An Bord Pleanála

Inspector's Report

ABP 301076 - 18

Development	Development of a coastal cycle and pedestrian access route (Greenway) for a distance of 10.7 km from Ferrybank to Cullenton's Gap Curracloe, Co. Wexford and construction of a cycle and pedestrian looped trail for a distance of 3.6 km from the Ferrybank Regional Road R741 to Ardcavan Business Park, returning along Ardcavan Lane and connecting to the main coastal route at Ardcavan Beach.
Location	The Coastal Greenway is routed through the townlands of Ferrybank South, Tincone, Burgess, Ardcavan, North West Slob, Big Island, North East Slob and the Raven Co. Wexford. The looped trail is routed through the townlands of Ferrybank South, Tincone, Ferrybank North, Crosstown, Ardcavan and Craanagam Co. Wexford.
Local Authority	Wexford County Council

Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	An Taisce
	Failte Ireland
	Heritage Council
	Transport Infrastructure Ireland
	Department of Culture, Heritage and the Gaeltacht (Development Applications Unit)
	Department of Housing, Planning and Local Government
	Department of Transport, Tourism and Sport
	Department of Rural and Community Development
	Inland Fisheries Ireland
	An Comhairle Ealaionn
	National Transport Authority
	National Parks and Wildlife Service
Observer(s)	Niamh Howlin
	Anne O' Brien
	John Atkinson
	Thomas Wall
	Joe Moran and Nicola Herridge
	Ruth O' Connor

	Catherine O' Connor
	Colm and Teresa Neville
	Colm Ryder – Cylist.ie
	Senan O' Reilly – Future Proof Wexford
	Anne Marie Forde – Athletics Wexford
	BirdWatch Ireland
	Sisters of St. John of God
Date of Site Inspection	27th and 28th May 2018
Inspector	Erika Casey

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1.0 Introduction

1.1. Wexford County Council is seeking approval from An Bord Pleanála to undertake a cycle and pedestrian trail (Greenway) within and adjacent to the Slaney River Valley Special Area of Conservation (000781), the Wexford Harbour and Slobs Special Protection Area (004076), the Raven Special Protection Area (004019) and the Raven Point Nature Reserve Special Area of Conservation (000710) which are designated European sites. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.

1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

2.1. Project Description

2.1.2 The proposed development comprises three constituent elements:

Coastal Greenway

The coastal greenway is 10.7 km long and runs along the route of the Wexford Harbour shoreline from Ferrybank to Culleton's Gap, Curracloe. The route will begin at Ferrybank Car Park and will travel northwards along the coast, before continuing inland around two residential properties. The route will join Ardcavan Lane west of the Wildfowl Reserve Visitor Centre, continue past the centre and along the sea

protection wall adjacent to the north slobland until it meets Raven Wood where it connects with an existing hard core path through the wood. To mitigate against bird disturbance and in particular the Greenland white fronted goose, it is proposed to close the mid leg of the trail from the reserve visitor centre to the edge of the slobland on the Raven Wood side, a distance of approximately 3.5 km between the 16th of September to the 14th April each year.

Ferrybank Loop

The Ferrybank Trail Head looped route commences at the main trail head car park at Ferrybank Bridge, runs north on the R741 Regional Road along the existing footpath as a dual cycle lane on the eastern side of the carriageway for a distance of 1.6 km before turning right into and through the Ardcavan Business Park and then along field boundaries for 1 km to connect with Ardcavan Lane.

The route follows Ardcavan Lane eastwards for 1 km to the proposed car park at the edge of the North Slob. Along the Ardcavan Lane leg, the road carriageway is narrow. It is proposed to align a 3m wide greenway trail inside the field hedge and follow the road boundary for part of this leg. As the trail route heads further east, the road corridor widens sufficiently to merge the off road trail with the road carriageway. The trail then joins the coastal greenway and runs south towards Wexford Town along the coast for a distance of 2.6 km back to Ferrybank. Two pedestrian/cycle crossings on the R741 will be provided and an additional pedestrian crossing at the road to the Ferrybank car park. This section of the trail will be open all year around.

Raven Wood Loop

The Raven Trail head looped route currently exists as a hard core trail and is 6.9 km long in total. The majority of this trail coincides with the proposed greenway. The entire loop will be upgraded to a macadam surface and will be open all year around.

2.1.3 The development includes the following works:

- A total of 14km of new tarmac path will be constructed for the greenway and loops comprising:
  - 7.9 km of new greenway path on grass land.
  - 1.2 km on the existing tarmac Wildfowl Access Road.
  - 1 km on farm access tracks.

- 3.5 km on the Raven Hardcore Trail.
- 315 metres raised boardwalk.

- The new trail has an overall width of 6 m (3 m wide surface, 1 m wide grass verge on either side) and an additional 1 m for drainage grip or hedging where required. The trail will be made up of a 40mm bituminous surface laid on 150mm of crushed stone sub base. The excavation required to construct the pavement shall be limited to topsoil stripping and typically the depth will not be greater than c. 300mm.
- 3 no. box culverts will be required to cross wide open shallow ditches. They will comprise pre cast concrete boxes laid on 0.5m deep stone capping (100mm sized stone) wrapped in terram geo-textile. The culvert wing walls shall be 100mm solid concrete blocks laid on the flat and built off the capping layer using precast concrete at watercourse and drainage ditch crossings.
- Construction of a boardwalk of 315 metres at the Burgess Wetland in the Slaney Valley SAC. The boardwalk will comprise light weight reinforced plastic boards on similar beams and cross beam frames. The frames shall be erected off precast concrete posts/piles either driven or built into the existing ground.
- 5 no. at grade road crossings at Ferrybank, Orchard Lane, Ardcavan Lane, Reserve Access Road and Culleton's Gap and associated traffic calming measures. The proposed works may include additional road markings, signage and other traffic calming measures. It is stated that a separate Section 38 application will be made to the relevant authority for any traffic calming proposals.
- Provision of new drainage ditches adjacent to the newly constructed trail and retention of existing drainage along upgraded sections which shall be cleared of any blockages/debris during the construction phase.
- Visual screening using 2.4 m high solid timber fencing (c. 436m in length) with landscaping will be erected in 3 locations to protect privacy of local residents at Orchard Lane.
- Screening is also proposed along the trail at a number of locations close to waterbodies. The screening is interspersed with glass viewing panels at

varying heights. The purpose of such screening is to eliminate visual disturbance and reduce noise transmission to the summer stay birds grazing on the sloblands. The locations of such screening is:

- At the Burgess reedbeds, where the route crosses the SAC, a 1.8 metre high timber cladding screen is proposed for a distance of c. 315 metres.
- Adjacent to the existing ponds at the Wildlife Centre, 2.4 metre solid timber screening is proposed for a distance of c. 209 metres.
- At the Curracloe Channel, 2.4 metre timber cladding screening extends for a distance of approximately 295 metres.

- Secure gates and 2.4 m high fencing made up of vertical sections set at 100mm spacing with no horizontal bars will be placed along the trail to ensure that the mid leg section of the trail remains closed during the winter bird breeding season between the 16th September and the 14th of April. The blocking gates are to be positioned at four locations at the Wildlife Reserve Visitor Centre, at the end of the Red Bridge farm access lane, at the trail aligned opposite the Curracloe Channel and at the edge of the Raven Wood. The gates and associated railings would be constructed of galvinised box metal sections capable of withstanding vandalism. At the gated locations, the railings would extend into the adjacent ponds, into the sea wall embankment and deep into hedging/ditches to prevent people from climbing around the gates when the trail is closed.
- Secure fencing using 1.8 m high paladin mesh will be erected to prevent access into the route during the winter months. This fencing is located at a number of locations along the trail. It will run for the entire length of the mid-section of the trail (c. 3.5km) at the base of the sea wall on the landward side to prevent access to this section of the greenway during the Greenland white fronted goose winter/spring season. Perpendicular paladin fencing is proposed to be erected every 500 metres behind the greenway fence into the sea wall to prevent anyone walking along the back of the fence. The fencing incorporates gates for access to the sea wall for repairs and emergencies.

- Secure 1.4 metre high dog proof fencing is also proposed extensively along the majority of the greenway route to prevent access to the inland side of the greenway into the slobs.
- 2 no. 60 metre long viewing platforms located along the trail, which will be raised off the ground to provide visual screening and shelter. These will be located opposite the ponds outside the visitor centre and opposite the Currracloe Channel. The platforms incorporate tinted glass panels to offer trail users views of summer birds.
- Landscape screening is also proposed along certain sections of the trail, particularly adjacent to the existing residential properties at Orchard Lane and the locations in proximity to the hen harrier roosting site. This screening comprises a 1.5 metre high earth mound with hedging and temporary bush screening. This extends for c. 1,280 metres along the route.
- An electrified security gate and stone piers are proposed at the eastern end of Orchard Lane where it intersects the trail. Two 1.8 metre high paladin night gates are proposed at the Ferrybank Caravan Park and the Ardcavan Lane Car Park. Upgraded tubular field gates are proposed at 25 no. field entrances.
- Construction of new car park at Ardcavan Lane with capacity for 25 spaces.
- Mammal passes are provided under the fenced mid trail through the reserve and slobland and will be constructed of pre-cast pipes/box across the full width of the trail corridor.
- All associated signage, CCTV and site development and maintenance works during the lifetime of the greenway.
- All associated construction ancillary areas including site compounds, haul routes and passing bays. 4 no. temporary compounds are proposed.

2.1.4 The expected volume of trail users is 1,178 persons per day and that it could attract upwards of 275,000 visits per annum.

2.1.5 The route of the proposed greenway crosses a number of landholdings. No formal agreement has been reached with any of the landowners and it is proposed to enter detailed discussions on accommodation works/compensation if permission is granted.

2.2. **Accompanying documents:**

2.2.1 The application was accompanied by the following documentation:

- Planning Report.
- Preliminary Design Report.
- Drawings.
- Standard Details.
- Natura Impact Statement.
- EIS Screening Report.
- Outline Construction Method Statement and Environmental Management Plan.
- Details of Winter Closure Report.
- Traffic and Parking Report

3.0 Site and Location

3.1. The primary route of the greenway runs along the coastline from the trailhead at the Ferrybank car park eastwards where it connects into the existing forest trail that runs northwards through the Raven Woods and terminates at Culleton's Gap at Curracloe. The route runs through the North Sloblands, a 1,000 hectare plain of land that was recovered from the harbour in the mid nineteenth century. The sloblands incorporate the Wexford Wildfowl Reserve which covers an area of c. 194 hectares and is an important winter feeding ground for migratory water fowl species and in particular the Greenland white fronted goose. The reserve is owned jointly by National Parks and Wildlife Service and Bird Watch Ireland. The Raven Wood is a plantation of pine conifers established in the 1930's and is adjacent to an extensive sand dune system to the south.

3.2. The route of the greenway passes through areas that have European conservation designations and are highly sensitive from an ecological and environmental perspective. The relevant designated areas are set out in detail and described fully in section 8.3 below.

3.3. The starting point of the greenway is urban in character and commences at the existing Ferrybank Car Park. It runs adjacent to an existing caravan park and

swimming pool. The route continues eastwards across the reedbeds at Burgess and intersects with Orchard Lane which is rural in character and accommodates a number of individual dwellings.

3.4. The route of the trail from Ardcavan Lane up to the Raven Woods is predominantly within the perimeter of the Wildfowl Reserve, running along its southern boundary adjacent to sea wall. The character of this section is largely unspoilt consisting of grassed agricultural tracks and lands with open views across the sloblands to the north. The land is flat and below sea level. It is planted with a mix of grass meadows and cereal fodder crops and is drained by wide open ditches accumulating into large open channels where the water is eventually pumped to sea.

3.5. The last section of the trail is through the Raven Wood Nature Reserve where it connects with an existing hard core path. The Reserve is a sand dune system covered with mature pine trees. The outer dunes at the top of the point has a more open character covered with marine grasses.

3.6. The development also provides for a separate looped trail along the R741, through the Ardcavan Business Park that connects into the greenway at Ardcavan Lane. The R741 is a regional road that connects Wexford Town to Gorey. It is urban in character with a number of commercial developments and a large business park.

4.0 Planning History

4.1. No particular planning history relevant to the subject proposal. Under Planning Authority Reference 20033339 permission was granted for the erection of a new channel/seawatch bird hide at the Wexford Wildlife Reserve.

5.0 Legislative and Policy Context

5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control

of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg. 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located within a 15km radius of the site include:

- Raven Point Nature Reserve cSAC (site code 000710).
- Slaney River Valley cSAC (site code 000781).
- Screen Hills cSAC (site code 000708).
- Long Bank cSAC (002161).
- Blackwater cSAC (site code 002953).
- Carnsore Point cSAC (site code 002269).
- Kilmuckridge Tinnaberna Sandhills cSAC (site code 001741).
- Tacumshin Lake cSAC (site code 000709).
- Wexford Harbour and Slobs SPA (site code 004076).
- The Raven SPA (site code 004019).
- Tacumshin Lake SPA (site code 004092).
- Lady's Lake SPA (site code 004009).

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.

- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura Impact Statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura Impact Assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

5.6. **Policy Context**

National Policy

National Planning Framework

5.6.1 The National Planning Framework (NPF) sets out a number of national strategic outcomes which includes enhanced amenities and heritage. It notes that this will ensure that our cities, towns and villages are attractive and can offer a good quality of life. It includes amenities in rural areas such as activity based tourism and trails including greenways, blueways and peatways. The NPF states that the development of such greenways offers a unique alternative means for tourists and visitors to access and enjoy rural Ireland. It states:

"The development of a strategic national network of these trails is a priority and will support the development of rural communities and job creation in the rural economy, as well as the protection and promotion of natural assets and biodiversity. "

5.6.2 National Policy Objective 22 states:

"Facilitate tourism development and in particular a National Greenways, Blueways and Peatways Strategy, which prioritises projects on the basis of achieving maximum impact and connectivity at national and regional level."

5.6.3 The priorities for the southern region also provide for the development of *"a more integrated network of greenways, blueways and peatways to support the diversification of rural and regional economies and promote more sustainable forms of travel and activity based recreation."*

The National Cycle Policy Framework 2009-2020

5.6.4 The principal policy objectives of this document is to promote a strong cycling culture in Ireland and to encourage recreational cycling. The vision statement is that all cities, towns and village in rural areas will be bicycle friendly. The framework identifies three main benefits of increased participation in cycling, namely an improved quality of life, a stronger economy and an enhanced environment. Relevant objectives include:

"Objective 3: Provide designated rural cycle networks especially for visitors and recreational cycling."

Get Ireland Walking Strategy and Action Plan 2017-2020

5.6.5 The 'Get Ireland Walking' initiative was established in 2013 and its vision is to *"empower and support people to choose to walk more often for recreation, transport and health as part of their daily life".* A number of actions are set out including the creation of opportunities for improved access to lands for recreational walking and to develop and market recreational walking infrastructure.

Smarter Travel: A Sustainable Transport Future 2009-2020

5.6.6 This policy document identifies certain key goals and objectives to be met in order to introduce a national sustainable transport network. It notes that pedestrian and cycle facilities will be most successful where they form a coherent network and that cycling and walking will be pivotal to achieving some of the goals in national health policies

to promote physical activity. It further details that *"the cycling culture will also enhance our tourism industry by attracting many visitors to cycle in Ireland."*

Get Ireland Active (The National Physical Activity Plan for Ireland) 2016

5.6.7 One of the key objectives of this plan is to increase the number of peoples taking regular exercise by 1% a year over 10 years. A number of actions are set out to achieve this target including:

- *"Develop and promote walking and cycling strategies in each Local Authority Area.*
- *Ensure that planning, development and design of towns and cities promotes cycling and walking with the aim of developing a network of cycle paths and footpaths.*
- *Prioritise the planning and development of walking and cycling and general recreational/physical activity infrastructure.*
- *Explore opportunities to maximise physical activity and recreational amenities in the natural environment".*

Rural Cycle Scheme Design, NRA, 2014

5.6.8 This document produced by Transport Infrastructure Ireland outlines the technical design standards and factors that need to be considered when providing cycling facilities in rural areas. The design standards are based on the principles of coherence, convenience, directness, safety, comfort, attractiveness and access.

