

Planning and Development Act 2000, as amended

Planning Authority: Wexford County Council

Application for Substitute Consent by Cashwood Poles Limited in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, as amended.

Location of Development: Retention permission is sought for an existing 1.2 kilometres access road to access forestry and agricultural lands and all other associated works at Ballycrystal, Rossard, County Wexford.

Decision

The Commission, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to GRANT substitute consent in accordance with the following conditions.

Reasons and Considerations

In coming to its decision, the Commission had regard to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA (Substitute Consent) and the provisions of the Planning and Development Regulations, 2001, as amended,
- (b) the applicable national, regional and local planning policy including in particular the provisions of the Wexford County Council Development Plan 2022-2028,
- (c) the remedial Natura Impact Statement and supporting documentation submitted with the application,
- (d) the report and the opinion of the planning authority and the applicant's response to the report,
- (e) the planning history of the subject site and adjoining lands,
- (f) the nature, scale, characteristics and location of the historic development, and
- (g) the Inspector's assessment as set out in the Inspector's Report.

Environmental Impact Assessment

The Commission agreed with the Screening Assessment carried out by the Inspector and having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, the Commission considered that there is no real likelihood of significant effects on the environment.

Appropriate Assessment Stage 1

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Blackstairs Mountains Special Area of Conservation (Site Code 000770) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for the site and that a Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

The Commission considered the remedial Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Blackstairs Mountains Special Area of Conservation (Site Code 000770), in view of the site's conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the site using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (b) the remediation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

The Commission considered that, subject to the implementation of the identified remediation measures either individually or in combination with other plans or projects, that adverse effects on site integrity of the Blackstairs Mountains Special Area of Conservation (Site Code 000770) can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

The Commission's conclusion is based on the following:

- (a) Detailed assessment of construction and operational impacts.
- (b) The location of the conservation interest features considered in the Appropriate Assessment.
- (c) The proposed development will not affect the attainment of conservation objectives for Blackstairs Mountain Special Area of Conservation or prevent or delay the restoration of favourable conservation condition for this site.
- (d) Effectiveness of mitigation and monitoring measures proposed.

Conditions

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Coimisiún Pleanála with the application on the 12th day of July 2024, and to the further plans and particulars submitted in response to the Commission's Section 132 Notice received on the 18th day of December 2024, except as may otherwise be required in order to comply with the following conditions.

(b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development on the subject site.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures contained in the submitted remedial Natura Impact Statement (NIS), shall be implemented in full. The mitigation planting proposed shall take place within the first planting season following the grant of permission. All trees shall be native deciduous woodland species.

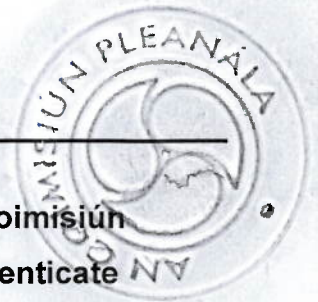
Reason: To protect the integrity of a European Site.

3. Sightlines as indicated on drawing number P-02 submitted to An Coimisiún Pleanála with the application on the 12th day of July, 2024 shall be maintained at all times.

Reason: In the interests of traffic and pedestrian safety.


Declan Moore

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 23rd day of July 2026.