



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313438-22

#### Development

2 storey lodge with spa including 40 guest bedrooms, bar, lounge, restaurant, 5 two-storey self-catering apartment buildings to include 30 apartments and farm shop, single storey swimming pool building, walking trails and pet farm, vehicular access to the R734, 7 car parking zones providing 144 car parking spaces, drop off areas and bicycle parking, signage and site development works. The site is located adjacent to Bannow Bay SAC and an NIS was submitted with this application.

#### Location

Ralph, Fethard On-Sea, Co, Wexford.

#### Planning Authority

Wexford County Council

#### Planning Authority Reg. Ref.

20210919

#### Applicant(s)

Nádúr na Beatha Teoranta

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

**Type of Appeal**

Third Party

**Appellant(s)**

James Ginnell

**Observer(s)**

None

**Date of Site Inspection**

21<sup>st</sup> of December 2022

**Inspector**

Angela Brereton

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## 1.0 Site Location and Description

- 1.1. The site is located in the Townland of Ralph, Fethard. It is within the rural area and comprises agricultural land. It is c.1km to the west of the village of Fethard-on-Sea, Co. Wexford. There is frontage and access via a field gated entrance to the R734 Regional Road. This is a fast busy road on the route to Hook Head. The site is on the south side and there are no footpaths along this road.
- 1.2. The site is currently in agricultural use, mainly as arable land with levels that fall from the road towards the stream to the south and southwest. The site has field boundary hedgerows and along the roadside boundaries. It is undulating and generally slopes to the south and southeast with steeper slopes on lands adjoining the Graigue Great River and Fethard Stream.
- 1.3. The land forms part of Nádúr Farm. The farmyard is to the east, and the woodland area to the north of the opposite side of the road. These are outside of the redline site boundary of the application site, but along with the fallow field area between the site and the Bannow Bay SAC, form part of the landholding within the blue line boundary. There are one-off and farm dwellings to the east, northeast and west along the public road. This includes those opposite and in proximity to the proposed entrance.
- 1.4. There are hedgerows along the site boundaries with the R734 and dividing the larger field areas. This is a corner site close to the junction with Ralph Crossroads to the west. There are field gates from the R734 into the site. Ladyswell Bridge is to the southwest. The road is restricted in vertical and horizontal alignment and sightlines are restricted due to the bend in the road – hence the need for the proposed entrance to the northeast (Fethard direction).

## 2.0 Proposed Development

- 2.1. This is to consist of the following:
  - A 2-storey Lodge with Spa including 40no. guest bedrooms with associated balconies; Bar & lounge with separate restaurant and adjacent deck areas; Events Room with enclosed courtyard to include designated bar and toilet facilities; Spa treatment facilities with associated spaces;

- 5no. 2-storey farmstead self-catering apartment buildings in farm courtyard formation to include 30 no. apartments in total (11no. 2 beds, 11no. 3 beds, and 8no. 4 bed apartments) and farm shop;
- Single storey Swimming Pool building to include changing rooms, pool, ancillary spaces & outdoor patio;
- Walking Trails throughout the farm integrated with landscaping and Pet Farm;
- Vehicular access to the R734 road and boundary setback for sightline improvements at the Ralph junction;
- 7 no. Car parking zones providing 144 no. car parking spaces, drop-off areas and bicycle parking;
- Service yard, plant and landscaping;
- Site development works to include signage, mains water & well connection, surface water disposal and on-site effluent treatment system.

2.2. The site is located adjacent to 'Bannow Bay' SAC and an NIS has been submitted with this application.

2.3. This development is described in the context of the specialist reports, drawings and particulars submitted as prepared by members of the design team. Documents submitted with the application for the proposed development on behalf of Nádúr Na Beatha Teoranta, include the following:

- Agri-Tourism Destination Resort Development including 4\* Spa Hotel, Self-Catering Lodges and Recreational Grounds - Simon Clear & Associates Planning and Development Consultants.
- Nádúr Farm & Woodlands – Impact Report on the Economic, Community, Environment and Tourism Activities in County Wexford – Jean O'Connell & Anthony O'Toole.
- Nádúr Farm Architectural Report – Stephen Carr Architects
- Engineering Report - Donal J. Power & Associates Consulting Engineers Ltd. Consulting Civil & Structural Engineers, Project Managers, Surveyors.

- Construction & Waste Management Plan - Donal J. Power & Associates Consulting Engineers Ltd. Consulting Civil & Structural Engineers, Project Managers, Surveyors.
- Archaeological Impact Assessment – John O’Neill
- Screening Report for Appropriate Assessment of proposed Eco Tourism Farm Diversification Project, Fethard, Co. Wexford – Pádraig Fogarty, Openfield Ecological Services.
- Natura Impact Statement of proposed Eco Tourism Farm Diversification Project, Fethard, Co. Wexford – Pádraig Fogarty, Openfield Ecological Services.
- Architectural and Engineering Drawings.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

On the 4<sup>th</sup> of April, 2022, Wexford County Council granted permission for the proposed development subject to 15no. conditions. These include in summary that the proposed development be:- in compliance with the plans and particulars submitted including the mitigation measures as identified in the NIS, the recommendations of the Hydrological Risk Assessment, the further information submitted. Also having regard to the phasing of works; restriction to short term let; tourism and ancillary tourism use only; access; development contributions; archaeology; noise restrictions; effluent treatment and disposal system; installation of a grease interceptor trap; installation and certification of the proposed wastewater treatment system; water agreement to be entered into with Irish Water; proposed materials to be in accordance with agreed plans; a revised landscaping scheme to be submitted.

#### 3.2. **Planning Authority Reports**

Planning Reports

The Planner had regard to the locational context, planning history and policy and to the inter-departmental reports and submissions made. Their Assessment included the following:

- They noted the policies and objectives of the Wexford CDP 2013-2019 (as extended) in particular relative to tourism and recreational facilities.
- They had regard to the NIS Stage 2 submitted. They concluded that they are satisfied based on the information provided and given the full and proper implementation of the mitigation prescribed in the NIS, that the proposed development either individually or in combination with other plans and projects, would not adversely affect the integrity of any European site.
- Whilst located in an area classed as landscape sensitivity the site has no impact on the coastline and is located away from overly sensitive areas of visual and heritage importance.
- The development would make a positive contribution to tourist facilities providing much needed hotel accommodation.
- The design of the proposal has been amended, from the previous application which was refused, amendments include that the main hotel/spa building has been reduced in height to 2 storey from the previous development.
- It would be set back from the road with access taken from the north. The access driveway would meander through the existing field system with the majority of hedgerows to be retained.
- They note that the site is within the coastal zone and the Landscape of Greater Sensitivity. The visual impact on the wider area is limited. They provide that a holiday resort is best placed in this relatively inland location rather than more sensitive locations along the coast.

#### Further Information request

The Planner noted a number of outstanding issues and recommended that F.I be requested to include the following:



- That a Tier 3 assessment be carried out by a suitably qualified person to determine the risk posed by the proposed development to ground water quality in the area.
- To confirm that the development is to be retained within a single ownership and provide short term let holiday accommodation only.
- To clarify the extent of the lands relating to the development and the proposed legal linkages between the site area marked red and blue. To confirm that the applicant is willing to enter into an agreement with the Planning Authority to restrict the development to ecotourism/farm diversification project as outlined in the planning application.
- To submit revised landscaping plans to provide additional planting and screening along the boundaries and to the walkways where the site adjoins existing residential dwellings.
- To submit additional plans to provide details of how the boundary of the site will be maintained and landscaped and how the water quality from the surface water runoff will not result in contamination of the SAC.
- To submit details of a footpath link to the village or alternatively to confirm that they are willing to accept a special development contribution for the Council to carry out these works.
- To amend the Stage 2 AA to have regard to any of the responses to the F.I.

#### Further information response

Simon Clear & Associates Planning and Development Consultants have submitted an F.I response on behalf of the applicant and this includes the following:

- They note that their response has been prepared in conjunction with Stephen Carr Architects (SCA) and Donal J Power Consulting Engineers (DJPCE); Lawlor Landscapes, Enviroguide (hydrogeology) and Openfield (AA Assessment).
- They have submitted a Tier 3 Hydrological Risk Assessment for Proposed onsite Waste Water Treatment Facility – Enviroguide.

- They refer to the documents submitted and to the Appendices which include revised Landscaping Plans, and relative to boundary treatment. Lawlor Landscapes Urban Design & Arboriculture Report refers.
- They confirm that this development shall be retained within a single ownership and will provide short-term let holiday accommodation only.
- The Woodlands outside the proposed development boundary while not within the application site boundary shown red is shown within a blue outline as it is within the ownership of the applicants.
- They provide that the applicant is willing to accept a Special Contribution towards the development an amenity pedestrian route between the site of the proposed development and Fethard Village.
- They refer to an updated Screening for AA and NIS, prepared by Openfield Ecological Services.

#### Planner's response

The Planner had regard to the further details and amendments submitted in the applicant's RFI. They noted the Roads Section response regarding the footpath issue. Their conclusion provided that, they considered that subject to compliance with the plans and particulars and the documentation submitted including the mitigation measures prescribed in the NIS that the proposed development would not seriously injure the amenity of the area and would be in accordance with the proper planning and sustainable development of the area.

### **3.3. Other Technical Reports**

#### Roads Department

They note issues concerning maintenance of sightlines, surface water drainage, the provision of a footpath. They refer to the further information response and note that they do not recommend the provision of a footpath from the village. This is taking into consideration the distance required along the regional road and the 80kph speed limit. They recommend permission subject to conditions.

### Environment Section

They have no objections subject to recommended conditions.

### Access Officer

They provide details relative to accessibility and to the criteria for a Disability Access Certificate.

## **3.4. Prescribed Bodies**

### Irish Water

They note that a connection to the public water supply is proposed and can be facilitated. They have regard to water demand and note that a private well may be used to supplement grey water only. That a water supply totally separate to the public could also be considered.

## **3.5. Third Party Observations**

Submissions have been received from local residents. These express concern about the proposed development and these are summarised in the Planner's Report. In summary they include the following:

- This large-scale tourist development would have an adverse impact on local residents and on amenities in the area.
- There is a failure to demonstrate the need for the development.
- Site in coastal zone in Landscape of Greater Sensitivity (Hook Peninsula).
- The proposed development would be visually obtrusive and detract from the visual amenity of the area.
- Impact on traffic on the narrow local road network
- Impact on local residents and the community of this large scale-tourist development in the rural area.
- Impact on the environment including flora and fauna from works associated with the development - light and noise pollution etc.
- Concerns about servicing and wastewater treatment.

- Contrary to planning policy and objectives.
- Significant impacts on the European Sites have not been ruled out in the NIS. The mitigation measures proposed are limited.

## 4.0 Planning History

The Planner's Report has regard to the Planning History of the site. This includes the following described in summary below:

- Reg.Ref.20190934 – Permission refused to Nadur Na Beatha Teoranta for 1 to 3 storey hotel with 60 bedrooms and a total of 20 no. Self-catered houses, access, car parking, landscaping and all ancillary services and works. This was to include 2no. wastewater pumping stations and connection to public sewage system in Fethard-on-sea village; a pedestrian footpath along the public road to connect to existing footpath network in the village. The site is located adjacent to Bannow Bay SAC and Bannow Bay pNHA. An NIS was submitted.

Permission was refused for the following reasons:

1. The proposed development is located within an area designated as a Landscape of Greater Sensitivity (Hook Peninsula). Under Section 4.3.3.2 of the Wexford County Development Plan 2013-2019 an applicant must demonstrate an 'over riding need' for development to be located at that particular location. The planning authority is not satisfied that an 'over riding need' has been demonstrated and, therefore the proposed development would contravene this policy and be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located within the Hook Peninsula which is a Landscape of Greater Sensitivity (Hook Peninsula), as defined in the Wexford County Development Plan 2013-2019. It is the policy of the council to prohibit development which would adversely affect the special scenic quality of these areas. The proposed development, by reason of its location on an exposed and elevated position would be visually obtrusive and therefore contrary to

this policy and to the proper planning and sustainable development of the area.

3. The proposed development is considered premature pending the upgrading of the Fethard-on-Sea wastewater treatment system. The proposed development would therefore be prejudicial to public health.
4. It is considered that the proposed development would endanger public safety by reason of traffic hazard because it has not been shown that adequate sightlines are available for right turning vehicles entering from the west at the junction of the proposed entrance and the public road.

## 5.0 Policy Context

### 5.1. National Policy

The Project Ireland 2040: National Planning Framework (NPF) includes objectives supporting appropriate forms of growth, and objectives encouraging the tourism sector. These include the following National Policy Objectives:

- NPO 23: *Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.*
- NPO 49: *Support the coordination and promotion of all-island tourism initiatives through continued co-operation between the relevant tourism agencies and Tourism Ireland.*

### 5.2. Regional Spatial & Economic Strategy for the Southern Region

Section 3.7 refers to Rural Areas and includes: Rural areas are settlements and surrounding rural areas with a population of less than 1,500. The RSES reflects the position of the NPF, that our countryside “is and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural

communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and overspill development from urban areas and protecting environmental qualities.”

RPO 53 supports Tourism and includes that it is an objective to:

- a) *Enhance provision of tourism and leisure amenity to cater for increased population in the Region including recreation, entertainment, cultural, catering, accommodation, transport and water infrastructure inter alia;*
- b) *Promote activity tourism subject to appropriate site selection and environmental assessment processes;*
- c) *Sustainably develop the road network and public transport services and facilities for improved visitor access, longer dwell times due to improved connectivity to ports and airports and tourism growth;*

RPO 54 – Tourism and the Environment

*Development of new or enhanced tourism infrastructure and facilities should include an assessment of the environmental sensitivities of the area including an Environmental Impact Assessment (EIA); Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA) if required in order to avoid adverse impacts on the receiving environment. Where such tourism infrastructure or facilities are developed, the managing authority/agency should ensure that effective monitoring protocols are put in place to monitor and assess the ongoing effect of tourism on sensitive features with particular focus on natural, archaeological and built heritage assets.*

### 5.3. **Wexford County Development Plan 2022-2028**

This is the pertinent plan and has superseded the Wexford CDP 2013-2019.