5.6.9 The document sets out standards for the width of cycle paths and notes that the desirable minimum width of two way, low volume cycle facilities with shared use with pedestrians is 3 metres. It also recommends that if a wall or fence is located immediately adjacent to the cycleway, it is necessary to provide a buffer with a width of 1 metre to avoid limiting the effective capacity of the cycle facility. Low volume facilities are those considered to attract less than 1,500 users per day. The desirable minimum width for high volume facilities (attracting greater than 1,500 users per day) is 5 metres.

National Cycle Manual, NTA, 2011

5.6.10 This document sets out that there are five needs of a cyclist including road safety, coherence, directness, attractiveness and comfort.

Classification and Grading of Recreational Trails, Irish Sports Council 2008

5.6.11 The National Trails Office was established in 2007 by the Irish Sports Council to co-ordinate and drive the implementation of an Irish Trails Strategy and to promote the use of recreational trails in Ireland. 'Recreational trails' are defined in the Irish Trails Strategy as being "*a corridor, route or pathway, generally land or water based, primarily intended for recreational purposes, including walking, hiking, cycling, canoeing and horse-riding"*. They set out standards for Irish Trails and promote good practice for recreational trail development. Section 8 of this document sets out standards for greenways noting that the desirable width for such is 2,500 mm.

A Guide to Planning and Developing Recreational Trails in Ireland, The National Trails Office, 2012

5.6.12 This document sets out advice and guidance regarding the development of trails including matters such as landownership and access, consultation, impact on national heritage, environmental considerations, liability, maintenance, funding etc. The document sets out a number of benefits of developing trails including:

- They provide a wide variety of ways for people to be physically active.
- They make it easier for people to visit areas, be active and provide a safe place to walk and cycle.
- Improving access to places for physical activity is strongly linked to increasing activity in individuals and communities.
- The development of trails have significant economic benefits and are an integral part of the walking tourism product in Ireland.
- Developing recreational trails is a very effective way of managing recreational activity in the outdoors and protecting the natural environment.

A Strategy for the Development of Irish Cycle Tourism, Failte Ireland, 2007

5.6.13 The strategy notes the need to create some world class traffic free routes to cater particularly for touring cyclists leaving the cities to discover the countryside. It notes that strategic greenways will become tourist attractions in their own right.

Regional Policy

Regional Planning Guidelines for the South East Region 2010 - 2022

5.6.14 These Guidelines promote cycling and walking as environmentally friendly, fuel efficient and healthy modes of transport to work, school, shopping and for

recreational purposes. They note that the Regional Authority supports the development of dedicated walkways and cycleways such as 'Slí na Sláinte' and 'Greenways' in urban and rural areas. Under Objective PPO 5.8 it is stated:

"It is an objective of the Regional Authority:

- *To promote and facilitate the sustainable development of cycling and walking facilities in the region, including development of 'Slí na Sláinte' and 'Greenways' in urban and rural areas;*
- *To promote the development of cycling by the construction and improvement of cycle links within the region. Where cycle links are proposed adjacent to designated Natura 2000 sites, Appropriate Assessment Screening will be required in accordance with Article 6 of the Habitats Directive."*

Local Policy

Wexford County Development Plan 2013-2019

5.6.15 The Wexford County Plan sets out a number of policies and objectives regarding tourism development and objective TM02 promotes the development of a diversified tourism industry in the County. With regard to transportation it is stated under Objective T10:

"To encourage walking and cycling by all sections of the community through

- *Promoting walking and cycling as sustainable transport modes and healthy recreation activities throughout the county."*

5.6.16 Chapter 13 of the plan sets out a number of policies regarding coastal zone management. Under objectives CZM22 and CZM24 public access including public walkways and cycleways to beaches, the seashore and the coast are encouraged.

"Objective CZM22: To ensure that there is appropriate public access to the coast including the provision of coastal walkways and cycleways subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18."

"Objective CZM24: To promote access, including public walkways, to beaches and the seashore where environmentally appropriate, subject to normal planning and environmental criteria and the development management standards contained in Chapter 18."

5.6.17 Under Objective CZM23 it is stated:

"To encourage tourism and recreational facilities and development to be accessible for pedestrians and cyclists and take advantage of sustainable transport alternatives through the provision of pathways, cycleway and links to the public transport system where possible, subject to normal planning and environmental criteria"

5.6.18 Chapter 15 of the Plan sets out a number of recreational objectives including the following:

"Objective RS19: To promote sustainable outdoor recreation in the form of walking and cycling and exploit the recreational tourist potential of walking and cycling routes in the county whilst ensuring the protection of the environment."

"Objective RS23: To provide and maintain new/improved coastal access points, right of ways and the improvement and upgrading of the Coastal Pathway, subject to compliance with Articles 6 and 10 of the Habitats Directive."

"Objective RS27: To support the development of a National Cycle Network and examine the feasibility of linking the main towns of County Wexford to this network".

Wexford Town Development Plan 2009-2019

5.6.19 Relevant tourism objectives of the plan include:

TR11: Create new rights of way in the interest of amenity as opportunity or as need arise.

TR13: Encourage the provision of access routes to amenity areas in co-operation with landowners and protect amenity areas from infringement by inappropriate development.

T02: To ensure the full recreational potential of the River Slaney and its estuary is realised.

5.6.20 Under Chapter 9 Infrastructure, the plan states that *"Wexford's cycle network must be improved and expanded."*

"Objective CW3: To continue to provide for and extend the system of safe pedestrian and cycle routes linking residential areas and the town centre with schools, shops the train station and open spaces."

6.0 The Natura Impact Statement

6.1. Wexford County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

6.2. In carrying out the NIS a habitat survey was undertaken on the 11th and 12th of July and on the 15th of November 2017. 3 breeding bird surveys were also undertaken on the 9th and 30th of May and the 20th of June 2017. 6 hen harrier roost surveys were carried out during winter months on the 15th November 2017, 16th and 29th January and 14th and 15th February 2018. In carrying out the Stage 2 Appropriate Assessment in the NIS, the potential of the development to impact on the integrity of the Raven Point Nature Reserve cSAC, Slaney River Valley cSAC, Wexford Harbour and Slobs SPA and The Raven SPA are examined. The NIS identifies and characterises the possible implications of the development on these European sites, in view of their conservations objectives, and provides information to enable the Board to carry out an Appropriate Assessment of the proposed development.

7.0 Consultations

7.1. The application was circulated to the following bodies:

- Department of Rural and Community Development.
- Department of Culture, Heritage and the Gaeltacht.
- Department of Housing, Planning and Local Government.
- Department of Transport, Tourism & Sport.
- Inland Fisheries Ireland.
- National Parks and Wildlife Service.
- The Heritage Council.
- An Chomhairle Ealaíon.
- Fáilte Ireland.

- An Taisce.
- National Transport Authority.
- Transport Infrastructure Ireland.

7.2 Responses were received from:

- Failte Ireland
- Transport Infrastructure Ireland
- National Transport Authority
- An Taisce
- Development Application Unit, Department of Culture, Heritage and the Gaeltacht

7.3 **Failte Ireland:**

7.3.1 The response from Failte Ireland can be summarised as follows:

- Supportive of the development as it would present a unique way for visitors to experience this part of Ireland's Ancient East. It delivers the type of activities popular with overseas and domestic visitors.
- Data from Survey of Overseas Travellers from 2012 to 2016 demonstrates that walking and hiking is the most popular activity amongst overseas visitors followed by cycling. Greenways support these activities.
- Recent cycle tourism market research has identified a core market potential of over 19.5m people in the main European markets for cycling in Ireland, particularly from Germany. There is significant potential for the development of cycling tourism in Ireland.
- Note that research also indicates that the 4 S' for cycling tourism that tourist have an expectation of include beautiful scenery, segregated and traffic free, safe and flat and with lots of activities and attractions to see and do. Consider that the development would provide a key piece of cycling infrastructure.

7.4 **Transport Infrastructure Ireland**

7.4.1 The response from Transport Infrastructure Ireland (TII) can be summarised as follows:

- Advises that there are no national road interactions to address and, therefore, TII has no specific observations to make in relation to the proposed development.

7.5 **National Transport Authority**

7.5.1 The response from the National Transport Authority can be summarised as follows:

- Notes that the TII document Rural Cycle Scheme Design states that the desirable minimum width for a high volume shared use two way cycle facility is 5 metres. The NTA recommend that the greenway should aim to achieve widths that are consistent with these requirements, notwithstanding specific local constrains where departures from the desirable minimum width may be considered.
- Notes that no cycle infrastructure is proposed alongside the estuary on the R741 which is a concern. States that the detailed design of the two way section should be in accordance with the guidance contained in the NTA's National Cycle Manual, in particular the requirement for contra flow cyclists to stop (rather than just to yield) where they cross side roads. The proposed staggered gates should be capable of accommodating all cycle types.

7.6 **An Taisce**

7.6.1 The response from An Taisce can be summarised as follows:

- Supports the concept of walking and cycling infrastructure. However, notes concerns regarding potential ecological impacts of the development. Consider that the development would result in an unsuitable level of disturbance and fragmentation of the Natura 2000 sites. States that an alternative route that would provide year round access would be preferable.
- Concern that the lockable gates at the Ferrybank caravan park and the car park at Ardcavan Lane may not be sufficient to deter users of the greenway from accessing Leg 2, resulting in disturbance to wintering waterfowl. Given the

importance of the Wexford Slobs for the Greenland white fronted goose, the protection of this site is paramount. Repeated disturbance can negatively impact on this species. The possibility of disturbance to this species cannot be ruled out. Where uncertainty remains regarding the effectiveness of mitigation measures, the precautionary principle should be applied.

- The paladin fencing would detract from the visual amenity of the area.
- The width of the path should be 5 metres for high volume usage.

7.7 **Development Application Unit, Department of Culture, Heritage and the Gaeltacht**

7.7.1 The response from the Department of Culture, Heritage and the Gaeltacht can be summarised as follows:

- The Department has residual concerns in relation to the development on a number of grounds. It is considered that the scale and nature of the development is inappropriate for the section which passes through the Raven Nature Reserve. The construction corridor footprint up to 10 metres wide has the potential to result in a significant loss of fringing habitat on the existing trail, including an unspecified number of trees and unspecified area of dune understorey habitat. This constitutes an unacceptable ecological impact on the Nature Reserve.
- Consider that the trail design and expected use would conflict with the existing high level of usage in the Raven Nature Reserve main trail. There is a potential safety hazard in the number of pedestrians and cyclists sharing a narrow trail. Note that 150,000 pedestrians use the existing walking trail. State that a more detailed assessment of the impacts of both the construction and cycle calming measures is required to ensure disturbance is minimised.
- State that the scale and nature of the development within the Wexford Wildfowl Nature Reserve may result in the loss of habitats bounding the reserve, loss of free passage for wild animals and open up the reserve for recreational use with the associated risk of mitigation failure in minimising disturbance to the adjacent fields for wildfowl grazing.

- Considers that there is a residual risk in relation to the wintering population of Greenland White fronted geese, a species highly prone to disturbance. The route through the reserve should be reconsidered given the resultant exposure of new areas of the Reserve to disturbance.
- States that additional assessment is required regarding the potential loss of habitat adjacent to the proposed route in the Raven Nature Reserve, the impact of the route on the Greenland white fronted geese habitat and a safety assessment of combined pedestrian and cycling routes.

7.8 **Public Submissions:**

7.8.1 13 submissions were received from members of the public and other organisations/bodies. The issues raised can be summarised as follows:

Niamh Howlin, 9 Aird Uisce, Whiterock Hill, Coolballow, Wexford

- Notes lack of consultation with local landowners regarding the proposal. Queries how rights of way can be accessed through proposed gates and fencing.
- Concerns raised regarding the environmental impact of the proposal and potential impact on local wildlife.
- Considers that proposed timber cladding screens will act as a visual nuisance to residents.
- Concerns regarding antisocial behaviour, security of isolated parking areas and increased traffic congestion on Ardcavan Lane.

A. O' Brien, Ardcavan Strand, Co. Wexford

- Strongly objects to the coastal trail leg 1 of the greenway. Considers that the proposal encroaches on private agricultural land and will restrict access to it. Concerns regarding health and safety, particularly during harvest time due to conflict between agricultural vehicles and users of the greenway.
- States the development will have a negative impact on the Natura 2000 sites and natural character of the area and will harm wildlife and important species.
- Considers that the 3 m wide greenway, earth mounds, high timber cladding and viewing platforms would have a profound detrimental effect to the natural

habitat. Fencing and cladding would be an eyesore and out of keeping with the natural environment.

- Notes the extensive volume of people the greenway will attract and considers that the local road infrastructure is inadequate to cope with additional traffic volumes likely to be generated, particularly during the Summer season. Considers there is insufficient parking at Ferrybank and along the trail to serve the development.
- Concerns raised regarding potential antisocial behaviour, impacts from air and noise pollution, flooding and trespass to private property.
- Considers that there are alternative access roads to the North Slob which if developed, would have a lesser impact on the biodiversity of the area.

Thomas Wall, Crannagam House, Ardcavan, Wexford

- Safety concerns regarding potential conflict between users of the greenway route and farm machinery. Considers development will pose a severe inconvenience to those living on Ardcavan Lane.
- Concerns regarding potential land severance, future access issues and loss of value to lands.
- Strongly opposed to the shorter looped trail on Ardcavan Lane and its impact on those who live and work on the lane.

Joe Moran and Nicola Herridge, Ardcavan Strand, Ardcavan, Co. Wexford

- Own a dwelling located at the end of Ardcavan Strand. Concerns regarding impacts of the greenway on their property and that it will result in the devaluation of their home. State that the proposed 1.8 m and 2.4 m high timber screening will block views from their house to the sea and Wexford town. Concerned that their property will become enclosed by fencing and gates. Note that greenway will preclude access to the beach from their property.
- Object on the basis that the greenway will remove their sense of security and privacy. Concerns regarding the anticipated volume of users, the proximity of the route to their dwelling and potential for trespass and antisocial behaviour. Consider that proposed electric gates will hinder access to their home.

- Also raise objections to the proposal regarding potential traffic congestion and impacts on the flora and fauna of the area. Also consider that coastal erosion may impact on the Greenway route.

John Atkinson, 42 College Green, Wexford

- Supports the proposed development as it will create benefits in terms of wellness, health, understanding of nature and social interaction. Considers that the development should not be shadowed by issues of amenity management which are capable of being managed in the short, medium and long term.

Ruth O' Connor, Troon Lodge, Ballycrane, Castlebridge, Co. Wexford

- Supports the efforts of Wexford County Council to promote cycling, walking and tourism.
- Concerns regarding the increased traffic and potential impacts on the natural habitat. Also considers that the route of the greenway through the north slobs and Raven Nature Reserve has the potential to have a detrimental impact on the fragile ecosystem and negatively impact on native flora and fauna.
- Notes the closure of the route for a large portion of the year and is of the view that a route that is open year round should be chosen. Concerns regarding potential coastal erosion, anti-social behaviour and littering.

Catherine O' Connor, Ardara Avenue, Spawell Road, Wexford

- Welcomes the development of the greenway but considers that that it should be a facility open on a year round basis.
- Concerns regarding the surfacing of the existing forest road with tarmac as considers this unsuitable as an amenity for walking and cycling and that it will impact negatively on the beauty of the existing trail.

Colm and Teresa Neville, Ardcavan Strand, Orchard Lane, Wexford

- Owner of a property that the trail is routed around. Concerns regarding loss of security arising from the development and antisocial behaviour.
- Considers the proposed 2.4 metre timber screening to be inadequate and that any boundary structure adjacent to their dwelling should comprise a block wall with capping and rendered on both sides. States that their property should be

utilised as a CCTV recording hub. Consider this would act as a deterrent to anti-social behaviour and potential security risks. Costing proposal for such included.

