 states:

"(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

(2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

(b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—

(i) as an amusement arcade,

(ii) as a motor service station,

(iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,

(iv) for a taxi or hackney business or for the hire of motor vehicles,

(v) as a scrap yard, or a yard for the breaking of motor vehicles,

(vi) for the storage or distribution of minerals,

(vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,

(vii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or

(viii) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.

(3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.

(4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(5) Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act."

7. Assessment

Does the proposal constitute development?

(a) Whether the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events.

Regard has been given to the definition of development in the Planning and Development Act 2024 as being "*the carrying out <u>of works</u> on, in, over or under lands or the making of any* **material change in the use** *of any structures or other land."*

Works *"includes an act or operation—*

(a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site."

The change of use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events is considered to be a material change of use and thus constitutes a form of development.

(b)The increase in height of the roof to existing cold storeroom by 1.78m from that permitted under ref no: 17/232.

The increase in height of the roof to existing cold storeroom by 1.78m is considered to constitute development.

Does the proposals constitute exempted development?

(a)The change of use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events.

The change of use as specified that the applicant is considered to be a material change in the use from that grant permission under ref no: 17/232 and thus would be planning permission.

Furthermore, the requirement for planning permission for this change of use was acknowledged by the applicant under ref no: 22/828 which sought permission for the change of use from the existing storage/canteen (previous planning ref. no. 17/282) to restaurant use incorporating kitchen, sanitary facilities and small office, together with all ancillary site development works. A decision to **refuse** was made on the 8/12/2022. No appeal was made.

Does the proposals constitute exempted development?

(b)The increased height of the roof to the tank room by 1.78 metres above the 3.3 metre height permitted under Ref: 17/232.

This is not considered a non-material alteration and as such is considered unauthorised requiring planning permission to be retained.

Enforcement file.

Furthermore, having reviewed the Planning Enforcement file and the planning history, I would not be satisfied that the description of the development as set out by the applicant is adequate as to the nature and scale of the change of use as advertised.

The canteen was granted permission under ref no: 17/232 for use by staff only, and not by any other outside parties, groups or members of the public. The enforcement file would indicate that this area is now in use as a restaurant and public event space in what is described as a new “visitors centre” by the applicant on social media.

Furthermore, the requirement for planning permission for this change of use was acknowledged by the applicant under ref no: 22/828 which sought permission for the change of use from the existing storage/canteen (previous planning ref. no. 17/282) to restaurant use incorporating kitchen, sanitary facilities and small office, together with all ancillary site development works. A decision to **refuse** was made on the 8/12/2022. No appeal was made.









8. Recommendation

Accordingly, it is recommended that an order along the following lines is issued: -

- **WHEREAS** a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the change of use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78m from that permitted under ref no: 17/232. *is or is it not exempted development.*

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

(a) The definition of *"development"* in **Section 2** of the Planning & Development Act 2024

(b) **Section 4** of the Planning & Development Act 2000 (as amended);
(c) **Article 6**, **9 and 10** of the Planning & Development Regulations 2001 (as amended);
(d) Planning history associated with the site;
(e) The plans and particulars submitted to the Planning Authority.

AND WHEREAS *Louth County Council has concluded*: -

That the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232 is considered to **constitute development** under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024.The developments are therefore considered to be **development which are not exempted from the requirement to obtain planning permission.**

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232, at the Carlingford Oyster Company Ltd, Mullatee, Greenore Road, Carlingford, Co Louth is **development** and is not **exempted development.**

Brian Brooks
Exec Planner
Date: 29/10/2026

Turlough King
A/Senior Planner
Date: 29/10/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	836/2026
Reference No:	S5 2026/70
Date Application Received:	05/10/2026
Description of Development:	Whether the change of use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78m from that permitted under ref no: 17/232. *is or is it not exempted development.*
Name of Applicant:	Carlingford Oyster Company
Location of Development	Carlingford Oyster Company Ltd, Mullatee, Greenore Road, Carlingford, Co Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the change of use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78m from that permitted under ref no: 17/232. *is or is it not exempted development.*

AND WHEREAS the said question was referred to Louth County Council by Carlingford Oyster Company

LCP Order No. 836/2026 **Reference No: S5 2026/70**

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

(a) The definition of *"development"* in **Section 2** of the Planning & Development Act 2024
(b) **Section 4** of the Planning & Development Act 2000 (as amended);
(c) **Article 6**, **9 and 10** of the Planning & Development Regulations 2001 (as amended);
(d) Planning history associated with the site;
(e) The plans and particulars submitted to the Planning Authority.

AND WHEREAS *Louth County Council has concluded*: -

That the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232 is considered to **constitute development** under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024.The developments are therefore considered to be **development which are not exempted from the requirement to obtain planning permission.**

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232, at the Carlingford Oyster Company Ltd, Mullatee, Greenore Road, Carlingford, Co Louth is **development** and is not **exempted development.**

Signed: _____ **Date: 30/10/2026**
Turlough King
A/Senior Planner

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S 380/26 dated 31st day of July 2026.

Carlingford Oyster Company
c/o Stephen Ward Town Planning & Development

Via Email Only : [redacted]

30th October 2026

Re: Ref. S5 2026/70

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to "whether the change of use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78m from that permitted under ref no: 17/232. is or is it not exempted developmentt"

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 5th October 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the change of use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78m from that permitted under ref no: 17/232. *is or is it not exempted development.*

AND WHEREAS the said question was referred to Louth County Council by Carlingford Oyster Company

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

(a) The definition of *"development"* in **Section 2** of the Planning & Development Act 2024
(b) **Section 4** of the Planning & Development Act 2000 (as amended);
(c) **Article 6**, **9 and 10** of the Planning & Development Regulations 2001 (as amended);
(d) Planning history associated with the site;
(e) The plans and particulars submitted to the Planning Authority.

AND WHEREAS *Louth County Council has concluded*: -

That the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232 is considered to **constitute development** under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024.The developments are therefore considered to be **development which are not exempted from the requirement to obtain planning permission.**

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the use of the existing canteen for the hosting of visiting customers and buyers, prospective customers and buyers and representatives of trade promotion and regulatory bodies, whether individually or in groups, for oyster tasting and sampling events and the increase in height of the roof to existing cold storeroom by 1.78 from that permitted under ref no: 17/232, at the Carlingford Oyster Company Ltd, Mullatee, Greenore Road, Carlingford, Co Louth is **development** and is not **exempted development.**

In Summary

A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 5th October 2026.

This decision may be referred by you to An Coimisiún Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,

Brian Duffy

Brian Duffy
Planning Section