Volume 1 provides the Written Statement, Core Strategy and objectives of the Plan.

Table 1-1 refers to the Spatial Planning Framework for Settlements >1500 persons.

This has regard to LAPSs to be prepared and does not refer to Fethard-on-Sea.

The Core Strategy includes an objective for Compact growth and liveable sustainable settlements. Figure 3-1 Core Strategy Map and Fethard-on-Sea is included in the area shown as ‘Stronger Urban Area’.

Table 3-2 provides the ‘County Wexford Settlement Hierarchy’ and includes Fethard as a Level 4 Large Village.

Section 3.6.5 provides the criteria and development approach for Level 4 Large Villages. This includes: *New developments should contribute to the protection and enhancement of amenities, heritage, green infrastructure and biodiversity and recreation and open spaces.*

Section 3.6.8 refers to the Open Countryside i.e developments outside of settlements. The subject site is located in Level 7 – Open Countryside outside of the village of Fethard.

### Tourism Development

Chapter 7 refers and has regard to National and Regional strategies to promote tourism. In addition, to the County Wexford Tourism Development Strategy 2019-2023 and Wexford Local Economic and Community Plan 2016-2021.

Section 7.5 refers to Tourism Development Spatial Strategy includes:

*The Strategy will also ensure that the industry develops in appropriate locations, and at a pace and scale which ensures that the natural and cultural assets, which form the basis of the industry, are not diminished in the long term.*

It seeks to support sustainable tourism including to maximise the potential in towns and villages and accessibility for all to enjoy tourist amenities.

Tourism Strategic Objectives TM01 – TM15 are of note and include:

Objective TM03 - *To facilitate the development of a sustainable diversified tourism industry at appropriate locations and at a suitable scale, subject to compliance with the objectives of this chapter and normal planning and environmental criteria.*

Section 7.6.2 refers to Rural Based Tourism. Objectives TM19 – TM20 refer:

Objective TM19 - *To consider the development of rural based tourism development where it is in accordance with Section 7.6.2 and where it is proposed to develop niche activities, such as those relating to food (particularly value-added products),*

*forestry (such as wood products), crafts, ecotourism and agritourism, (for example farmhouse accommodation will be considered), open farms, farm holidays, health related retreats, equestrian activities including bridle paths, bird-watching holidays, painting/photography tuition, angling tourism, field studies and hill-walking where such development will not detract from the visual and rural amenity of the area and subject to normal planning and environmental criteria.*

*Objective TM20: Proposals which include the provision of tourist accommodation will be considered in the context of Section 7.7.5 Tourism Accommodation and Chapter 4 Sustainable Housing and Chapter 12 Coastal Zone Management and Marine Spatial Planning.*

Section 7.6.3 refers to Tourism in Coastal Areas. Objectives TM21- TM29 refer and include:

*Objective TM21 - To consider proposals for tourism in the coastal zone subject to compliance with the Habitats Directive and in accordance with the locational and other objectives in Chapter 12 Coastal Zone Management and Marine Spatial Planning and Chapter 6 Economic Development and normal planning and environmental criteria.*

*Objective TM24 - To ensure that tourism development in coastal areas is sensitively designed and considers views from scenic routes, paths and trails and from the popular sea transport routes.*

Section 7.7 refers to Specific Tourism Developments, this includes regard in Section 7.7.4 to Integrated Resorts and Amenities on a case by case basis. This includes:  
*The tourist accommodation shall be used for tourism purposes only, shall not be allowed to be used as permanent residences, shall be available for short term letting only, shall be retained in single company ownership and shall not be sold off individually.*

Objectives of note include:

*Objective TM47: To consider the development of new tourist related resorts and amenities and the development of a limited number of high quality integrated tourism/leisure/recreation complexes and resorts and amenities outside of existing settlements where it is demonstrated that the development is dependent on an*



*existing local resource or a unique site characteristic or where an overriding need is demonstrated for the development at that location. The development must be in accordance with Section 7.7.4 and is subject to compliance with the Habitats Directive and normal planning and environmental criteria.*

Section 7.7.5 refers to the provision of high quality Tourist Accommodation, of proportionate scale and design to be integrated with and to the setting of rural villages and towns. Reference is had to the exceptions of Section 7.6.2 Rural Based Tourism and to Objectives TM46 and TM47 - Section 7.7.4 Integrated Resorts and Amenities. Also, to Hotels in Rural Areas being dependent on their rural location – unique site characteristic or where an overriding need has been demonstrated. Reference is also had to short-term letting.

*Objective TM50 - To give consideration to the development of a hotel facility in a rural area only where it is demonstrated that the hotel development is dependent on an existing local resource or a unique site characteristic or where an overriding need is demonstrated for the development at that location. The development must respect and enhance its rural location, the existing natural or built features on the site and its landscape setting and is subject to compliance with normal planning and environmental criteria. The development of ancillary tourist accommodation including holiday homes on or adjoining the site will not be permitted.*

*Objective TM51 - To require new holiday home developments, both individual and multi-unit, to take place in serviced towns and villages and to ensure that the scale and design of the development is appropriate to the settlement, enhances the character and any special qualities of the settlement. The Council will only consider the development of new holiday homes in a rural area where the development is ancillary to an 'Integrated Tourism/Leisure/Recreation Complex' and where the proposal complies with the provisions of Section 7.7.4, the Habitats Directive and normal planning and environmental criteria.*

Section 7.7.6 refers to Tourist Infrastructure. Objectives TM61-TM63 refer.

### Infrastructure

Chapter 9 refers and includes regard to Groundwater Protection Schemes, Water Conservation and Water Supply Objectives (WS02 – WS14 refer).

Section 9.6 refers to the treatment and disposal of Wastewater in an environmentally sound manner. Table 9-3 provides Overview of Public Wastewater Infrastructure in Level 1 – Level 4 Settlements. It noted that Fethard-in-Sea has no capacity in their treatment system.

Section 9.6.5 has regard to Wastewater Treatment Systems and Private Wells. Wastewater Objectives WW01 – WW014 refer.

*Objective WW10 - To consider the development of private wastewater treatment systems to serve commercial and tourism uses (employment generating developments) outside of serviced settlements and in rural areas where the system is in single ownership and where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021 and Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centre and Hotels, EPA 1999', and any updated versions of these documents during the lifetime of the Plan, the Water Framework Directive, the National River Basin Management Plan 2018-2021, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.*

### Coastal Landscape

Volume 1 - Map 3: Coastal Zone.

Chapter 11, Volume 1 – Landscape and Green Infrastructure. This includes regard to Landscape and Visual Impact Assessment. Table 11.1 notes the Sensitivity Rating is 'High'. Landscape Objectives L01 – L17 refer. This includes:

*L04: To require all developments to be appropriately sited, designed and landscaped having regard to their setting in the landscape, ensure that any potential adverse visual impacts are minimised and that natural features and characteristics of the site are retained.*

*L07: To ensure that, where a development will have a negative impact in the Upland, River Valley, Coastal, or Distinctive Landscape Character Unit, an overriding need is demonstrated for that particular development and ensure that careful consideration is given to site selection. The development should be appropriate in scale and be*

*sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape.*

Chapter 12 notes Coastal Zone Management and Marine Spatial Planning.

Section 12.4.2 provides: *The overall goal for the coastal zone and maritime area is to ensure that it is protected and managed to balance social, economic and environmental interests while allowing these areas to be used in a planned and sustainable manner.* This includes a number of criteria as to how this is to be achieved. Objectives CZM01 - CZM20 refer.

Map 7.1 Landscape Character Units in Volume 7 Landscape Character Assessment shows the Coastal Landscape Unit and it is read in conjunction with the policies and objectives of Chapter 4 Sustainable Housing, Chapter 11 Landscape and Green Infrastructure and Volume 7 Landscape Character Assessment.

#### **5.4. Natural Heritage Designations**

The following Natura 2000 sites are noted relevant to the site:

Bannow Bay SAC (Site Code:000697)

Bannow Bay SPA (Site Code: 004033)

Hook Head SAC (Site Code:000764)

The application is accompanied by an NIS which is noted in the Appropriate Assessment Section below.

#### **5.5. EIAR Screening Considerations**

5.5.1. An Environmental Impact Assessment (EIAR) Screening report has not been submitted with this application.

5.5.2. Class (12) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of Tourism and leisure developments:

- (a) Ski-runs, ski-lifts and cable-cars where the length would exceed 500 metres and associated developments.

- (b) Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.
- (c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.
- (d) Permanent camp sites and caravan sites where the number of pitches would be greater than 100.
- (e) Theme parks occupying an area greater than 5 hectares.

5.5.3. It is proposed to construct what is described in the documentation submitted as an 'Ecotourism Farm Diversification development' or an 'Agri-Tourism Destination Resort development' including in summary a hotel with spa (40 guest bedrooms) 5 two storey self-catering apartment buildings to include 30 apartments and a farm shop, swimming pool building, walking trails throughout the farm and pet farm, vehicular access to R734, 7 car parking zones providing 144 car parking spaces, provision of services including a wastewater treatment system, landscaping and all ancillary site works.

5.5.4. The number of self-catering units and bedrooms proposed in this holiday development is limited and is well below the threshold as per holiday villages noted in 12(c) of Schedule 2 Part 5 of the Planning and Development Regulations 2001 (as amended) and noted above. The area of the site (stated area 19.628ha) is marginally less than 20ha or more outside of a built area as stipulated in 12(c). It is noted however, that the majority of the site area consists of agricultural farmland associated with the Agri-Tourism Destination Resort Development and the area for the proposed buildings to include the hotel and self-catering accommodation and swimming pool is compact and located in the central/southern part of the site. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage.

5.5.5. The proposed development is adjacent to and has a hydrological connection to the Barrow Bay SAC and Hook Head SAC. Impacts on the European Sites are discussed below/i.e as per AA screening para's and the NIS submitted. The proposed development would not give rise to waste, pollution or nuisances. It would

not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water services of Irish Water and have its own private wastewater treatment plant.

5.5.6. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 12(c) - *Tourism and leisure developments* - of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended),
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A Third Party Appeal has been submitted by local resident James Ginnell. This in summary includes the following:

1. There is a history of refusals by Wexford County Council on the basis that it is a Landscape (Hook Head peninsula) of greater sensitivity and the development will detract from the scenic and tourist value.

2. The proposed design and layout has not significantly changed since the previous refusal. They have regard to the proposed heights and to the addition of a swimming pool and apartments.
3. As noted in the previous application reasons for refusal there is no overriding need that has been justified for the proposed development.
4. The southern end of the site is situated within the Bannow SAC and pHNA and it is incorrect of the ecologist to state that the site is not adjacent to the SAC and to state that it will not impact on the SAC.
5. The proposal by virtue of its proportion and scale would be visually obtrusive. It is not in keeping with the surrounding rural area.
6. They are concerned about surface water runoff, associated hydrocarbons and silt being directed to open land drains and a small swale at the southern end of the proposed development into the SAC. That this is totally inadequate to control the water volumes in times of high rainfall.
7. The Fethard water supply is currently unable to meet demand at peak times and this proposal would further stretch its capacity to supply water to the village.
8. The proposed wastewater treatment plant is deemed to be unsuitable for that purpose and they refer to correspondence from the Council (copy attached).
9. There are no details of a footpath link to the village or as to why the Roads Department would consider it unviable.

## 6.2. Applicant Response

Simon Clear & Associates Planning and Development Consultants have submitted a response on behalf of the Applicants. This has regard to the various items raised in the Third Party Grounds of Appeal, and in summary includes the following:

### Context - Location

- This proposal is for the development of a coastal, farm diversification tourism enterprise. The coastal site is located adjacent to the Bannow Bay SAC and an NIS was submitted with the planning application.

- They note detailed design reports submitted with the application and at F.I stage. This includes a project specific Tier 3 Hydrological Risk Assessment and they ask the Board to have due regard to the documentation submitted.
- A detailed business case was prepared and submitted with the application. This was accepted as demonstrating an overriding justification for the tourism based farm diversification development described in the planning application.
- The subject lands (outlined in red) will continue to be farmed in an educational, tourism context, accommodating the proposed development. The home-farm (outlined blue to the east) will be retained in primary farming.
- Fields most adjacent to the stream to the south are not included in the development site and will continue in farming, currently fallow, use at present (outlined blue to the south of the site).

### Grounds of Appeal

#### *Item 1*

- This is a general comment relating to developments on the Hook head regional road and is not related to this particular site. The main access to the site is located on the Fethard-Hook Road (R734).
- They note that there have been a number of planning permissions granted in the past 15 years on the Fethard-Hook Road (R734).
- There is no given policy in the WCDP and the observation relating to protecting the Hook Road from development is not pertinent to the proposed development.
- The development has been assessed by the Roads Section of the Council and has been deemed acceptable.

#### *Item 2*

- The proposed development would not be visually obtrusive. The plans submitted including the Architects design statement indicates that the proposed design and layout would not be visually intrusive in the landscape.
- They note that the Council is positively disposed to farm diversification and tourism development to support the rural economy in a coastal county.

### *Item 3*

- They refer to the draft Wexford CDP 2022-2028 and note that this will be adopted at the time of the Board's consideration of this appeal.
- They refer to the Planning and Tourism Reports submitted and note that tourism is identified as a core economic driver in this coastal county and is wide-ranging. Tourism and Recreation is promoted in the Coastal Zone, as described in Chapters 7 and 12 of the said Plan.
- They consider that the overriding need has been justified and refer to the Tourism Report submitted and to planning policy and objectives.
- They submit that this proposal will provide for an integrated development on the site with associated tourist activities.