Colm Ryder, Chairperson of Cylist.ie, Tailor's Hall, Back Lane, Dublin 8

- Welcomes the proposals for a greenway at this location. The scheme should include improved cycle routes from Wexford Town connecting directly with the Ferrybank Trail head. A specific plan should be put in place to enable users to access the route from the town centre and discourage excessive access of vehicles to the trail heads. The development of a safe all year route from Wexford and Curracloe should be considered.
- Concern regarding the extent of paladin fencing, particularly on the seaward side of the route due to its visual impact. Also note that such fencing would make repairs to the outside stone face of the sea wall costly and difficult and may have implications if there was an accident at sea as access would be impeded. A natural barrier should be considered instead. The height of the fencing restricts views by children.
- Contend that the 3 metre wide trail will not meet the requirements of the anticipated high volume of use and may lead to congestion problems.
- Note the current design includes sharp right angled turns which are unsuitable for cycle paths and pose a safety risk. Considers that the design of the staggered gate crossing is deficient and unnecessary and that road bollards should be used instead to prevent vehicle access. States that there is an unmanaged conflict between walkers and cyclists and local traffic where the greenway merges with the existing wildfowl reserve access road and this poses a safety risk. Traffic calming measures are required and a number of recommendations are set out in this regard. Considers that the on road trail section on Ardcavan Lane is too narrow.

Senan O' Reilly, Future Proof Wexford, Ardara Annexe, Spawell Road, Wexford

- Supports the greenway proposal. States that alternative surfacing material to tarmac should be considered and that trail should be open year round. Biodiversity should be encouraged along the trail and lay-bys and information

display boards incorporated in the design. Concern regarding route through the Wexford Wildfowl Reserve.

Anne Marie Forde, Athletics Ireland, Ardara Annexe, Spawell Road, Wexford

- Welcomes the greenway proposal. Concerns regarding the tarmac surface and that a grit path is preferable. Considers that drinking points should be included along the route and that trail should remain open on a year round basis.

BirdWatch Ireland

- Acknowledge that the proposed greenway has the potential to deliver multiple benefits for people and the environment.
- Considers however, that the proposal has the potential to significantly threaten the very sensitive bird species and habitats of the Natura 2000 sites. Note that Wexford Harbour and Slobs SPA is one of the most important ornithological sites in the country. Estimate that the greenway will attract an additional 80,000 people to use a route in one of the most sensitive sites in the country for sensitive bird and animal species and habitats. Consider the scale of development inappropriate in this context.
- State that the mitigation measures as proposed in the NIS to ensure no significant effects on the conservation objectives of the Natura sites are inadequate and do not rule out significant effects.
- Concerns that existing disturbance events which occur from other routes around the Slobs will be amplified by an influx of visitors and lead to population impacts to the Geese at the Slobs and a degradation of the integrity of the SPA. State that between 2016 and 2017, 79 log entries of encroachment onto the slobs and/or disturbance to geese were recorded. Consider that there is a very real potential that by attracting more visitors to the area, notwithstanding the closure of the mid leg of the trail, that these levels of disturbance will increase with more visitors venturing off track to explore areas especially from the north slobs and Raven end. State that existing disturbance levels at the site has not been properly assessed within the overall project and no mitigation measures have been provided in this regard.

- There is no documented evidence to demonstrate that signage to be erected educating greenway users of the sensitive nature of the slobland would work as a mitigation measure.
- With regard to the contingency mitigation, there is no indication as what levels of disturbance will instigate the decommissioning of Leg 2.
- Concern that there is no coherent plan in place to manage the greenway and to monitor activities. There is no clarity as to who would be responsible for the construction and operational mitigation measures defined in the NIS. There is overlap and confusion in the roles of Ecological Clerk of Works, Ecologist and the warden.
- Consider that the proposed list of tasks for the ECoW (who will be hired on a part time basis) are unmanageable and that one person would not have the required skills to undertake the different tasks required. There appears to be no understanding of the specialist requirements of some of the monitoring activities. The proposed list of tasks, qualifications and responsibilities of the EcOW are presented in an uncoordinated manner without adequate consideration of the required task. Not confident that the warden will be able to undertake the suite of management and monitoring tasks along with other duties outside of the greenway.
- The proposed greenway traverses the eastern perimeter of the hen harrier roost at Ardcavan and also traverse through hen harrier foraging/roosting habitat. The survey work undertaken in relation the hen harriers is not consistent with best practice.
- State that it is unclear how the electrified security gate at Orchard Lane will be managed and concerns that people will be able to access the greenway via Orchard Lane. There is no assessment of the potential of a significant increase in users accessing the greenway from this access, particularly on the hen harrier roost.
- Note that the lands at Tincone form part of the important hen harrier roost site and no survey work has been undertaken to determine the presence or absence of roosting hen harrier. The greenway will result in the direct loss of hen harrier foraging and roosting habitat through construction of this section of

the route and likely cause disturbance effects during the operational phase. It would be appropriate for the adjacent areas at Burgess and Tincone to be subject to winter hen harrier surveys in the 2018/2019 non breeding period to inform decision making and mitigation, adhering to best practice guidance.

- Notes that the NIS states that 26% of the breeding sites identified in the 2017 season will be potentially lost as a result of the development and that this impact is considered significant at a local level. There is inadequate details as to how these losses would be prevented or compensated for. Furthermore, the greenway will remove a significant amount of grassland habitat and there is no assessment of this ecological loss. These habitats are important for invertebrates, passerines and small mammals within the local context.
- The development of the Ferrybank Loop along Ardcavan Lane will result in the loss of hedgerow and scrub habitat through route development and road widening. The amount of habitat to be lost has not been quantified.
- Signage is proposed as a mitigation measure to minimise the impacts to the Annex 1 dune habitats at the Raven. Consider that effective management of these important coastal habitats from human interactions is critical. Concerns regarding the promotion of existing tracks to access the dunes and beach. State that there was no survey of birdlife at the Raven Wood.
- The documentation does not sufficiently account for how additional vehicles associated with traffic generated by the proposal will be accommodated nor asses the impacts of these vehicles on the local area or on the Natura 2000 sites. No information has been provided on the proposed construction methods of the Ardcavan car park.
- Notes inconsistencies regarding gate closure times and that there is an uncoordinated approach to the management of gates and security.
- States that environmental auditing during the construction phase should be undertaken by a qualified third party not associated with the construction company.
- Consider that the development is likely to have a significant effect on the environment and thus requires an Environmental Impact Assessment. State

that cumulative impacts of housing and commercial development on zoned land in the vicinity should be considered.

- Refers to the Holkhan and Blakeney estates where a site visit was undertaken by Council staff in preparing the greenway proposal. Notes that recent survey work undertaken by Natural England on this coastal route identified that recreational pressure is a threat to the protected features particularly Little tern and Ringed plover.

Sisters of St. John of God, Regional Centre, College Road, Kilkenny

- Supportive of the proposal but have concerns regarding the impact of the development on land values. Note concerns regarding the detailed route of the greenway across their lands.

8.0 Assessment

8.1. The likely consequences for the proper planning and sustainable development of the area:

8.1.1 The proposed development comprises the construction of a greenway route for pedestrian and cyclist use from Ferrybank to Curracloe. It will provide a strategic recreational facility for the town, linking Wexford Town to the Blue Flag Beaches at Curracloe and Ballinesker. Although the route of the proposed greenway is not specifically identified in either the Wexford Town or County Plan, the development of greenways is strongly advocated at a national, regional and local policy level. A summary of the relevant policies and objectives relevant to the development of such greenways is provided in section 5 above.

8.1.2 The importance of such facilities is identified in the recently published National Planning Framework. National Policy Objective 22 is to *"Facilitate tourism development and in particular a National Greenways Strategy".* The development of "*a more integrated network of greenways, blueways and peatways"* is identified as a priority for the southern region. It is acknowledged in a number of policy documents including the Get Ireland Walking Strategy and Action Plan 2017-2020 and the Get Ireland Active Plan 2016 that such facilities play a pivotal role in promoting active pursuits such as walking and cycling and providing universal access to such. Such

recreational/physical activity infrastructure encourages enhanced health and well-being in society and a better quality of life.

8.1.3 The Regional Planning Guidelines for the South East Region also actively encourage the development of sustainable cycling and walking facilities in the region. Specific Objective PPO 5.8 promotes greenways and promotes the development of cycle links in the region. The Wexford County Plan 2013 and Wexford Town Plan 2009 include a suite of policies and objectives to encourage walking and cycling and the enhancement of tourism infrastructure in the County.

8.1.4 The development of greenways is also important for the tourism sector in terms of economic development and supporting job creation in the rural economy. The development of such a facility in Wexford would diversity the tourism product and potentially be a significant tourism attraction in its own right. The application documentation notes that the tourism industry is worth approximately €225m to the local economy of Wexford annually. The proposed development would encourage further tourism growth and development. It is anticipated that it may attract upwards of 275,000 visits per annum and be worth up to €40m to the local, regional and national economy in terms of direct spend and added value on an annual basis.

8.1.5 From a sustainable transport perspective, the proposed development will also provide for enhanced cycling and walking facilities in Wexford town. There is a general paucity of cycling amenities in Wexford. To complement the main greenway route and cater for winter closure of the mid leg, the route of the greenway also includes the Ferrybank Loop Trail which will connect the Ardcavan area back to Ferrybank. This trail will provide greater connectivity in the locality for leisure and work commuting and in particular allows for an alternative means of travel for people working in the Ardcavan Business Park and other commercial developments along the Ardcavan Road.

8.1.6 The development of the greenway would be consistent with strategic policy objectives to encourage and promote designated cycle and walking trails and provide enhanced recreational and tourism amenities. It would represent a significant investment in tourism infrastructure in the County and encourage more sustainable transport options for commuters. I am satisfied, therefore, that the proposal to construct a pedestrian and cycle greenway at this location would be consistent with

policy and the proper planning and sustainable development of the area subject to an assessment of the effects on the environment and integrity of the Natura 2000 network.

8.2. **The likely effects on the environment**

The Need for EIAR

8.2.1 It is noted that as part of the application documentation, an EIS Screening Report was submitted, the stated purpose of which is to determine whether an EIA is required for the proposed greenway. The report firstly considers whether the development meets the thresholds for a mandatory EIA under Section 50 of the Roads Act 1993, as amended and Article 8 of the Roads Regulations 1994 and concludes that the development does not fall within a mandatory threshold. The report then goes on to consider whether the development would constitute a sub threshold development and require an EIS as per the guidance set out under Article 120 of the Planning and Development Regulations 2001.

8.2.2 Screening for EIA is only required either if the proposed development (a) constitutes a sub threshold development being of a class of development as set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations or (b) having regard to the definition of a road (Part 1 Section 2 Roads Act 1993 as amended), falls within a class of development set out in Section 50 (1) (a) of the Roads Act, 1993, as substituted by S. 9 (1) (d) (i) of the Roads Act 2007. Having regard to the Planning and Development Regulations, the only class relevant is 10 (dd) *All private roads which would exceed 2000 metres in length.* The subject greenway is not a private road. Under the Roads Act it is stated that a road authority or the Authority shall prepare a statement of the likely effects on the environment ('environmental impact statement') of any proposed road development it proposes consisting of —

(i) the construction of a motorway,

(ii) the construction of a busway,

(iii) the construction of a service area, or

(iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of an existing public road.

8.2.3 The greenway does not constitute any of these types of development. In conclusion, as the proposed development does not meet the criteria either under the Planning and Development Regulations or the Roads Act, an EIA or screening for EIA is in my opinion not required.

8.2.4 The application is made under section 177AE and this assessment, therefore, is not a formal screening assessment. If the applicant requires a formal view as to whether an EIS is required, there are other statutory mechanisms for them to do so.

The likely effects on the environment

8.2.5 The Board should note however, that the subject application has been made under section 177 AE of the Planning and Development Act 2000 as amended, and in this context, regard must be had to the broader environmental impacts of the development.

8.2.6 The sub categories to assess the broader environmental impact are listed below. It should be noted that these sub categories do not follow the formal headings as in EIA Directive 2014, but are considered most relevant to the project in determining its broader environmental impact.

- Human Beings
- Cultural Heritage
- Air Quality and Climate
- Noise
- Soils, Geology and Hydrogeology
- Flooding
- Ecology and Biodiversity
- Landscape and Visual Impact
- Traffic
- Material Assets

Human Beings

8.2.7 The proposed greenway is predominantly targeted at tourists and local users for recreational purposes. It will provide a safe route for people to travel between

Ferrybank and local beaches and would be a significant amenity for the town. The development will have many economic benefits for local and regional tourism and has the potential to attract and generate further tourism expenditure in the county.

8.2.8 During the construction phase there will be some short term and temporary impacts due to the operations required to construct the greenway. There are some dwellings located on Orchard Lane that will be in proximity to the route. An Outline Construction Method Statement is submitted with the application which includes a number of mitigation measures to minimise construction impacts. Given the distance of the dwellings and the low intensity of the proposed construction works, it is envisaged that there will be no material adverse impacts to human beings arising from the development. During the operational phase, the greenway would provide many benefits in terms of its recreational and amenity value and potential positive impacts on human health. Screening will be erected at residential boundaries to minimise noise intrusion. A warden will be employed to address issues such as antisocial behaviour and littering.

Cultural Heritage

8.2.9 The proposed greenway is routed along the north coast of Wexford Harbour and runs along the inside of the North Slob sea wall before traversing through Raven Wood. The majority of the north slob was reclaimed from the sea in the mid nineteenth century in phases. There are no listed monuments in the vicinity of the proposed greenway. The proposed construction of the greenway will not require any deep excavation. There are no larger obstructions which would necessitate any large civil works.

8.2.10 Having regard to the reclaimed nature of the lands, the absence of any recorded monuments in the vicinity and the nature of the proposed development, it is unlikely that any significant impacts on the archaeological heritage of the area will occur.

8.2.11 With regard to architectural heritage, there is one structure identified on the National Inventory of Architectural Heritage within 10 metres of the proposed greenway. This comprises the original North Slob Pump House (NIAH 15703805) which was constructed between 1845 and 1852. The NIAH notes that this building represents an important component of the mid nineteenth century civil engineering heritage of

County Wexford. The subject pumphouse will remain insitu and will not be affected by the proposed greenway as no works are proposed in its immediate vicinity.

Air Quality and Climate

8.2.12 The objective of the greenway is to provide a recreational amenity for cyclists and pedestrians. In this context, there will be no operational impacts on air quality and climate. The construction phase provides for the development of a surfaced pathway, 3 metres in width for a distance of 10.7km. Aggregates will be imported to the site and the greenway path will comprise 40mm bituminous surface laid on 150-200mm base of graded crushed rock or standard graded stone with some areas requiring an additional 200mm of material in areas where levels dictate. An Outline Construction Method Statement is submitted with the application setting out various dust control measures. In this regard, any air quality impacts during construction are likely to be short term and temporary in nature and I am satisfied there will be no long term adverse air quality impacts arising.

Noise

8.2.13 The proposed greenway will only be operational during the daytime and is closed in the evening. There will be some additional noise generated by the users of the development. However, there are very few residential receptors in the vicinity of the greenway. Where the route is adjacent to the existing dwellings along Orchard Lane, additional screening is proposed to mitigate noise impacts. During the construction phase, there will be some noise impacts. Generally the scale of construction activities proposed will have a low impact. The Outline Construction Method Statement submitted with the application sets out noise control measures to minimise potential impacts during the construction phase.

8.2.14 The central section of the greenway will be closed annually from September 15 to April 15 each year to protect the Greenland white fronted goose flocks. No construction works will occur on the central section of the greenway during this period. Sensitive species will, therefore, be protected from any potential intrusive noise impacts during the overwinter period. I am satisfied that the development will have no material or significant noise impacts during either the construction or operational phases.

Soils, Geology and Hydrogeology

8.2.15 As noted above, the construction of the greenway will involve minimal excavation works. In this context, there is unlikely to be any significant impacts on the soils and geology of the area.

8.2.16 In terms of groundwater, it is noted that the greenway will run primarily along existing farm paths and field margins and due to the characteristics of the development, there will be no requirement for significant site works or excavation. In this context, it is not anticipated there will be any significant impact on the groundwater regime.

8.2.17 There is potential for environmental impacts and pollution to the watercourses and adjacent Natura 2000 sites from sediment loading and associated anthropogenic polluting substances as a result of surface water run off or spills on site during the construction phase. The principal watercourses are identified in the application documentation as the stream through the salt meadow in the townland of Burgess, the North Slob Perimeter River, the Westside Channel and the Curracloe Channel.

