An Bord Pleanála

Inspector's Report
ABP-314015-22

Development	Development of the N25 Rosslare Europort Access Road (REAR)
Location	Townlands of Ballygerry, Ballygillane Little, and Churchtown, St. Helen's, Rosslare, Co. Wexford
Applicant	Wexford County Council
Type of Application	Approval under section 177AE of the Planning & Development Act, 2000 (as amended)
Prescribed Bodies	1. Geological Survey Ireland (GSI) 2. Health Service Executive (HSE) 3. Health & Safety Authority (HSA)
Observers	1. John Paul Kelly
Date of Site Inspection	28th February 2023
Inspector	Anthony Kelly

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1.0 Introduction

1.1. Wexford County Council is seeking approval from An Bord Pleanála to undertake the development of the N25 Rosslare Europort access road (REAR). There are several designated European sites in relative proximity of the proposed works (see further analysis below). A Natura impact statement (NIS) and application under section 177AE of the Planning & Development Act, 2000 (as amended) was lodged by the local authority on the basis of the proposed development's likely significant effect on European sites.

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

1.3. A compulsory purchase order (CPO) application was associated with the proposed development. Four objections to this were received by the Board but were subsequently withdrawn. ABP Reg. Ref. ABP-314018-22 refers.

2.0 Site Location and Description

2.1. The proposed road development is located in the western area of Rosslare Harbour, in south east Co. Wexford. Kilrane village is immediately adjacent to the south west of Rosslare Harbour.

2.2. The proposed road development provides a new access road between the N25 and Rosslare Europort. It is proposed to upgrade the Ballygerry Link Road along the southern portion of the proposed route. The western portion of the proposed new road is primarily through agricultural land and requires, inter alia, the demolition of an existing two-storey habitable house. Both the access road to Rosslare Harbour Wastewater Treatment Plant (WwTP) and the Dublin – Rosslare Harbour railway line are in the route of the proposed road line. A private port-owned road which serves the

small boat harbour and the western part of the port is along the northern portion. This road is to be replaced.

2.3. The area 'enclosed' by the proposed 'C' shape route primarily contains some housing along local roads on the urban fringe of the village, agricultural land, undeveloped land, and some commercial land along Ballygerry Link Road. Rosslare Europort is adjacent to the north east of the project site, the Irish Sea to the north, agricultural land to the west, commercial land (National Vehicle Distribution Ltd.) to the south west, undeveloped land to the south, and commercial land to the south east.

2.4. The site area is 8.0708 hectares.

3.0 **Proposed Development**

3.1. The proposed development comprises the following:

- Upgrading 450 metres of the existing Ballygerry Link Road and provision of 1km of new single-carriageway road with associated lay-bys to provide a new access route to Rosslare Europort. Upgrading local road tie-ins and maintaining all existing private accesses including a railway bridge and two underpasses, providing access to both the existing WwTP and a potential future greenway.
- A shared 3 metres wide, two-way pedestrian/cycling route between the two proposed roundabouts at either end of the REAR.
- New staggered road junction with the L7021 Churchtown/Station Road involving minor road realignment.
- Modification works to the existing railway bridge to change its use from a road bridge to a proposed active travel bridge.
- Drainage systems and flood mitigation.
- Enabling works including the demolition of a single house (Wayside House).
- All associated site development and infrastructure works e.g. fencing, utilities, signage, landscaping, and public lighting.

3.2. The supporting documentation for the application has been submitted in five volumes as follows:

- Volume 1 – a 'Screening for Appropriate Assessment Report' (screening for AA report), a 'Natura Impact Statement' (NIS), and an 'Environmental Impact Assessment Screening' (EIA screening), all prepared by Mott MacDonald and all dated May 2022.
- Volume 2 – a 'Planning and Environmental Considerations Report' (PECR) dated June 2022 in two documents, both prepared by Mott MacDonald.
- Volume 3 – Planning drawings.
- Volume 4 – a 'Design Report (Phase 3)' prepared by Mott MacDonald dated May 2022 in four documents.
- Volume 5 – an 'Option Selection Report' prepared by Mott MacDonald dated November 2020 in two documents.

3.3. Paragraphs 3.4-3.10 is a summation of chapters 1-6 of the applicant's PECR (except chapter 5 (Planning and Policy Context)) which briefly outlines the background to and some information on the proposed REAR development.

3.4. The main objectives of the REAR are (i) improve accessibility and connectivity to Rosslare Europort in order to secure the sustainability and competitiveness of this key international transport corridor, (ii) improve road safety, particularly in the village, (iii) avoid/minimise negative impacts on the existing environment, (iv) improve accessibility and social inclusion in the village by managing port traffic, (v) promote balanced regional development, and (vi) promote sustainable and active travel. The N11/M11, N25, and Rosslare Europort are part of the EU's TEN-T transport network. The section from Oilgate to the port is the only section of the Belfast-Dublin-Rosslare Europort TEN-T corridor not to be of the required high-quality standard.

3.5. The port is the country's second largest port for unitised freight and passenger numbers, and it provides the shortest sea crossing to mainland Europe. Brexit has significantly intensified its strategic importance. The REAR and the port masterplan 'provide a seamless last mile transfer between land and sea on this TEN-T corridor that will provide fast and efficient connectivity for people and goods travelling through Rosslare Europort' (page 4-2).

3.6. The existing L3068 Ballygerry Link Road would be improved and a new section of road would be constructed from its western end. It would turn north over the existing railway line, before continuing east to connect into the port via a proposed new roundabout. The REAR is a key link to integrate and facilitate a number of separate planned investment projects e.g. Ballygillane roundabout, port masterplan, greenway, and N11/N25 Oilgate to Rosslare Harbour.

3.7. The applicant states that 'Comprehensive project consultations have informed the evolution of the proposed development via public information strategies, public consultations and stakeholder engagement' (page 6-1). Key project stakeholders involved include Iarnród Éireann/CIE, Rosslare Europort, The Office of Public Works, utility and service providers, and landowners.

3.8. It is anticipated that construction would commence in 2024 and be operational by the end of 2025. The construction period would be 18-24 months and the proposed development would be completed in a single phase. A Construction Environmental Management Plan (CEMP) is submitted as appendix A of the applicant's PECR. This would remain a live document and be updated regularly and revised as necessary. It is stated that the local authority will continually monitor the contractor's performance and will undertake various compliance checks. Road embankments would be constructed using excavated material or imported fill material. The main site offices and compound would be located on Ballygerry Link Road. There could also be three additional compounds; two adjacent to the works area and one approx. 4km to the west on the N25 at an existing Council compound.

3.9. Alternatives considered were continuing to utilise the existing N25 (do-nothing scenario) or improving the existing N25 (do-something management option). This selected route (do-something development) was preferred. A single carriageway urban relief road cross-section was preferred to a dual-carriageway cross section.

3.10. An urban relief road is an urban road whose primary purpose is to facilitate movement of traffic and avoid congestion or other obstacles to movement. The applicant's EIA screening report states the road is being primarily developed to provide improved and sustainable access to the port and not to facilitate urban or suburban development. The proposed speed limit for the road is 60kph. The TII standard maximum 3.5 metres wide lane under a single-carriageway urban relief route is proposed to fully

accommodate the high proportion of heavy goods vehicles (HGVs) that would use the road. A 3 metres wide central hatched area is provided for the length of the REAR, apart from at junctions etc. There are no hard shoulders. It is not considered that they are required for safety, capacity, or operational reasons. A 3 metres wide two-way shared use active travel on one side of the proposed road was identified as the preferred option. A 1.5 metres wide verge is provided. The active travel route departs from the proposed road corridor and utilises the existing bridge, so the active travel facility is not immediately adjacent to the REAR for a significant length.

4.0 **Planning History**

4.1. The main relevant planning applications and future proposed developments are set out in this section. In terms of planning applications, of particular relevance is:

P.A. Reg. Ref. 20200725 – In 2020 permission was granted for a new main access road, roundabout, internal road, and freight entrance plaza at the port. The proposed roundabout is the roundabout that it is proposed to connect the proposed REAR to at the western area of the port. Reference is made to the proposed REAR on the application drawings. At the time of my site inspection no development had taken place in relation to this permission.

4.2. A relevant local authority development is LAC1911 ('Proposed development involves the provision of a new roundabout at Ballygillane Little, Rosslare Harbour'). It was agreed at the Council meeting on 13th January 2020. This is the roundabout at the junction of the proposed REAR and the existing N25. At the time of my site inspection this roundabout was partially operational but was still under construction.

4.3. Other relevant plans and projects include:

N11/N25 Oilgate to Rosslare Harbour Scheme – This is an approx. 30km long road which will link Rosslare Europort/Wexford with both Dublin via the M11 and Cork/Waterford via the N25. The M11 Gorey to Enniscorthy motorway was opened to traffic in July 2019, and the project is studying the existing N11/N25 to the south of this motorway. The preferred scheme option brochure states that it is intended that the scheme corridor will connect with the separate REAR project to provide efficient

connectivity with both Rosslare Europort and Rosslare Harbour. The proposed development is currently at phase 3 (design and environmental evaluation of the selected route).

Rosslare Strand to Rosslare Harbour Greenway – This approx. 6km long greenway could potentially connect onwards to Wexford town and Waterford city. A preferred route corridor has been identified for the Strand to Harbour section. A suggested greenway route, including a dedicated underpass under the proposed REAR, has been identified as part of the proposed development, and it connects to the proposed cycle/pedestrian facility. The County Development Plan 2022-2028 (Objective RHK57) refers to it being along the railway line at this location. The current status of the greenway is unclear.

EuroVelo 1 / Rosslare Harbour to Kilrane Active Travel Scheme – Eurovelo 1, named the Atlantic Coast Route, is an 8,186km long cycling route running from Norway to Portugal. EuroVelo 1 follows the N25 road corridor on approach to Rosslare Harbour and Wexford County Council are currently preparing proposals for a high quality active travel scheme between the villages of Kilrane and Rosslare Harbour as part of the EuroVelo 1 route. The PECR states that the proposed REAR includes high quality segregated pedestrian & cycle facilities that will provide a direct connection between EuroVelo 1 and Rosslare Europort, providing enhanced opportunities for cycle tourism with continental Europe and the UK.

Rosslare Europort Masterplan – As per the Rosslare Europort website there is a four-stage masterplan in place which 'will see significant investment in the infrastructure of the port and allow for expansion in the current key areas of RoRo freight and passenger transport'. An investment of approximately €30m is anticipated.

Phase 1 – Perimeter access road, entrance roundabout, security fencing, freight check-in area, central spine access road, and digitisation plan.

Phase 2 – Paving from central spine road to the northern quay.

Phase 3 – Alteration around the main loading and unloading areas at the berths which would reduce traffic clash points and increase efficiency in loading and discharging operations by streamlining traffic flow.

Phase 4 – Import trailer storage, upgrade passenger vehicle check-in, and fencing.

5.0 Legislative and Policy Context

5.1. Legislative Context

The EU Habitats Directive (92/43/EEC)

5.1.1. This Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Articles 6(3) and 6(4) require an appropriate assessment (AA) of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European site.

European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)

5.1.2. These regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.

Planning & Development Act, 2000 (as amended)

5.1.3. Part XAB sets out the requirements for the AA of developments which could have an effect on a European site or its conservation objectives.

- Section 177AE sets out the requirements for the AA of certain development carried out by or on behalf of local authorities.
- Section 177AE (1) states where an AA is required in respect of development the local authority shall prepare, or cause to be prepared, a NIS in respect of the proposed development.
- Section 177AE (2) states that a proposed development in respect of which an AA is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177AE (3) states that where a NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA.

- Section 177V (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE(6)(a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received, and any other information relating to:

  (i) the likely effects on the environment,

  (ii) the likely consequences for the proper planning and sustainable development of the area, and,

  (iii) the likely significant effects on a European site.

5.2. Policy Context

National Planning Framework Project Ireland 2040 (NPF)

5.2.1. The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It will be focused on delivering 10 National Strategic Outcomes (NSOs). NSOs 2, 3, 4, 6, and 7 are relevant to the proposed development and are considered in section 8.1 of this inspector's report.