### *Item 4*

- They note that the NIS was prepared by a suitably qualified and very experienced ecologist, Openfield Environmental Services and submit that all aspects were properly described.
- They note and include an aerial photo (Figure 2) to show that there is a fallow field area in the ownership of the applicant outside the redline, between the line and the defined boundary of the SAC.

### *Item 5*

- They note that tourism development and infrastructure is accommodated in the rural and coastal area and consider that the proposed development is in accordance with the provisions of current and future WCDPs.

### *Item 6*

- They provide that water run-off (surface water) drainage on the southern edge of the site is adequate to control water volumes in times of high rainfall.
- The surface water drainage system was subject to detailed engineering design and the entire drainage system was reviewed by Enviroguide Consulting. A copy of their response and of Donal J. Power & Associates Consulting Engineers Ltd. is included.



- They also refer to condition no.15 of the Council's permission, which requires a revised landscape proposal with the site boundary to be reinforced with planting and invite the Board to include a similar condition.

*Item 7*

- Water supply is a matter for Irish Water and they have made no objection to the proposed development.

*Item 8*

- The proposed wastewater treatment plant is fit for purpose. Design information has been submitted with the application and in response to the Council's RFI. Enviroguide prepared a project specific Tier 3 Hydrogeological Risk Assessment. The modular system is designed to operate satisfactorily with variable loading. This is satisfactory under normal and environmental planning criteria.

*Item 9*

- They note that the Council's Road Department does not advocate a footpath alongside the R734 into Fethard and provide details of this. The WCDP advocates coastal paths along the entire Wexford coastline where these can be provided. It has been identified that a coastal link along the estuary into Fethard is feasible here and more desirable than a roadside footpath. The applicant is amenable to facilitating such a link.

Summary – Conclusion

- They submit that all the issues (1-9) raised by the Third Party have been addressed in the documentation submitted both at application and RFI stages and in their response to the grounds of appeal.
- In respect of technical issues a comprehensive risk assessment was carried out by Enviroguide in the Tier 3 Hydrogeological Risk Assessment and note this included groundwater quality analysis.
- Enviroguide have had regard to detailed DPCE engineering design and they refer to the details therein. A 'risk scenario' was conducted and this concluded that even in the event of failure at the on-site wwtp, and risk of plume spread

to sensitive ecological areas was minimal. They attach a copy of the Conclusions and Recommendations extract.

- The Enviroguide report recommends operational monitoring to ensure proper operation of the OSWTP. A condition requiring operational monitoring of this is acceptable to them.
- They submit that in view of the documentation submitted, there is no real substance to the appeal. That the proposed development conforms with and meets the provisions and environmental criteria as required by the WCDP. They request that the Board grant permission with the appropriate conditions.

### 6.3. **Planning Authority Response**

Their response notes the following:

- They have enclosed a copy of the Senior Executive Scientist (Environment) Report dated 27/07/2021.
- They also refer to the 'history' document 20190934 on the above application, which was refused and provide that therefore no final grant was issued.

### 6.4. **Observations**

None noted on file.

## 7.0 **Assessment**

7.1.1. This is a Third-Party Appeal against the Council's decision to grant permission subject to conditions for the proposed development. Having regard to the documentation submitted, to planning history and policy, the issues raised in the Grounds of Appeal and to the First Party response, and to my site visit, I would consider that the issues primarily centre on:

- Policy Considerations
- Background and Rationale
- Design and Layout

- Landscaping
- Impact on the Character and Amenities of the Area
- Access and Parking
- Construction Management
- Archaeology
- Drainage and Wastewater Treatment
- Hydrological Risk Assessment
- Appropriate Assessment

## 7.2. Policy Considerations

- 7.2.1. The site is located on un-zoned agricultural land in the unserved rural area c.1km to the west of the village of Fethard-on-Sea, Co. Wexford. There is frontage to and access is via the R734 Regional Road (Fethard-Hook Peninsula). This application seeks permission for an ecotourism, farm diversification development to in summary include a lodge& spa (40 bedrooms), farmstead self-catering accommodation to include 30no. apartments in total, swimming pool, farm shop, access and car parking, landscaping, drainage and onsite wastewater treatment system, provision of services and all associated works.
- 7.2.2. The details submitted with the application note that the site is located in the rural, coastal area of southwest Wexford outside the village of Fethard-on-Sea. That the proposed development includes farm diversification, eco-tourism in a coastal setting, providing a range of agri-tourism uses on the site, which they provide, will assist in achieving the objectives of the National, Regional and Local planning. That this proposal will provide much needed tourist accommodation for south Wexford and the surrounding areas. They quote policies supporting tourism and tourist accommodation in the Wexford County Development Plan 2013-2019.
- 7.2.3. It is noted that this proposal was considered by the Council, under the Wexford County Development Plan 2013-2019 (as extended) and that their Assessment includes reference to a number of policies and objectives under this plan. This has now been superseded by the policies and objectives of the current Wexford County

Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and further in the Assessment below. This includes those relevant to the proposed development, tourism, visual amenity and landscape character and environmental issues.

- 7.2.4. As has been noted in the Policy Section above, National, Regional and Local policies and objectives are generally supportive of providing tourism opportunities and related accommodation. However, such locations for tourist accommodation are seen to add to the vitality of and be within the boundaries of existing towns and villages. Section 7.6.1 of the Wexford CDP 2022-2028 notes that there are exceptions where tourist developments will be considered outside of towns and villages. In this respect, Section 7.6.2 refers to Rural Based Tourism, Section 7.7.4 to Integrated Resorts and Amenities and Section 7.7.5 to Tourism Accommodation.
- 7.2.5. Section 7.6.2 includes regard to agri-tourism/farm diversification projects on a farm holding which is a minimum of 10ha. The current application notes the site area is just under 20ha. It is noted that it is currently in agricultural use and there is no associated country house or buildings on the land. It is proposed that will provide for a new tourist concept in this area. Objectives TM19 and TM20 (as noted in the Policy Section above) relate to rural based tourism. Provision is also made for the consideration on a case by case basis of integrated resorts development.
- 7.2.6. Reference is had to the criteria for Integrated Resorts and Amenities in Section 7.7.4. Objective TM47 refers to the development of new tourist related resorts and amenities. Tourist Accommodation being of appropriate scale and design in serviced towns and villages in Section 7.7.5. This includes relative to hotels in Rural Areas – Objective TM50: *The development must respect and enhance its rural location, the existing natural or built features on the site and its landscape setting. The development of ancillary holiday homes will not be permitted.*
- 7.2.7. Tourist Accommodation Objectives TM47, TM50 and TM51 refer to integrated holiday development within the rural area and have been noted in the Policy Section above. These include relative to siting in the rural area that it needs to be demonstrated that the development is dependent on an existing local resource or a unique site characteristic or where an overriding need is demonstrated for the development at that location. As per Objective TM51: *The Council will only consider*

*the development of new holiday homes in a rural area where the development is ancillary to an 'Integrated Tourism/Leisure/Recreation Complex' and where the proposal complies with the provisions of Section 7.7.4, the Habitats Directive and normal planning and environmental criteria.*

- 7.2.8. Section 7.6.3 of the current Plan refers to Tourism in Coastal Areas. The site is within the Coastal Area and while is some distance (c.3km), and there is not a clear view to the sea from the site, it is located on the road from Fethard-on-Sea to the Hook Head Peninsula, which is a scenic tourist route. It is important that any such development in this sensitive coastal zone landscape, would not detract from the visual and rural amenity of the area and be subject to normal planning and environmental criteria.
- 7.2.9. Therefore, while the principle of an integrated tourist development in the rural area maybe acceptable, in accordance with policy it needs to be demonstrated in the documentation submitted that there is an overriding need to locate the proposed development on this site within the rural area, outside of the settlement boundaries of Fethard-on-Sea. In addition, that it would provide for a sustainable integrated tourist resort development and would not detract from the visual amenity of the coastal area. Note is also had to the need for compliance with the Habitats Directive and normal planning and environmental criteria.
- 7.2.10. These issues including having regard to background and rationale for the proposal, design and layout, impact on the character and amenities of the area, access, drainage and wastewater treatment, hydrology, etc. are discussed in this Assessment below. Regard is also, had to the proximity to the Barrow Bay SAC (outside of but to the south of the site) and to the NIS submitted.

### **7.3. Background and Rationale**

- 7.3.1. As noted in the Planning History Section above, the Council has previously refused permission (Reg.Ref. 20190934) for a similar type development on this site and the reasons for refusal have been noted. A copy of the Council's decision has been included in the History Appendix to this Report. The Third Party has queried as to what has changed relative to the Council's recent decision to grant permission subject to conditions for the proposed development. They consider that the proposal

does not comply with planning policies and objectives and that an overriding need for the locational context of the proposed development in the rural agricultural area outside of a settlement and in the highly sensitive coastal zone landscape has not been demonstrated.

- 7.3.2. A Report has been submitted by Simon Clear & Associates Planning and Development Consultants 'Agri-Tourism Destination Resort Development – Including 4\* Spa Hotel, Self-Catering Lodges and Recreational Grounds', which provides a background and rationale for the proposed development. Details refer to the farm diversification project and the 'eco-tourism' concept. This includes that the farm will remain fully operational and productive and will not change in use. It will host broader activities to interest and inform the visitors in the operation of farms and the production, appreciation and tasting of all types of native food products from Irish agriculture, horticulture and mariculture. A walking trail and information on forestry, on native tree species and their ecological value is to be included.
- 7.3.3. The proposed farm diversification concept is that this site and surrounding lands will accommodate a substantial agri-tourism destination resort outside Fethard-on-Sea and close to Bannow Strand. Having regard to the plans submitted it is noted that it is not proposed to have agricultural farm buildings on the application site. The farmyard, which includes farm buildings is situated within the blue line boundary, outside of the red boundary to the northeast of the site. Similarly, the woodlands area referred to is situated within the blue line boundary to the northwest (on the opposite side of the R734) of the application site.
- 7.3.4. The application is based around the concepts of Eco-tourism and farm diversification. It is submitted that the proposed development is site-specific, as a regenerative eco-tourism farming based concept to develop existing farm and woodlands. The applicants provide that the overriding need to be in this location derives from the Wexford tourism plans and the Wexford CDP objectives for tourism infrastructure development throughout the County to benefit from tourism's contribution to the local economy and employment. In addition, that it will be a significant employer and provide for much needed tourist accommodation in the area. That the proposed development will add to the network of tourism facilities and provide additional tourist accommodation in south Wexford.

- 7.3.5. An 'Impact Report on the Economic, Community, Environment and Tourism Activities in County Wexford' has been submitted with the application. This includes that Nádúr farm and Woodlands is a family farm and ecotourism diversification project. It aims to bring together, protect and champion the existing rural infrastructure – agricultural landscape and established woodlands to develop a unique and sustainable agri-food tourism destination on the Hook Peninsula in Fethard-on-Sea. It includes a number of objectives and proposes to increase biodiversity, to boost ecotourism, food tourism and to support the community, social and environmental activities of county Wexford. That Nádár will present a range of opportunities to County Wexford to assist in driving the county forward as a leading tourism destination and help attract key market segments interested in eco and food tourism. Regard is had to international and national trends and tourism insights.
- 7.3.6. Section 6 of this Impact Report provides that Nádár will help drive the county forward as a leading tourism destination and compliment the overall objectives of the County Wexford Tourism Strategy 2019-2023 in the development sustainable tourism. That it will enhance the workings of Taste Wexford and Fáilte Ireland Food Tourism Strategy 2018-2023 in creating Ireland as a world class destination. Regard is had to Economic and Environment Impact, to Community and Social Impact and to Tourism Impact.
- 7.3.7. I would consider that while the documentation submitted presents a broad range of benefits including the need to support and increase tourism and ecotourism in County Wexford, the proposal is not site specific, nor does it present an overriding reason as to the need to locate on the subject site in this unserved rural and coastal landscape area. In this respect, it would appear to be more of a commercial holiday accommodation type development, and I would not consider that it is site dependant or that it would comply with Objectives TM47, TM50 and TM51 of the Wexford CDP 2022-2028.

#### 7.4. **Design and Layout**

- 7.4.1. The Architectural Report submitted provides that the proposed Agri-Tourism development lies on a total land holding of 38.32ha of which, 19.63ha is included in this application site boundary outlined in red, at Ralph townland approx. 1km west of

Fethard on Sea, on the Hook Peninsula. It is shown (in blue line boundary) that the applicant owns further lands on both sides of this application site and notes that it is their intention to include this land as part of the Agri-Tourism Destination. This includes, to the east, an existing farmyard and land to serve Nádúr farm. To the west and north on the opposite side of the regional road, Nádúr farm has access to a recently planted woodland for leisure and nature activities. While this is of interest, relative to the project, I would note that the current application relates only to that area of the site shown within the red line boundaries.

- 7.4.2. The development proposes a country lodge with 40 guest rooms, a restaurant, bar and events facilities, an adjoining spa and separate pool area. The estate is to contain a farm shop and farmstead cabins. These are in the form of self-catering two storey apartment blocks to provide holiday accommodation along with the lodge further to the south on the site. The concept provides for a development, accessed via the R734 through a compartmentalised farm setting within a large site with a long access road through the agricultural lands within the site to the buildings set on lower ground towards the southern end of the site overlooking a stream valley/mudflats.
- 7.4.3. The Architectural Report submitted, provides that the entire development can be characterised into two building typologies. One of the main elongated lodge and spa and the other a series of courtyards created by farm type buildings. Both of these are designed for different users having regard to their requirements. They are to form part of the integrated holiday development and the various components of the proposed development are discussed separately below.

