



An  
Bord  
Pleanála

## Board Order 24.JP0038

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### Planning and Development Acts, 2000 to 2017

#### Planning Authority: Waterford City and County Council

**Application** by Waterford City and County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 10<sup>th</sup> March, 2016.

**Proposed Development:** Provision of a 2.5-metre wide pedestrian and cycleway (mainly at grade level with the exception of a raised section as described on project drawings) between the Sports Centre and the Youghal Road including the provision of public lighting and appropriate fencing all in the townlands of Ringnasilloge and Borheen, County Waterford, as amended by the further information received by the Board on the 31<sup>st</sup> July, 2017.

### Decision

**Refuse to approve the above proposed development based on the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

The Board agreed with the screening assessment and conclusion carried out by the Inspector that the Dungarvan Harbour Special Protection Area (site code: 004032) is the European Site for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the Dungarvan Harbour Special Protection Area (site code: 004032) in view of the site's conservation objectives.

In completing the assessment, the Board considered, in particular:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans or projects, specifically upon the Dungarvan Harbour Special Protection Area (site code: 004032),
- (ii) the mitigation measures which are included as part of the current proposal,
- (iii) the conservation objectives for this European Site,
- (iv) the submissions of the Department of Culture, Heritage and the Gaeltacht, and
- (v) the submissions, both on file and made at the oral hearings and the report of the Inspector.

In completing the Appropriate Assessment, the Board 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 Board is not satisfied that the proposed pedestrian and cycleway would not result in disturbance to foraging and roosting birds, leading to a significant negative impact on the long-term population trends of the wintering waterbird species which are qualifying interests of the Dungarvan Harbour Special Protection Area (site code: 004032). Such disturbance and impacts would result from the increased level of usage, the proposed lighting and the proximity of the proposed pedestrian and cycleway to identified saltmarsh roosts. Furthermore, the Board considered that sufficient information was not available to undertake an assessment of in-combination effects or an assessment of fencing mitigation measures.

The Board is, therefore, not satisfied, on the basis of the submissions made in connection with the application, that adequate information has been provided to satisfactorily demonstrate that no adverse affects will occur on the integrity of the European Site from the proposed development.

It is, therefore, considered that the Board is unable to ascertain that the proposed development will not adversely affect the integrity of a European Site, namely the Dungarvan Harbour Special Protection Area (site code: 004032) alone or in combination with other planned projects having regard to the conservation objectives of the site. It is considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area.

In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objectives.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of                                  2018**