5.2.2. The NPF sets the overarching spatial strategy for the next twenty years. The National Development Plan 2021-2030 sets out the ten year investment strategy.

Climate Action Plan 2023 – Changing Ireland for the Better

5.2.1. The plan is the second annual update to Ireland's Climate Action Plan 2019. This plan is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

5.2.2. The plan implements the carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero no later than 2050, as committed to in the Programme for Government. It sets out how Ireland can accelerate the actions that are required to respond to the climate crisis, putting climate solutions at the centre of Ireland's social and economic development.

Design Manual for Urban Roads and Streets (May 2019) (DMURS)

5.2.3. Though the focus of the manual is the creation of place-based/sustainable street networks it is recognised that there are some roads which are required to cater for the efficient movement of larger volumes of motorised traffic at faster speeds over longer distances. These are generally referred as inner relief roads and urban relief roads. (As noted earlier, the proposed REAR is an urban relief road).

5.2.4. 'Urban Relief Roads are generally routed around urban areas and are commonly referred to as By-Passes or Outer Ring Roads. Designers may use these routes to direct longer distance traffic, and in particular Heavy Goods Vehicles (HGVs), away from cities, towns and villages provided they are clearly separated from the urban fabric (see Figure 3.32). Urban development should not extend to the edge of these routes without full integration into the surrounding street network. This is a strategic issue that should be resolved via a County Development Plan/Local Area Plan … and may also require close consultation with TII, where the road is part of the national road network. In the case of a motorway or national grade separated dual carriageway the future integration of the road would not be an option' (pg. 58).

National Cycling Manual

5.2.5. The five needs of a cyclist are road safety, coherence, directness, attractiveness, and comfort.

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2010

5.2.6. This guidance is intended to assist and guide planning authorities in the application of articles 6(3) and 6(4) of the Habitats Directive as it relates to their roles, functions, and responsibilities in undertaking AA of plans and projects. It applies to plans and projects for which public authorities receive an application for consent, and to plans or projects which a public authority wishes to undertake or adopt.

Regional Spatial and Economic Strategy for the Southern Region (RSES)

5.2.7. The RSES acknowledges the NPF's recognition of the need to improve land transport connections to the major ports and notes relevant National Ports policy. Regional Policy Objectives (RPO) 143 and 144 are relevant to the proposed development. The RSES is expanded upon in section 8.1 of this inspector's report.

Wexford County Development Plan 2022-2028

5.2.8. Section 8.7.1.1 (National Roads Projects) of volume 1 of the plan refers specifically to the proposed REAR development, and its route corridor is shown on figure 8.2. It is supported by objective TS62.

5.2.9. The planned Waterford to Rosslare greenway is referenced on pages 299-300. Objective TS29 states, inter alia, 'The Council will provide a cycle way, segregated where possible, between County Wicklow, Gorey, Camolin, Ferns and Enniscorthy, with a view to extending this cycle way towards Rosslare Europort and New Ross.

5.2.10. Rosslare Harbour and Kilrane are one of six settlements defined as Level 3a Service Settlements in the plan's settlement hierarchy. One of the development approaches for service settlements is to promote economic and enterprise development appropriate in scale to the settlements, such as expanding the port and port-related development in Rosslare Harbour.

5.2.11. Section 2 (pages 71-148) of volume 3 (Settlement Plans and Specific Objectives) of the plan specifically addresses Rosslare Harbour and Kilrane. It is noted that, while they are two distinct places, they are mutually reliant on each other. Among other issues of relevance to the proposed development are figure RHK-2, objectives RHK31, RHK34, and RHK55, and map nos. 3 and 4.

5.2.12. The local policy context is expanded upon in section 8.1 of this inspector's report.

6.0 **Consultations**

6.1. The application was circulated to the following prescribed bodies by Wexford Co. Co.:

- Minister for Communications, Marine and Natural Resources
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Transport Infrastructure Ireland (TII)
- National Transport Authority (NTA)
- Córas Iompair Éireann (CIE)
- National Parks & Wildlife Service (NPWS)

- Irish Water
- Environmental Protection Agency (EPA)
- Commission for Railway Regulation
- Commission for the Regulation of Utilities (CRU)
- Inland Fisheries Ireland (IFI)
- Health Service Executive (HSE)
- Fáilte Ireland
- An Taisce
- The Heritage Council
- Arts Council

6.2. In addition, the Board sought comment from the Health & Safety Authority (HSA) given the proximity of the Seveso site Rochefreight Warehousing adjacent to the Ballygillane roundabout.

6.3. Three responses were received. The main points made can be summarised as follows:

1. Geological Survey Ireland (GSI)

GSI is a division of the Department of the Environment, Climate and Communications. There are no county geological sites in the vicinity of the proposed development. The report recommends use of various datasets relating to groundwater, natural resources (minerals/aggregates), geochemistry, and coastal vulnerability and erosion. Some guidelines are also suggested.

2. Environmental Health (HSE)

The Environmental Health Services (EHS) is satisfied with the methodology used in the compilation of the surface water and lands, soil, and hydrogeology chapters in the applicant's PECR. The EHS is satisfied that if the mitigation measures outlined are applied then relevant potential risks will be mitigated.

Trucks should have access to a wheelwash and loads should be covered to minimise dust pollution during construction. Current and future emissions of NO_x, PM10, and PM2.5 for climate action milestones of 2030 and 2050 should be modelled, based on

the significant increase in freight movements described. Should consent be granted it is recommended that all air quality mitigation measures should be applied as conditions. Details of measures to address the potential increase in NO_x and PM10 at some sensitive receptors should be submitted to the planning authority.

EHS notes the methodology used to assess the noise and vibration baseline and is satisfied with the timing of the assessment and sites of assessment. Some measures are recommended in addition to the mitigation measures cited in the PECR. Noise abatement and reduction measures contained in the CEMP should be included as conditions of approval, if granted.

A Pest/Vector Control Plan should be incorporated into the design, construction, and operation of the development.

Consideration should be given to the physical segregation of pedestrians and cyclists and priority of travel provided in accordance with the transport hierarchy. It is recommended that carbon sinks i.e. trees, are incorporated into the development.

3. Health & Safety Authority (HSA)

The Authority has no observations to forward.

7.0 Submissions / Observations

7.1. One observation was received. The observer's address was not provided but it appears to be as below, given he is also a landowner affected by the proposed CPO. The observer made, but subsequently withdrew, an objection to the CPO. The points made are:

1. John Paul Kelly, Knocknagow, Rosslare, Co. Wexford

- Access to the retained lands beside the sewage treatment plant is not of the same standard as existing and will not allow for future development of the lands.
- The proposed road drainage outfall at the property is not adequate.
- There is no drainage proposed at the bottom of the embankment closest to the sewage treatment plant which will result in deterioration of the drainage of the retained lands.

- Other matters as may arise when there is more detail available. A detailed report will be presented at the oral hearing [inspector's note - as all objections to the CPO were withdrawn no oral hearing was held].

8.0 Assessment

8.1. The Likely Consequences for the Proper Planning and Sustainable Development of the Area

8.1.1. The national, regional, and local planning framework relevant to the proposed development is set out in section 5.2 of this inspector's report. This section examines the policy environment and assesses whether or not the proposed road development would be consistent with it.

National Level

8.1.2. The NPF is a high level strategic plan setting out the overarching spatial strategy to shape the growth and development of the country to 2040. It is focused on delivering 10 NSOs. In my view the proposed REAR development would be particularly consistent with five of these NSOs.

- NSO 2 (Enhanced Regional Accessibility) – The proposed REAR would accommodate and facilitate future capacity enhancements to a significant transport facility.
- NSO 3 (Strengthened Rural Economies and Communities) – The proposed REAR involves investment in this rural area (notwithstanding the scale of the port). It would contribute to the development of the rural economy. It includes provision to accommodate the proposed greenway. These have demonstrated major potential to bring new life to regional and rural locations.
- NSO 4 (Sustainable Mobility) – Notwithstanding that it is a road project, it includes provision for dedicated cycle and pedestrian facilities, much of it segregated away from the proposed REAR, and provides connection to accommodate the proposed greenway.

- NSO 6 (High-Quality International Connectivity) – This notes that 'As an island, the effectiveness of our airport and port connections … is vital to our survival, our competitiveness and our future prospects'. It is noted that long-term sustainable development of our ports requires strategic transport connections. A relevant infrastructure objective is to improve land transport connections to the major ports. I consider the proposed REAR, as part of wider proposed road improvements, would contribute significantly to achieving this objective at Rosslare Europort.
- NSO 7 (Enhanced Amenities and Heritage) – The proposed REAR would provide additional cycle and pedestrian infrastructure, would facilitate a greenway route, and would remove substantial HGV traffic from Rosslare Harbour village which would help improve the public realm and accessibility.

8.1.3. There is no particular reference to new roads projects in the Climate Action Plan 2023 per se. It mainly focuses, in relation to transport, on reducing private car usage and carbon emissions, increased use of public transport etc. The proposed development includes provision of dedicated cycle and pedestrian facilities, much of it segregated from the proposed REAR, and would facilitate a greenway route which would aid active travel. In addition, the removal of HGV traffic from within the village would more easily allow for reallocation of road space to active travel infrastructure if required.

Regional Level

8.1.4. Section 6.3.4.1 (Movement of Freight & Services) of the RSES states 'The (EU TEN-T) Network aims to achieve efficient, safe and seamless transport chains for passengers and freight …' and 'The NPF recognises the need to improve land transport connections to the major ports and airports and protect the strategic function of the key transport corridors. The National Ports policy identifies hinterland connections as critically important to a port's ability to facilitate large volumes of traffic. It is important that reliable and sustainable hinterland connections are part of an integrated transport chain. The policy highlights the potential of the port network to offer multi-modal distribution networks'.

8.1.5. RPO 143 states 'The critical role of the Region's port … assets will be protected by ensuring that local land-use policies … facilitate and do not undermine their functions and their landside access capacity …' In the context of the Rosslare Europort

masterplan, RPO 144 states 'It is an objective to complement investment in port infrastructure by seeking the sustainable development of improved access infrastructure to ports from their regional catchment …'

Local Level

8.1.6. As part of volume 1 (Written Statement) of the plan, section 8.7.1.1 (National Roads Projects) states re: N25 Rosslare Europort Access Road, that this road and associated linkages e.g. Oilgate to Rosslare Harbour and future upgrading of the N80, is part of the critical infrastructure required for the port to grow. Objective TS62 states that it is a Council objective 'To promote the development of the access road and link roads to Rosslare Europort at Rosslare Harbour, to improve accessibility and connectivity to Rosslare Europort, secure the sustainability of access to the Port and mitigate the risks from current constraints and limitations of the existing access'.

8.1.7. The Rosslare to Waterford Greenway is one of four greenways/active travel routes currently planned by the Council, possibly along the rail line. Objective RHK55 supports, in principle, the development of a greenway between Rosslare Harbour and Rosslare Strand (which is approx. 4km-5km north west of Rosslare Harbour along the coast). The proposed development facilitates such a greenway route by providing a dedicated underpass underneath the proposed REAR close to the railway line.

8.1.8. Rosslare Harbour and Kilrane are considered in detail in section 2 (Rosslare Harbour and Kilrane Settlement Plan) of volume 3 (Settlement Plans and Specific Objectives) of the plan. On map no. 4 (Objectives), the 'Selected Scheme Option for the Rosslare Europort Access Road' is illustrated. The proposed development follows the route outlined on the map. I note that a 'Proposed Cycle Lane/Footpath' objective is also shown on this map which is separate to, but would connect with, the proposed segregated pedestrian and cycle path proposed as part of the REAR. The route is also outlined in figure RHK-2 with the proposed REAR identified as an 'Indicative Arterial Road'. On map no. 3 (Land Use Zoning), the proposed new road element i.e. not Ballygerry Link Road, is zoned 'Transport Infrastructure'. The purpose of this zoning 'is to provide for transportation infrastructure to facilitate improved access to Rosslare Europort'.