8.2.18 An Outline Construction Method Statement and Environmental Management Plan is submitted with the application which details a number of environmental measures regarding the protection of water quality. It notes that silt fences will be provided where appropriate. Mitigation measures are set out regarding refuelling, materials storage, cement based product control measures and operation of plant and equipment. Industry best practice pollution control measures will be put in place including CIRIA Guidelines Document C532 Control of Water Pollution from Construction Sites and C648 Control of Water Pollution from linear construction projects.

8.2.19 During the operational phase, surface water from the development will drain into existing drainage channels which will be retained along the course of the greenway. Given the anticipated volume of run off, it is considered that the existing drainage channels have adequate capacity to absorb any additional run off generated. In this context, no attenuation is required and there will no change to existing drainage patterns. It is noted that where the greenway is to be placed over an existing ditch, the ditch shall be relocated adjacent the greenway. Where excavation/clearing is required, booms shall be placed across ditches downstream from work to prevent siltation runoff.

8.2.20 A new 25 space car park is proposed at Ardcavan Lane and will have a macadam surface. A series of surface water gullies and pipework will be installed within the sub base of the car park. Surface water will then be diverted through attenuation tanks, hydrocarbon interceptor with non return valve prior to discharge. Whilst the proposed drainage regime associated with the car park is unlikely to result in any environmental impacts, should the Board be minded to grant permission for the development they may wish to consider the imposition of a condition requiring SuDS to be incorporated into the design of the car park layout.

8.2.21 I am satisfied, based on the nature of the proposed development, and the mitigation measures set out to prevent pollution and surface water contamination during the construction phase, that the proposed development will have no adverse impacts on soil, geology or hydrogeology.

Flooding

8.2.22 The majority of the route of the proposed greenway runs through an area identified as Coastal Flood Zone A in the Strategic Flood Risk Assessment undertaken as part of the Wexford County Development Plan 2013. Zone A has a high probability of flooding and in coastal areas is more than a 0.5% probability or more than 1 in 200 years. The North Slobs area is specifically identified as an area of the country where the risk due to flooding might potentially be significant and will be subject to more detailed assessment to establish the extent and degree of flooding.

8.2.23 No site specific flood risk assessment accompanies the application. Notwithstanding this, Section 3.5 of The Planning System and Flood Risk Management Guidelines sets out the planning implications for each of the flood zones. It notes that only water compatible development including amenity open space and outdoor sports and recreation would be considered appropriate in Flood Zone A. Such water compatible development does not require a justification test as per Table 3.2 of the Guidelines - *matrix of vulnerability versus flood zone to illustrate appropriate development and that required to meet the justification test*. I am satisfied that the subject greenway development would be classified as amenity open space and recreational facility and is thus appropriate at this location.

8.2.24 In relation to additional surface water generated by the development, as noted above, it is proposed that drainage will be via existing ditches along the route. The

proposed cross fall of the pavement will be 2% with direct runoff towards the existing drainage ditches. It is noted in the application documentation that as the additional runoff from the new 3m wide trail surface would be insignificant in comparison to the existing open drainage ditches prevalent along the route, it is considered that the ditches are more than capable of providing sufficient drainage storage capacity for the runoff generated from the greenway hard surface and, therefore, attenuation is not required. As all rainwater falling inside the sea wall onto slobland as either surface runoff to ditches or percolation through soil will eventually discharge into the main storage channel, there is no net increase in water volume generated annually to be pumped out other than the normal seasonal variations. These assumptions appear reasonable. There would not be any significant increase in surface water runoff having regard to the open undeveloped environment where any minor runoff would be managed. I am satisfied the development would not exacerbate flooding occurrence or consequences.

Ecology and Biodiversity

8.2.25 The proposed greenway intersects with four European designated sites, namely the Slaney River Valley SAC (site code 00781), The Raven SAC (site code 00710), Wexford Harbour and Slob SPA (site code 004076 and the Raven SPA (site code (004019).

8.2.26 The proposed site corridor of the greenway aligns with the edge of the Slaney River Valley SAC along the harbour shoreline and traverses it in the townland of Burgess where it extends inland over the reeds. The site corridor then enters the Raven SAC at ch: 6+100 along the shoreline before turning north inland through the Raven Wood.

8.2.27 The proposed site corridor traverses Wexford Harbour and Slob SPA from Ferrybank to the Raven Point along the sea wall to ch: 7+100 where it crosses over into the Raven Wood. The route corridor does not enter the Raven SPA but is situated within 100 metres for the remainder of the route north to Culleton's Gap. The route of the greenway is, therefore, located in an environmentally sensitive zone and accommodates a number of sensitive and rare species. A number of bird surveys were carried out in the preparation of the Natura Impact Statement, as well as a detailed habitat survey.

8.2.28 The project has the potential to have significant ecological impacts arising from the greenway particularly in relation to wintering waterbirds including the Greenland white fronted geese and other species including the hen harrier population. These impacts are discussed in detail within the Appropriate Assessment section of this report. For the purpose of this section of the report, the focus will be on other potential ecological impacts that may arise that are considered distinct from potential Appropriate Assessment issues and ecological impacts that affect the conservation interests of the relevant Natura 2000 sites.

8.2.29 The application documentation sets out a suite of mitigation measures to protect the flora and fauna of the area. These include measures such as:

- Extensive fencing and closure of the trail to prevent access to the Sloblands during the sensitive winter roosting period.
- Construction stage measures including a strictly controlled exclusion zone in sensitive areas and monitoring by an Ecological Clerk of Works.
- Timber screening and bush screening at various locations to prevent disturbance to bird life and hen harriers.
- Closure of the greenway during the evening and no lighting along the route
- Raised boardwalk to allow mammals and otter population to have unrestricted access and permanent mammal pass locations along the route.
- Pre-commencement bat survey.
- No removal of vegetation during the nesting season, tree protection measures, invasive species management and clear demarcation of working areas etc.

8.2.30 Whilst, I am satisfied that many of these measures will minimise the ecological impacts of the development, I do however, have some concerns regarding the impact of the proposal from an ecological perspective on other matters not directly related to the conservation interests of the Natura 2000 sites.

8.2.31 The proposed development will attract a significant number of pedestrians and cyclists to the area and I have concerns regarding the potential impact of this increased volume of people potentially accessing the Raven Point SAC. It is detailed in the application documentation that signage, new banking and planting will be

installed to encourage users to stay on the loop rather than traverse the dunes onto the beach. Notwithstanding these mitigation measures, increased pedestrian movements in this area may have consequent impacts on the fragile dune system in terms of erosion and degradation and may also impact negatively on the natter jack toad population. Whilst the natterjack toad is not listed as a qualifying interest of the SAC, it is nonetheless a rare, legally protected Red Data Book species. I have concerns regarding the potential impacts on this species from an increased population accessing this sensitive area.

8.2.32 It is also detailed in the Outline Construction Method Statement and Environmental Management Plan submitted with the application that a temporary construction corridor 10 metres in width will be required to facilitate the development. As highlighted in the submission by the Department of Culture, Heritage and the Gaeltacht, this has the potential to significantly impact on the natural habit of the Raven Nature Reserve and may result in the loss of trees and dune understorey habitat. I do not consider that the potential ecological impacts of the construction of the route, particularly in terms of the loss of trees have been adequately assessed in this regard.

8.2.33 It is noted that the submission by BirdWatch Ireland raises concerns regarding the vegetation removal and loss of grassland habitat as a result of the development. The Natura Impact Statement (NIS) notes that 26% of breeding sites identified in the 2017 season will be potentially lost as a result of the proposed works and associated vegetation removal and that this impact is regarded significant at a local scale. Whilst the bird breeding sites recorded in the survey area do not impact on any of the species listed in the qualifying interests of this SPA, I nonetheless consider this to be a significant and negative broader biodiversity impact. The full list of bird breeding bird species recorded in the survey area of the greenway route is set out in Table 1 of Appendix B – Breeding Bird Survey Report 2017 included in the NIS.

8.2.34 It is stated in the NIS that proposed landscaping including hedgerow and tree planting as part of the greenway route once suitably established is likely to provide nesting habitat and reduce the overall loss of breeding habitat. It is not stated by how much this loss will be compensated, nor for what period of time it will take such landscaping to be established. It is also noted that there is a paucity of information or detail submitted with the application regarding landscape proposals. The route of

the greenway itself is tarmacked. There will be some additional bush screening (although no detail provided regarding nature or species to be planted) along the route to mitigate impacts to the hen harrier roosting site and flight paths. It is stated in the Outline Construction Method Statement that existing hedging will be maintained as much as possible and that new native hedging will be planted, but there are no detailed proposals for tree planting, hedgerows or other appropriate landscape mitigation measures to mitigate the extensive loss of habitat and arising from the development.

8.2.35 In conclusion, having regard to the increase in volume of users in this environmentally sensitive zone and the extent of vegetation clearance required to facilitate the development, I am not satisfied that the development would not result in disturbance and impacts to the fauna of the area including the natterjack toad. I also consider the development will result in a significant loss of habitat impacting negatively on breeding bird sites. There is no adequate assessment of potential tree loss arising from the construction of the project through the Raven Point Nature Reserve SAC. The development will thus in my view have potential negative impacts on the ecology, biodiversity, flora and fauna of the area.

Landscape

8.2.36 In terms of the existing landscape, it is set out in the application documentation, that the existing environment along the corridor comprises three broad legs. The first leg is predominantly agricultural land at the fringe of Wexford Town extending to the edge of the sloblands, with some urban development including the Ferrybank Caravan Park and swimming pool. The land is slightly elevated, overlooking the harbour. The fields are bound by low hedging.

8.2.37 The second leg is over reclaimed land from the sea which is known as the North Slob. This land is flat open country with few hedges and heavy poor draining soil. The land is planted with a mix of grass meadows and cereal/fodder crops. The western section of the slobland is within the Wildfowl Reserve and the eastern part is private farmland. Most of the sloblands are below sea level and are protected by a 4 metre high earth wall with stone face incline on the seaward side. The land is drained by wide open ditches accumulating into large open channels where the water is pumped out to sea.

8.2.38 The third leg is the Raven Point Nature Reserve which extends from Culletons's Gap to the point. The reserve is a sand dune system with mature planted pine trees. The outer dunes at the top of the point are open and covered in marine grasses.

8.2.39 It is detailed in the application that due to the scale of the proposed works, existing views are not expected to be impacted significantly. It is stated that the nature of the proposed Greenway being principally an overlay on the existing farm paths and walking paths and new pavement over field margins is unlikely to have any significant impact on the landscape of the area. It is submitted that the existing hedgerows along farm paths, sea wall embankment adjacent to the proposed route and tree canopy cover to existing walkway path in the Raven Wood allows the incorporation of the proposed Greenway into the surrounding environment. No detailed landscape or visual impact appraisal accompanies the application.

8.2.40 In considering the landscape and visual impact of the development however, consideration must be given to the development in its entirety including all associated infrastructure. The route of the greenway runs along the edge of the Wexford Harbour and Slob Special Protection Area. This SPA is one of the two most important sites in the world for Greenland white fronted geese. This species are particularly sensitive to human and dog presence which can interfere with their feeding habits. To protect these geese, a number of significant mitigation measures are proposed. These are set out in detail in the application documentation. The key mitigation measure proposed is that the mid section of the route will remain closed during the winter period and that active use of the greenway will be limited to 5 months of the year. The trail will be closed between the 15th of September and the 15th of April each year.

8.2.41 To facilitate this closure, extensive fencing and gates are proposed to prevent any access to the mid section of the trail during the winter months. Secure fencing using 1.8 m high paladin mesh will be erected at a number of locations along the trail. It will run for the entire length of the mid section of the trail (for c. 3.5 km) at the base of the sea wall on the landward side to prevent access. Perpendicular paladin fencing is proposed to be erected every 500 metres behind the greenway fence into the sea wall to prevent anyone walking along the back of the fence. This fencing is also proposed at other locations including at the start of the trail through the existing caravan park. In addition to the secure paladin fencing, 1.4 metre high dog proof

fencing is also proposed extensively along the greenway route to prevent access to the inland side of the greenway into the slobs. The entire mid section of the trail will be enclosed by 1.8 metre paladin fencing on one side and 1.4 metre dog proof fencing on the other for a distance of c. 3.5 km.

8.2.42 In addition to the fencing, secure gates are also proposed at 4 locations along the route at the Wildlife Reserve Visitor Centre, at the end of the Red Bridge farm access lane, at the trail aligned opposite the Curracloe Channel and at the edge of the Raven Wood. These will be 2.4 metre high steel gates. At the gated locations, 2.1 metre high railings would extend into the adjacent ponds, into the sea wall embankment and deep into hedging/ditches to prevent people from climbing around the gates when the trail is closed. Secure night gates (c. 1.8 m high) are also proposed at the Ferrybank Caravan Park and the Ardcavan Lane Car Park to preclude night time access to the Greenway.

8.2.43 Another key mitigation measure proposed in order to prevent disturbance to the summer stay birds grazing on the sloblands is the erection of timber screening at a number of locations along the route. It is noted that there are a number of discrepancies in the application documentation as to the height of this screening and it is described as being between 1.8, 2.1 and 2.4 metres high. For the purpose of this assessment, the heights specified on the application drawings are stated. The timber screening is proposed at locations along the trail that are adjacent to waterbodies including:

- At the Burgess reedbeds, where the route crosses the SAC, a 1.8 metre high timber cladding screen is proposed for a distance of c. 315 metres.
- Adjacent to the existing ponds at the Wildlife Centre, 2.4 metre solid timber screening is proposed for a distance of c. 209 metres.
- At the Curracloe Channel, 2.4 metre timber cladding screening extends for a distance of approximately 295 metres.

8.2.44 To facilitate views by users of the greenway, 2 no. 60 metre long viewing platforms are proposed opposite the ponds outside the visitor centre and opposite the Curracloe Channel. The platforms have a height of c. 3.8 metres and incorporate tinted glass panels to offer trail users views of summer birds.

8.2.45 Further screening is proposed adjacent to dwellings on Orchard Lane where it is proposed to erect 2.4 m high solid timber fencing with landscaping at 3 locations (running to a length of c. 436m) to protect privacy of local residents. Landscape screening is also proposed along certain sections of the trail, particularly adjacent to the existing residential properties at Orchard Lane and the locations in proximity to the hen harrier roosting site. This screening comprises a 1.5 metre high earth mound with hedging and temporary bush screening. This extends for c. 1,280 metres along the route.

8.2.46 I have significant concerns regarding the potential landscape and visual impacts of such extensive fencing and screening along the route. Whilst it is acknowledged that such fencing is necessary to protect intrusion into the sloblands and disturbance to the protected species, I consider that the amenity value of the greenway is significantly compromised by the extent, scale, design and nature of the proposed fencing and screening measures, particularly along the mid section of the greenway. The extent of physical infrastructure required to mitigate potential ecological and environmental impacts to the adjacent Natura 2000 sites must be considered in the context of its impact on this natural landscape and the relatively short period within which the greenway can actually be used.

8.2.47 The development will radically alter this sensitive and unspoilt landscape and have a long term and significant visual impact. The open views across the slobs will be inhibited. There is a paucity of information submitted with the application to assess the visual impact of these extensive mitigation measures. With the exception of two poorly rendered photomontages (see Appendix A Preliminary Design Report – Book 2), there is no detailed visual assessment or views of the proposed development.

8.2.48 Whilst it is acknowledged there are no particular landscape designations applicable to the subject lands, they nonetheless form part of a natural wetland environment and are in an ecologically and environmentally sensitive zone. The design and extent of the paladin fencing is in particular considered alien to this natural environment and the proposed 2.4 metre high security gates with their vandal proof design are more akin to an industrial estate. Drawing ATR/108 submitted with the application provides a visual representation of how these gates will appear, and it is considered that they are visually obtrusive and completely inappropriate in this natural landscape.

8.2.49 The timber screening is also proposed in particularly sensitive locations along the route adjacent to existing waterbodies at the Curracloe Channel and the Wildfowl Visitor Centre. I consider that it would have a significant and adverse visual impact. The viewing platforms due to their extent, height and design would also be visually obtrusive. Over 1,280 metres of 1.5m high mounding with hedging and bush screening is also proposed. There is an absence of detail regarding the proposed mounding and landscaping measures with no detailed specification of planting proposed or how long the temporary bush screening will remain insitu.