#### Lodge

- 7.4.4. The lodge and spa are to be approached from the north along the private driveway, through the site, that also serves to provide access to the self-catering apartments and the swimming pool. The main lodge and spa are shown located at the most southerly point of the site and lowest finished floor level. The lodge is to overlook the glen below which is a mud flat in summer and sometimes a natural flood plain in winter. The Architectural Report provides that this location is very much compatible with the leisurely activities held at the proposed spa, lounge and restaurant and is unique to the lodge. That the location of the lodge would not be dissimilar to Monart Destination Spa (to the west of Enniscorthy) and its natural environment. However, I



would not consider that the current proposal is similar to Monart, in that it is not to be centred around a period country house that was originally seen as a destination. The current application is a new concept located on agricultural greenfield lands.

- 7.4.5. It is submitted in the Architectural Report that the scale and mass of the lodge has been considered and visually reduced by designing a series of connected buildings with varying architectural features, finishes, heights and connections at ground level. The previous development was 3-storey in scale. This proposal has been reduced to 2-storey in height for the accommodation and single storey for the ancillary restaurant, bar, events room etc. The bedroom numbers in the lodge have been reduced from 60 to 40 on ground and first floor levels. That the proposed floor finish level of the lodge is purposefully lower than existing ground levels to reduce the overall height of the two-storey building.
- 7.4.6. As shown on the Site Layout Plan the proposed bar, restaurants and events room while seen in context and adjoining are to be sited to the west and northwest of the lodge building. These are to be single storey, with the events room having a higher pitched roof. The latter is to be set into the ground to reduce the overall scale/height of the development. The events building is to adjoin the 'Cloister Garden' to provide for outdoor events. There is to be a service yard to the rear of this, adjoining the parking area to the north. In view of this building configuration, there is to be considerable mass and site coverage close to the southern site boundary.
- 7.4.7. Contextual Elevations have been submitted showing the variation in roof types of the proposed lodge and spa, and the other ancillary buildings referred to. I would consider that the variations in the buildings, roof heights/types proposed will provide for a break-up to the northern and southern elevations of the lodge buildings at the southern end of the site. It is proposed to provide a mixture of external finishes, details are given on the drawings submitted. If the Board decides to grant permission, I would recommend that a condition be included that external finishes be agreed with the Planning Authority prior to the commencement of the development.

#### Farmstead Self-catered Apartments

- 7.4.8. The Site Layout Plan shows that these blocks are to be sited to the north of the pool, hotel, bar and restaurant areas, and to be accessed via the centrally located access road. The Architectural Report notes that they are arranged around two courtyards

with an outdoor activity/event space at the entrance. This provides that the farmstead buildings and courtyards are to be designed to appear similar to traditional barn type buildings.

7.4.9. These are shown as 5no. two storey separate blocks arranged around and to the south (Block A) of the courtyard. Floor Plans and Elevations have been submitted for each of the blocks. A Schedule of Accommodation has been provided. This shows that there will be a total of 30no. self-catering units i.e.

1. Block A – The Coop – 4no. units consisting of 2no. 2 bed units and 2no. 3 bed units.
2. Block B – The Barn – 4no. units consisting of 1no. 2 bed, 1no.3 bed, 1no. 4bed, 1no. 4 bed (with accessible facilities),
3. Block C – The Cowshed – 4no. units consisting of 1no. 2 bed, 1no.3 bed, 1no. 4bed, 1no. 4 bed (with accessible facilities),
4. Block D – The Hayshed – 8no. units consisting of 4no. 2 bed units, 4no. 3 bed units and 1 farm shop,
5. Block E – The Milking Parlor – 10no. units consisting of 3no. 2 bed units, 3no.3 bed units, 4no. 4 bed units.

7.4.10. The floor area is given as: 2 bed unit - 73.7m<sup>2</sup>, 3 bed unit -115.8m<sup>2</sup>, 4 bed unit - 136.3m<sup>2</sup>. While, these are sizable units, they include small balcony areas of private open space. However, as self-catering units for short term holiday lets they do not have to comply with the 'Sustainable Urban Housing: Design Standards for New Apartments' 2020, Guidelines in this respect. I would have some concerns that they might be used for more long-term accommodation and note condition no. 3 of the Council's permission. If the Board decides to permit, I would recommend a similar type condition to restrict the use to tourism and ancillary tourism uses only.

7.4.11. The proposed farm shop to be provided in Block D is to be 18m<sup>2</sup>. The floor plans include: "Farm Shop will operate side to create market stall shop with stands". While such a use would be welcomed as part of an integrated resort development, I would consider the small scale of the shop to be minimal to serve the scale of the proposed development envisaged.

- 7.4.12. The proposed elevations are designed to reflect the style of farm buildings and the blocks are shown c.7.5m - 8m in height. Block E incorporates a hipped roof at c.9.3m. The farmstead self-catering blocks material finishes include a mix i.e: corrugated metal walls and roofs, mid-tone coloured render, exposed steel structure, stone walls and dark coloured windows and fascia. Solar panels are included in some of the blocks (D & E). 3 D visualisations have been submitted. This also shows them in the context of the Lodge and Spa and the Swimming pool building.
- 7.4.13. Details submitted provide that it is envisaged in the hard landscaped courtyard to display farming machinery and equipment to complete the farmyard picture. The south courtyard is to have soft landscaping and a petting farm for small animals. It is envisaged that the farmstead layout with adjacent open is to provide flexibility of all types of events year round.

#### Swimming Pool

- 7.4.14. A separate pool single storey building is shown to be incorporated into the scheme. This is shown to the south of Block B and the self-catering blocks. The floor plans submitted show that the total floor area of this buildings is to be 809m<sup>2</sup>. This is to include lower ground floor of 81sq.m (plant room) and ground floor area of 728m<sup>2</sup> (swimming pool, changing areas, wcs etc). This building is to have a pitched roof and the northern elevation is show as c.7m in height and the southern elevation which will involved an element of excavation 10m in height.
- 7.4.15. External finishes are to include selected corrugated metal roof/wall finish with matching colour fascia, selected PVC/Aluclad/Aluminium external windows and doors and selected colour render system to external walls. I would consider that this building will fit into the general design concept of the proposed buildings to the north on this site.
- 7.4.16. It is noted that plant rooms have been considered and are located as necessary to serve elements of the development. Access Roads have been provided to serve plant rooms at The Lodge, Lodge Spa and Swimming Pool (semi-basement). Parking is proposed to the northwest of the lodge & spa and events room buildings.

## Disposal of Waste and Storage

7.4.17. The Architects Report provides that the service yard to the rear of the Events Building and Cloister Garden is to be enclosed on two sides. The west side of the yard is to be reinforced with native trees to screen any view of the yard. The north side will have an access road off the proposed car park with a proposed 2.4m high timber post and rail to enclose this yard. Large wheelie bins are to be located in this yard to serve as a refuse collection point for the entire development. They provide, that maintenance staff and cleaners will transport refuse from the Farmstead and Swimming Pool to the yard for collection by a registered waste management company. Management Stores are included in the farmstead apartments for storage, garden furniture and temporary refuse storage collection during busy periods.

## **7.5. Landscaping**

7.5.1. Landscaping Plans have been included in the application as originally submitted. A legend is included showing the type of landscaping, including native planting proposed along the site and maintenance and augmentation of field boundaries and to provide screening for the proposed buildings. It is also envisaged that this will be part of Nádúr Farm, increase biodiversity and be an integral part of the overall scheme. As shown on these plans it is proposed to provide a walking trail around the site, to view the buildings and the surrounding farmlands.

7.5.2. In response to the Council's F.I request additional landscaping details were submitted by Lawlor Landscapes. This management plan has been created for the management of the hedgerows around the farm and to be in line with guidance published by TEAGASC and Farming for Nature. This includes the management and maintenance of existing hedgerows and additional planting. It is proposed to increase the provision and diversity of landscaping. Reference is had to the inclusion of native trees such as Scots pine and Alder to contribute to the profile and height of the hedgerows on the site.

7.5.3. The southwest corner of the site has been identified as an area of concern for screening or further treatment due to the proximity of the lands being developed relative to existing dwellings. It is noted that the original landscaping plan did not show the existent significant hedgerow along this boundary. They provide that this

hedgerow will be retained in its current mature condition and strengthened if necessary, within the management of the hedgerows on site as outlined in this management plan.

- 7.5.4. As shown on the Engineering drawings (Storm and Foul Water Drainage Systems) they note the location of the proposed infiltration trench to the south of the proposed buildings. They provide that the sloped banks of this trench and the flat areas of grass for minimum of 3m above and below the trench on this sloping ground are to be mowed regularly to be kept as a low grass/lawn area. It is noted that it is not envisaged to landscape/screen this area to the south of the proposed buildings which result in them, despite the setback being more visible in the landscape.
- 7.5.5. The F.I response also provides clarification that the woodlands outside the proposed development boundary is shown within a blue outline as it is in the ownership of the applicants. The woodland, which is to the north of the site is on the opposite side of the R734 and is already established having been planted some years ago and over a period of time, with pathways between compartments of maturing trees. No particular development in terms of works or material change of use are proposed here. Therefore, it is provided that the woodlands area has not been included in the site outlined in Red and it is not subject to this application.

## **7.6. Impact on the Character and Amenities of the Area**

- 7.6.1. The proposed site is located in the southwest of County Wexford, forming part of the Hook Peninsula. It is c.1km to the west of and outside of the boundaries of the village of Fethard-on-Sea. The site is inland approx. 3km west of the coastline and Fethard-on-Sea Harbour. The peninsula is popular for its beaches, seaside village, landscapes, Tintern Abby and in particular for Hook Lighthouse (8.6kms to the south). It is noted that the Hook Peninsula is referred to as a distinctive coastal landscape in the Landscape Character Assessment in Section 11.6 and as identified on Map no. 7.1. It is identified as having a 'High Landscape Sensitivity Rating' in Table 11.1. Such landscapes have a limited ability to absorb new development.
- 7.6.2. The 19.63ha site slopes to the south generally, before dropping off at steeper gradients to the glen (part of Bannow Bay SAC). The site is entirely comprised of hedgerows and agricultural land. Immediately south of the site the townlands of

Graigure Little and Lambstown slope down northwards to meet the glen and watercourse exiting at Fethard bridge to the east. Currently the site in view of the screening provided by the roadside boundary hedgerows is not conspicuous in the landscape.

- 7.6.3. Details submitted provide that the proposed development has been designed to ensure that it will not affect the special scenic qualities of the area. It is submitted that the proposed building complex will not be located in an exposed and elevated position so as to be visually obtrusive. In view of the proposed setback from the road towards the central/southern end of the site, and lower levels the First Party provide that the proposed buildings will not be visually obtrusive in the landscape.
- 7.6.4. The R734 Regional Road to Fethard-on-Sea and the Hook Peninsula is to the north and west of the site. There are views from this road to the site and around the site there are views to the east, south and west. However, it is noted that the proposed buildings are located well set back from the road in compact form concentrated in the mid and southern sections of the site. The land is undulating and there are boundary hedges and landscaping is proposed. Reference is had to the Landscape drawings prepared by Lawlor Landscaping.
- 7.6.5. While the proposed tourist accommodation, including the self-catering apartment accommodation/blocks and hotel are lower profile than that previously refused the proposed buildings will appear as a new more urban concept in the rural landscape. In this respect regard is had to the 3D images, site sections and the contextual elevations submitted. It is noted that a Visual Impact Assessment to include visual imagery of the proposed development when viewed across the landscape from the R734 has not been submitted.
- 7.6.6. The issue is whether this proposal would enhance and not detract from this scenic coastal landscape. In this respect, while in view of its set back location on the site, it would not be overly obtrusive, the proposed buildings will present a compact urban form of development, that I would consider would not correspond to this rural setting and would be more suited to an existing settlement. It is unrelated to the surrounding landscape outside of the boundaries of Fethard and is not connected to the town. It will provide for a car orientated development. The local road network is narrow and on a scenic route to the Hook Head lighthouse and the scale of the proposed

development in this location is substantial. In addition, I would have concerns about the proximity to the Natura 2000 sites. I would not consider that it has been demonstrated that the scale, design and layout of the proposed development, would integrate with this rural area or enhance its landscape setting, in this sensitive coastal landscape setting.

## **7.7. Access and Car Parking**

- 7.7.1. The site bounds the regional road (R734) to the north and west. This road leads to Fethard-on-Sea and Hook Peninsula. An Engineering Report has been prepared by Donal J. Power & Associates Consulting Engineers Ltd to cover all aspects of site engineering including vehicular access and junction arrangements. The proposed access and route through the site to be constructed is as outlined in the drawings submitted.
- 7.7.2. It is noted that Reason no.4 of the Council's refusal (Reg.Ref.20190934) related to traffic hazard and inadequate sightlines. Because of this the proposed entrance has now been moved further east along the applicant's land close to the north-eastern boundary of the site. This provides that at the location now proposed a minimum of 135m sight distance is available in both directions along the R734 as required. It is noted that the applicant's landholding includes lands in both directions of the proposed access. As such it is submitted that the sight triangle can be enhanced as required if deemed necessary. Having regard to the new location for the proposed access it is not considered that inadequate sightlines would be a reason for refusal in the current application. However, it must be noted that in order to achieve these sightlines that the proposed access route through the site is extended further through the agricultural lands to the proposed buildings at the southern end of the site.
- 7.7.3. Ralph crossroads is to the northwest of the site. It is provided, that sightlines can be improved at Ralph junction (L4048-3) on the R734 by setting back boundaries in the vicinity of the junction. That the applicant is willing to remove the corner hedge on his land as dimensioned on the engineering drawings. It is noted that the Council's Road and Transportation Section do not object to the proposals, including the relocated entrance and revised sightlines and recommend that details of the works to improve

sightlines at the bend on the R734 shall be agreed with the Area Engineer prior to any work commencing.