8.1.9. Objective RHK31 states it is an objective of the Council 'To sustainably maintain the strategic capacity and safety of the national roads and rail network including planning

for future capacity enhancements to ensure effective land transport connections to Rosslare Europort and connecting the region's metropolitan areas, key towns, ports and airports with the Atlantic Economic Corridor and the Eastern Economic Corridor and international connectivity via the TEN-T networks'. Objective RHK34 states it is an objective 'To support the development of new access routes to the Europort and to protect the preferred route, once this has been determined, and to prohibit development which would compromise the delivery of this link road'.

Conclusion

8.1.10. Having regard to the foregoing, I consider that it is clear that the proposed REAR development would be consistent with the relevant national, regional, and local planning framework and would be consistent with the proper planning and sustainable development of the area.

8.2. The Likely Effects on the Environment

8.2.1. An EIA screening report was submitted with the application. The proposed REAR, an urban relief road, is an approx. 1.45km single carriageway road, combining both approx. 500 metres of improved existing road, and new road corridor. Annex I Paragraph 7 (b) and (c) of Directive 2011/92/EU outlined relevant development that shall be subject of EIA i.e. motorways or four lane roads longer than 10km. The proposed road does not fall within these categories. Annex II outlines development that may be subject of EIA, as determined by the member state. 'Roads' is contained in a list in Paragraph 10 (e). This was transposed into Irish legislation.

8.2.2. Schedule 5 Part 2 of the Planning & Development Act, 2000 (as amended) does not contain any threshold for a public road. It only refers to private roads longer than 2,000 metres. However, it is the Roads Act, 1993 (as amended) which is more applicable to the proposed development. Section 50(1)(a) sets out mandatory thresholds for EIA. The proposed REAR does not comply with these thresholds, the most relevant of which is subsection (iv) which refers to 'any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road'. Prescribed roads, as set out in article 8 of the Roads Regulations, 1994 are:

(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area; or,

(b) the construction of a new bridge or tunnel which would be 100 metres or more in length.

8.2.3. The EIA screening report notes that both a railway bridge and a greenway underpass are proposed but both are below the 100 metres threshold; 56 metres and 32 metres respectively. I note that an underpass for access to the WwTP is also provided, though again it is substantially less than 100 metres in length. Subsection (1)(b) permits the Board to require an EIA Report (EIAR) should it consider any other public road development would be likely to have significant effects on the environment. The applicant considers that the proposed development does not meet the mandatory thresholds and therefore there is no mandatory requirement for EIA.

8.2.4. Notwithstanding, section 3.4 of the EIA screening report further assesses the proposed development 'as a sub-threshold development to demonstrate that it will not result in likely significant environmental effects on the receiving environment'. The relevant criteria specified in Annex III of the EIA Directive, as set out in schedule 7 of the Planning & Development Regulations, 2001 (as amended) i.e. characteristics of the proposed development, location of the proposed development, and type and characteristics of potential impacts, together with their relevant sub-headings, are considered by the applicant in section 4 (EIA Screening) of the document. The EIA screening report also states that schedule 7A information, information for the purposes of screening sub-threshold development for EIA, is contained within the report.

8.2.5. Section 4 of the EIA screening report assesses the proposed REAR development in the context of schedule 7 criteria under each of the three main headings and the various sub-headings. Section 4 of the applicant's EIA screening report can be summarised as follows:

8.2.6. *Characteristics of Proposed Development* – The footprint only covers an area of approx. 8.07 hectares. Approx. 500 metres of the proposed road involves the upgrade of an existing road. The design is compliant with TII standards for single carriageway roads. There is no development requiring EIA within a 5km radius of the site and there

is no functional interdependence with any project other than the roundabout at the port which has permission and is scheduled to be completed in advance of the proposed REAR.

8.2.7. Natural resources such as aggregates and imported soil would be required for the road and bridge structures though exact quantities have not yet been determined. Excavated soils would be the largest waste type produced and the cut material may be unsuitable for reuse, though it is not considered it would be in significant quantities. 'There is no potential for construction activities to result in significant pollution or nuisances'. Noise modelling for the operational stage shows noise does not exceed the 60 dB L_{den} at receptors. There would be no risk of significant pollution to surface waters during operation. The project would not be likely to result in a major accident or disaster. The development would not result in any risks to human health. The development would result in a slight positive effect as HGV traffic would be removed from residential areas of the village.

8.2.8. *Location of Proposed Development* – The existing Ballygerry Link Road would be widened, and the new road area is located within an area zoned for that purpose. The development of the road is a stated objective of the Wexford County Development Plan 2022-2028. The implementation of best practice procedures would ensure that the abundance, availability, quality, and regenerative capacity of soil, land, water, and biodiversity is safeguarded. Land take is limited to the extent of the road project area. During construction there would be no direct discharge to waterbodies and mitigation measures would be employed. All surface water during the operational phase would pass through filter drains and/or oil interceptors. Groundwater would not be impacted.

8.2.9. There would be no significant impact on biodiversity. There would be no direct works along the coast. It is approx. 40 metres away at the closest point of the proposed alignment. A NIS has been prepared (see section 8.3 of this inspector's report). There would be no impact on recorded monuments. A landscape and visual impact assessment 'has assessed the landscape sensitivity in relation to the existing anthropogenic activities around the port as Low'. Construction activity would be temporary. The operational phase would have a local impact, but it is supported by the County Development Plan 2022-2028.

8.2.10. *Type and Characteristics of Potential Impact –* The magnitude of the impact would be limited to the immediate surrounds of the development. It is considered that the impact to the village would be positive. The type of development is common and has 'been subject to previous assessments of impacts such that impacts can be predicted and effective mitigation can be readily implemented to ensure that significant adverse impacts are not likely'. Construction would take approx. two years. The development has a horizon year of 55 years, resulting in a permanent greenfield loss and landscape impact, though this is not considered to be significant.

8.2.11. Cumulative effects are not anticipated. The permitted roundabout developments at either end are expected to be operational in advance of the proposed REAR, and the proposed REAR is expected to be operational before construction of the proposed Oilgate to Rosslare Harbour project. The proposed design has been optimised 'to ensure that environmental impacts are minimised as much as possible'.

8.2.12. The applicant's EIA screening report concludes that impacts associated with the proposed development are not considered to be significant, it does not require mandatory EIA, and does not warrant a sub-threshold EIA.

8.2.13. I have taken into consideration the content of the EIA screening report and I concur generally with the overall conclusions drawn by the applicant in this regard. In addition, I note the relevant thresholds set out in s.50(1)(a) of the Roads Act, 1993 (as amended), and the content of schedules 5, 7, and 7A of the Planning & Development Regulations, 2001 (as amended). The proposed road has two lanes, not four as per the threshold, and the proposed bridges/tunnels are relatively limited in nature and substantially below the 100 metres threshold cited in the same 1993 Act. Therefore, EIA is not mandatory under that Act. In addition, the proposed development does not require mandatory EIA under schedule 5 of the Planning & Development Regulations, 2001 (as amended).

8.2.14. The Board can direct that the development be subject to EIA under s.50(1)(b) of the Roads Act, 1993 (as amended). However, having regard to the foregoing, I consider that the proposed REAR development is substantially below any relevant EIA threshold. Therefore, having regard to the nature of the proposed development and the EIA screening report submitted with the application, I am satisfied that the proposed REAR development would not result in such significant effects on the

environment that would warrant sub-threshold EIA, and therefore I do not consider preparation of an EIAR is required.

8.2.15. Notwithstanding that an EIAR is not required, the applicant has submitted a substantial PECR document which, in layout and content, is effectively a shorter EIAR. It includes chapters on the description of the development, the need for the scheme, planning and policy context, and consultations undertaken. There are chapters addressing environmental issues such as roads and traffic, air quality, climate, landscape, surface water, biodiversity, and material assets. There are detailed appendices. I refer to the PECR in the following assessment.

8.2.16. Having regard to the nature and location of the proposed development and the likely effects on the environment I consider the following issues should be considered and assessed. These are:

- Demolition
- Roads and Traffic
- Impact on Amenity
- Biodiversity
- Visual Impact
- Surface Water and Groundwater

8.2.17. AA is separately considered in section 8.3 of this inspector's report.

Demolition

8.2.18. The proposed development involves the demolition of one habitable house which is not a protected structure or included on the national inventory of architectural heritage (NIAH). I have no objection in principle to the demolition of this house.

Roads and Traffic

8.2.19. The project is considered to be a minor project in the context of TII developments. Existing access to Rosslare Europort is by way of the N25, resulting in substantial traffic, including HGVs, through Rosslare Harbour village. The PECR sets out the baseline environment. 2019 traffic data from a permanent TII automatic traffic counter on the N25 between Kilrane and Rosslare Harbour village is used as it is the most

recent data representing pre-pandemic conditions. The annual average daily traffic (AADT) in 2019 was 5,786 with 8.5% HGVs. Construction traffic is expected to comprise a total of 70,980 movements, with a daily peak of 251 movements. This would result in an increase of 4.3% on the 2019 AADT during peak construction.

8.2.20. A traffic demand model has been developed. Baseline data from 2018-2021 has been disrupted by Brexit and the pandemic. 2022 projections are based on data from the first three months of the year and are applied as the base year for future year forecasts; 2025 (opening year), 2040 (design year), and 2055 (horizon year). Data collected for modelling included results of the permanent traffic counter on the N25 and annual freight and passenger traffic using the port. Total weekly sailings from the port increased from 42 in 2016 to 86 in 2021. It was projected that freight traffic in 2022 would reach at least 200,000 vehicles with at least 300,000 passenger vehicles.

8.2.21. TII Project Appraisal Guidelines (PAG) are applied to forecast future travel demand. Three scenarios are generally used; low, high, and central. Given the abnormally high projected port growth a 'future port growth scenario' has been developed. Only this and the central scenario were developed, allowed for by TII where a port is a terminal origin/destination point on the national road network. Forecast AADTs with and without the proposed REAR in 2025, 2040, and 2055 are tabulated and illustrated in section 9.5.2.7 of the PECR. This shows the anticipated number of vehicles that would use the proposed REAR and not travel through the village. Estimates range between 1,436 and 1,807 vehicles a day between a central growth scenario in 2025 and a high port growth scenario in 2055.

8.2.22. The proposed road development is supported by regional and local plans. Its impact on the environment would be mainly at the construction phase with some operation stage impact. However, it should be noted that, in the absence of the proposed REAR, traffic to the port would remain travelling through the village. The provision of a purpose-built road would remove a significant number of HGVs from travelling through the village which would result in it being less difficult to implement any public realm improvements that may be considered and also result in less traffic, noise, and general nuisance being experienced by residents and visitors.

8.2.23. As traffic would be diverted to the new road this would result in a change to the environment on the western fringe of Rosslare Harbour village. These changes are

assessed elsewhere in this section. However, the proposed road line is set out in the County Development Plan 2022-2028. In addition, I note that no observation against the proposed development has been received, except for one which relates to site-specific issues rather than wider likely effects on the environment.

8.2.24. Given the policy support for the proposed development, the fact that traffic will likely increase to the port in future, and the positive impact that it would have on the environment of Rosslare Harbour village, I do not consider there would be any significant likely adverse roads and traffic effects on the environment as a result of the proposed development.

Impact on Amenity

8.2.25. There are a number of aspects of the proposed development that could result in adverse effects on the amenity of local residents and businesses. These include noise, air quality, and impact on material assets. Having regard to the content of the PECR, I assess the implications for likely effects on amenity as a result of the proposed development in the following paragraphs.

Noise

8.2.26. A baseline noise survey was carried out in June 2021. Locations close to houses, adjacent to the N25, and at the railway line were used. During the construction phase it is anticipated that five houses along Station Road (illustrated on figure 10-5 of the PECR), would experience some noise levels marginally above the 70 dB(A) 'threshold of acceptability'. Anticipated vibration levels are not expected to cause an issue given distances to properties/buildings. Construction compounds, one of which is to be located relatively close to houses, 'are not expected to result in significant noise impacts due to the likely infrequent and temporary nature of operation'.

8.2.27. Operational phase calculated road traffic noise for both opening year (2025) and design year (2040) in both do-nothing and do-something scenarios are illustrated on figures 10-7 to 10-10 of the PECR. The design goal is 60 dB L_{den}. Closest receptors to the proposed scheme show relatively large noise level changes due to the low existing noise levels. Opening year increases at houses along Station Road increase from approx. 45 dB L_{den} up to approx. 57 dB L_{den}. No measures are considered necessary to mitigate noise levels. It is stated that, within the operational phase study area (600 metres from the edge of all new carriageways i.e. the wider area), 'the

proposed scheme does not significantly alter the total number of dwellings exposed to levels of road traffic noise that exceed the Design Goal of 60 dB L_{den}'.