8.2.50 The proposed fencing and screening is presented by the applicants as a key measure to address potential ecological impacts on the Natura 2000 sites affected by the greenway route. It is considered however, that a balance needs to be struck between the benefits of the project itself, the preservation of protected species, protection of the natural environment and the visual amenities of the area. In this instance, I do not consider the extent of fencing and screening is appropriate from a visual perspective and I am of the view that it would have a significant and adverse impact on the landscape.

8.2.51 Furthermore, the amenity value of the trail by future users would be significantly compromised, with users having to travel through extensive tracts of fencing for large parts of the route with views across the slobs precluded by the presence of extensive timber screens. The research data submitted by Bord Failte as part of their submission sets out the particular preferences that visitors have in relation to the types of trails and services which they require. This notes that beautiful scenery and landscape was one of the top priorities for overseas and domestic markets when considering what makes a good cycling tourism trail. I do not consider that this objective is met with the design of the greenway as currently proposed and fundamentally undermines in my opinion, the amenity and attractiveness of the project.

8.2.52 Whilst the Board may wish to seek further information regarding the design of the fencing and gates, as this forms a key mitigation strategy of the Appropriate Assessment and project, it is not recommended that this course of action is pursued as any significant alteration, even with extensive landscaping, may result in adverse impacts to the adjacent Natura 2000 sites. If such a route is to be successful, it would in my view require a significant re-design and re-routing to ensure a more

environmentally appropriate solution for this extremely sensitive and natural environment.

8.2.53 It is also noted that the application documentation includes details of a number of alternative routes that were considered for the greenway including 3 potential inland routes. These alternative routes were assessed and compared on the basis of on/off road split, direct impact on landholdings, direct impact on special designated areas, winter closures, trail classifications and connectivity. Table 5.1 in the Preliminary Design Report – Book No. 2 presents a matrix of the various routes considered. The yellow coastal route was chosen as the preferred option on the basis that it impacted on the least number of landholdings; had more suitable on road sections; that it avails of existing farm lanes which are effectively cul de sacs, are little used and, therefore, there is minimal conflict with farm activity and had the lowest project cost. This route also scored well due to its winter closure of the mid leg section which provides more security to migratory geese.

8.2.54 The assessment of the alternative routes, however, did not consider potential visual and landscape impacts. Furthermore, it is noted that the suitability of the chosen yellow route relies heavily on unusually extensive and somewhat drastic mitigation measures due to its routing through the SAC. I am not satisfied that the assessment of alternatives is fully and sufficiently robust and appears primarily based on engineering and land ownership criteria. From an initial inspection from the information available, the blue route in my view represents a possible viable alternative route for the greenway. This would be located along an extensive networks of existing farm paths that run through the slobs. These routes are established, are flat and have excellent forward visibility. The primary reason the blue route was discounted appears to relate to potential conflict with agricultural vehicles. However, I consider that through design and management, this alternative network of trails could potentially form a viable and feasible greenway route.

8.2.55 In considering potential landscape and visual impacts it is also considered that the application is deficient with regard to the following:

Signage: It is detailed in the application documentation that extensive signage is proposed along the trail. Information signage will be erected at points to inform users regarding the ecology of the area. Signage prohibiting littering, dog fouling,

camping etc. will also be erected. No detail of the location or design of this signage has been submitted with the application and it is, therefore, not possible to assess its potential visual impact. There is also no detail provided regarding any proposals for street furniture such as seating, litter bins or dog fouling along the trail.

Car Parking: A new car park with 25 no. spaces is proposed at Ardcavan Lane. Whilst a plan of the car park has been submitted details of landscaping are minimal. It is stated that it will have a macadam surface and will be impermeable. Bicycle parking is also proposed. I have concerns regarding the extent of hard landscaping proposed and the absence of any detailed soft landscape planting. No detail of the design of the bicycle parking is provided.

Boardwalk: It is detailed that the project will require a boardwalk through the wetlands. The boardwalk will be constructed of light weight reinforced plastic boards on similar beams and cross beams frames. The frames shall be erected of precast concrete posts/piles either driven or built onto the existing ground. It will extend for approximately 315 metres. It is understood that it will incorporate 1.8 metre screening on the wetland side. There is an absence of detail regarding the design of the boardwalk. One photomontage is submitted, however, there are no detailed drawings in elevation, plan or sectional form of the boardwalk structure. It is considered that that due to the height and length of this structure and its location at the sensitive Burgess Wetlands, that it potentially will have a significant visual impact.

Road Crossings: It is stated that there are a number of at grade road crossings and T junctions onto local roads along the proposed route which shall require traffic calming works. It notes that the proposed works may include additional road markings, signage and other traffic calming requirements on the local roads. Signage and access controls will also be required on the cycleway itself to warn cyclists of the upcoming road crossing. It is stated that a Section 38 application will be made to the relevant authority under the Roads Traffic Act 1994 for any traffic calming proposals which fall under this legislation. It is considered however, that these works form an integrated part of the design proposal for the greenway. Details of such should be included to facilitate a full understanding of the direct and indirect effects of the greenway and it is unsatisfactory that they be excluded from the application. It is also noted that it is proposed to erect an electrified security gate where the trail intercepts

Orchard Lane. A sample gate elevation as an indication of a possible gate/pier combination is proposed. It is stated that this arrangement would need to be agreed with the residents at the end of the lane before it could be finalised prior to construction. No detailed design however, is provided.

Landscaping: I have concerns that there is insufficient information regarding landscape detail along the route. No landscape plan has been submitted with the application. I note for example that the applicants outline a field trip that was undertaken to similar greenway projects at Norfolk Nature 2000 sites. One of the key mitigation measures suggested on foot of the observations made during this research visit was the use of dog proof fencing through all sloblands. The report notes:

"The use of 2" mesh wire fencing along reserve side of any trail through the slobland will prevent dogs and users from wandering off the proposed trails. ***The fencing would be screened with a mix of reeds and hawthorn hedging."***

It is considered that appropriate landscaping has the potential to mitigate the visual impacts of the development and compensate for habitat loss, however, there is a paucity of information in this regard.

8.2.56 In conclusion, the proposed greenway runs through an area that is of high sensitivity in terms of its ecological and environmental characteristics. It is an unspoilt area with open views across the sloblands and coast. To mitigate against potential impacts to the protected species associated with the Natura 2000 sites, including the Greenland white fronted geese and hen harrier, extensive screening and fencing across the route is proposed particularly along the mid leg section. The preclusion of access to part of the trail during the winter season necessitates the erection of defensive security gates at 4 locations and night gates at 2 locations. I consider the fencing and screening will significantly compromise the natural beauty of this area. The application is not supported by sufficient information to fully assess the landscape and visual impact. There is an absence of detail regarding its design and landscaping. I am not satisfied that there would not be a more suitable alternative route for the greenway that would have a lesser visual and environmental impact. The development in my view would have a significant long term adverse visual

impact, to an extent to which would outweigh any perceived benefits from the project.

Traffic

8.2.57 A traffic report is submitted with the application (Traffic and Parking Report – Book 9) which examines existing traffic flows and car parks in the vicinity of the proposed Greenway. Vehicular access to the greenway is via the R741 regional road from Wexford town via the R742 regional road in Curracloe. In terms of existing parking, the report notes that there are currently 110 spaces at Ferrybank with provision for 800 overflow spaces. At Culleton's Gap and Curracloe White Gap there are a further 353 spaces. Therefore, there is a total of 1,263 parking spaces to serve the greenway.

8.2.58 It is estimated that the trail will attract 275,000 visitors in a year, with the average number of visitors per day being 1,178. The peak number of visitors in any one day is estimated to be 2,000, of which 75% will travel from Wexford and 25% from Curracloe. It is unclear how the estimate of the projected number of users has been derived. Section 6 of Book 1 Planning and Policy Report states that the greenway route would be expected to attract similar domestic and tourist visitors as the Great Western Greenway in Mayo. A survey of this greenway dating from 2010 noted that it attracted 80,000 annual visits. The projection of 275,000 people, therefore, appears high. It is nonetheless the data presented in the application and must be considered on this basis.

8.2.59 It is detailed that the increase in traffic on peak days at Wexford will be 750 cars assuming 2 visitors per car and 250 at Curracloe using the same assumption. It is stated that no figures for existing peak traffic flow are available but it is considered by the applicants that the impact of traffic is minimal and that the existing parking in addition to the proposal for a 25 space car park at Ardcavan is sufficient to serve the development.

8.2.60 I consider the assessment of the potential traffic impacts of the development to be somewhat deficient and there is inadequate information in the application documentation to fully assess the traffic impacts of the development. Firstly, there is no data to support the assertion that 75% of the greenway users will travel from Wexford and 25% will travel from Curracloe. Nor is there any data to support the

assumption that the peak traffic at Wexford will be 750 cars and at Curracloe 250 cars. There is no peak traffic flow data or surveys presented in the report, and, therefore, it is not possible to determine how the additional trips generated by the greenway, in conjunction with existing trips generated by the existing recreational and amenities at Ferrybank and Curracloe will actually impact on the local road network and the existing car parking facilities.

8.2.61 The report states that there is sufficient car spaces available for the greenway at peak times while catering for normal beach usage. No car parking survey is submitted to support this claim. It is likely that much of this parking is already subscribed in the peak summer months by users of the existing amenities and beaches at Curracloe and Ferrybank. Whilst some users of the greenway will cycle/walk to the route from Wexford Town, it is likely that many others, including those with children will travel by car and then either rent or use their own bicycle to travel the greenway. There is no direct or traffic separated connection to the greenway from Wexford Town and, therefore, vehicle trips to the trail heads is likely to be high. Given the absence of any traffic/parking survey information to support the development, it is impossible to ascertain what the actual traffic impact of the development will be and whether there is sufficient car parking to support the development in addition to that which is required to serve the existing recreational and amenities at Ferrybank and Curracloe. It is envisaged that the greenway if developed, could potentially be a significant attraction with the capacity to generate significant traffic and parking demand with consequential environmental and traffic impacts. An insufficiency in this respect would have consequential impacts and reduce the attractiveness of the project for potential users.

8.2.62 Furthermore, it is noted that whilst there appears to be an overflow area at Ferrybank, there are no proposals to develop this into a more appropriate permanent car park facility to serve the development. The existing overflow car park is poorly surfaced with no demarcation of spaces and has no directional signage or landscaping.

8.2.63 I am not satisfied based on the information submitted, that the development would provide a sufficiency of car parking along with other uses in the area and as such create congestion and overspill parking to the surrounding road network and potential traffic safety hazards particularly at peak times.

8.2.64 I have also have some concerns regarding the design of the greenway route itself. As detailed in section 5.6.8, the TII document on Rural Cycle Design recommends that for high volume trails in excess of 1,500 users per day, the desirable minimum width is 5 metres. The proposed greenway has an expected average volume of daily trail users is 1,178 persons. It is noted however, that the application documentation suggests that the maximum peak usage of the greenway may be in the order of 2,000 people a day. The design of the route at 3 metres is, therefore, not the optimal width for this level of use.

8.2.65 Furthermore, as detailed above, there is a lack of information regarding traffic calming measures etc. that will be required to be incorporated into the route where there is potential for conflict between users and existing vehicular traffic, particularly at Ardcavan Lane and along the existing access road to the Wildfowl Reserve. The comments in the submission by cyclist.ie are also noted regarding potential flaws in the design in terms of safety. It is also detailed in the submission from the Department of Culture, Heritage and the Gaeltacht, that the existing trail through the Raven Wood attracts a very high volume of users and that pedestrian counters indicate a total footfall of nearly 150,000 people per year. Given the limited width of the trail of 3 metres through the wood, there is significant potential for congestion and conflict between pedestrians and cyclists. The design, may, therefore, not be fit for purpose given the anticipated number of visitors that the route it is likely to attract.

Material Assets

8.2.66 I have considered the potential impacts of the proposed development on material assets in terms of agricultural properties. The route of the greenway runs along existing farm trails. It is stated in the documentation submitted with the application that the greenway primarily intercepts the lanes at their terminal ends and that the farm paths along the sea wall are secondary access points to adjacent fields. It is proposed that these farm access lanes to fields immediately adjacent to the base of the sea wall along the mid-section of the route would be surrendered for the exclusive use of the trail as part of any agreement with effected landowners. This arrangement would permanently remove any field access gates onto the proposed Greenway route. It is noted that there have been third party objections to this proposal due to concerns regarding potential impacts on the usability of existing farmland.

8.2.67 The Board should note that the application for approval under S.177AE is not accompanied by an associated CPO procedure. There is no detailed information or assessment provided in the application as to the direct implications of the closure of these existing farm trails or potential severance of lands. No mapping is provided regarding potential alternative access routes/arrangements to the farmlands or potential impacts on the viability or usability of existing agricultural lands. Given the paucity of information provided, it is not possible to fully assess the impacts on existing agricultural landholdings and in this context, I am not satisfied that there will be no unacceptable direct or indirect impacts. Whilst, it is open to the Board to seek further clarification on this matter, due to other substantive concerns regarding the project, I do not recommend this course of action in this instance.

Conclusion

8.2.68 In conclusion, I am not satisfied that the development will not result in likely significant effects on the environment for the following reasons:

- It is considered that the development would result in adverse ecological impacts. There is a lack of clarity regarding the construction of the trail through the Raven Point Nature Reserve and the implications of the proposed construction corridor for the existing habitat, including potential loss of trees. Furthermore, it is considered that the increased volume of people accessing this area has the potential to intensify pedestrian traffic to the existing fragile dune system at Raven Point, and due to the lack of any clear restrictive measures to control such access, there is likely to be consequential impacts to the natter jack toad population. The development will also result in the significant loss of habitat across the site, including breeding sites for a significant number of bird species. Having regard to the information submitted with the application, I am not satisfied that sufficient landscape mitigation measures have been incorporated into the design of the route to mitigate against this significant local impact.
- It is considered that the development due its design comprising of a tarmacked route with extensive paladin fencing and timber screening would have a significant long term adverse visual impact on this environmentally and ecologically sensitive environment.

- Having regard to the information on the file and the stated number of potential users, the lack of peak flow traffic data and traffic surveys, it is considered that the development has the potential to result in significant traffic congestion at peak times with consequent traffic impacts on the local road network. The development due to a deficit of car parking may result in congestion and overspill car parking on the surrounding road network. Furthermore, the design of the greenway, due to its width which is below the recommended standard as set out in Rural Cycle Scheme Design, NRA, 2014, is considered to be seriously deficient and is likely to result in conflict between pedestrians and cyclists and congestion during periods of peak use.
- Insufficient information has been submitted with the application regarding the impact of the development on the operational viability of existing farms in the vicinity due to severance and access. I am not satisfied that it has been demonstrated that the development would not have an adverse impact.

8.3. **The likely significant effects on a European site**

8.3.1 The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive.
- The Natura Impact Statement.
- Screening for Appropriate Assessment.
- Appropriate Assessment.

Compliance with Articles 6(3) of the EU Habitats Directive

8.3.2 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the 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 site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

The Natura Impact Statement

8.3.3 The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

8.3.4 The NIS was informed by the following studies, surveys and consultations:

- European level and National level guidance on Appropriate Assessment.
- Desk top study.
- Three breeding bird visits conducted on the 9th and 30th May, 20th June 2017.
- Six winter hen harrier visits conducted on the 15th November 2017, 26th and 29th January, 14th and 15th February 2018.
- Three habitat surveys on the 11th and 12th July and 15th November 2017.
- An examination of aerial photography and Ordnance Survey of Ireland mapping.
- Online data available on European sites from the National Parks and Wildlife Service.
- Information on land use zoning from the Department of the Environment, Community and Local Government.
- Information on water quality and environmental conditions of the site and environs from the EPA, information on soils, geology and hydrogeology from the GSI.
- Information on the South Eastern River Basin District from cfram.
- Consultations with the National Parks and Wildlife Service.

8.3.5 The report concluded that, subject to the implementation of best practice and the recommended detailed mitigation measures, the proposed development would not have a significant effect either individually or in combination with other plans or projects on the conservation objectives of any European site.

8.3.6 Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 6 of the NIS. I have some concerns regarding the adequacy of the mitigation measures set out. However, I am satisfied that the information is sufficient to allow for appropriate assessment to be carried out of the proposed development on the European sites concerned (see further analysis below).