- 7.7.4. Details submitted provide that a direct pedestrian access to the village is not proposed as part of this development. In their response to the F.I the Council's Roads and Transportation Section is not supportive of this as a pedestrian footpath route in view of the distance from the village, the fact that the area is within different landholdings, it would necessitate the provision of public lighting and the entrance being in an area where maximum speed limits apply.
- 7.7.5. However, details submitted note that a Ladywell nature trail along the valley into and from the village can be facilitated across the lands as part of the development of the tourism network greenway infrastructure in south Wexford. Having regard to this issue it is noted land to the east of the site and outside the landholding shown blue is not within the ownership of the applicant. It is also submitted that as a resort destination that it is anticipated that the volume of pedestrian movements between the development and the village will be minimal. That as such a new footpath along the roadside between the village and the site would not be necessary. It is noted that there are no dedicated cycle lanes along the R734, nor are there plans for such. Therefore, the issue of permeability of the site to connect to Fethard-on-Sea for pedestrians and cyclists remains. It is considered that in view of its location, distance from the town and lack of transport options, this is a very car-oriented development.
- 7.7.6. The Council's Roads and Transportation Section have recommended a number of conditions and it is recommended that if the Board decides to permit, that conditions, relative to maintaining the sightlines at the access, signage and proposed road improvements be included. It is also noted that they are not in favour of accepting a special development contribution for works for the development a roadside footpath to Fethard-on-Sea, as there are no future plans to provide a path in this location.

#### Car Parking

- 7.7.7. As shown on the Site Layout Plan the car parking to serve the proposed development is to be provided in a defined area to the northwest of the proposed buildings. It is to be accessed via the centrally located access road. A total of 144no. spaces are to be provided i.e 84no. spaces for the Lodge, Spa and Swimming Pool and 60no. spaces for the self-catering apartments. This is to include 9no. designated



car parking spaces and 20% of the spaces with electric charging facilities. It is also proposed to provide 1no. overnight bus parking space.

- 7.7.8. Section 6.3 of the current Waterford CDP and Table 6.3.1 provide the Car Parking Standards. This notes 1 space per apartment and 1 space per bedroom plus 1 space per 25m<sup>2</sup> of function room/bar, restaurant/meeting room space. The Architectural Report provides that the proposed development has allowed for 2 spaces per apartments to cater for multi-family/group holidays. This provides that longer term stays in the Farmstead Apartments are envisaged to attract group and families who will be travelling from different houses or locations. Further additional parking spaces have been provided for the proposal for staff and large vehicles.
- 7.7.9. I would consider that more than sufficient car parking has been provided on the site. However, this is necessary in this case, as there is no public transport and it is anticipated that the majority of people arriving to the site will be by private car. In view of the locational context, modal split is an issue. As has been noted there is also no footpath connection existing or proposed to Fethard on Sea. In order to avoid too much hard surfacing on site, if the Board decides to permit I would recommend that it be conditioned that the parking area be appropriately landscaped.
- 7.7.10. Reference is also had to Bicycle Parking and Storage. Section 6.4.2 of the current Wexford CDP and Table 6-10 provides the Bicycle Parking Standards. The Architectural Report notes that a total of 153 spaces would be required as per the draft development plan and that a total of 74 are to be provided. This provides that as the accommodation is not for permanent residency that applicable Failte Ireland standards will be applied to this type of accommodation. I would consider that in the interests of sustainability that cycling should be encouraged and If the Board decides to permit, I would recommend that it be conditioned that the standards be in accordance with Table 6-10 of the current Wexford CDP and that covered bicycle parking areas.

## **7.8. Construction and Management**

- 7.8.1. A Construction & Waste Management Plan and an Outline Construction Management Plan also prepared by D.J. Power & Associates has been prepared and submitted with the application. This notes that the site is currently in use as

arable land, so there is no demolition applicable to this application. Topsoil and subsoil will be excavated during the construction phase to facilitate construction of the building foundations, underground services and access routes. Excavated material is to be reused on site where possible and regard is had to levelling and landscaping.

7.8.2. Construction would involve the area of the roads, self-catering lodges, lodge and spa, events room and treatment plant. The proposed construction will be mostly in the central area of the southern half of the site, with circulation roads and associated parking. Waste generated from construction works is to be segregated and to be divided in hazardous and non-hazardous and regard is had to the disposal of such. This includes that prior to the commencement of development and removal of any waste offsite, details of the proposed destination of each waste stream will be provided to the Council by the project team. Regard is also had to feasibility of recycling/salvage.

7.8.3. The Architects Report provides that a Management Company is to be setup to manage and maintain this entirely private development. Nádúr Farm is to maintain responsibility for all road and pedestrian networks, public light installation, management and monitoring of the wastewater treatment system and surface water disposal, and landscaping etc. It is recommended that if the Board decides to permit that appropriate conditions be included relative to Construction, Management and Waste disposal.

## 7.9. **Archaeological issues**

7.9.1. An Archaeological Impact Assessment Report has been submitted with the application. Regard is had to the documentary and cartographic background and to the archaeological background, including excavations. This notes that there are no recorded monuments within the footprint of the proposed farm diversification project at Ralph i.e within the site boundaries, although there are a number of recorded monuments within the townland and in the vicinity and details are given of these. The development lies to the west of and outside of the zone of archaeological potential for Fethard-on-Sea.

- 7.9.2. There are no buildings in Ralph included in the National Inventory of Architectural Heritage, although they note a cottage of regional significance, extant in 1940 on the boundary with adjoining Graigue Little townland, c. 500m east of the proposed development.
- 7.9.3. Construction works associated with the development will require the removal of topsoil from a number of areas of the site and some limited regrading, although it is noted that significant green areas will remain within the overall scheme. It is submitted that the proposed development will not impact on any known archaeological sites.
- 7.9.4. The Archaeological Impact Assessment recommends that an appropriate strategy to mitigate any impact on previously unrecorded archaeological materials uncovered during construction would have a qualified archaeologist monitor topsoil removal to identify any archaeological significant materials/features uncovered within the proposed development (licensed under the National Monuments Acts 1930-2014). That this be done on a phased sequence with a sufficient interval prior to any construction works to allow any appropriate mitigatory measures to be agreed with the relevant authorities. Appendix 3 of this Report also refers to mitigation strategies. If the Board decides to permit, I would recommend, that these be implemented and that an appropriate archaeological monitoring condition be included.

## **7.10. Drainage and Wastewater Treatment issues**

- 7.10.1. An Engineering Report has been prepared by Donal.J.Power & Associates Consulting Engineers and this is to cover all aspects of site engineering including surface water drainage i.e. SUDS proposals. This includes regard to attenuation, swales and filter drains and infiltration based on site investigations; an on-site wastewater treatment system (WWTS), providing tertiary treatment; water supply provisions after consultation with Irish Water (IW), supplemented by rainwater harvesting and existing well supplies for non-potable purposes. This notes that in tandem with the natural treatment that the filter drains provision has been made to incorporate a petrol/oil interceptor(s) at the downstream end of the collection system should it be deemed appropriate to improve the quality of storm waters to be discharged from the site.

7.10.2. The Engineering Report notes that the proposed works are to follow current relevant guidance/standards. They provide that all water infrastructure works are to be completed in accordance with the various specifications and Codes of Practice provided by Irish Water. They submit, that the development and associated site development works, water infrastructure (wastewater and drinking), roads and footpaths are to remain in the ownership of the management company. As such the water functions will not transfer to Irish Water.

#### Surface and Storm-water Drainage Proposals

7.10.3. Details are submitted of Specific Engineering Works. These include the design of foul sewer networks and preliminary design of the associated pump/sumps and rising mains, design of surface water network in incorporating SuDS and the design of Rainwater Harvesting. Recognition is given to the use of Sustainable Drainage Systems (SuDS). Reference is had to the “Greater Dublin Regional Code of Practice for Drainage Works” and to the “Greater Dublin Region”. In accordance with the recommendations from the GDR Code it is not proposed to employ underground attenuation tanks as part of the SuDS proposals.

7.10.4. Specific SuDS Proposals are given, noting the use of filter drains, soakaways and permeable surfaces/paving. It is noted that the type of drainage system proposed allows for basic treatment of storm waters before discharging to the existing watercourses. Apart from treatment open drains and swale that incorporate filters will provide both infiltration into the ground waters and attenuation.

7.10.5. They submit that as the development will ultimately drain to the estuary there are no specific requirements to attenuate absolute volumes on the site. That there are no properties downstream of the proposed development and as such there is no flood risk. It is proposed to provide storage within a filtration trench using a large diameter pipe and single sized stone and details are given. This will allow the storm waters to be attenuated and to permeate into the subsurface. The use of filtration trenches is also recognised as being effective as removing pollutants and in particular sediment where present. The Engineering Drawings show that it is proposed to locate this trench close to the southern boundary of the site and to connect to existing drains. Regard is had to the Filter drain type construction. Where practicable the drains are

to be laid at a shallow gradient to optimise the retention time of storm waters thus increasing the attenuated volumes of water.

- 7.10.6. It is noted that all storm water flows will ultimately be directed through a series of infiltration trenches. That these natural drainage systems are a recognised sustainable drainage system (SuDS) in terms of reducing and slowing the rate of run off of storm waters from the developed lands and by removing any residual particles picked up from the surfaces. As an added measure in terms of ensuring that the surface waters discharging from the carparks and the service yard are free from oil and petrol residues, it is proposed to introduce Fuel/Oil Separators on the collection system in two areas. Petrol Interceptors are to intercept all flows from these two areas prior to discharge to the storm collection system.
- 7.10.7. Regard is had to River Water Quality Protection. This includes that it is proposed to install petrol interceptors on the downstream end of sewer collection points for both the upper and lower carparks. All rain waters falling on the carparks and service yard are to pass through the Fuel/Oil Separators prior to discharge to the main drainage network. Details are given of this including that the system proposed is a Kilargester Bypass NSB Range Model which is designed to cater for such carpark areas.
- 7.10.8. In addition, a suitable silt trap fence is to be installed for the construction prior to any significant earthworks taking place on the site. This trap is to be strategically located using proprietary systems as outlined in the Construction Management Plan. The infiltration trench is to be located on permeable ground which they provide is capable of allowing the majority if not all of the surface water generated from the site to permeate into the groundwater. Any excess will ultimately discharge to the estuary. As such they provide that the river morphology will not be directly impacted by event flows from the site.

#### Water Supply and Rainwater Harvesting

- 7.10.9. It is submitted that the site is to be serviced for mains water in accordance with Irish Water requirements. It is noted that Table 9-1 of the Wexford CDP has regard to *Irish Public Water Supplies and Capacities* (Source Irish Water March 2022). This refers to Level 4 Large Villages, including Fethard-on Sea, which provides that IW has capacity available. The drawings submitted show the design of the main water layout proposal. Irish Water noted that the drinking water requirements for the

proposed development could be accommodated. Due to the nature of the proposed development the management and ownership of these functions along with site development works generally are to remain in the ownership and control of the development owners and their appointed management group.

- 7.10.10. Details are given of Rainwater harvesting including that waters are to be collected from roofs of the various buildings and temporarily stored in proprietary underground tank shown located in the southern part of the site. Harvested water is to be employed, except for drinking and bathing purposes. In addition, the harvesting process can be supplemented by an existing well located on the lands which are currently employed to cater for water consumption of livestock. They note that the well has routinely provided 20 to 30m<sup>3</sup> of water per day for the consumption of livestock throughout the summer months. As a result, it is expected that the mains water consumption volume will be considerably less than the peak design figure of 48 m<sup>3</sup> per day.

#### Flood Risk

- 7.10.11. It is submitted that a comprehensive Site Specific Flood Risk Analysis (SSFRA) report has been prepared by D.J. Power & Associates Consulting Engineers Ltd Consulting Engineers. That the proposed development has been designed such that its impact will not result in an unacceptable residual flood risk either on-site or off-site. That taking into account:- *The Planning System and Flood Risk Management Guidelines for Planning Authorities (DECLG 2009)* and noting the location on the estuary, there is no unacceptable risk of flooding and no unacceptable residual flood risk to the proposed development, its occupants, adjoining land users or property.
- 7.10.12. The Engineering Report notes that drainage layout will need to ensure that no properties within the development are at risk of flooding for storm events up to 100 year return period. Existing ground levels on the lower end of the site are around 12.2m OD Malin head. The lower floor levels will be in the order of 12.2mOD. They provide that this level is comfortably greater than 0.5m above any extreme flood levels that could be experienced on site. The ground levels in the valley below are typically 2.0m OD which is 10m below the proposed Hotel Floor levels.
- 7.10.13. The proposed development incorporates swales and filter drains as part of the proposed SuDS. They provide that the use of filter drains will allow for natural

infiltration of storm waters into the permeable subsurface stratum. Filter drains are to be provided for the hotel, its access road, the residential units and the swimming pool have been sized to address a 10 year storm event. Any excess waters will be attenuated and discharge to existing open ditches in a sustainable manner at a rate comparable to the existing green field site. There are no properties downstream between the proposed development and the estuary, so it is not possible to create a flood risk of such. Developments that discharge directly to the sea or estuary are primarily concerned with quality criterion only.

7.10.14. Note is also, had of the detailed Storm and Foul Drainage Systems Drawing submitted in response to the Council's F.I request. This shows (colour coded) the locations of all the proposed drainage systems envisaged to serve the proposed development on the site. This planning proposal has allowed for the routing of storm waters through filter drains. It is expected that a significant proportion of the waters will enter the fractured rock stratum and into the ground water table. Excess volumes of water if encountered will overflow from the swale into the existing water course or open ditch at the Western end of the proposed Swale/Filter Drain.

#### Waste Water Collection and Treatment System

7.10.15. Refusal reason no.3 of the previous application (Reg.Ref.20190934) provided that the development was considered premature pending the upgrading of the Fethard-on-Sea wastewater treatment system and that the proposed development would therefore be prejudicial to public health. That application proposed the pumping of wastewaters generated in the development to the existing village scheme. However, it is noted that the village scheme in Fethard-on-Sea has not been upgraded and that a timeframe for these works has not been given. Table 9-3 of the current Wexford CDP provides an Overview of Public Wastewater Infrastructure in Level 1- Level 4 Settlements. This includes reference to Fethard-on-Sea in the Level 4 Large Villages category and notes that there is no capacity within the existing wastewater treatment system for the village. It is not included in Table 9-5 Irish Water Investment Plan Public Wastewater Projected 2020-2024. A footnote at the end of this Table provides: *The Fethard-on-Sea WWTP was due to be delivered in 2022 but is now unlikely to be built before 2025.* Therefore, connection to this scheme is not an option at the current time. While it would be preferable, it is also not known whether it

would be envisaged that this project would connect to the towns WWTP, in view of the site being located over 1km distance from the village.