8.2.28. As the construction phase is uncertain at this stage 'it is not meaningful to consider in detail the mitigation of noise …' Three main mitigation measures are outlined, and it is stated that further measures will be contained in the CEMP. No operational phase mitigation is proposed. The applicant considers that construction phase noise and vibration can be adequately controlled such that there would be no residual impacts.

8.2.29. I note the potential for cumulative impacts as a result of the proposed number of road-related projects. The Ballygillane roundabout is likely to be fully operational in the short-term. Works within the port are separate to the proposed REAR development and I do not consider it likely that they would have significant cumulative impacts. The proposed Oilgate to Rosslare Harbour scheme is not as far advanced as the proposed development and works for that project, where it is anticipated they would link, are west of the proposed REAR and therefore not likely to have a significant impact on the residential area east of the proposed REAR scheme.

8.2.30. Construction phase noise is an inevitable and unavoidable consequence of development of the type proposed. However, notwithstanding the relatively lengthy proposed construction period, it is a temporary noise source. The proposed road development is supported by relevant regional and local policy. I consider that additional construction phase mitigation measures further to those cited on page 10-20 of the PECR should be contained within the CEMP when the specific working methods and sequence of activities become clearer. I acknowledge that operational phase noise levels would increase to houses along Station Road, however again this is an inevitable consequence of the road development in line with objectives, and would bring wider benefits to the village environment. I note that no objections relating to construction or operational phase noise have been received. Having regard to the foregoing I do not consider that construction or operational phase noise would have an unduly significant likely effect on the environment.

Air Quality

8.2.31. Chapter 11 (Air Quality) of the applicant's PECR sets out the methodology used and how baseline data was obtained, including undertaking a three-month scheme-specific monitoring survey at key locations to establish baseline nitrogen dioxide (NO_2)

concentrations. Predicted pre-mitigation construction phase dust and health impacts are outlined. Dust soiling effects are considered low to medium, while health effects are deemed low to negligible.

8.2.32. The chapter identified 138 no. sensitive receptors within 50 metres of the road links with a change in emissions of more than 5%. The two locations with the greatest increase in pollutants (NO_2, PM_{10} (particulate matter with diameter less than 10µm) and $PM_{2.5}$) are at Greenore Park which is south of the proposed port roundabout and the railway line, and at the house it is proposed to demolish. These are described as 'small' impacts. Across all assessment years modelled concentrations 'are predicted to be well below the air quality standards'. '(T)he overall impact of the proposed scheme on air quality is considered to be negligible.

8.2.33. General construction phase mitigation measures are set out in section 11.5 of the PECR. No operational phase mitigation is proposed. Negligible residual impacts are anticipated during both construction and operational phases.

8.2.34. As with construction phase noise, dust is an inevitable and unavoidable issue on construction sites such as this where there are relatively significant earthworks involved. Notwithstanding, it would be of temporary duration, mitigation measures are proposed, and road construction is a common type of development so the mitigation measures are well proven. I note that no operational phase mitigation is proposed, and I agree with the applicant that none is needed. The proposed road development is supported by relevant regional and local policy. No objections relating to construction or operational phase impact on air quality have been received. Having regard to the foregoing I do not consider that there would be any undue adverse impact on air quality as a result of the proposed development.

Material Assets

8.2.35. The applicant's PECR contains two material asset chapters: chapter 17 (Material Assets – Non-Agricultural) and chapter 19 (Material Assets – Agricultural).

8.2.36. Non-agricultural material assets are defined as built services and infrastructure. During the construction phase, service disruptions would only occur where unavoidable, according to the PECR. ESB, Eir, and Irish Water conflicts are identified. Waste management is also referred to within this chapter. In common with some other PECR chapters the cumulative effects section of this chapter notes the risk of the proposed

construction phase taking place at the same time as the construction phases of other proposed developments. The applicant states that where works occur in parallel, appropriate mitigation measures should be considered. No significant residual effects are anticipated following mitigation.

8.2.37. Construction phase impacts to agricultural land are land-take (approx. 3.49 hectares), land separation/severance (one field would be severed), and disturbance, with land-take and severance being permanent impacts. Operational phase disturbances include noise and air emissions, changed access to retained separated land, and lighting. Table 19-6 of the PECR outlines pre-mitigation and residual (post-mitigation) impacts on affected land parcels. The land parcel to be severed by the proposed new western section of road would be subject of a significant adverse residual impact. 'The overall residual impact on agriculture … is slight adverse due to a high magnitude of impact on low sensitivity of the study area' [sic].

8.2.38. It appears that the third-party submission was made by the landowner of the agricultural land both north and south of the railway line, which includes the field which it is proposed to sever. The submission states briefly that access to the retained lands 'are not of the same standard as the existing access and will not allow for future development of the lands'. The land to the south of the railway line appears to be accessed from an open area adjacent to the north of Wayside House, the house to be demolished. It appears that this access location would be unaffected by the proposed development, though it would access a reduced field size of approx. 1 hectare. A new access to the field area east of the proposed REAR is to be provided from the proposed REAR and is indicated as 'Access No. 6 Proposed New Field Access' on the 'Overall Plan Layout' drawing (drg. no. 229100548-MMD-0000-RE-DR-C-0101). The current access to the field north of the railway line appears to be from the local road immediately north of the railway bridge. It appears that a new access to this field is also to be provided from the proposed REAR, identified as 'Access No. 7' on the layout plan previously referred to. The observer has not clarified which new access is being referred to in the submission, or both, and the reason why they are not of the same standard as the existing access(s). None of the three land parcels/field areas are landlocked as a result of the proposed development. The observer also refers to the access not allowing for future development of the land. In my opinion there is no

clear basis to support the third party's contention regarding access and future development potential.

8.2.39. Having regard to the two material assets chapters I acknowledge that the proposed REAR development would have an impact on the amenity of affected assets, in particular agriculture. Notwithstanding, the relevant areas are appropriately zoned for transport infrastructure, the proposed REAR follows the selected scheme option for the proposed REAR, and the land-take is subject of a compulsory purchase order process in which each objection has been withdrawn. I consider that the impact on agricultural assets is acceptable.

Population and Human Health, and Climate

8.2.40. The applicant's PECR includes chapters on population and human health (chapter 8) and climate (chapter 12) which indirectly relate to the amenity of residents in the vicinity of the proposed REAR.

8.2.41. Having regard to population and human health, the applicant notes in the PECR that a number of human health related receptors are addressed in other more relevant chapters such as noise and vibration, and air quality, and which have already been considered above. In addition, the Board sought a submission from the HSA given the location of the Seveso site. The HSA had no observation to make.

8.2.42. In terms of predicted construction and operational phase impacts the PECR chapter considered issues of demographic and economic profile, land use, tourism, recreation and amenities, and human health and wellbeing, as the potential effects of air, dust, and traffic were addressed in specialist chapters. Improved accessibility, connectivity, social inclusion in the village, and active travel infrastructure would result during the operational phase. I consider the proposed development, overall, would be positive in terms of population and human health.

8.2.43. In relation to climate, construction phase carbon impact is anticipated to be approximately 1,042 tCO_2e (tonnes of carbon dioxide equivalent), primarily in the embodied construction raw materials, and operational carbon impact (street lighting and maintenance) is anticipated to be 401 tCO_2e. '(T)he total emissions for this project over the entirety of its lifetime represents 0.0047% of Ireland's 2030 GHG target (30,545 $ktCO_2e$)'. (GHG – greenhouses gas). Medium range flood risk assessment modelling found a low risk of future flooding.

8.2.44. I note the use of the existing Ballygerry Link Road as part of the proposed REAR. This would reduce the necessity for new road construction. The PECR notes that, while the proposed REAR route would be longer than the existing N25 access to the port, there is likely to be improved efficiency from better design standards. I consider that it would be Rosslare Europort itself that would attract any additional traffic to the road and general area, rather than the proposed REAR itself. Overall, I consider that the proposed development would have negligible impact on climate while noting that the proposed road development is supported by the regional and local planning framework.

Biodiversity

8.2.45. A desktop review was carried out and site walkovers took place on 14th April 2021, 25th May 2021, 4th March 2022, and 7th March 2022. Surveys for badgers, bats, wintering birds, and breeding birds were carried out. In terms of the baseline environment, the nearest European site is Carnsore Point SAC approx. 1.4km to the east. There are no Natural Heritage Areas (NHA) in the wider vicinity of the site. The closest proposed NHA (pNHA) is St. Helen's Burrow approx. 1.9km to the south east (which partially overlaps with Carnsore Point SAC), and not Wexford Slobs and Harbour pNHA as outlined in table 15-5 of the PECR, which is approx. 2.6km to the north west.

8.2.46. Records of rare and protected flora and fauna species in the wider area are set out and a description of habitats on site is provided. These are buildings and artificial surfaces (having local importance of local value), recolonising bare ground (at one of the proposed construction compounds; local importance, lower value), tilled land (north of the WwTP and railway line; local importance, lower value), wet grassland (outside the development footprint; local importance, higher value), dry meadows and grassy verges (along the private road in the north of the footprint; local importance, higher value with some areas at the sloping coastal edge (seacliff habitat) evaluated as county importance), areas of scrub and hedgerows were considered to be of local importance, higher value, treelines (typically non-native; local importance, lower value), agricultural grassland (western area of the proposed road; local importance, lower value as it is highly modified and managed), and drainage ditches which are considered of local importance, lower value as they are typically highly modified, overgrown, and with little flow.

8.2.47. The PECR makes baseline reference to plants, non-volant mammals, bats, and breeding birds within the survey area. 'No protected or rare plant species of conservation value were identified …' (pg. 15-40). Badger (no indication of significant numbers) and amphibian species (frogs and newts; very limited habitat) are considered to be of local importance, higher value. Forty six species of breeding bird were encountered during the April and May 2021 surveys. Linnet and starling (15 no.) were the most common species recorded within the scheme footprint and starling (96 no.) was also the most common species recorded outside the scheme footprint. Breeding bird populations are assessed as local importance (higher value). Twenty seven wintering bird species were recorded during two winter season surveys (2019/20 and 2020/21). Sixteen of these were species associated with nearby European sites. These are assessed as of county importance, though numbers were relatively low. I note that the applicant's NIS contains a wintering bird survey for 2021/22. It is unclear why there is a discrepancy between the PECR and the NIS in this regard. The only additional species identified was a single mallard. The marine mammal population is also assessed as county importance. One invasive species (three cornered leek) was encountered. A summary of key ecological receptors is outlined in table 15-12.

8.2.48. The proposed development would result in a permanent loss of habitat. During the construction phase there would be impact on biodiversity as a result of dust, noise, visual disturbance, and surface water run-off. The likely construction phase impacts are set out in section 15.5.4.1 of the PECR on designated sites, habitats, protected plant species, mammals, bats, birds, amphibians, and marine mammals. European sites are addressed under section 8.3 of this inspector's report, though there would be no direct impact. Impact on the habitats scrub, hedgerows, drainage ditch, and dry meadow and grassy verge is assessed as a permanent moderate negative effect at a local scale. The impact on the 0.11 hectares of affected seacliff is considered to be a permanent slight negative effect. For badgers and mammals, bats, birds, amphibians, and marine mammals no impact is considered to be greater than a moderate negative impact. This is at a local scale in the short-term on badger and mammals. The PECR assesses that, at the operational stage, there would be permanent slight negative impact on badgers and mammals (reduction in habitat), bats (increased lighting), and wintering birds (increased noise and visible traffic particularly to species recorded in

the surveys which are associated with coastal and offshore habitats, though I note the NIS refers to the reduction of traffic visibility in the area of the proposed cutting). The loss of nesting habitat for breeding birds would result in a permanent moderate negative effect.