Appropriate Assessment Screening

8.3.7 I consider that the proposed development of the greenway is not directly connected with or necessary to the management of any European site.

8.3.8 Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

8.3.9 European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
1) Raven Point Nature Reserve cSAC **(Site code: 000710)**	• Mudflats and sandflats not covered by seawater at low tide • Annual vegetation of drift lines • Atlantic salt meadows	Proposed greenway is within the European site	Direct connection between the development and the cSAC

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
	(*Glauco-Puccinellietalia maritimae*) • Embryonic shifting dunes • Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes') • Fixed coastal dunes with herbaceous vegetation ('grey dunes') (priority habitat) • Dunes with *Salix repens ssp. argentea (Salicion arenariae*) • Humid dune slacks		
2) Slaney River Valley cSAC **(Site code: 000781)**	• Freshwater Pearl Mussel *Margaritifera margaritifera* • Sea Lamprey *Petromyzon marinus* • Brook Lamprey *Lampetra planeri* • River Lamprey *Lampetra fluviatilis* • Twaite Shad *Alosa fallax* • Atlantic Salmon *Salmo salar* (only in fresh water) • Estuaries • Mudflats and sandflats not	Proposed greenway is within the European site	Direct connection between the development and the cSAC

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
	covered by seawater at low tide • Atlantic salt meadows (Galuco – Puccinellietalia maritimae) • Mediterranean salt meadows (Juncetalia maritime) • Otter *Lutra lutra* • Harbour Seal *Phoca vitulina* • Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* • Vegetation • Old sessile oak woods with *Ilex and Blechnum* in the British Isles • Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion* albae) (priority habitat)		
3) Screen Hills cSAC **(Site code: 000708)**	• Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)	Located 4.5km to the northwest	No pathway connection

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
	• European dry heaths		
4) Long Bank cSAC **(Site code: 002161)**	• Sandbanks which are slightly covered by sea water all the time	Located 5.5 km to the east	Connection by surface water network. However, due to significant open marine water buffer, any potential pollution would become diluted
5) Blackwater Bank cSAC **(Site code: 002953)**	• Sandbanks which are slightly covered by sea water all the time	Located c. 7.5 km to the east	Connection by surface water network. However, due to significant open marine water buffer, any potential pollution would become diluted
6) Carnsore Point	• Mudflats and sandflats not	Located c.	Connection

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
cSAC **(Site code: 002269)**	covered by seawater at low tide • Reefs	10.2 km to the southeast	by surface water network. However, due to significant open marine water buffer, any potential pollution would become diluted
7) Kilmuckridge – Tinnaberna Sandhills cSAC **(Site code: 001741)**	• Shifting dunes along the shoreline with (white dunes) • Fixed coastal dunes with herbaceous vegetation (grey dunes) (priority habitat)	Located c. 11.9km to the northeast	Connection by surface water network. However, due to significant open marine water buffer, any potential pollution would become diluted
8) Tacumshin Lake cSAC **(Site code: 000709)**	• Coastal lagoons (priority habitat) • Annual vegetation of drift	Located c.14.5km southwest	No pathway connection

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
	lines • Perennial vegetation of stony banks • Embryonic shifting dunes • Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)		
9) Wexford Harbour and Slobs SPA **(Site code: 004076)**	• Little Grebe *Tachybaptus ruficollis* wintering • Great Crested Grebe *Podiceps cristatus* wintering • Cormorant *Phalacrocorax carbo* wintering • Grey Heron *Ardea cinerea* wintering • Bewick's Swan *Cygnus columbianus* wintering • Whooper Swan *Cygnus cygnus* wintering • Light-bellied Brent Goose *Branta bernicla hrota* wintering • Shelduck *Tadorna tadorna* wintering • Wigeon *Anas penelope* wintering	The proposed greenway is within the European site	Direct connection between the development and the cSAC

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
	• Teal *Anas crecca* wintering • Mallard *Anas platyrhynchos* wintering. • Pintail *Anas acuta* wintering • Scaup *Aythya marila* wintering • Goldeneye *Bucephala clangula* wintering • Red-breasted Merganser *Mergus serrator* wintering • Hen Harrier *Circus cyaneus* post-breeding/roost • Coot *Fulica atra* wintering • Oystercatcher *Haematopus ostralegus* wintering • Golden Plover *Pluvialis apricaria* wintering • Grey Plover *Pluvialis squatarola* wintering • Lapwing *Vanellus vanellus* wintering • Knot *Calidris canutus* wintering • Sanderling *Calidris alba*		

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
	wintering • Dunlin *Calidris alpina* wintering • Black-tailed Godwit *Limosa limosa* wintering • Bar-tailed Godwit *Limosa lapponica* wintering • Curlew *Numenius arquata* wintering • Redshank *Tringa totanus* wintering • Black-headed Gull *Chroicocephalus ridibundus* wintering • Lesser Black-backed Gull *Larus fuscus* wintering • Little Tern *Sterna albifrons* breeding. • Greenland White-fronted goose *Anser albifrons flavirostris* wintering • Wetlands		
10) The Raven SPA **(Site code: 004019)**	• Red-throated Diver *Gavia stellata* wintering • Cormorant *Phalacrocorax carbo* wintering	The proposed Greenway is adjacent to the	Direct connection between the development and the

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
	• Common Scoter *Melanitta nigra* wintering • Grey Plover *Pluvialis squatarola* wintering • Sanderling *Calidris alba* wintering • Greenland White-fronted goose *Anser albifrons flavirostris* wintering • Wetlands	European site	cSAC
11) Tacumshin Lake SPA **(Site code: 004092)**	• Little Grebe (Tachybaptus ruficollis) • Bewick's Swan (Cygnus columbianus bewickii) • Whooper Swan (Cygnus Cygnus) • Wigeon (Anas penelope) • Gadwall (Anas strepera) • Teal (Anas crecca) • Pintail (Anas acuta) • Shoveler (Anas clypeata) • Tufted Duck (Aytha fuligula) • Coot (Fulica atra) • Golden Plover (Pluvialis apricaria)	Located c. 14.5km south west	No pathway connection

European site (SAC/SPA)	Qualifying Interests	Distance	Connectivity
	• Grey Plover (Pluvialis squatarola) • Lapwing (Vanellus vanellus) • Blacktailed Godwit (Limosa limosa) • Wetland		
12) Lady's Island Lake SPA (Site code: 004009)	• Gadwall Anas strepera. • Black-headed Gull *Chroicocephalus ridibundus* • Sandwich Tern *Sterna sandvicensis* • Roseate Tern *Sterna dougallii* • Common Tern *Sterna hirundo* • Artic Tern *Sterna paradisaea*	Located c. 14km south	No pathway connection

8.3.10 Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distances and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude

that a Stage 2 Appropriate Assessment is required for 4 of the 12 European sites referred to above namely:

- The Raven Point Nature Reserve cSAC (Site code 000710).
- Slaney River Valley cSAC (Site code 000781).
- Wexford Harbour and Slobs SPA (Site code 004076).
- The Raven SPA (Site code 004019).

8.3.11 The remaining 8 sites (Screen Hills cSAC, Long Bank cSAC, Blackwater cSAC, Carnsore Point cSAC, Kilmuckridge – Tinnaberna Sandhills cSAC, Tacumshin Lake cSAC, Tacumshin Lake SPA and Lady's Island Lake SPA) can be screened out from further assessment because of the scale of the proposed works which require limited excavation, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests pertaining to these sites, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is, therefore, reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. (000708, 112161, 002953, 002269, 001741, 000709, 004092, 004009) in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not, therefore, required for these sites.

Relevant European Sites – Stage 2 Appropriate Assessment

8.3.12 The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.

Site Name	Qualifying Interests	Distance
1) Raven Point Nature Reserve cSAC **(Site code: 000710)**	• Mudflats and sandflats not covered by seawater at low tide • Annual vegetation of drift lines. • Atlantic salt meadows	Proposed greenway is within the European site

Site Name	Qualifying Interests	Distance
	(*Glauco-Puccinellietalia maritimae*) • Embryonic shifting dunes • Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes') • Fixed coastal dunes with herbaceous vegetation ('grey dunes') (priority habitat) • Dunes with *Salix repens ssp. argentea (Salicion arenariae*) • Humid dune slack	
2) Slaney River Valley cSAC **(Site code: 0007841)**	• Freshwater Pearl Mussel *Margaritifera margaritifera* • Sea Lamprey *Petromyzon marinus* • Brook Lamprey *Lampetra planeri* • River Lamprey *Lampetra fluviatilis* • Twaite Shad *Alosa fallax* • Atlantic Salmon *Salmo salar* (only in fresh water) • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Atlantic salt meadows (Galuco – Puccinellietalia maritimae) • Mediterranean salt meadows	Proposed greenway is within the European site

Site Name	Qualifying Interests	Distance
	(Juncetalia maritime) • Otter *Lutra lutra* • Harbour Seal *Phoca vitulina* • Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* • Vegetation • Old sessile oak woods with *Ilex and Blechnum* in the British Isles • Alluvual forests with *Alnus glutinosa* and *Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae* (priority habitat)	
3) Wexford Harbour and Slobs SPA **(Site code: 004076)**	• Little Grebe *Tachybaptus ruficollis* wintering • Great Crested Grebe *Podiceps cristatus* wintering • Cormorant *Phalacrocorax carbo* wintering • Grey Heron *Ardea cinerea* wintering • Bewick's Swan *Cygnus columbianus* wintering • Whooper Swan *Cygnus cygnus* wintering • Light-bellied Brent Goose *Branta*	The proposed greenway is within the European site

Site Name	Qualifying Interests	Distance
	bernicla hrota wintering • Shelduck *Tadorna tadorna* wintering • Wigeon *Anas penelope* wintering • Teal *Anas crecca* wintering • Mallard *Anas platyrhynchos* wintering • Pintail *Anas acuta* wintering • Scaup *Aythya marila* wintering • Goldeneye *Bucephala clangula* wintering • Red-breasted Merganser *Mergus serrator* wintering • Hen Harrier *Circus cyaneus* post-breeding/roost • Coot *Fulica atra* wintering • Oystercatcher *Haematopus ostralegus* wintering • Golden Plover *Pluvialis apricaria* wintering • Grey Plover *Pluvialis squatarola* wintering • Lapwing *Vanellus vanellus* wintering • Knot *Calidris canutus* wintering • Sanderling *Calidris alba* wintering • Dunlin *Calidris alpina* wintering	

Site Name	Qualifying Interests	Distance
	• Black-tailed Godwit *Limosa limosa* wintering • Bar-tailed Godwit *Limosa lapponica* wintering • Curlew *Numenius arquata* wintering • Redshank *Tringa totanus* wintering • Black-headed Gull *Chroicocephalus ridibundus* wintering • Lesser Black-backed Gull *Larus fuscus* wintering • Little Tern *Sterna albifrons* breeding • Greenland White-fronted goose *Anser albifrons flavirostris* wintering. • Wetlands	
4) The Raven SPA **(Site code: 004019)**	• Red-throated Diver *Gavia stellata* wintering • Cormorant *Phalacrocorax carbo* wintering • Common Scoter *Melanitta nigra* wintering • Grey Plover *Pluvialis squatarola* wintering • Sanderling *Calidris alba* wintering • Greenland White-fronted goose *Anser albifrons flavirostris* wintering	The proposed Greenway is adjacent to the European site

Site Name	Qualifying Interests	Distance
	• Wetlands	

1: Raven Point Nature Reserve cSAC (Site code: 000710)

Description of the Site:

8.3.13 The Raven Point Nature Reserve is situated on the north side of Wexford Harbour, incorporating the dynamic sand system of Raven Point and the coast running north to Curracloe House. The site is designated as a National Nature Reserve and incorporates a large sand dune system comprising a suite of coastal habitats which are listed on Annex I of the E.U. Habitats Directive. The dynamic nature of the system is best seen at the southern end of the site where sandflats, lagoons, drift lines and small dune slacks develop and are being continuously transformed by the activity of the sea and the wind.

8.3.14 The Raven Point Nature Reserve contains one of the few afforested sand dune systems in Ireland, though commercial plantings in the 1930's and 1950's have compromised the structure of the natural dune vegetation. The unplanted areas of fixed dunes are fairly typical of the habitat, with a low open sward of grasses, herbs, bryophytes and lichens occurring amongst areas of Marram. A feature of the site is the presence of dune slacks and where these maintain moist conditions, characteristic species include Creeping Willow, Common Sedge, Bog Pimpernel, Heath Grass and mosses.

8.3.15 A small, though good example of Atlantic salt meadow occurs below the fixed dunes at the more sheltered western side of the point. A number of rare and protected plants have been recorded from this dune system including Round-leaved Wintergreen, Lesser Centaury and Wild Asparagus, all three of which are protected under the Flora (Protection) Order, 1999.

8.3.16 A number of ponds have been created as part of the introduction to the site of the Natterjack Toad, a rare, legally protected Red Data Book species. The toads are breeding successfully and have established themselves in the site. The dunes at this site support a diverse invertebrate fauna. Notable species include two rare carabid

beetles, the robber fly, the snail-killing fly and the weevil. A rare woodlouse has also been recorded. The steeper shores to the north-east of the Point, which are predominantly sandy sediment, supports a sparser fauna, but with one notable species Pseudorchestoidea brito - a sandhopper which is known from only one other location in Ireland.

8.3.17 The Raven Point Nature Reserve also has important bird interests, being part of the Wexford Slobs and Harbour complex. It also provides the principal night roost for an internationally important flock of Greenland white-fronted goose, a species listed on Annex I of the E.U. Birds Directive. Overall, this is a site of considerable conservation significance.

8.3.18 Threats to the site include changes in agricultural use and abandonment of pastoral systems, forestry management, invasive non native species and erosion from recreational activities such as walking, horse-riding, camping and use of motorised and non motorised vehicles.

Conservation Objectives:

- To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide
- To maintain the favourable conservation condition of Annual vegetation of driftlines and Atlantic salt meadows.
- To restore the favourable conservation condition of Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria, fixed coastal dunes with herbaceous vegetation (grey dunes) and Humid dune slacks.
- To maintain the favourable conservation condition of Dunes with Salix repens ssp. argentea (Salix arenariae)

8.3.19 For further information regarding attributes and targets see NPWS Conservation Objectives Version 1.0 (02/12/2011) – see pouch.

Potential Direct Effects:

8.3.20 There are considered no likely direct effects.

Potential Indirect Effects:

8.3.21 There is potential for indirect impacts through surface water runoff and habitat erosion and degradation due to increased access by greenway users. Surface water run off from the greenway section within the Raven Wood will discharge to the north slobland drainage system where water is pumped into Wexford Harbour west of the Wildfowl Reserve Visitor Centre. Surface waters generated during the construction and maintenance of the greenway could carry silt, oils or other chemicals into the local surface water drainage network which ultimately discharge to Wexford Harbour.

8.3.22 The proposed route of the greenway uses an existing trail that runs through the Raven Wood. There is potential for indirect impacts on the qualifying interest habitats of this SAC due to increased activity by greenway users which have the potential to cause habitat erosion and degradation through trampling, dog fouling and litter. Such impacts may arise from users diverging from the marked greenway route and walking through habitats either on informal paths or through undisturbed habitats due to a lack of appropriate preventive measures to manage access to this sensitive area.

8.3.23 The development may affect the conservation status of the QI habitats in relation to the Site Specific Conservation Objectives including habitat area, habitat distribution and vegetation composition. In particular, there is a risk of potential impacts to the shifting dunes along the shoreline, fixed coastal dunes with herbaceous vegetation (grey dunes), dunes with Salix repens sst. Argentea (Salicion arenariae) and Humid due slacks.

8.3.24 The NIS notes that due to the dynamic and often shifting nature of dune systems, it is possible that pressures from recreational users may affect the Annex 1 dune habitats at a local scale. However, sea, wind and weather regimes are likely to remain the prevailing forces driving the changing behaviour of shifting dune habitat. For fixed dune habitat, dunes with Salix and humid slack dunes, other pressures such as forestry management, scrub encroachment and problematic native species are considered to have a greater impact than erosion and degradation impacts from recreational users.