- 7.10.16. The current proposal involves the installation of a WWTS i.e a package treatment plant to provide primary and secondary treatment followed by a modular biological tertiary treatment system with filtration bed. The Engineering Report notes that all works are to be carried out in accordance with IW specification and guidelines. The entire drainage network for the development is to drain by gravity to a central pump/sump at the location shown on the Storm and Foul Water Drainage Systems. Noting, that the pump/sump arrangement will be capable of providing appropriate storage volumes within the sump below invert levels. In tandem with the storage available in the proprietary tanks an emergency storage tank is to be provided. The rising main from the Pump/Sump installation is to pump to the Wastewater Treatment System (WWTS) area as outlined on the layout plans.
- 7.10.17. A Report on the Conductivity Survey of the Site by Apex Geophysics is included as Appendix B to the Engineering Report. This is to determine the optimum location for the percolation system on the site and includes survey work based on the Geological Survey of Ireland. The objective of the survey is to provide information on the sub-soil conditions across the site. Appendix B provides drawings showing conductivity locations on aerial photo, GSI soils map and Conductivity results. The area to the NE of the proposed development (shown within the redline boundary) was selected as the optimum location in terms of size and remoteness from dwellings or drinking water wells.
- 7.10.18. Appendix 3 of the Engineering Report includes a 'Site Suitability Assessment for Wastewater treatment for the proposed hotel and self-catering units' on this site has been carried out by Millennium Design. This notes the aquifer vulnerability is high with an R1 response. Site investigation and percolation test results at this location confirmed the presence of a suitable subsoil layout as outlined. The top 2m or so of subsoil at this location comprises mainly of sandy Silt/Clay layer which is generally impermeable. Below this layer a gravel layer is present with a T value of less than 3.
- 7.10.19. The Report notes that this is low retention time in subsoil is too fast for effluents treated to a secondary standard but acceptable where suitable tertiary treatment is provided. It is proposed to remove the impermeable layer and deposit within the



confines of the site by forming berms, reinforcing existing ditches and incorporating with the field topography. Following primary and secondary treatment of the development effluent it is proposed to provide tertiary treatment. This is to comprise of TER3 package tertiary treatment unit and details of this are attached to the Site Suitability Assessment Report and of their installation in the report.

- 7.10.20. It is proposed to provide a sequencing batch reactor (SBR) system to cater for the projected volume and provide primary and secondary treatment. The treated effluent is to be pumped to the tertiary treatment area located as shown on the plans submitted. The topsoil and impermeable Silt/Clay subsoil is to be excavated over the area of the tertiary treatment area. The treated effluent discharging from the percolation area will then be discharged to ground, via a layer of imported soil replacing the excavated subsoil area in order to protect the groundwater receptor.
- 7.10.21. It is noted that the site characterisation form is as set out in the EPA Code of Practice (CoP) wastewater treatment disposal systems serving single houses (p.e.<10). This application appears to have been considered under the 2009 CoP which has since been superseded by the 2021 EPA Code of Practice: Domestic Wastewater Treatment System (PE 10). However, this CoP would not be particularly relevant to the scale of development under consideration. It is noted that on the form it says that the development is projected to discharge 48,000 litres per day at peak volume giving an equivalent PE of 240.
- 7.10.22. While there is a mention of Table 4 of this manual to minimum distances being taken into account, there is a lack of clarity as to whether the EPA Wastewater Treatment Manual 1999, 'Treatment Systems for Small Communities, Business, Leisure Centres and Hotels which would be more relevant was fully taken into consideration. Table 3 of the latter provides the Recommended Wastewater Loading rates from Commercial Premises. Regard is had to the installation, management and control of small treatment systems. Some clarifications are needed.
- 7.10.23. Having regard to all these issues, and in particular to the site context and the fast percolation rates i.e the poor percolation characteristics of the ground, it would appear that servicing this site with a privately maintained WWTP for the scale of the development proposed is a complex matter to provide an engineered solution. In this respect regard is had to Objective WW10 of the current WCDP relative to the

provision of private waste treatment systems outside of serviced settlements (as has been quoted in the Policy Section above).

7.10.24. I do not consider that sufficient information has been submitted to demonstrate that the proposed WWTP would be optimum for the site context, or that it would set a desirable precedent for such scale of development to locate in the rural area on unserviced agricultural lands or be in the interests of the environment and public health. I do not consider adequate information has been submitted to permit a full assessment of the proposed development in accordance with current guidelines. This is, in particular having regard to the scale of works, and uncertainty in the timescale required to upgrade the Fethard-on-Sea WWTP. I would have some concerns that this proposal is premature pending the upgrade of the capacity of this WWTP. The Board may wish to refuse on this basis.

#### **7.11. Hydrological Risk Assessment**

7.11.1. A Tier 3 Hydrogeological Risk Assessment Report was prepared by Enviroguide Consulting. The project objective was to address the issue raised in the Council's F.I request to undertake a hydrogeological risk assessment (HRA) in accordance with the Environmental Protection Agency 'Guidance on the Authorisation of Discharges to Groundwater' (EPA, 2011) to determine if the proposed on-site wastewater treatment (OSWTS) would pose any potential risk to ground water quality and as specified by the Council the Bannow Bay SAC adjoining the site.

7.11.2. A risk based and receptor focused assessment was required to be undertaken to determine the potential risk of impact to identified receptors in particular Bannow Bay. This involved developing a conceptual site model (CSM) to identify potential contamination sources, migration pathways and receptors (i.e. source-pathway-receptors - S-P-R) and assess the linkages between these elements of the CSM. Note is had of the detailed quantitative risk assessment (DQRA) using predictive hydrological assessment tools or modelling to accurately determine and quantify any potential impact on downgradient water quality associated with the ONWTS.

7.11.3. Details are included as to the Project Scope of Work and regard to best practice including the EPA Guidelines and the Tier 3 assessment requirements. It is stated that each element of the S-P-R model was accurately characterised to ensure that

the CSM for the Site was relevant for the site conditions and credible. That detailed methodologies for each element of the assessment are provided in the relevant sections of the report where applicable.

- 7.11.4. Details submitted regarding surface water drainage include that all treated water will be discharged to ground via the infiltration trench at the south of the site with overflow discharged via the existing ditch to the west of the site to the Graigue Great River. Bedrock Geology is noted and the GSI has classified the bedrock aquifer underlying the site as a Poor Aquifer (PI) Bedrock which is Generally Unproductive except for Local Zones. The Aquifer beneath the site has been assigned a vulnerability - High. The (GSI, 2022) aquifer classification and groundwater vulnerability rating are presented in Figure 3-4 and Figure 3-5 respectively. Based on a groundwater vulnerability rating of High (H) and an Aquifer classification of poor (PI) the protection response is R1.
- 7.11.5. Relative to Groundwater use, it is noted that there is one source/well recorded within 2km of the site by GSI Database, located approx. 0.45km to the north-east of the site. This is recorded as being used for agricultural and domestic use and will be used to supplement the mains water supply for the proposed development. There is an existing groundwater supply well located approx.50m to the northeast of the proposed development site and this is occasionally used for agricultural use and is to be used to supplement the mains water supply for the proposed development. They provide that the well depth and lithology are unknown.
- 7.11.6. The HRA noted that there is no Groundwater Source Protection Areas within 2km of the site. Regard is had to groundwater flow regimes and it is noted that beneath the site has been inferred to flow towards the east in the direction of Fethard Streat and to the Eastern Celtic Sea. The proposed development site is mapped by the EPA (EPA, 2021) as within the Ballyteigue-Barrow Catchment and Hydrometric Area, the Curraghmore\_SC\_100 Sub-catchment and the Graigue\_Great\_010 Sub-Basin (EPA 2022). The closest surface water body is the Graigue Great River located approx. 0.1km to the south of the proposed development site and flows eastwards to the Eastern Celtic Sea. That the Fethard Stream is located 0.13km east of the site boundary and 0.19km from the proposed OSWTS and flows southwards to join the Graigue Great River (EPA, 2022). Table 3-2 of the HRA provides a list of the many Surface Waterbodies in the Vicinity (within 1km) of the Site.

7.11.7. Reference is had to the Water Framework Directive, noting that the site is mapped within the Fethard Groundwater body, which is mapped as having an overall 'Good' water quality status for the periods 2010-2015 and 2013-2018 and has been assigned a WFD risk rating of 'Review' for WFD Cycle 2 and Cycle 3 (EPA, 2022). The Graigue Great River and the Fethard Stream has been assigned a WFD risk rating of 'Review' for WFD Cycle 2 and Cycle 3 and a WFD quality status of 'unassigned' for 2013-2018.

7.11.8. Note is had in Section 3.6 of the HRA of Designated and Protected Sites, and the Protected and Designated Areas within a radius of 15km of the proposed development site are shown in Figure 3-7. The key Natura 2000 sites with a Potential Hydraulic Connection to the site are summarised in Table 3-3 of the HRA. These are discussed further in the context of the AA Section below.

#### Hydrogeological Site Investigation Results

7.11.9. Section 4 of the HRA provides details of a Site Walkover Survey, of Borehole Drilling and of Groundwater Level Monitoring. This notes that based on the measured groundwater elevations the inferred groundwater flow is to the southeast towards the Graigue Stream and Bannow Bay SAC. The inferred groundwater flow direction is shown. Details are given of surface water and groundwater analytical analysis carried out at the proposed development site in December 2021.

7.11.10. Groundwater samples were collected from monitoring wells MW1, MW2, MW3 (all close to or within the eastern boundary of the site). Figure 4-2 shows the Site Layout and the location of the OSWTS, Monitoring Wells and Groundwater Flow. Surface water samples were collected from the Graigue Great River at locations upgradient (SW1) and downgradient (SW2) of the site. The results of water quality field testing and analytical results are presented in Appendix C and the certified laboratory are included in Appendix D. The water analytical results were screened against assessment criteria to establish baseline conditions and any potential issues of concern associated with the baseline conditions.

7.11.11. It is stated that reported results for all groundwater samples were below the applicable parameters with the exception of ammoniacal nitrogen. This was attributed to the use of fertilisers for the current commercial agricultural landuse at the site, that will not be continued as part of the proposed development. Similarly for

surface water analytical results. It is also stated that ortho-phosphate were higher at a downstream location SW2, than SW1 and this is attributed to the rural catchment.

#### Conceptual Site Model

- 7.11.12. Section 5 of the HRA refers to the source-pathway-receptor model. Potential sources associated with the proposed development during construction are noted. The key potential source is the discharge of the treated effluent to ground from the proposed OSWTS. It provides that this project includes a tertiary treatment module and has been designed in accordance with the EPA 'Code of Practice and meets the EPA 2021 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses'.
- 7.11.13. Surface water drainage is to be managed in accordance with SuDS principles. As has been outlined surface water is to be treated appropriately as required to ensure that any potential contaminants entrained in surface water runoff are removed prior to discharge from the site. Accordingly, they provide there are no potential contaminants associated with the surface water runoff from the proposed development and this is not considered further in this assessment.
- 7.11.14. Good construction management practices are to be implemented during the construction phase as documented in the Construction Management Plan and the Construction and Demolition Waste Management Plan. That appropriate management and mitigation measures in accordance with relevant industry standards will be implemented. This includes the Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (Inland Fisheries Ireland, 2016). Robust methodologies are to be applied including use of silt curtains/silt fences to prevent sediment entrained in surface runoff to the receiving water courses. The proposed swale, will also be made operational for construction works. The HRA submits that taking account of the proposed mitigation measures there are no potential sources associated with the Construction Phase of the proposed development.
- 7.11.15. Potential pathways identified include vertical migration of discharges from onsite foul and storm drainage to the underlying bedrock aquifer; lateral migration within the aquifer to downgradient receiving groundwater and surface water courses; groundwater use as potable water supplies.

- 7.11.16. Receptors considered include Groundwater noting a bedrock aquifer downgradient of the site, part of the Fethard Groundwater Body and is classified as a poor aquifer (PI). As the Graigue Great River and Fethard Stream are located immediately downgradient of the site there is only a limited portion of the bedrock aquifer downgradient of the site, therefore the bedrock aquifer is considered as a pathway rather than a receptor in the HRA assessment. Designated sites as referred to in the table above include the Bannow Bay SAC and SPA.
- 7.11.17. It is noted that there are no identified groundwater sources downgradient of the site, that the supply well on the Applicant's lands is outside the maximum 60m separation distance from the OSWTS. Mains water supply is available in the area. However, unlikely the potential future use of groundwater at the adjoining third party lands must be considered.
- 7.11.18. Table 5-1 provides a Conceptual Site Model. This notes that the only plausible S-R-P linkage considered in the risk assessment is the discharge of treated effluent from the OSWTS and potential vertical and later migration in the bedrock aquifer to the downgradient groundwater and surface water courses and the associated Bannow Bay SAC and downstream Bannow Bay SPA.