8.2.49. The previous impacts were assessed in the absence of mitigation. Section 15.6 of the PECR outlines mitigation measures relating to vegetation clearance, compensation and retention of habitats, and water quality. For example landscape planting provides opportunities to compensate for some lost areas, and the attenuation ponds would support semi-aquatic plant species and suitable habitat for amphibians. Measures aimed at concrete and hydrocarbons are outlined. Targeted mitigation measures against impacts to breeding birds, amphibians, badgers, bats, wintering birds, and marine mammals are also outlined. The anticipated residual effects are tabulated in table 15-15 and 'the overall residual effect on biodiversity, including all potentially sensitive receptors outlined, is assessed as a slight' [sic].

8.2.50. I consider that the applicant's description of the baseline environment, further to a site inspection, is accurate. The area of the proposed REAR along the Ballygerry Link Road is an urban-type environment with some industrial uses already established along it. The western area of the site, while it traverses an agricultural field, is in relatively close proximity to some housing, a WwTP and access road, and a railway line. The northern area of the proposed REAR is also in close proximity to the railway line as well as a private access road and, at the eastern end, Rosslare Europort. Therefore, the general environment is relatively urban in nature and many species identified within the PECR biodiversity chapter would have some degree of habituation to noise and traffic.

8.2.51. I accept the applicant's conclusion that the proposed development would have a slight adverse residual impact on biodiversity. It is inevitable that there would be an adverse impact given the removal of habitat and the noise and light that would be introduced to the area, in particular the new portion of road extending from the Ballygerry Link Road. No submission from third parties has been received referring to the impact of the proposed development on biodiversity. I note that a copy of a letter from the applicant to NPWS, as a prescribed body, informing it of the proposed development and that submissions or observations may be made to the Board, was part of the

application received by the Board. NPWS/Department of Housing, Local Government and Heritage has not made a submission on this application.

8.2.52. Biodiversity overlaps with impact on European sites. I address this issue in section 8.3 of this inspector's report.

8.2.53. As referenced elsewhere in this inspector's report, the proposed REAR is supported by the local and regional policy framework. Road construction projects are common projects in Ireland and the proposed REAR does not provide any unique elements not previously encountered that might result in particular construction or operational difficulties. I consider it to be a standard construction project. I am satisfied that the mitigation measures outlined in the PECR are normal, well proven good practice measures for construction works. I note the references to an environmental clerk of works (EnCoW) and ecological clerk of works (ECoW) in the mitigation measures section of the chapter. In addition, I note the terminology used to describe the mitigation measures i.e. 'will' and 'shall' rather than 'should' or 'could' etc.

8.2.54. Having regard to the foregoing, I am satisfied that the potential for impacts on biodiversity can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on biodiversity.

Visual Impact

8.2.55. The construction of a new road involving cut and fill elements would have a localised visual impact. Chapter 13 (Landscape and Visual) of the applicant's PECR addresses this issue in the form of a landscape and visual assessment (LVIA). A landscape impact assessment relates to assessing effects of a development on the landscape as a resource in its own right, whereas visual impact assessment relates to assessing effects of a development on specific views and on the general visual amenity experienced by people. In terms of the baseline environment it is described as a relatively flat coastal plain landscape.

8.2.56. Section 13.4 of the PECR sets out the predicted impacts. In terms of the landscape impact, the sensitivity of the receiving landscape is considered to be low. The magnitude of landscape impact during both construction and operational phases is deemed to be high-medium, though effects on landscape character would dissipate quickly beyond the immediate corridor. Given the low landscape sensitivity and high-

medium magnitude of effects in the immediate vicinity the overall significance of landscape impact is considered to be 'no greater than Moderate-slight with most of the 2km radius study area likely to experience Imperceptible landscape impacts' [sic].

8.2.57. The applicant selected five viewshed reference points (VRPs) from which to study the visual impact of the proposed development in detail. They are set out in table 13-5 of the PECR and illustrated on figure 13-3. Three viewpoints are immediately adjacent to the site and two are from a greater distance to the east along the N25. The key visual receptors are considered to be local residents in close proximity to the proposed development.

8.2.58. Photomontages have been produced to illustrate the impacts from the five VRPs. These are contained in appendix H2 to the PECR. Each VRP is individually described and considered. The post-mitigation significance of visual impacts, as considered by the applicant, ranges from moderate (VP1; the existing railway bridge) to imperceptible (VP2 and VP4; both along the N25 east of the proposed road). Planting is the proposed mitigation measure. There would be different planting mixes on each side of the proposed road. On the eastern side the planting mix would soften and assimilate the engineered slopes of the embankments providing screening and privacy for the houses whereas on the seaward embankments far less dense planting is proposed to allow elevated coastal views to road users. Embankments other than adjacent to the houses on Churchtown Road would be seeded with a coastal grass mix of local provenance.

8.2.59. The applicant considers that the residual, post-mitigation, impact would not result in significant landscape or visual impacts.

8.2.60. I note that, in the period between the submission of the application and the preparation of this inspector's report, the Wexford County Development Plan 2022-2028 replaced the previous 2013-2019 plan. Volume 7 of the current plan contains the Landscape Character Assessment. As with the previous plan the proposed REAR is located within the 'coastal' landscape character area. While coastal areas are considered to be of 'high' sensitivity rating, as per table 7-3 of the 2022-2028 Plan, I agree with the applicant that the specific study area subject of the LVIA can be considered to have low sensitivity given the complex mixture of land uses associated with the landscape, the support for the proposed REAR in the policy framework, and the nature of the

applicable zonings. Volume 7 contains fifteen landscape objectives. I do not consider that the proposed development would be inconsistent with any relevant objective.

8.2.61. The County Development Plan 2022-2028 does not contain any specific scenic routes or protected views. I do not consider that any existing road or viewpoint that may be affected by the proposed road proposal could be considered as comprising a particularly scenic route or viewpoint. While the view from the existing railway bridge has views of the sea it equally has views of the railway line and WwTP. Indeed, it is likely that the proposed REAR would create brief panoramic views of the sea when users are travelling in the direction of the port. As noted in the PECR the houses that would be most affected by the proposed development are located at a relatively low level compared to the existing railway bridge assessed in viewpoint (VP 1) and they do not have views of any particular value that would be affected by the proposed road.

8.2.62. The applicant selected five VPRs for the preparation of photomontages. There are no VPRs from the east or south of the proposed development. I am unsure as to the degree of public accessibility to the west of the proposed development though there does not appear to be any public road within approx. 1.5km. Given the existence of the railway line and the proposed development of a greenway along it, a VPR to the west of the site would have been useful to illustrate the scale of the proposed development. In addition, the photomontages were presented on an A4 page with up to four montages per page. While the photomontages are adequate, presenting them at A3 scale may have resulted in a clearer and more detailed illustration.

8.2.63. Notwithstanding, I consider VPRs 1, 3, and 5 are useful to understand the likely impact of the proposed development. The panoramic photomontages for VPRs 1 and 3 indicate the full extent of the impact from those particular viewpoints. I agree with the conclusions reached by the applicant in terms of the significance of the landscape impact and the post-mitigation significance of the visual impacts at the selected VPRs. I note from the photomontages that the public lighting columns would be a notable feature of the proposed road.

8.2.64. The landscape within which it is proposed to construct the proposed REAR has a variety of existing uses in the immediate vicinity: existing road, industrial, agricultural, residential, public utility, transport, coastal, and the port. The land either side of the Ballygerry Link Road is zoned for industrial uses so it is reasonable to assume

additional industrial buildings and activities would develop in the future. Though it has also been referenced elsewhere in this inspector's report on a number of occasions it must be noted that the western area of the site is zoned specifically for transport infrastructure and the proposed road follows the REAR scheme option set out in the objectives map for Rosslare Harbour and Kilrane. This area is also likely to be where the proposed Oilgate to Rosslare Harbour road project will connect with the proposed REAR. The higher ground levels in the western area of the scheme are required to traverse/accommodate the existing WwTP access road and the railway line. A combined bridge is the clear solution to that issue and would also accommodate a proposed greenway route. Construction of the bridge structure would have an unavoidable visual impact.

8.2.65. Having regard to the foregoing, I consider that the applicant has adequately considered the issue of landscape and visual impact and I consider that the anticipated impact is acceptable, subject to mitigation being carried out as proposed.

Surface Water and Groundwater

8.2.66. The impact of the proposed development on surface water is an important consideration and is addressed in chapter 14 of the applicant's PECR. The Flood Risk Assessment (FRA), attached to the PECR as appendix I, identifies two streams on figure 2-1 that cross the proposed road line, a 'local' stream and the Harbour Stream, both of which discharge to the Kilrane/Grange Big stream to the west of the proposed REAR. It is proposed to discharge surface water from a section of the proposed REAR to the local stream. Surface water from the northern portion would outfall to the port system and to coastal waters. The proposed attenuation ponds provide capacity to remove pollutants and solid material.

8.2.67. Predicted construction phase impacts are impacts to surface water quality, impact on drainage patterns, and impacts on water supply and drainage infrastructure. Operational phase impacts are cited as accidental fuel leaks or spillages and routine road runoff. A number of construction phase general and surface water quality protection mitigation measures are set out, in addition to the embedded mitigation i.e. attenuation ponds and petrol interceptors. No operational phase mitigation, other than the embedded measures, are proposed.

8.2.68. Hydraulic modelling in the FRA shows no existing flood risk to the proposed road corridor and flood risk as a result of the proposed REAR is low. The residual risks of climate change and surface water blockage are shown not to increase the risk to the proposed REAR, though the proposed pedestrian/cycle lane is shown to be at risk in the 0.1% annual exceedance probability (AEP) event. 'It is recommended to have a Flood Plan in place to ensure the safety of its users in such an extreme event' (pg. 20).

8.2.69. Chapter 16 (Land, Soils, Hydrogeology) includes additional detail for the water environment. In the summary it is stated that 'the proposed cutting is not thought to extend into the underlying aquifer … significant dewatering is not anticipated to be required'. Control and discharge of surface water 'will subsequently prevent contamination migration into the aquifer'.

8.2.70. The third-party submission received has raised a concern in relation to drainage. The specific issues raised have not been set out or clarified in any detail. Surface water on the proposed hard surface road area is accommodated by the proposed drainage network. While there may be some surface water run-off to the adjacent field, I do not consider that it would be significant. The sloped embankment would accommodate much of it and I note that there is an approx. 5 metres distance between the bottom of the embankment and the proposed boundary fence as per cross section drawing no. 229100548-MMD-0000-RE-DR-C-0103.

8.2.71. I note the watercourses affected by the proposed development are not substantial in scale. The applicant characterises the importance of the receiving environment in the context of surface water as low i.e. it has a low quality or value on a local scale. The issue of surface water and its specific impact on European sites is separately addressed in section 8.3 of this inspector's report. With the application of the identified mitigation measures outlined in chapters 14 and 16 of the PECR, I am satisfied that the applicant has demonstrated that there would not be a significant impact on the surface water or groundwater environments as a result of the proposed development.

8.3. The likely significant effects on European site(s)

8.3.1. The areas addressed in this section are as follows:

- Compliance with article 6(3) of the EU Habitats Directive
- The Natura impact statement (NIS)
- Appropriate assessment (AA)

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

8.3.2. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Article 6(3) of this directive requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to AA 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.

8.3.3. The proposed development is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of article 6(3).

The Natura impact statement (NIS)

8.3.4. The application was accompanied by a NIS which describes the project characteristics, the existing environment, the characteristics of European sites in the area, the impact prediction, the potential for adverse effects both alone and in-combination, proposed mitigation measures, and a conclusion. The NIS is accompanied by a screening for AA report which concluded that there was potential for significant effects on European sites and a stage 2 NIS was required.

8.3.5. The NIS was informed by, inter alia, a desk study, field walkover surveys, breeding bird surveys, and wintering bird surveys. A detailed PECR was also submitted with the planning application. The NIS contains data from wintering bird surveys over three winters, 2019/20, 2020/21 and 2021/22. According to the applicant, pre-application consultation was carried out with the Development Applications Unit (this presumably

refers to NPWS/Dept. of Housing, Local Government and Heritage), but no concern related to European sites were included in the response received.

8.3.6. The applicant's NIS states that 'it can be concluded that no adverse effects on the integrity of any European sites will arise (directly or indirectly), in view of the site's conservation objectives'.