Mitigation Measures:

<u>Indirect Impacts</u>

8.3.25 It is set out in the Natura Impact Statement that it is not anticipated that surface water run off will have a significant effect on the European site due to:

- The distance between the proposed route and outfall of the slobland drainage system to Wexford Harbour and potential for dilution in the drainage network;
- Programme for construction works is short and limited to summer months, when surface water run off is lower;
- Maintenance works are expected to be localised;
- A number of the QI habitats within the European site have existing heavy silt loading; the scale of works and distance between the subject lands and the European site means it is very unlikely that sediments or pollutants from the development are likely to result in any discernible effects on QI habitat hydrologically linked to the proposed greenway.

8.3.26 A number of specific mitigation measures are set out for the construction phase to protect the receiving hydrological environment from contamination by surface waters including:

- All materials including oils, solvents and paints will be stored within temporary bunded area or dedicated bunded containers.
- Where possible refuelling will take place in a designated bunded area away from surface water gullies, drains and water bodies. In the event of refuelling outside this area, fuel will be transported in a mobile double skinned tank.
- All machinery and plant used will be regularly maintained and serviced to ensure that leakage of diesel, oil and lubricants is minimised.
- The excavation and handling of inert material will be carefully managed in such a way as to prevent any potential negative impact on the receiving environment.
- Where possible the excavated spoil will not be stored beyond the working day, however, in the event that this is not practical, appropriate precautions in relation to the material will be taken. These precautions will include appropriate storage and covering.
- Full method statements will be provided by the contractor and approved prior to the commencement of construction.

- A pre commencement survey of the route will be required within the optimal survey period to identify any invasive species along the route. Where identified, removal will be in accordance with relevant guidelines.

8.3.27 In terms of managing access to the SAC, it is detailed that:

- The greenway route has been designed to lead users away from the sensitive dune habitats. Where the newly constructed path joins the existing Raven Wood path west of Raven Point, landscaping including banking and native planting will guide pedestrians away from sensitive habitats.
- Signage will be erected educating users of the dune system and sensitive nature of this habitats, deterring them from walking through the habitat off the marked way. Signage prohibiting littering, dog fouling, camping, fires etc. will be displayed. Greenway wardens will educate users regarding the sensitivity of the site and be authorised to enforce Trail Bye laws.

Assessment

8.3.28 I am satisfied that the measures detailed are appropriate to manage any potential indirect effects from contamination by surface waters.

8.3.29 I have concerns however, regarding the proposed mitigation measures set out to address indirect impacts as a result of increased human activity in the area. The proposed development will result in a significant increase in the volume of pedestrians and cyclists accessing this area and up to 2,000 people may use the route daily during peak times. Whilst it is detailed that the design of the greenway has been contoured to lead users away from the sensitive dune habitats in the SAC, there is in my view potential for significant numbers of people to diverge from the trail and access Raven Point, notwithstanding landscaping and signage measure to preclude same. The measures set out in my view are not sufficient to manage or control access to this sensitive area.

8.3.30 A report prepared by the NPWS in October 2011 – "*The Raven Nature Reserve Conservation Objectives Supporting Document – Coastal Habitats"* details that the reserve experiences considerable pressure from recreational activities due to its proximity to Curracloe. It states *"The southern parts of the site however, are some*

distance from habitation, car parks and the areas of heavy recreational use, providing some relief from potentially damaging activities."

8.3.31 I acknowledge that Raven Point currently has uninhibited access from the existing trail that runs through the wood. It is however, due to its distance from the main car park at Culleton's Gap, afforded some degree of protection from heavy traffic by pedestrians. The route of the greenway will bring significant numbers of additional pedestrians and cyclists in direct proximity to this fragile and sensitive zone with significant potential for increased activity from people accessing this area. Whilst there are some informal paths from the wood to the dunes and beach at the southern point, these are not clearly demarcated, meaning that people would have the propensity to diverge into the fragile dunes. It is detailed in the Construction Management Plan that the existing tracks will be promoted as the main way to access the beach and that mitigation measures will be taken if further tracks open up. There is no detail provided however, as to what mitigation will be provided or how the likely significant increase in traffic will be appropriately managed. No dedicated boardwalks or adequate control measures are detailed.

8.3.32 According to the NIS the conservation status of the various dune systems has been assessed as follows:

Shifting dunes along the shoreline with Ammophila arenaria (white dunes): Has been assessed as unfavourable – inadequate in relation to extent, structure and functions and future prospects due to erosion and recreational pressures. More recent surveys reassessed structure and function as favourable.

Fixed coastal dunes with herbaceous vegetation (grey dunes): conservation status within the European site was assigned unfavourable-inadequate and the Irish conservation status as unfavourable-unchanged. More recent monitoring assessment classified the habitat as unfavourable bad.

Dunes with Salix repns ssp. Argentea (Salicion arenariae): conservation status within the European site was assigned unfavourable-inadequate and the Irish conservation status as unfavourable-unchanged. More recent monitoring assessment classified the habitat as unfavourable inadequate.

Humid dune slacks: conservation status within the European site was assigned unfavourable-inadequate and the Irish conservation status as unfavourable-unchanged. More recent monitoring assessment classified as favourable.

8.3.33 It is evident, therefore, that some of the annex 1 habitats within the SAC are experiencing degradation and damage and have a poor conservation status. Having regard to the conservation objectives pertaining to this area which includes to maintain and restore the favourable conservation status of the habitats of the site, the development in my view has the potential to result in significant further degradation and damage to these Annex 1 coastal habitats from increased pedestrian activity diverging from the greenway path with no adequate mitigation measures set out to manage this.

Site 2: Slaney River Valley cSAC (Site Code: 000781)

Description of the Site:

8.3.34 This site comprises the freshwater stretches of the River Slaney as far as the Wicklow Mountains. The Slaney River Valley covers the general area of the Wexford Harbour and estuary. The 1st leg of the greenway from Ferrybank to the Wildfowl Reserve Visitor Centre is adjacent to the SAC except for a short section where the SAC extends inland over a salt meadow habitat. All of the 2nd leg of the greenway runs adjacent and in close proximity to the SAC but does not pass through it. The SAC represents estuaries and intertidal sand and mud flats particularly well with salinity ranging from freshwater to full seawater. The river and its tributaries display good examples of floating river vegetation. Two rare aquatic plant species which are legally protected under the Flora (Protection) Order, 2015, have been recorded in this site: Short-leaved Water-starwort (Callitriche truncata), a very rare, small aquatic herb found nowhere else in Ireland, and Opposite-leaved Pondweed (Groenlandia densa).

8.3.35 The site includes an important area of alluvial forest and old oak woodlands. The site is of high importance for the conservation of fish species and supports populations of several species listed on Annex II of the E.U. Habitats Directive, including Sea Lamprey, River Lamprey and Brook Lamprey, Otter, Salmon, small numbers of Freshwater Pearl Mussel, and in the tidal stretches, Twaite Shad. Otter are also distributed along the River and Harbour seal occupy the site which represents regionally significant breeding and moulting sites for the species.

8.3.36 The site is of high ornithological importance also, with internationally important populations of Mute Swan (300), Light-bellied Brent Goose (200), Bar-tailed Godwit

(1,843) and Black-tailed Godwit (350) occurring. There are at least a further 18 species of wintering waterfowl which occur in numbers of national importance. A nesting colony of Little Egret has recently become established within the site and birds are present in the area throughout the year. The River Slaney also supports typical riparian species, including Dipper and Kingfisher. The site supports many of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger, Irish Hare and Daubenton's Bat. Common Frog (Rana temporaria), another Red Data Book species, also occurs within the site.

8.3.37 Threats to the site include agricultural practices such as fertilization, removal of hedgerows and scrub, forestry management, invasive non native species, pollution to surface waters from agriculture and forestry activities, household sewage and wastewater treatment works and surface water abstractions.

Conservation Objectives:

- To restore the favourable conservation condition of Sea lamprey, Brook lamprey, River lamprey, Twaite shad and Salmon.
- To maintain the favourable conservation condition of Estuaries and Mudflats and sandflats not covered by seawater at low tide in the Slaney River Valley SAC.
- To restore the favourable conservation condition of Otter and Harbour Seal.
- To maintain the favourable conservation condition of Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation.
- To restore the favourable conservation condition of old sessile oakwoods with *Ilex* and *Blechnum* and of Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*).

  Note: The status of the freshwater pearl mussel (*Margaritifera margaritifera*) as a qualifying Annex II species for the Slaney River Valley SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species.

8.3.38 For further information regarding targets and attributes see NPWS Conservation Objectives Version 1.0 (21/10/2011) – see pouch. It is noted that there is a small discrepancy in the 'Features of Interest' of this site detailed in the Site Synopsis compared to the 'Qualifying Interests' detailed in the Conservation Objectives for the

site prepared by the NPWS in that Mediterranean salt meadows and Atlantic salt meadows are listed as a qualifying interest in one document and not the other. For the purpose of this assessment, it is taken that Mediterranean salt meadows and Atlantic salt meadows are a qualifying habitats of the SAC.

Potential Direct Effects:

8.3.39 Part of the proposed greenway route traverses the European site. A section of Atlantic salt meadow and Mediterranean salt meadow occurs in close proximity to the route (approx. within 10.8 metres) and, therefore, there is potential for a direct impact on these qualifying habitats, particularly during the construction phase from construction activity, use of machinery and storage of materials etc. within the habitat. Degradation could occur from encroachment of non native species and change in the surrounding hydrology in the area. Relevant site specific conservation objectives that may be affected include habitat area, habitat distribution and physical structure that may affect natural tidal regime.

8.3.40 Other potential direct impacts include disturbance and displacement of QI interest species including the movement of otter from inland watercourses to intertidal and marine habitats. During the operational phase there is potential for human disturbance to the otter species. During the construction phase impacts can occur from noise and visual disturbance and from construction lighting at night. It is noted that the freshwater pearl mussel and lamprey species and seals do not occur within the zone of influence of the proposed greenway and, therefore, it is not envisaged that there will be any direct impacts on these species.

Potential Indirect Effects:

8.3.41 There is a potential indirect link between the trail and the QI habitats, including estuaries and mudflats and sandflats not covered by sea water at low tide via construction related surface water run off. Surface waters generated during construction and maintenance of the greenway could carry silt, oils or other chemicals into the local surface water drainage network which ultimately discharges to Wexford Harbour.

Mitigation Measures:

Direct Impacts

8.3.42 It is detailed in the NIS that to minimise impacts on the Annex 1 habitat (salt meadows), where the greenway is located in proximity to this area, it will take the form of a boardwalk over the reedbed and scrub habitat at Burgess. As the boardwalk will be raised, it will not cause a barrier to hydrological movements and will negate the need for adjacent ditches. Surface water from the slatted boardwalk will run off into the surrounding habitat. The avoidance of drainage in the area of the Annex 1 habitat will ensure that local hydrology will not be altered. Shading impacts on the Annex 1 habitat from the raised boardwalk will not occur and due to the low height of the boardwalk and distance of the salt meadow habitat from the route.

8.3.43 Specific mitigation measures proposed include:

Atlantic salt meadows and Mediterranean salt meadow

- The Atlantic salt meadow and Mediterranean salt meadow habit in addition to a 7m buffer will be demarcated by suitably qualified Ecological Clerk of Works (ECoW) prior to the commencement of construction work mobilisation. There will be no storage of materials/ machinery/hydro-carbons within the demarcated area.
- An ECoW will be present during the construction works and will monitor the works to ensure the protection of the salt meadow habitat.
- Implementation of Invasive Species Management Plan, if required, along the route with particular attention in the vicinity of identified salt meadow habitat.
- Access to the working area near the salt meadow habitat will be from the shore side rather than reedbed and swamp side.

Otters

- In terms of otters, the route of the greenway will be fenced with a combination of dog proof fencing on both sides which will reduce disturbance from humans and dogs. Where otter activity was recorded at Burgess and the Wildfowl Reserve Visitor Centre, panelled screening will be provided to protect otters against visual disturbance.
- Provision of otter ledges on culvert along the route.

- Provision of 6 no. mammal passes along the route.
- Raised boardwalk over wetlands at Burgess to allow free movement of otters.
- Daily closure of the trail from dusk to dawn.
- Construction mitigation including pre commencement check for otter holts; ECoW to be present during construction phase to monitor otter activity; mammal passage routes along the working area to be kept unimpeded; Review of construction lighting to ensure it is directional and that floodlighting is avoided.

Indirect Impacts

8.3.44 As per the criteria previously set out, it is not anticipated that surface water run off will have a significant effect on the European site. A number of specific mitigation measures are set out for the construction phase to protect the receiving hydrological environment from contamination by surface waters. These have previously been detailed in section 8.3.26 above.

Assessment

8.3.45 I am satisfied that the measures detailed are appropriate to manage any potential indirect effects from contamination by surface waters. I am also satisfied that the mitigation measures set out with regard to otters and the protection of Atlantic salt meadows and Mediterranean salt meadow are appropriate to ensure the conservation objectives of this site are not negatively affected.

3: Wexford Harbour and Slobs SPA (Site Code: 004076)

Description of Site:

8.3.46 Wexford Harbour is the lowermost part of the estuary of the River Slaney, a major river that drains much of the south-east region. The site is divided between the natural estuarine habitats of Wexford Harbour, the reclaimed polders known as the North and South 'Slobs', and the tidal section of the River Slaney. Shallow marine water is a principal habitat, but at low tide extensive areas of intertidal flats are exposed.

8.3.47 The site is of international importance for several species of waterbirds but also because it regularly supports well in excess of 20,000 waterbirds. Wexford Harbour and Slobs is one of the top three sites in the country for numbers and diversity of

wintering birds. The combination of estuarine habitats, including shallow waters for grebes, diving duck and seaduck, and the farmland of the polders, which include freshwater drainage channels, provides optimum feeding and roost areas for a wide range of species.

8.3.48 Of particular importance is that it is one of the two most important sites in the world for Greenland white-fronted goose. The geese feed almost entirely within the Slobs and roost at The Raven (a separate SPA). The site also has internationally important populations of Mute Swan (543), Light-bellied Brent Goose (1,469), Bar-tailed Godwit (1,696) and Black-tailed Godwit (790). There are at least a further 26 species of wintering waterbirds which occur in numbers of national importance.

8.3.49 The Slobs is the most important and indeed one of the few sites in the country which supports a regular flock of Bewick's Swan. The site is a regular location for scarce passage waders such as Ruff, Spotted Redshank and Green Sandpiper, as well as Curlew Sandpiper in varying numbers. The rare Wood Sandpiper is seen each year, mainly in autumn. Short-eared Owl and Hen Harrier are regular visitors to the Slobs during winter. Of particular note is the presence of a Hen Harrier communal roost site. The site is also important for Little Tern as it has can hold a nationally important breeding colony. The Slobs support a nesting colony of Tree Sparrow, a very localised species in Ireland that is listed in the Irish Red Data Book. A range of duck species breed, including Teal, Tufted Duck and Shoveler. Wexford Harbour and Slobs SPA is one of the most important ornithological sites in the country.

8.3.50 Threats to the site include forestry management and practices, disturbance from nautical sports and recreational activities including walking, horse-riding and non motorised vehicles.

Conservation Objectives:

- To maintain the favourable conservation condition of the following bird species: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Bewick's Swan, Whooper Swan, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Mallard, Pintail, Scaup, Goldeneye, Red-breasted Merganser, Hen Harrier, Coot, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Lesser Black-backed Gull, Little Tern, Greenland White-fronted Goose.

- To maintain the favourable conservation condition of the wetland habitat in Wexford Harbour and Slobs SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

8.3.51 For further information regarding targets and attributes see NPWS Conservation Objectives Version 1.0 (21/03/2012) see pouch.

Potential Direct Effects:

8.3.52 Part of the route of the greenway is located within the European site. Potential direct impacts include disturbance and displacement of protected bird species particularly the Greenland white fronted goose and the hen harrier. In relation to the geese and other wintering waterbirds, the NIS notes that if the birds are repeatedly reacting to disturbance, over time body condition can decrease affecting mortality, emigration and reproductive success and can result in short and long term individual and population implications. Construction and use of the proposed greenway also has the potential to cause disturbance to roosting hen harrier as the roost site is located c. 200 metres from the route. Disturbance is a risk at the roost site itself and also along the flight corridors used by the hen harrier entering and exiting the roost site. Disturbance along flight corridors may alter hen harrier behaviour which may have secondary effects such as consequential energetic costs, roost and foraging habitat fragmentation.