#### Detailed Quantitative Risk Assessment

- 7.11.19. As noted in Section 6 of the HRA, the Tier 3 assessment was undertaken for the Site to evaluate the potential impact associated with the proposed OSWTS (source) on receiving water quality and specifically the Fethard stream and Bannow Bay SAC (receptor). The HRA provides that this assessment was undertaken in accordance with current best practice guidelines.
- 7.11.20. The Tier 3 assessment required that a Detailed Quantitative Risk Assessment (DQRA) based on the conceptual site model (CSM) developed for the Site and using site specific data pertaining to hydrogeological site setting and hydrogeological characteristics, aquifer properties and concentration and data for potential contaminants. The source of contaminants of potential concern are associated with the constituents of the treated wastewater that will be discharged from the OSWTS to ground via the tertiary treatment module of the OSWTS. Table 6-1 provides details the Wastewater and Treated Effluent Composition. This includes that the treated effluent will contain low levels of potential contaminants including microbial bacteria,

suspended solids, ammoniacal nitrogen and BOD. That the scenarios of untreated wastewater and effluent treated to the minimum performance standard were included only for comparative purposes with the proposed OSWTS discharge.

7.11.21. The primary pathway is migration of the identified COPC in groundwater within the bedrock aquifer to downgradient offsite receptors namely the downgradient groundwater and surface water at Fethard Stream/Bannow Bay SAC. Regard is had to plume length and impact at receptor. Noting that the extent of the plume was determined as the distance from the source (i.e OSWTS) to where the groundwater concentrations are predicted to meet the relevant water quality targets under steady state conditions. Details are given of the predicted plume length and discharge of treated effluent and of predicted ammoniacal nitrogen concentration. The results are summarised in Table 6-3 and the RTM worksheets are provided in Appendix F.

7.11.22. The HRA concludes that based on the predicted ammoniacal nitrogen plume lengths and groundwater concentration at the receptor there is no potential risk to the receiving groundwater and surface water quality downgradient of the site associated with the proposed OSWTS. That the inclusion of the tertiary treatment module in the OSWTS will ensure that a high-quality effluent is discharged to ground. That in the unlikely event of an issue with the efficacy of the tertiary treatment module, as the secondary treatment system achieving minimum standards there would be no predicted impact on groundwater quality at the receptor in this unlikely scenario. The wastewater pump/sump will be fitted with a SCADA system to ensure immediate notification of any issues thereby minimising the risk of release of untreated water. The HRA provides that overall, there is no risk posed to groundwater quality and associated downgradient receptors including the Bannow Bay SAC and SPA associated with the proposed OSWTS at the proposed development.

7.11.23. Regard is had to Attenuation in the Aquifer. It is important to note that attenuation will occur in the unsaturated zoned beneath the OSWTS discharge/percolation area and the saturated zone which is not accounted for on the RTM worksheet and therefore the Remedial Targets Methodology (RTM) results are considered conservative.

7.11.24. Reference is had to Groundwater Target Values (Appendix F of the HRA refers). A groundwater target value of 8.76mg/l ammonia as N was calculated. An exceedance of this value would indicate a potential risk to the receiving water in the Fethard

Stream and Bannow Bay SAC. It is noted that the reported results are less than the groundwater target value and therefore not considered to pose a risk to the receiving surface water quality. Table 6-4 provides a Sensitivity Analysis for Ammoniacal Nitrogen.

7.11.25. It is submitted in Section 6.5 and Table 6.5 of the HRA that based on the results of the DQRA, the CSM and identified pollutant linkages for the site were revised. That any potential plume associated with discharge from the proposed OSWTS would not extend beyond the Site boundary and would not pose a risk to groundwater quality or surface water downgradient of the site. Therefore, that the OSWTS does not pose a risk to the downgradient aquifer, groundwater users and surface water receptors including the Bannow Bay SAC and Bannow Bay SPA. The 'prevent or limit' objective is the key element of the WFD and groundwater quality objectives and this is to be achieved through the design proposals for the proposed development including the design for the OSWTS in accordance with the EPA guidelines and to thereby avoid any potential impact to the receiving water environment.

#### Conclusions and Recommendations

7.11.26. Based on the findings of the Tier 3 Hydrological Risk Assessment a summary conclusion is noted in Section 8. This includes:

- The proposed development site is located within the Fethard Groundwater Body and the bedrock aquifer beneath the site is classified as a poor aquifer with a high groundwater vulnerability rating. There are no identified groundwater receptors downgradient of the site. The primary receptors include the Fethard Stream and Graigue Great River and associated Bannow Bay SAC.
- The key source of potential risk of impact to water quality associated with the proposed development is the OSWTS that includes primary and secondary treatment using a Sequencing Batch Reactor (SBR), which will then undergo tertiary treatment through a TER3 package treatment module that meets the requirements of the EPA CoP (EPA 2021). Treated effluent will be discharged to ground.
- The results of the DQRA identified that the contaminant plume associated with discharge from the OSWTS would not result in an exceedance of the



European Union Environmental Objectives Regulations for Groundwater (S.I 9 of 2010 and amendments) and Surface Water (S.I 272 of 2009 and amendments) downgradient of the site boundary.

- The proposed development in particular the OSWTS does not pose a risk to groundwater quality downgradient of the Site and associated receptors including the aquifer, groundwater users and surface water receptors including the Bannow Bay SAC and Bannow Bay SPA.

### Recommendations – Monitoring and Checking

The HRA in Section 8 provides the following:

- A groundwater compliance monitoring programme will be required to include ongoing measurement of groundwater levels and collection of samples for laboratory analysis at the compliance point MW2 to ensure compliance with the proposed compliance value of 8.76mg/l ammoniacal nitrogen as N. It is recommended that sampling be undertaken annually however that this should be reviewed following assessment of each round of sampling results.
- A maintenance contract with an appropriately qualified and certified contractor is to be implemented to the engineer's specification for the OSWTS once operational in accordance with the requirements of the EPA Code of Practice (2021) to ensure that wastewater is treated to the required standard prior to discharge to ground.

## **8.0 Appropriate Assessment**

### **8.1. Stage I - Screening**

#### **Compliance with Article 6(3) of the Habitats Directive**

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.2. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there

is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.

- 8.1.1. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
- 1) Description of the plan or project and local site or plan area characteristics.
  - 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
  - 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
  - 4) Screening Statement with conclusions.

### **Project Description**

- 8.1.2. It is proposed to construct an 'Ecotourism Farm Diversification Project' also described in the documentation submitted as an 'Agri-Tourism Destination Resort Development' including in summary a hotel with spa (40 guest bedrooms) 5 two storey self-catering apartment buildings to include 30 apartments and a farm shop, swimming pool building, walking trails throughout the farm and pet farm, vehicular access to R734, car parking zones providing 144 car parking spaces, provision of services, landscaping and all ancillary site works.
- 8.1.3. A Habitats Directive Assessment has been submitted with the application as originally submitted. The purpose of this report is to examine the development for possible impacts on the integrity of the Natura 2000 network, in particular on the adjacent SAC – Barrow Bay SAC (site code:00697). Details are given of the sources of the data. It is stated that the site was visited, having examined the available files and online sources of information for the local Natura 2000 sites.
- 8.1.4. In response to the Council's request, to have regard to any of the responses to further information, an updated Screening AA (pg.21) and NIS (pg.6) with revised report cover pages, were submitted. These, as were those originally submitted, were prepared by Openfield Ecological Services. They take into account the findings of

the Tier 3 Hydrological Risk Assessment Report (HRA) prepared for the proposed development by Enviroguide Consulting.

8.1.5. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

\* Construction related -uncontrolled surface water/silt/ construction related pollution

\* Habitat loss/ fragmentation

\* Habitat disturbance /species disturbance (construction and or operational)

8.1.6. In relation to the matter of habitat loss or alteration while the proposed development site is located adjacent to the Bannow Bay SAC to the south, it is stated to be c. 57m outside of this and that there will be no direct loss or alteration of the habitat. The First Party response (Figure 2) notes that there is a fallow field area in the ownership of the applicant outside of the red line boundary, between the site and the defined boundary of the SAC. The Screening Report provides that the proposed development which is outside of the SAC would not result in any direct habitat loss or fragmentation.

### **European Sites**

8.1.7. In this case there are three Natura sites that have been noted within 2kms of the site, (as noted on Table 3-3 of the HRA refers). However, while a map has been submitted (Figure 3-7 of the HRA refers), a list of other Natura sites with a 15km radius of the site has not been given in the AA Screening Report submitted. The AA screening report notes that the site is not located within any Natura 2000 site. However, it highlights that the site is within the catchment of the Bannow Bay SAC and hydrological pathways lead to the Bannow Bay SPA and further downstream, the Hook Head SAC. The Graigues Great Stream flows to the east where it enters Bannow Bay SAC.

8.1.8. The key Natura 2000 sites with a Potential Hydraulic Connection to the site are summarised in Table 3-3 of the HRA (replicated below). Regard is also had to the inclusion of the River Barrow and River Nore SAC as noted in the AA Screening Report submitted in Table 1 below.

<b>Special Areas of Conservation</b>	<b>Natura 2000 Site</b>	<b>Distance form Site</b>
Site Code: 000697	Bannow Bay SAC	0.06km South
Site Code: 000764	Hook Head SAC	2.1km East
Site Code: 002162	River Barrow and River Nore SAC	3km West
<b>Special Protection Area</b>		
Site Code: 004033	Bannow Bay SPA	0.9km East

The Qualifying Interests and General Conservation Objectives of these four Designated Natura 2000 sites within 3kms of the site are as shown on Table 2 below:

<b>European Site (code)</b>	<b>List of Qualifying Interest/Special Conservation Interest</b>	<b>General Conservation Objectives</b>	<b>Connections (source, pathway receptor)</b>	<b>Considered in further screening Y/N</b>
Bannow Bay SAC 000697	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected.	There is source – pathway – connectivity between the proposed development site and the Bannow Bay SAC. This is adjacent to the site and is	Yes

	<p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi) [1420]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>		hydrologically connected.	
<p>Bannow Bay SPA 004033</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p>	To maintain or restore the favourable conservation condition of the bird species for which the SPA has been selected.	There is source – pathway – connectivity between the proposed development site and the Bannow Bay SPA. This is adjacent to the site and is hydrologically connected.	Yes

	<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Hook Head SAC</p> <p>000764</p>	<p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>There is source – pathway – connectivity between the proposed development site and the Hook Head SAC. This is adjacent to the site and is hydrologically connected.</p>	<p>Yes</p>
<p>River Barrow and River Nore SAC</p> <p>002162</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-</i></p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II</p>	<p>There is no source – pathway-receptor connectivity between the proposed development and the SAC</p>	<p>No</p>

	<p>Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p>	<p>species for which the SAC has been selected.</p>	<p>The site is distant from the SAC and there is no potential for impact</p>	
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	Lampetra planeri (Brook Lamprey) [1096]			
	Lampetra fluviatilis (River Lamprey) [1099]			
	Alosa fallax fallax (Twaite Shad) [1103]			
	Salmo salar (Salmon) [1106]			
	Lutra lutra (Otter) [1355]			
	Trichomanes speciosum (Killarney Fern) [1421]			
	Margaritifera durrovensis (Nore Pearl Mussel) [1990]			

8.1.9. It is noted on the NPWS website 'Conservation Objectives' that the Bannow Bay SAC (000697) overlaps with Bannow Bay SPA (004033) and is adjacent to Hook Head SAC (000764). That the conservation objectives for this site should be used in conjunction with those for overlapping and adjacent sites as appropriate.

### **Bannow Bay SAC**

8.1.10. This coastal site is characterised by soft sediments and the estuaries of a number of small rivers, along with extensive sand dune systems. Table 1 of the Screening for AA Report lists the Qualifying interests for the Bannow Bay SAC. The subject site is located c.60m to the north of the SAC (which is to the south) and the proposal will not result in any loss or reduction in habitat extent within the designated area. It is hydrologically connected as surface waters ultimately drain to the SAC. There is a pathway from the development site via surface water flows to the Graigues Great Stream, via surface run-off and groundwater. In terms of the conservation objectives of the SAC as identified, good water quality is a re-requisite for all habitats in the intertidal and marine realms.



### **Bannow Bay SPA**

8.1.11. This long sheltered stretch of the South Wexford coast is important for wintering birds. Table 2 lists features of interest of Bannow Bay SPA. The subject site is located c. 0.9km to the west of the SPA (which is to the east) and the proposal will not result in any loss or reduction in habitat extent within the designated area. It is hydrologically connected as surface waters ultimately drain to the SAC. There is a pathway from the development site via surface water flows to the Graigues Great Stream, via surface run-off and groundwater. In terms of the conservation objectives of the SPA as identified, good water quality is a re-requisite for all habitats and for birds in the intertidal and marine realms.

### **Hook Head SAC**

8.1.12. This site is the southernmost tip of County Wexford and is a finger of land jutting into the Celtic Sea. Offshore there are subtidal reefs while the fossil rich geology is the basis for sea cliffs and rocky shores. The features of interest are given in Table 3 of the AA Screening Report. The subject site is located c.2.1km to the east of the SAC and the proposal will not result in any loss or reduction in habitat extent within the designated area. It is hydrologically connected as surface waters ultimately drain to the SAC. There is a pathway from the development site via surface water flows to the Graigues Great Stream, via surface run-off and groundwater. In terms of the conservation objectives of the SAC as identified, good water quality is a re-requisite for all habitats in the intertidal and marine realms.

### **River Barrow and River Nore SAC**

8.1.13. The rivers Barrow and Nore drain a large part of the low-lying areas of Leinster and are important for a wide range of aquatic or semi-aquatic habitats and species. The subject site is located c.3km to the east of the SAC (which is to the west) and the proposal will not result in any loss or reduction in habitat extent within the designated area. The project is not hydrologically connected to the SAC. Hence potential impacts on this Natura 2000 site are ruled out and the site is screened out.

### **Assessment of likely Effects (Direct/Indirect)**

8.1.14. This has regard to the direct, indirect, and cumulative effects undertaken on the basis of available information (as submitted) - The AA Screening Report provides

that no negative effects to any SAC or SPA are likely to arise from changes to surface run-off quality or quantity due to the implementation of SuDS and attenuation measures incorporated into the design. That these are standard measures which are included in all development projects and are not included here to reduce or avoid any effect to a Natura 2000 site.