8.3.7. I note that no observation or submission has been received from any third party or prescribed body that relates to impact on a European site.

8.3.8. Having reviewed the NIS and the supporting documentation I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Detail of mitigation measures are summarised in section 8 of the NIS. I am satisfied that the information is sufficient to allow for AA of the proposed development.

Appropriate Assessment (AA)

Stage 1 Screening

8.3.9. Section 177AE of the Planning & Development Act, 2000 (as amended), sets out the requirements for AA of development carried out by or on behalf of a local authority. Section 177AE (3) states that where an NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA. There is no requirement for the Board to undertake screening in these cases as it is presupposed that the local authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant). Nonetheless, it is considered prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.

8.3.10. A 15km radius from the application site is the distance normally used for considering the potential for impact of a proposed development on a European site, though this is extended or reduced depending on the type and scale of the proposed development, the nature of the European site etc. In this case I am satisfied that a 15km radius is

appropriate for the purpose of screening for AA. The European sites within this radius are as follows:

Table 1 – Summary table of European sites within a possible zone of influence (ZoI) of the proposed development

European site (site code)	Qualifying interests (QI) / Special conservation interests (SCI)	Distance from application site (km)	Source – pathway – receptor link?	Considered for stage 2 AA?
Carnsore Point SAC (002269)	Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170]	Approx. 1.4km to south east	Yes. Coastal proximity and hydrological by way of surface water discharge through the port.	No
Long Bank SAC (002161)	Sandbanks which are slightly covered by seawater all the time [1110]	Approx. 2.9km to north east	Yes. Coastal proximity and hydrological by way of surface water discharge through the port.	No
Lady's Island Lake SAC (000704)	Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220]	Approx. 3.8km to south west	Yes. Coastal proximity and hydrological by way of surface water discharge through the port.	No
Lady's Island Lake SPA (004009)	Gadwall [A051] Black-headed gull [A179] Sandwich tern [A191] Roseate tern [A192] Common tern [A193] Arctic tern [A194] Wetlands and waterbirds [A999]	Approx 3.9k to the south west	Yes. There is potential for SCI species associated with the SPA to occur outside the SPA. Three SCI species (black-headed gull, sandwich tern, and common tern) were identified in both breeding bird and wintering bird surveys. The highest recorded peak count was 49 no. black-headed gulls. This was also the highest recorded peak count as a percentage figure	Yes, I consider that there is a viable source-pathway-receptor link.

			of (available) national importance; 5%.	
Wexford Harbour and Slobs SPA (004076)	Little grebe [A004] Great crested grebe [A005] Cormorant [A017] Grey heron [A028] Beswick's swan [A037] Whooper swan [A038] Light-bellied brent goose [A046] Shelduck [A048] Wigeon [A050] Teal [A052] Mallard [A053] Pintail [A054] Scaup [A062] Goldeneye [A067] Red-breasted merganser [A069] Hen harrier [A082] Coot [A125] Oystercatcher [A130] Golden plover [A140] Grey plover [A141] Lapwing [A142] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed godwit [A156] Bar-tailed godwit [A157]	Approx. 4.2km north west	Yes. There is potential for SCI species associated with the SPA to occur outside the SPA. 13 no. SCI species were identified in wintering bird surveys. In addition, shelduck was recorded in the breeding bird surveys in the PECR. The highest recorded peak count was 151 no. lapwing. The highest recorded peak count as a percentage figure of (available) national importance is 53 no. (27%) for black-tailed godwit.	Yes, I consider that there is a viable source-pathway-receptor link.

	Curlew [A160] Redshank [A162] Black-headed gull [A179] Lesser black-backed gull [A183] Little tern [A195] Greenland white-fronted goose [A395] Wetland and waterbirds [A999]			
Blackwater Bank SAC (002953)	Sandbanks which are slightly covered by seawater all the time [1110]	Approx 5.9km to north east	Yes. Coastal proximity and hydrological by way of surface water discharge through the port.	No
Slaney River Valley SAC (000781)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0]	Approx. 6km to north west	Yes, hydrological. There is a minor watercourse across the proposed site area which discharges to the Grange Big stream to the east of the site. This stream is part of a drainage network that eventually discharges to the SAC. It is also proposed to discharge surface water from two of the proposed attenuation ponds to the minor watercourse and Grange Big stream. Lamprey, fish, otters, and harbour seals are mobile species and can occur outside the SAC boundaries.	Yes, I consider that there is a viable source-pathway-receptor link.

	Freshwater pearl mussel [1029] Sea lamprey [1095] Brook lamprey [1096] River lamprey [1099] Twaite shad [1103] Salmon [1106] Otter [1355] Harbour seal [1365]			
The Raven SPA (004019)	Red-throated diver [A001] Cormorant [A017] Common scoter [A065] Grey plover [A141] Sanderling [A144] Greenland white-fronted goose [A395] Wetlands and Waterbirds [A999]	Approx. 7.1km to north	Yes. There is potential for SCI species associated with the SPA to occur outside the SPA. Three SCI species (red-throated diver, cormorant, and common scoter) were identified in breeding bird/ wintering bird surveys. The highest recorded peak count was 50 no. common scoters. This was also the highest recorded peak count as a percentage figure of (available) national importance; 45%.	Yes, I consider that there is a viable source-pathway-receptor link.
Raven Point Nature Reserve SAC (000710)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Atlantic salt meadows [1330] Embryonic shifting dunes [2110]	Approx. 9.7km to north	Yes. Coastal proximity and hydrological by way of surface water discharge through the port.	No

	Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with Salix repens ssp. argentea [2170] Humid dune slacks [2190]			
Tacumshin Lake SAC (000709)	Coastal lagoons [1150] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	Approx. 8.4km to south west	Yes. Coastal proximity and hydrological by way of surface water discharge through the port.	No
Tacumshin Lake SPA (004092)	Little grebe [A004] Beswick's swan [A037] Whooper swan [A038] Wigeon [A050] Gadwall [A051] Teal [A052] Pintail [A054] Shoveler [A056] Tufted duck [A061] Coot [A125] Golden plover [A140]	Approx 8.4km to south west	Yes. There is potential for SCI species associated with the SPA to occur outside the SPA. Only two SCI species were identified in wintering bird surveys as set out in the NIS. The highest recorded peak count was 151 no. lapwing. The highest recorded peak count as a percentage figure of (available) national	Yes, I consider that there is a viable source-pathway-receptor link.

	Grey plover [A141] Lapwing [A142] Black-tailed godwit [A156] Wetland and waterbirds [A999]		importance is 53 no. (27%) for black-tailed godwit.	
Saltee Islands SAC (000707)	Mudflats and sandflats not covered by seawater at low tide [1140] Large shallow inlets and bays [1160] Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Submerged or partially submerged sea caves [8330] Grey seal [1364]	Approx. 12.3km south west	Yes. Coastal proximity and hydrological by way of surface water discharge through the port. Grey seals are mobile species and can occur outside the SAC boundaries.	Yes, I consider that there is a viable source-pathway-receptor link.

8.3.100. The reasons why some European sites are not being brought forward to stage 2 AA are as follows:

Carnsore Point SAC – The applicant states, in table 2.1 of its AA screening report, that the closest point between the works area and coastal waters is approx. 35 metres. It is stated that outfalls to coastal waters to accommodate surface water drainage may be required. It is unclear if this is during the construction or operational phase though I note that some operational phase surface water discharge will outfall to coastal waters. Page 14-10 of the applicant's PECR states 'Surface water from the northern portion of the proposed road will outfall to the Rosslare Europort drainage system, and then to coastal waters'. Impact to the SAC is discounted in table 2.1 because given the distances involved, and their locations relative to each other, there is no viable link. Having regard to the nature and scale of the proposed works and the nature of the QIs, I concur with the applicant that the proposed development would not be likely to have a significant effect on the QIs of Carnsore Point SAC.

Long Bank SAC – For the reasons generally as set out for Carnsore Point SAC.

Lady's Island Lake SAC – In addition to the issues as set out for Carnsore Point SAC, the proposed REAR is separated from this SAC by land with no terrestrial hydrological link. The SAC is on the southern coastline of Co. Wexford and any interaction between the proposed development and the SAC is not likely.

Blackwater Bank SAC – For the reasons generally as set out for Carnsore Point SAC.

Raven Point Nature Reserve SAC – For the reasons generally as set out for Carnsore Point SAC.

Tacumshin Lake SAC – For the reasons generally as set out for Lady's Island Lake SAC.

8.3.101. Based on my examination of the application, the applicant's NIS and AA screening report, supporting information such as the PECR, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, the separation distance and functional relationship between the proposed works and the European sites, the sites' conservation objectives, and taken in conjunction with my assessment of the application site and the surrounding area, I agree with the applicant's screening for AA and conclude that stage 2 AA is required for:

- Lady's Island Lake SPA,
- Wexford Harbour and Slobs SPA,
- Slaney River Valley SAC,
- The Raven SPA,
- Tacumshin Lake SPA, and,
- Saltee Islands SAC.

Stage 2 AA

1. Lady's Island Lake SPA (site code 004009)

Description of the site

8.3.102. Lady's Island Lake comprises a shallow, brackish coastal lagoon separated from the sea by a sand and shingle barrier. The lagoon habitat is an excellent example of a sedimentary lagoon with a sand/shingle barrier. It is by far the largest and best example of this type of lagoon in the country and is in a relatively natural condition, despite regular breaching of the gravel barrier.

8.3.103. The site is notable for its tern colony with internationally important populations of sandwich tern and roseate tern, and nationally important populations of common tern and Arctic tern. The terns breed on islands in the lake. Crossfintan Point is an important roost site and crèche area for the breeding terns. Black-headed gull also breed on the islands in nationally important numbers. It also supports wintering wildfowl including a nationally important population of gadwall. Lady's Island Lake SPA is one of the most important ornithological sites in the country and it supports one of the best examples of lagoonal bird fauna in the country.

Conservation objectives for the site

8.3.104. The conservation objectives are set out in the 'Conservation objectives for Lady's Island Lake SPA [004009]' document published by the Department of Housing, Local Government and Heritage. First-order site-specific conservation objectives are available for this site. In the absence of site-specific conservation objectives the applicant used specific conservation objectives as set out for other SPA sites. I consider this to be appropriate.

8.3.105. Table 5-4 of the applicant's NIS contains a list of the SCI species and assesses the potential for effects and the likely impacts. Given the distance, approx. 4km, between the SPA and the proposed REAR, there is no potential for disturbance to core foraging or roosting habitats. The NIS considers that there are likely potential impacts on three SCI species as a result of being recorded within the ZoI of the proposed REAR during the surveys i.e. there is the potential for noise disturbance to ex-situ populations of black-headed gull, sandwich tern, and common tern.

8.3.106. As the other SCI species were not recorded in the surveys the NIS does not consider that there is any potential for impact to these species and, given the location of the works relative to the SPA, no likely impacts are identified.

8.3.107. Having regard to the nature of the proposed development and the conservation objectives document I agree with the NIS in terms of the SCI species that could potentially be affected by the proposed development, and those that can be excluded from further consideration.

Potential direct impacts

8.3.108. The NIS does not identify any direct impacts on the SPA. I concur with the NIS that there is no potential for direct impact having regard to the distances between the site and the SPA, the absence of a viable hydrological connection, and the nature of the proposed development.

Potential indirect impacts

8.3.109. The potential indirect impacts identified in the NIS are as follows:

- Noise disturbance to black-headed gull in terms of their distribution.

8.3.110. Sandwich terns and common terns were not considered to be potentially adversely impacted in terms of their distribution because of the low numbers of these species recorded.

8.3.111. I concur with the applicant's assessment of the potential indirect impacts.

Mitigation measures

8.3.112. Mitigation measures are set out in section 8 of the applicant's NIS. Specific construction phase noise mitigation measures are tabulated in table 8-3. These include:

- erection of sound/visibility reducing hoarding adjacent to the field and coastline,
- use of quietest practical plant, mufflers, effective exhaust silencers, sound reducing enclosures, and shutting down machinery when not in use.

8.3.113. Though not operational phase mitigation, the applicant considers that wintering wildfowl would continue to forage in the coastal zone and the coastal cutting would reduce traffic visibility to marine birds. Restricted traffic speed would reduce noise levels. Water fowl and waders are habituated to traffic and port operations.