Potential Indirect Effects:

8.3.53 It is not anticipated that there will be any significant indirect effects. Potential impacts from surface water run off have been previously outlined. – see section 8.3.23 – 8.2.26 above.

Mitigation Measures:

<u>Greenland White fronted geese and other winter waterbirds</u>

Detailed mitigation measures to protect these species are set out in the application documentation - see Book 8 – Details of Winter/Spring Closure – Leg 2 for further information which includes details of physical closure, Greenway management and monitoring, role and function of Greenway warden and proposed enforcement and bye laws. Key measures include:

- Implementation of a closed period between the 16th September and the 14th April along the mid section of the route which skirts the sloblands from the Wildfowl Reserve Visitor Centre to Raven Wood. Deterrent signage, 1.8 m security fencing and lockable gates will be erected to prevent access.
- A full time greenway warden will man the route and enforce the closed period. They will have authority to enforce particular Trail Bye Laws. The warden will inform and educate greenway users of the sensitive nature of the sloblands.
- Dog proof fencing and educational signage will be erected along the route.
- No construction works will occur within the Winter Construction Exclusion Zone between the 16th September and the 14th April.
- Greenland white fronted geese will be monitored by a suitably qualified ECoW during the construction works occurring outside the excluded mid section during the closed period for any signs of disturbance. If any disturbance is detected, works will be stopped immediately.
- Maintenance works within the excluded mid section will not occur during the closed period. If maintenance is required to address damage which is causing an adverse effect on Greenland white fronted geese, through consultation with NPWS, it may be agreed that minimal maintenance works to address the adverse effect would be carried out along the mid section of the route during the closed period. Maintenance checks of the mid section must be carried out from a vehicle.
- The NIS includes a contingency mitigation strategy which states:
  "*In the event that there is a failure in the proposed mitigation outlined above and greenway users cause disturbance to Greenland white fronted geese, following discussion with NPWS and WCC, the mid section of the greenway that skirts along the sloblands and links the Wildfowl Reserve Visitor Centre and the Raven Wood, will be remove entirely and remediation works will take place to reinstate habitats as best possible to their original state."*

Hen Harrier

In relation to the hen harrier a number of mitigation measures are proposed that overlap with those relating to the white fronted geese. The following specific mitigation measures are proposed in relation to the hen harrier population:

- Screening comprising an earthbank and hedging (with temporary brushwood fencing to be used until hedging is established) will be used along the route on the approach to the roost site and for up to 800 metres north of the roost site.
- Daily closure of the trail from dusk to dawn but not later than 9pm in the winter season.
- Winter roosting hen harrier will be monitored by suitably qualified EcOW during construction works occurring outside the excluded sections for any signs of disturbance relating to the proposed works. If disturbance noted, works to be stopped immediately.
- Post construction long term monitoring of roosting hen harrier will be continued during the operational phase of the greenway to monitor disturbance of the hen harrier and their response to the greenway.

Assessment

8.3.54 A suite of measures are proposed to protect the conservation objectives pertaining to this important SPA. In particular, extensive measures are set out to preclude access to the site during the winter breeding season. The submissions by the Department of Culture, Heritage and the Gaeltacht and BirdWatch Ireland both outline concerns that notwithstanding the mitigation proposed, that the development will have residual impacts in terms of increased exposure of new areas of the Reserve to disturbance. The BirdWatch Ireland submission notes that the 2016-2017 Wildfowl Reserve Annual Management report highlighted a number of occasions of disturbance to geese from people entering the slobs outside the controlled visitor area engaged in recreational activity. They consider that there is a real potential that by attracting more visitors to the area that these levels of disturbance would increase with visitors venturing off track to explore areas in the north slobs.

8.3.55 Whilst these concerns are noted, I consider that the design of the greenway would ensure that the vast majority of users would stay on track through the sensitive sloblands in the Wildfowl Reserve. As detailed previously in this report, comprehensive fencing is proposed throughout the greenway route. This will be 1.4 metres high on one side and 1.8 metres on the other which will preclude people from entering the north slobs. Whilst I note that there are evidently occurrences of people entering the wildfowl reserve at present, I consider it likely that if a dedicated greenway were in place, this would provide for more effective management of such

activities as people would be more likely to use such a facility rather than unmarked trails outside of the greenway route.

8.3.56 The NIS however, includes a contingency mitigation measure which states that if the mitigation measures to prevent disturbance to the Greenland white fronted geese fail, that the mid section of the greenway will be removed and that remediation works will take place to reinstate habitats as best possible to their original state.

8.3.57 It is further detailed in the Outline Construction Method Statement that monitoring annually for 5 years post construction to test the effectiveness of the mitigation measures with actual birds survey counts and behaviour analysis to the new greenway will be carried out by a trained ecologist and a report of each inspection shall be prepared and reviewed at the start and finish of each season that the greenway is active. It is stated that the ecologist shall where necessary recommend adaptive mitigation measures to be implemented by the greenway management team, provide advice during the implementation of measures and further monitor the effectiveness of any adaptive measures once deployed. It is stated that the performance of particular measures of importance shall be observed including the effectiveness of the secure gates and fencing, durability of fencing erected and the effectiveness of screening on the feeding habits of geese.

8.3.58 I have significant concerns regarding this mitigation measure. Firstly, there is no clarity provided as to what levels of disturbance would result in the decommissioning of the route. Furthermore, there is no assessment provided as to what the potential impacts of the removal of the route would be on the Natura 2000 site and no detail provided as to the extent of works or mitigation measures required to facilitate same. There is conflicting statements regarding the decommissioning works with the NIS stating that the habitat would be reinstated to its original state, whereas, section 12 of the Construction Method Statement suggests that the macadam surface, fencing and screening would be left in place for farm access at the Sloblands and as access control to the Wildfowl Reserve.

8.3.59 The very fact that such a contingency mitigation strategy is included in the NIS puts doubt on the efficacy of the overall mitigation strategy and its effectiveness in preventing disturbance and thus negative impacts on the Greenland white fronted geese and other bird species. The fact that the mitigation measures will evidently

require extensive monitoring to ensure effectiveness implies that it cannot be conclusively determined that the proposed greenway route will not have an adverse impact on the conservation objectives of the SAC. Furthermore, having regard to the precautionary principle, the lack of information regarding the works necessary to reinstate the greenway should it be required means that it is not possible to determine if the development would not have an adverse effect on the integrity of this European site.

8.3.60 With regard to the hen harrier roost, the submission by BirdWatch Ireland considers the survey work undertaken to be inadequate. Concerns are raised that additional traffic by users accessing the greenway from Orchard Lane may have a negative impact on the hen harrier roost. It is noted that in preparing the NIS, 6 surveys were carried out to determine the location of the roost and activity associated with it. I am satisfied that the survey results are adequate to inform the findings and recommendations of the study. Access from Orchard Lane can be managed by installation of an appropriate gated entrance. The roost site is located 200 metres from the route of the greenway. Fencing will preclude human and dog interference with the site. Audio and visual disturbance will be minimised through use of screening. However, it is again detailed in the NIS that post construction monitoring will be required to determine the impacts of the operation of the greenway on this species and the effectiveness of the mitigation strategy. This again raises concerns regarding the effectiveness of the mitigation measures to protect the hen harrier population.

8.3.61 In conclusion, the efficacy of the mitigation measures to protect the Greenland white fronted geese and hen harrier populations will evidently require long term monitoring to ensure their success which may have consequential impacts on these species if it is determined that the mitigation strategies are not effective. Furthermore, there is a paucity of information regarding the works necessary to remove the greenway and reinstate the natural habitats if required. I am not satisfied, therefore, that the proposed greenway will not adversely affect the integrity and have a significant effect on this European site in view of its conservation objectives.

4: The Raven SPA (Site Code: 004019)

Description of the Site:

8.3.62 The Raven SPA extends from north of Rosslare Point to Blackwater Harbour on the coast of Co. Wexford. The seaward boundary of the site extends a maximum distance of approximately 4.5 km from the shoreline to encompass important areas of shallow water utilised by some of the species of special conservation interest.

8.3.63 The Raven is an important bird site, being part of the Wexford Slobs and Harbour complex. Of critical significance is that it forms the principal night roost for the internationally important Wexford Harbour population of Greenland White-fronted Goose. Various other waterfowl species are also attracted to the site during winter, both for feeding and roosting. The shallow waters within the site are particularly suitable for divers, grebes and sea duck, and nationally important populations of Red-throated Diver, Common Scoter Cormorant, Grey Plover and Sanderling occur. The Raven SPA is a breeding site for Little Tern, with up to 30 pairs occurring in some years. A number of pairs of Ringed Plover also breed on the sandy beaches.

8.3.64 Threats to the site include agricultural practices such as cultivation, grazing and fertilisation, forestry management and practices, encroachment of urbanisation and roads and aquaculture activities.

Conservation Objectives:

1. To maintain the favourable conservation condition of the following species: Red-throated Diver, Cormorant, Common Scoter, Grey Plover, Sanderling, Greenland White-fronted Goose.
2. To maintain the favourable conservation condition of the wetland habitat in The Raven SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

8.3.65 For further information regarding targets and attributes see NPWS Conservation Objectives Version 1.0 (21/03/2012) see pouch.

Potential Direct Effects

8.3.66 The Raven SPA forms part of the Wexford Harbour and Slobs SPA complex and the route of the greenway is located adjacent to it. The increase in visitor numbers and greenway users to the area has the potential to increase human presence at Raven

Point and Culleton's Beach which may cause disturbance to birds using intertidal habitats or shallow waters close to the shoreline.

Potential Indirect Effects:

8.3.67 It is not anticipated that there will be any significant indirect effects. Potential impacts from surface water run off have been previously outlined – see section 8.3.23 to 8.3.26.

Mitigation Measures:

8.3.68 As noted in above in the section addressing mitigation measures for the Wexford Harbour and Slobs SPA, a suite of measures are proposed to protect the Greenland white fronted goose and other waterbirds. These are also applicable to the Raven SPA. In addition, as noted in the mitigation measures for the Raven Point Nature Reserve SAC, a number of measures are proposed to keep greenway users on the marked route and deter them from deviating off to enter dune or habitats at Raven Point where wintering waterbirds are known to roost and congregate at times during the winter period.

Assessment

8.3.69 As detailed above in the assessment of the mitigation measures proposed for the Raven SAC, the proposed development has the potential to significantly increase human activity in the Raven Point area. Notwithstanding the mitigation measures set out, the significant increase of users to this area who can readily access the Raven Point area have the potential to create additional disturbance with consequential impacts to birds using intertidal habitats.

The Raven Point Nature Reserve, Slaney River Valley cSAC, Wexford Harbour and Slobs and The Raven SPA

Potential in Combination Effects

8.3.70 As competent authority for Appropriate Assessment, the Board is required to consider whether the proposed development individually and in combination with other plans and projects, would adversely affect the integrity of the European sites, in view of the sites conservation objectives. Section 7 of the NIS sets out potential effects of the proposed development in combination with other potential sources. It notes that at present there is no walking, cycling or horse riding trails within the north

sloblands although it is noted that NPWS regularly have to intervene people using existing agricultural tracks within the sloblands to minimise disturbance to SCI species.

8.3.71 There is a shooting season with 12 shoots between the 15th September and the 1st of January which cause disturbance to wintering waterbirds, hen harrier and Greenland white fronted geese.

8.3.72 Farmers within the north slobland are currently under a Farm Management Plan which has been produced to sustainably manage the land. Although activity is limited during the winter months due to the management plan, outside this period agricultural practices including cattle grazing and arable tillage are ongoing.

8.3.73 The Raven Point Nature Reserve is used for existing recreational activities including walking and cycling. The waters adjacent to the Raven are used for watersports such as wind surfing. At present levels of intensity of the sport in the area is not an issue, but may increasingly become a disturbance if the sport grows in popularity. I consider the cumulative impact of the development having regard to this level of existing recreational activity may result in adverse impacts to the Raven Point Nature Reserve SAC and The Raven SPA.

Residual Effects:

8.3.74 No further residual effects are identified for any of the European sites following implementation of the recommended mitigation measures.

NIS Omissions:

8.3.75 None noted.

Appropriate Assessment Conclusions

8.3.76 Having regard to the nature of the proposed works within and adjacent to the Wexford Harbour and Slobs SPA (Site code 004076), Raven Point Nature Reserve cSAC (Site code 000710) and the Raven SPA (Site code 004019), I consider it reasonable to conclude on the basis of the information on file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would adversely affect the integrity of European sites no. 004076, no. 000710 and no. 004019 in view of these sites Conservation Objectives.

9.0 Recommendation

9.1 On the basis of the above assessment, I recommend that the application under Section 177AE for the construction of a greenway is refused.

10.0 Reasons and Considerations

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

(a) the EU Habitats Directive (92/43/EEC),

(b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,

(c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,

(d) the conservation objectives, qualifying interests and special conservation interests for the Wexford Harbour and Slobs SPA (Site code 004076), Raven Point Nature Reserve cSAC (Site code 000710), the Slaney River Valley cSAC (Site code 000781) and the Raven SPA (Site code 004019),

(e) the policies and objectives of the Wexford County Development Plan 2013 – 2019 and the Wexford Town Development Plan 2009 – 2019,

(f) the nature and extent of the proposed works as set out in the application for approval,

(g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,

(h) the submissions and observations received in relation to the proposed development,

(i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

1. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Raven Point Nature Reserve cSAC (Site code 000710), the Slaney River Valley cSAC (Site code 000781), the Wexford Harbour and Slobs (Site code 004076) and the Raven SPA (Site code

004019) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Raven Point Nature Reserve cSAC (Site code 000710), the Slaney River Valley cSAC (Site code 000781), the Wexford Harbour and Slobs (Site code 004076) and the Raven SPA (Site code 004019) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- the mitigation measures which are included as part of the current proposal, and
- the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

Thus, the Board is not satisfied that the Local Authority has demonstrated that the proposed development would not adversely affect the integrity of European site number 00710, site number 004019 and site number 004076 in view of these site's Conservation Objectives. The increased level of usage by pedestrians/cyclists associated with the greenway will increase accessibility and human activity and potentially result in a significant negative impact on the existing annex 1 habitats at the Raven Point Nature SAC and additional

disturbance and displacement to birds using intertidal habitats at the Raven SPA. Furthermore, the Board are not satisfied that the long term efficacy of the mitigation measures to protect the Greenland white fronted geese and hen harrier populations and other bird species have been sufficiently demonstrated.

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

2. It is considered that the proposed development, the design of which is predicated on significant mitigation measures including extensive 1.8 metre high paladin fencing along the trail including the entirety of the mid leg section; 1.4 metre high dog proof fencing; 2.4 metre high security gates at 4 locations; night gates of 1.8 metres at 2 location; 1.8 to 2.4 metre high timber screening fencing at sensitive waterbodies/residential properties and extensive screen mounds and hedging, would have significant and unacceptable negative effects on the environment and the community in the vicinity and would be detrimental to the attractive and sensitive visual and landscape amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the deficiency of information regarding the potential impacts of the development on existing agricultural land including severance, accessibility, viability and usability, the Board is not satisfied that it has been adequately demonstrated that the development would not adversely interfere with the existing land uses in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the absence of adequate information regarding the potential traffic and parking impacts of the development, the board is not satisfied that it has been sufficiently demonstrated that the development would not have an adverse traffic safety impact and result in congestion on the local road network. Nor has it been demonstrated that the width of the greenway is sufficient having regard to the anticipated volume of users as set out in the

application documentation. The proposed development would, therefore, be contrary to proper planning and sustainable development.

5. Having regard to the information on file, it has not been demonstrated that the development would not have an adverse ecological and biodiversity impact arising from the loss of habitat and bird breeding sites on the designated European sites as a result of vegetation clearance and works during the construction phase, including the potential loss of trees. Furthermore, the Board is not satisfied that sufficient controls and mitigation measures have been put in place to manage the increased volume of pedestrians and cyclists who may have the propensity to diverge from the greenway route and thus potentially have significant adverse ecological impacts on the fragile dune system and habitat and associated species including the natterjack toad at Raven Point. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector
28th August 2018