- 8.1.15. It provides that foul wastewater from the site will be treated on site with a modern wastewater treatment system which investigations have shown that site conditions are suitable. This system is to be fully compliant with the requirements of the EPA and is well away from any water course. They provide that no pollution to ground water will arise.
- 8.1.16. Regard is also had to the Tier 3 Hydrogeological Risk Assessment prepared to examine the risk posed by the development on surface and groundwater quality. This concluded that the proposed development subject to normal good construction practices would not present a risk of contamination to surface water quality or to the Graige Great River and Bannow Bay SAC. Noting, that the OSWTS does not pose a risk to groundwater quality downgradient of the site and associated receptors including the Bannow Bay SAC and SPA. That no negative effects to Natura 2000 sites can arise from this source during the operation phase.
- 8.1.17. It is also stated that there is no evidence that abstraction from is negatively affecting the conservation objectives of any Natura 2000 site. That eventual implementation of the WFD will result in overall improvements to water quality throughout the catchment although these targets have not been met by the 2015 deadline. Bannow Bay is among the 'priority areas for action' where improvements to water status are expected by 2021.
- 8.1.18. The Screening Report concludes that hydrological pathways exist to the Graiges Great Stream and that significant effects cannot be ruled out to the Bannow Bay SAC and Hook Head SAC. The conservation objectives set for estuaries, mudflats and large shallow inlets and bay require good water quality.
- 8.1.19. It provides that no significant effects are likely to occur to the Bannow Bay SPA or the River Barrow and River Nore SAC. That there are no pathways to these sites. However, while this is stated there is no reasoning given for this, in particular relative to the River Barrow SPA, which as aforementioned was said to have hydrological

links. In addition, I would note that there is no discussion of potential impacts having regard to in combination effects on the aforementioned Natura 2000 sites in the Screening Report.

- 8.1.20. The AA Screening Report provides that pollutants arising from surface water run-off during construction typically comprise of sediment and small quantities of hydrocarbon residues. During construction projects this can also include cement and other substances which are toxic to aquatic life. Sediment in particular can cause long term damage to fish habitats in aquatic systems. In this case the risk of pollution from this source is moderate as site clearance works will take place directly adjacent to sloped ground leading to the Bannow Bay SAC and on to the Hook Head SAC. Therefore, they provide that negative effects to these SACs cannot be ruled out.
- 8.1.21. The AA Screening Report notes, that mitigation measures will be required to ensure that silt and sediment does not enter the watercourse during the construction phase. Therefore, the project must proceed to a Stage II Natura Impact Assessment.

### **Conclusion – Stage I AA**

- 8.1.22. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site Nos. 000697 and 000764, in view of the sites Conservation Objectives, and Appropriate Assessment and submission of a NIS is therefore required.

## **8.2. Stage II Appropriate Assessment**

- 8.2.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:
- Compliance with Article 6(3) of the EU Habitats Directive
  - Screening the need for appropriate assessment
  - The Natura Impact Statement and associated documents

- Appropriate assessment of implications of the proposed development on the integrity each European site

### **Compliance with Article 6(3) of the EU Habitats Directive**

- 8.2.2. 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 before consent can be given.
- 8.2.3. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

### **The need for AA**

- 8.2.4. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of the objective information submitted in the Screening Report for AA and as updated that the proposed development on the subject site, for the following sites:
- Bannow Bay SAC (site code: 000697)
  - Hook Head SAC (site code 000764)
- 8.2.5. The NIS provides that the possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment. The Screening Report provides that there are no pathways to these Natura 2000 sites.
- Bannow Bay SPA (site code: 004033)
  - River Barrow and River Nore SAC (site code: 002162)

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

## **The Natura Impact Statement**

8.2.6. The application included a NIS which examines and assess potential adverse effects of the proposed development on the following European Sites.

- Bannow Bay SAC (site code: 000697)
- Hook Head SAC (site code: 000764)

## **Aspects of the proposed development**

8.2.7. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include:

- Impacts to water quality and wetland habitats through construction related pollution events and /or operational impacts.

8.2.8. The Screening for AA identified that the potential impacts that could cause a significant effect on the qualifying interests and conservation objectives of the Bannow Bay SAC (site code: 000697) and Hook Head SAC (site code 000764) during the proposed works and operation are via land, surface/ground water and air pathways through the potential release of silt and sediment, pollutants/leachate during construction and operation into the adjacent riparian and aquatic habitats impacting on the quality of these habitats and the aquatic species they support within the aforementioned Natura 2000 sites.

8.2.9. Additional impacts via land and air pathways are through physical disturbance of habitats and /or disturbance of species which form part of the qualifying interests of the SACs/SPA caused by noise and increased activity during construction works and lighting impacts during construction and operation.

8.2.10. Having regard to Habitat Disturbance the updated NIS provides that the development cannot result in disturbance effects at Natura 2000 sites due to the nature and location of the development. That there are no sensitive species present in this location which are qualifying interest of Natura 2000 sites while there will no access for people to the SAC lands. This provides that no ex-situ impacts can arise.

## **Potential for direct and indirect effects**

### Construction Phase

- 8.2.11. The construction phase will involve excavation, site preparation and soil clearance. The NIS provides that this will result in the loss of all habitats within the construction zone. No construction is to take place within the proximate Bannow Bay SAC. Any inert construction and demolition waste is to be removed by a licenced contractor and disposed of in accordance with the Waste Management Act.
- 8.2.12. It is noted that some dust and noise can be expected during the construction phase.

#### Operational Phase

- 8.2.13. The operation phase will see the development occupied and this will bring with it human disturbance as well as noise and artificial light.

#### In combination effects

- 8.2.14. Having regard to in combination effects, environmental water quality can be impacted by the effects of surface water run-off from areas of hard standing. These impacts are particularly pronounced in urban areas and can include pollution from particulate matter and hydrocarbon residues and downstream erosion from accelerated flows during food events. That there is to be no impact to surface water quality and quantity from this development due to the incorporation of proven SuDS methods. That there are no further effects can act in combination with other similar effects to result in significant effects to the SAC in question. This appears to relate to the Bannow Bay SAC. Having regard to in combination effects it does not discuss Hook Head SAC or the Bannow Bay SPA.

#### Conservation Objectives

- 8.2.15. The NIS provides that the site survey and conservation objectives documents show that there are no examples of habitats lists at qualifying interests for any Natura 2000 sites in the vicinity of the development site. While hydrophilous tall herb habitat is present, that this has not been listed as a qualifying interest of the SAC. That this habitat will not be affected by the subject proposal. There is a hydrological connection to intertidal and marine habitats downstream of the subject lands and so they provide that the following conservation objectives are relevant:
- Estuaries (code: 1130) – Permanent habitat area stable or increasing (estimated to be 34 ha); estuarine muds dominated by polychaetes and crustaceans community complex maintained in a natural condition.

- Mudflats (code 1140) – Permanent habitat area stable or increasing (estimated at 1,027ha); estuarine muds dominated by polychaetes and crustaceans community complex maintained in a natural condition.
- Large shallow inlets and bays (code:1160) – The permanent habitat and distribution of the habitat are stable or increasing: The following communities should be maintained in a natural condition: Sand with *Chaetozone christeii* and *Tellina sp.* community; and Coarse sediment with *Pisidia longicornis* and epibenthic fauna community complex.

8.2.16. That hydrological pathways exist to the Bannow Bay SAC and Hook Head SAC. The conservation objective for estuaries, mudflats and large shallow inlets and bays all refer to the preservation of invertebrate communities which distinguish the habitats. Water pollution can be assumed to impact these communities. This may affect the integrity of the SACs.

8.2.17. Because sediment and nutrient pollution can affect invertebrate communities, the integrity of the SACs could be compromised. It can act in combination with other sources of sediment and nutrients throughout the catchment of Bannow Bay to result in a deterioration of habitat quality.

### **Mitigation Measures**

8.2.18. Step 4 of the NIS describes what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site. Also, to acknowledge uncertainties and gaps in information.

8.2.19. This has regard to Pollution prevention during construction. Construction is to follow guidance from Inland Fisheries Ireland (IFI, 2016) for the protection of fish habitat. This is to include the erection of a robust silt curtain (or similar barrier) along the southern boundary to prevent the ingress of silt to the Graigues Great Stream. Water leaving the site is to pass through an appropriately sized silt trap or settlement pond so that only silt-free run-off will leave the site.

8.2.20. Dangerous substances, such as oils, fuels etc., are to be stored in a bunded zone. They note that Emergency Contact Numbers for the Local Authority Environment Section, Inland Fisheries Ireland, the Environmental Protection Agency and the National Parks and Wildlife Service are to be displayed in a prominent position within

the site compound. That these agencies will be notified immediately in the event of a pollution incident.

- 8.2.21. Site personnel are to be trained in the importance of preventing pollution and the mitigation measures described in the NIS to ensure same. The site manager is to be responsible for the implementation of these measures. These are to be inspected on a daily basis for the duration of the works, and a record of these inspections will be maintained.
- 8.2.22. They provide that no negative effects to any SAC or SPA are likely to arise from changes to surface water run-off quality due to the attenuation measures incorporated into the design. These are standard measures which are included in all development projects and are not included here to reduce or avoid any effect to a Natura 2000 site.
- 8.2.23. They refer in the updated NIS to the information contained in the Tier 3 Hydrological Assessment and provide that the proposed development and the OSWTS does not pose a risk to groundwater quality down gradient of the site and associated receptors including the Bannow Bay SAC and Bannow Bay SPA. That no negative effects to Natura 2000 sites can arise from this source during the operation phase.
- 8.2.24. The NIS concludes that “Arising from this NIS, mitigation has been proposed. With the implementation of these measures impacts on the integrity of Natura 2000 sites will not occur. This conclusion is based on best available scientific knowledge”.

### **Issues for Consideration**

- 8.2.25. As has been referred to above relative to the requirements for an NIS, I would consider that there is a dearth of information of implications of the proposed development on the integrity of each of the aforementioned European sites and their qualifying interests. An AA Screening summary matrix providing details of possible and in combination effects and screening conclusions relative to each of the Conservation Objectives of each of these Natura 2000 sites has not been given.
- 8.2.26. It is noted that Table 3-3 of the Hydrogeological Risk Assessment includes the following Natura 2000 “with a Potential Hydraulic Connection to the Site.”
- Bannow Bay SAC (site code 000697)
  - Hook Head SAC (site code 000764)



- Bannow Bay SPA (site code 004033)

- 8.2.27. It is noted on the NPWS website 'Conservation Objectives' that the Bannow Bay SAC (000697) overlaps with Bannow Bay SPA (004033) and is adjacent to Hook Head SAC (000764). That the conservation objectives for this site should be used in conjunction with those for overlapping and adjacent sites as appropriate. This overlap relative to the impact on the conservation objectives and qualifying interests of these Natura 2000 sites has not been discussed in the documentation submitted.
- 8.2.28. While Section 3.6 of the HRA refers to Natura 2000 sites and other protected and designated sites or areas within a radius of 15km of the proposed development site and Figure 3-7 provides a map showing 'Protected and Designated Areas' these are not listed and screened out in the Screening Report or the NIS (with the exception of the River Barrow and River Nore SAC). Only the key Natura 2000 sites with a potential hydraulic connection are referred to in Table 3-3.
- 8.2.29. Nor is it clarified as to why Bannow Bay SPA, which Table 3-3 of the HRA provides has a 'potential hydraulic connection to the site', is screened out. It is noted that the qualifying interest and the status of each of these Natura 2000 sites is referred to. However, details are not provided either in the Screening Report or the NIS as to whether the proposed development would impact on each of these.
- 8.2.30. The Mitigation measures referred to are relatively generic and I am not convinced that in view of the potential for hydraulic connection that sufficient specific detail has been provided as to the potential for impact on the Natura 2000 sites. On the basis of the documentation submitted, I would conclude, that it is not possible to ascertain that adverse effects on the integrity of the Natura 2000 sites can be excluded both at construction and operational phases.
- 8.2.31. I would consider that in-combination and cumulative impacts of the project when taken together with other plans and projects have not been adequately dealt with in either the original or revised NIS's submitted. Also, that the reasoning for the screening out of the Bannow Bay SPA, which has been described as being hydraulically linked, has not been given.

## **Appropriate Assessment Conclusion**

8.2.32. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the submissions made and the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the following sites:

- Bannow Bay SAC (site code 000697)
- Hook Head SAC (site code 000764)
- Bannow Bay SPA (site code 004033)

in view of the sites' Conservation Objectives.

8.2.33. Based on the information submitted, I would not consider that a conclusion based on a complete assessment of all aspects of the proposed project has been made and that it has been established that there is no reasonable doubt as to the absence of adverse effects. Therefore, having regard to the precautionary principle, it cannot be said with confidence, that the proposal will not impact on the Qualifying Interests and Conservation Objective of these Natura 2000 sites. In such circumstances the Board is precluded from granting planning permission.

## **9.0 Recommendation**

9.1. I recommend that permission be refused for the Reasons and Considerations below.

## **10.0 Reasons and Considerations**

1. The proposed development is located within the rural area and in an area designated as a Landscape of Greater Sensitivity (Hook Peninsula). Under Section 7.7.4 (*Integrated Resorts and Amenities*) and Objective TM47 of the Wexford County Development Plan 2022-2028 an applicant must demonstrate the development is 'dependent on an existing local resource' or has an 'over riding need' or a 'unique site characteristic' to be sited at such locations outside of an existing settlement. The Board is not satisfied that compliance with these criteria has been demonstrated and, therefore the

proposed development would contravene this policy and be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the planning application and appeal and in the Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on Bannow Bay SAC (site code 000697), Hook Head SAC (site code 000764) and Bannow Bay SPA (site code 004033), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.
3. It is considered that the proposed development would be premature pending the upgrade of the Fethard-on-Sea Wastewater Treatment Plant to serve the proposed development and to facilitate the orderly expansion of the town. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

29<sup>th</sup> of March 2023