8.3.114. I consider that the proposed mitigation measures are appropriate and would have a high degree of likely success. The proposed development is a relatively routine construction project, and these are relatively standard and well-proven mitigation measures. I note that the mitigation measures are described with definitive language i.e. the terminology used is 'shall' and 'will' etc. rather than 'should' and 'could' etc. I also note that table 8-3 states the EnCoW 'will carry out daily monitoring of noise reduction measures and monitoring of noise levels on a continuous basis during works'.

Potential in-combination effects

8.3.115. Section 6 of the applicant's NIS relates to in-combination effects. Small-scale development in the local area which would not have the potential to result in cumulative impacts were identified. Large-scale developments in Wexford town and solar farms are too far away to have any in-combination effects. The N25 Ballygillane roundabout scheme would likely be finished before any development on the proposed REAR would be commenced and it is also stated that the permitted port upgrade works 'will be completed in advance of the proposed development being constructed' and there would be no potential for cumulative effects. The proposed N11/N25 Oilgate to Rosslare Harbour project is cited. This scheme would incorporate its own in-combination effects assessment and it is also stated by the applicant that the proposed REAR would be completed in advance of the Oilgate to Rosslare Harbour project.

8.3.116. The applicant considers that the proposed REAR is 'unlikely to measurably act in-combination … such as to cause likely significant effects … Mitigation outlined will ensure possible localised impacts associated with the project do not result in measurable effects …'

8.3.117. Having regard to the mitigation proposed, the various site locations of permitted and proposed development, the scales of projects, and the site boundary of the European site, I am satisfied that the proposed development would not have any significant in-combination effect on the European site.

NIS omissions

8.3.118. None noted.

Suggested related conditions

8.3.119. Given the distance between the proposed REAR and the SPA boundary I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

Integrity test

8.3.120. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Lady's Island Lake SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

2. Wexford Harbour and Slobs SPA (site code 004076)

Description of the site

8.3.121. The site is divided between the natural estuarine habitats of Wexford Harbour, the reclaimed polders known as the North and South 'Slobs', and the tidal section of the River Slaney. Shallow marine water is a principal habitat, but at low tide extensive areas of intertidal flats are exposed. Salt marshes fringe the intertidal flats, especially in the sheltered areas. The Slobs are two flat areas of farmland empoldered behind 19th century sea-walls. The lands are drained by a network of channels which flow into two central channels, in parts several hundred metres in width. Water from the channels is pumped into the sea with electric pumps. The channels often support swamp vegetation. The river section of the site is extensive.

8.3.122. The site regularly supports well in excess of 20,000 waterbirds. Wexford Harbour and Slobs is one of the top three sites in the country for numbers and diversity of wintering birds. The combination of estuarine habitats, including shallow waters, and the farmland of the polders, which include freshwater drainage channels, provides optimum feeding and roost areas for a wide range of species. It is one of the two most important sites in the world for Greenland white-fronted goose. The geese feed almost entirely within the Slobs and roost at The Raven (a separate SPA). The site has internationally important populations of mute swan, light-bellied brent goose, bar-tailed godwit, and black-tailed godwit. There are at least a further 26 species of wintering waterbirds which occur in numbers of national importance.

Conservation objectives for the site

8.3.123. The conservation objectives are set out in the 'Conservation Objectives Series Wexford Harbour and Slobs SPA 004076' document published by NPWS. Attributes, measures, and targets for the wetland habitat and each SCI are set out. The overall aim of the Birds Directive is to protect wild bird species naturally occurring in the EU. SPAs are designated for annex I species habitats. The conservation objective of the habitat and each SCI species is to maintain the favourable conservation condition of the habitat and SCI species.

8.3.124. Table 5-3 of the applicant's NIS contains a list of the SCI species and assesses the potential for effects and the likely impacts. Given the distance, approx. 4.2km, between the SPA and the application site there is no potential for disturbance to core foraging or roosting habitats. The NIS considers that there are likely impacts on 13 no. SCI species plus the wetlands and waterbirds feature. This does not include shelduck, which was identified in a breeding bird survey as per table 15-10 of the PECR, and which therefore should also be considered as a species which would likely be impacted, and little tern for the reason as set out in paragraph 8.3.132, below.

8.3.125. As a result of being recorded within the ZoI of the proposed REAR during the surveys there is the potential for disturbance to ex-situ populations of great crested grebe, cormorant, grey heron, light-bellied brent geese, shelduck, mallard, red-breasted merganser, oystercatcher, lapwing, black-tailed godwit, curlew, redshank, black-headed gull, and lesser black-backed gull. Oystercatcher, lapwing, black-tailed godwit, and curlew were all recorded using the fields. A relatively small amount of this would be removed and would constitute a negligible loss in the context of the wider landscape and SCI population. The wetlands and waterbirds SCI could be affected by surface water emissions from the proposed REAR as there is hydrological connectivity between both via the Grange Big stream.

8.3.126. As the other SCI species were not recorded in the surveys the NIS does not consider that there is any potential for impact to these species and, given the location of the works relative to the SPA, no likely impacts are identified.

8.3.127. Having regard to the nature of the proposed development and the Conservation Objectives Series document I agree with the submitted NIS in terms of the SCI habitat and species that could be affected by the proposed development, plus shelduck for

the reason outlined and little tern for the reason set out in paragraph 8.3.132, below, and those that can be excluded from further consideration.

Potential direct impacts

8.3.128. The NIS does not identify any direct impacts on the SPA. I concur with the NIS that there is no potential for direct impact having regard to the distances between the site and the SPA.

Potential indirect impacts

8.3.129. The potential indirect impacts identified in the NIS are as follows:

- Noise disturbance to cormorant, red-breasted merganser, lapwing, black-tailed godwit, curlew, and black-headed gull in terms of their distribution.

8.3.130. Great-crested grebe, grey heron, light-bellied brent geese, mallard, oystercatcher, redshank, and lesser-black backed gull were not considered to be potentially adversely impacted in terms of their distribution because of the low numbers of these species recorded. Though not assessed in the NIS, I do not consider that there would be any significant likely impact on shelduck, as identified in the breeding bird survey, given the number of these birds. Wexford Harbour and Slobs is not identified as an important site for the species by Birdwatch Ireland.

8.3.131. The only attribute set out in the Conservation Objectives Series document for the 'wetlands and waterbirds' QI/SCI is 'wetland habitat area'. Its target is that the permanent area occupied by the wetland habitat should be stable. Though it could be degraded by surface water emissions, as acknowledged in the NIS, no reduction in wetland area would occur and therefore there would be no adverse impact on site integrity as per the NPWS document. I concur with the applicant's assessment of the potential indirect impacts on this QI/SCIs.

8.3.132. Notwithstanding, I note that there are two SCI species that have 'attributes' other than 'population trend' and 'distribution'. These are hen harrier and little tern. The proposed development would not, in my view, affect any of the hen harrier attributes or targets. One of the attributes for little tern is 'prey biomass availability' with the 'target' identified as 'no significant decline'. The Conservation Objectives Series document identifies key prey as mainly small, often juvenile, fish, invertebrates, especially crustaceans, and insects. Therefore surface water deterioration could indirectly affect prey biomass

for little tern. However, I note that mitigation measures proposed for surface water for SACs would equally apply to this attribute/target of this SCI species, and therefore would not be likely to affect its conservation condition.

Mitigation measures

8.3.133. As per paragraphs 8.3.112 – 8.3.114, above, and 8.3.147, below.

Potential in-combination effects

8.3.134. As per paragraphs 8.3.115 – 8.3.117, above.

NIS omissions

8.3.135. I have referred previously to the omission of shelduck from the NIS. The impact on little tern has also not been taken into consideration. Notwithstanding, I consider that I have appropriately addressed these oversights.

Suggested related conditions

8.3.136. Given the distance between the proposed REAR and the SPA boundary I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

Integrity test

8.3.137. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Wexford Harbour and Slobs SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

3. Slaney River Valley SAC (site code 000781)

Description of the site

8.3.138. This site comprises the freshwater stretches of the River Slaney as far as the Wicklow Mountains, a number of tributaries, the estuary at Ferrycarrig, and Wexford Harbour. The river is up to 100 metres wide in places and is tidal at the southern end. Wexford Harbour is an extensive, shallow estuary which dries out considerably at low tide exposing large expanses of mudflats and sandflats. The site supports populations of

several species and habitats listed in the Habitats Directive, as well as important numbers of wintering wildfowl. Overall it is of considerable conservation significance.

Conservation objectives for the site

8.3.139. No statutory instrument appears to be available for this SAC. There is conflicting information provided by both the NPWS and the applicant as to the QI habitats and species relevant to this SAC. The NPWS website shows 15 no. QIs for Slaney River Valley SAC, as contained in table 1 of this inspector's report. The applicant's AA screening report (table 2.1) and NIS (section 4.1) contains the same 15 QIs. However, the applicant has omitted consideration of freshwater pearl mussel from table 5-1 (potential for effects) of the NIS. Given the inclusion of Slaney River Valley SAC in the European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations, 2009, and its listing on the website, I shall include this QI in my assessment. In addition, the 'Conservation Objectives Series Slaney River Valley SAC 000781' document published by the NPWS does not include either Atlantic salt meadows or Mediterranean salt meadows, though they are shown as being QIs on the website. Given that they are referenced in the applicant's NIS I shall also include them in this stage 2 assessment.

8.3.140. Conservation objectives for 13 no. QIs are set out in the 'Conservation Objectives Series Slaney River Valley SAC 000781' document published by the NPWS. Attributes, measures, and targets for the habitats and QI species are set out except for freshwater pearl mussel. The document states 'The status of the freshwater pearl mussel … as a qualifying Annex II species for the Slaney River Valley SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species'. Therefore there are no attributes, measures, or targets set for this QI. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Of the 12 no. QIs which have conservation objectives set, the objective is to maintain the favourable conservation condition of four (estuaries, mudflats and sandflats, watercourses of plain to montane levels, and harbour seal), and to restore the favourable conservation conditions of the other eight QIs.

8.3.141. Table 5-1 of the NIS contains a list of the QI habitats and species and assesses whether or not there are likely potential impacts on these as a result of the proposed development. The NIS considers that there are potential pathways to affect:

- Mudflats and sandflats not covered by seawater at low tide – Potential for hydrological connection/surface water emissions to the marine/water environment where this habitat may occur.
- Sea lamprey – Potential for hydrological connection/surface water emissions to the marine/water environment where this species may occur.
- River lamprey – As per sea lamprey, above.
- Twaite shad – As per sea lamprey, above.
- Salmon – As per sea lamprey, above. Though conservation objectives refer to freshwater area only, adult and smolt salmon pass through the estuary.
- Otter – As per sea lamprey, above.
- Harbour seal – As per sea lamprey, above. Piling is unlikely to cause impacts.

8.3.142. Table 5-1 excludes the other QI habitats and species from being affected by the proposed development for reasons of distances/location of the surface water outfall to particular habitats/species, attenuation/dilution of any surface water emissions, habitats not being sensitive to water emissions, and the absence of an upstream freshwater hydrological link. Having regard to freshwater pearl mussel, I note that the outfall location of the Grange Big stream is in the harbour area, and away from any freshwater area with no upstream hydrological connection. Therefore, there is no connection between the application site and the freshwater habitat and therefore no impact to freshwater pearl mussel.

8.3.143. Having regard to the nature of the proposed development, the application site, and the Conservation Objectives Series document I agree with the applicant's submitted NIS in terms of the QI habitats and species that could be affected by the proposed development, and those that can be excluded from further consideration.

Potential direct impacts

8.3.144. The NIS does not identify any direct impacts on the SAC. I concur with the NIS that there is no potential for direct impact having regard to the distances between the site and the SAC.

Potential indirect impact

8.3.145. The NIS considers that there is potential for indirect impacts as a result of downstream surface water pollution during the construction and operational phases including change to mud complexes and to water quality and mortality to species/decrease in fish biomass for otters. Section 7.1 of the NIS excludes salmon from assessment of potential for adverse impacts on site integrity. Notwithstanding, having assessed the proposed development in the context of the relevant attributes, measures, and targets for salmon as set out in the Conservation Objectives Series document, I do not consider there are any additional indirect impacts rather than those set out above, given that the QI relates to freshwater extents only.

8.3.146. I concur with the applicant's assessment of the potential indirect impacts.

Mitigation measures

8.3.147. Mitigation measures are set out in section 8 of the NIS. Specific construction and operational phase surface water pollution mitigation measures are tabulated in table 8-2. These include:

- preventing the runoff of concrete e.g. no on-site batching, use of quick setting concrete mixes, and wash down in sealed areas.
- in relation to hydrocarbons, use of bunds and spill-kits, daily inspections, fuelling/lubricating restricted to construction compounds, and disposal in accordance with legal requirements.
- during the operational phase attenuation ponds/tank would be used including the use of petrol interceptors.

8.3.148. I consider that the proposed mitigation measures are appropriate and would have a high degree of likely success. The proposed development is a relatively routine construction project, and these are relatively standard and well-proven mitigation measures. I note that the mitigation measures are described with definitive language

i.e. the terminology used is ‘shall’ and ‘will’ etc. rather than ‘should’ and ‘could’ etc. I also note that table 8-2 states the EnCoW ‘will carry out ongoing monitoring of all pollution control measures’.

Potential in-combination effects

8.3.149. As per paragraphs 8.3.115 – 8.3.117.

NIS omissions

8.3.150. Issues relating to both the freshwater pearl mussel (paragraphs 8.3.139 and 8.3.142) and salmon (paragraph 8.3.145) as set out above. I consider that I have appropriately addressed these issues.

Suggested related conditions

8.3.151. Given the distance between the proposed REAR and the SPA boundary I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

Integrity test

8.3.152. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Slaney River Valley SAC in light of the site’s conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

4. <u>The Raven SPA (site code 004019)</u>

Description of the site

8.3.153. The Raven SPA extends from north of Rosslare Point to Blackwater Harbour. The seaward boundary of the site extends a maximum distance of approximately 4.5km from the shoreline to encompass important areas of shallow water utilised by some of the species of special conservation interest. It is an important bird site, being part of the Wexford Slobs and Harbour complex. Of critical significance is that it forms the principal night roost for the internationally important Wexford Harbour population of Greenland white-fronted goose. Nationally important populations of red-throated diver, common scoter, cormorant, grey plover, and sanderling occur.

Conservation objectives for the site

8.3.154. The conservation objectives are set out in the 'Conservation Objectives Series The Raven SPA 004019' document published by NPWS. Attributes, measures, and targets for the wetland habitat and each SCI are set out. The conservation objective of the habitat and each SCI species is to maintain the favourable conservation condition of the habitat and SCI species.

8.3.155. Table 5-5 of the applicant's NIS contains a list of the SCI species and assesses the potential for effects and the likely impacts. Given the distance, approx. 7.1km, between the SPA and the application site there is no potential for disturbance to core foraging or roosting habitats. The NIS considers that there is potential for likely impacts on three SCI species; red-throated diver, cormorant, and common scoter, as a result of being recorded within the ZoI of the proposed REAR during surveys.

8.3.156. As the other three SCI species were not recorded in the surveys the NIS does not consider that there is any potential for impact to these species and, given the location of the works relative to the SPA, no likely impacts are identified. The NIS excludes any likely impact to the wetlands and waterbirds SCI given the distances involved and the absence of any functional connectivity.

8.3.157. Having regard to the nature of the proposed development and the Conservation Objectives Series document I agree with the NIS in terms of the SCI species that could be affected by the proposed development, and those species/habitat that can be excluded from further consideration.

Potential direct impacts

8.3.158. The NIS does not identify any direct impacts on the SPA. I concur with the NIS that there is no potential for direct impact having regard to the distances between the site and the SPA and the absence of a viable hydrological connection.

Potential indirect impacts

8.3.159. The potential indirect impacts identified in the NIS are as follows:

- Noise disturbance to cormorant and common scoter in terms of their distribution.

8.3.160. Red-throated divers were not considered to be potentially adversely affected in terms of their distribution because they are associated with coastal habitats to the north of

the application site. However, they were recorded in two of the three wintering bird survey periods, including a peak count of ten in 2021/22. While a relatively low number, it comprises 50% of the figure (20 no.) of national significance and is therefore notable. Notwithstanding, I consider that the mitigation measures set out would equally apply to red-throated divers as to cormorants and common scoters. Apart from this issue I concur with the applicant's assessment of the potential indirect impacts.

Mitigation measures

8.3.161. As per paragraphs 8.3.112 – 8.3.114 of this inspector's report.

Potential in-combination effects

8.3.162. As per paragraphs 8.3.115 – 8.3.117 of this inspector's report.

NIS omissions

8.3.163. Notwithstanding my comments about red-throated divers in paragraph 8.3.163, above, I do not consider there is any significant omission in the NIS relating to this SPA.

Suggested related conditions

8.3.164. Given the distance between the proposed REAR and the SPA boundary I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

Integrity test

8.3.165. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of The Raven SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

5. Tacumshin Lake SPA (site code 004092)

Description of the site

8.3.166. Tacumshin Lake is a shallow coastal lagoon. The site has 14 SCI species and holds an assemblage of over 20,000 wintering waterbirds. The waterfowl population of the lagoon is exceptionally diverse and the area supports large numbers of birds throughout the year, which is unusual among Irish wetlands. Tacumshin Lake supports

internationally important populations of whooper swan and black-tailed godwit and the other 12 SCI species occur in numbers of national importance. It is also of importance for its summer visitors.

Conservation objectives for the site

8.3.167. The conservation objectives are set out in the 'Conservation objectives for Tacumshin Lake SPA [004092]' document published by the Department of Housing, Local Government and Heritage. First-order site-specific conservation objectives are available for this site. In the absence of site-specific conservation objectives the applicant used specific conservation objectives as set out for other SPA sites with the same SCI species. I consider this to be appropriate.

8.3.168. Table 5-6 of the applicant's NIS contains a list of the SCI species and assesses the potential for effects and the likely impacts. Given the distance, approx. 8.4km, between the SPA and the proposed REAR there is no potential for disturbance to core foraging or roosting habitats. The NIS considers that there are likely potential impacts on two SCI species.

8.3.169. As a result of being recorded within the ZoI of the proposed REAR during the surveys there is the potential for disturbance to ex-situ populations of lapwing and black-tailed godwit. They were recorded using the fields. A relatively small amount of this would be removed and would constitute a negligible loss in the context of the wider landscape and SCI population.

8.3.170. As the other SCI species were not recorded in the surveys the NIS does not consider that there is any potential for impact to these species and, given the location of the works relative to the SPA, no likely impacts are identified. The NIS excludes any likely impact to the wetlands and waterbirds SCI given the distances involved and the absence of any functional connectivity.

8.3.171. Having regard to the nature of the proposed development and the conservation objectives document I agree with the NIS in terms of the SCI species that could potentially be affected by the proposed development, and those species/habitat that can be excluded from further consideration.

Potential direct impacts

8.3.172. The NIS does not identify any direct impacts on the SPA. I concur with the NIS that there is no potential for direct impact having regard to the distances between the application site and the SPA, and the absence of a viable hydrological connection.

Potential indirect impacts

8.3.173. The potential indirect impacts identified in the NIS are as follows:

- Noise disturbance to lapwing and black-tailed godwit in terms of their distribution.

8.3.174. I concur with the applicant's assessment of the potential indirect impacts.

Mitigation measures

8.3.175. As per paragraphs 8.3.112 – 8.3.114 of this inspector's report.

Potential in-combination effects

8.3.176. As per paragraphs 8.3.115 – 8.3.117 of this inspector's report.

NIS omissions

8.3.177. None noted.

Suggested related conditions

8.3.178. Given the distance between the proposed REAR and the SPA boundary I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

Integrity test

8.3.179. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Tacumshin Lake SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

6. Saltee Islands SAC (site code 000707)

Description of the site

8.3.180. This site comprises the Saltees Islands and a large area of the surrounding seas. There are two islands, Great Saltee and Little Saltee, and a constellation of islets and rocks. As a group, they constitute a broken reef that protrudes from a seabed of sand and shell. Great Saltee has a breeding population of grey seal. The Saltee Islands are internationally important for their colonies of breeding seabirds. (Saltee Islands SPA was not considered as part of stage 1 AA screening because of its approx. 19km distance from the application site).

Conservation objectives for the site

8.3.181. The conservation objectives are set out in a combined 'Conservation Objectives Series Saltee Islands SAC 000707 Saltee Islands SPA 004002' document published by NPWS. Attributes, measures, and targets for the SAC QI species and habitats are set out, as well as for the SCI species. The conservation objective of all six QI habitats and species is to maintain the favourable conservation condition of the habitats and species.

8.3.182. Table 5-2 of the applicant's NIS contains a list of the QI habitats and species and assesses the potential for effects and likely impacts. The NIS considers that there would only be a likely impact to grey seals as they may occur in the coastal waters surrounding the application site. One grey seal was noted during wintering bird surveys.

8.3.183. The NIS does not consider there to be any likely impact on the five habitats for the which the SAC is designated. This is because of the significant distances between the application site and the SAC, and the location of the works relative to the various habitats.

8.3.184. Having regard to the nature of the proposed development and the Conservation Objectives Series document I agree with the NIS in terms of the QI species that could be affected by the proposed development, and those habitats that can be excluded from further consideration.

Potential direct impacts

8.3.185. The NIS does not identify any direct impacts on the SAC. I concur with the NIS that there is no potential for direct impact having regard to the distances between the application site and the SAC, and the relative inland location of the proposed development.

Potential indirect impacts

8.3.186. No indirect potential impact has been identified for grey seals in the context of the attributes set out in the conservation objectives document. I concur with the applicant's assessment in this regard.

Mitigation

8.3.187. No mitigation is necessary.

Potential in-combination effects

8.3.188. Notwithstanding that I concur with the NIS that no mitigation measures are necessary for this SAC, paragraphs 8.3.115 – 8.3.117 of this inspector's report are relevant.

NIS omissions

8.3.189. None noted.

Suggested related conditions

8.3.190. None.

Integrity test

8.3.191. I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Saltee Islands SAC in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

<u>Appropriate Assessment (AA) Conclusion</u>

8.3.192. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect

the integrity of the European site nos. 004009, 004076, 000781, 004019, 004092, and 000707 or any other European site, in view of the sites' conservation objectives.

9.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

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

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

(b) the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended),

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

(d) the conservation objectives, qualifying interests, and special conservation interests for Lady's Island Lake SPA (site code 004009), Wexford Harbour and Slobs SPA (site code 004076), Slaney River Valley SAC (site code 000781), The Raven SPA (site code 004019), Tacumshin Lake SPA (site code 004092), and Saltee Islands SAC (site code 000707),

(e) Project Ireland 2040 National Planning Framework (NPF),

(f) Climate Action Plan 2023 – Changing Ireland for the Better,

(g) Design Manual for Urban Roads and Streets (201) (DMURS),

(h) Regional Spatial and Economic Strategy for the Southern Region (RSES),

(i) the policies and objectives of the Wexford County Development Plan 2022-2028,

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

(k) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura impact statement,

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

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

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Lady's Island Lake SPA (site code 004009), Wexford Harbour and Slobs SPA (site code 004076), Slaney River Valley SAC (site code 000781), The Raven SPA (site code 004019), Tacumshin Lake SPA (site code 004092), and Saltee Islands SAC (site code 000707), are the only European sites in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely Lady's Island Lake SPA, Wexford Harbour and Slobs SPA, Slaney River Valley SAC, The Raven SPA, Tacumshin Lake SPA, and Saltee Islands SAC, in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

ii. the mitigation measures which are included as part of the current proposal, and

iii. the conservation objectives for the European sites.

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

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites, in view of the sites' conservation objectives.

Proper Planning and Sustainable Development / Likely Effects on the Environment

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution or significantly adversely affect biodiversity in the area, would not be detrimental to the visual or landscape amenities of the area, and would not seriously injure the amenities of property in the vicinity. The proposed development would improve accessibility to Rosslare Europort for heavy goods vehicles and result in an improved environment for residents of and visitors to Rosslare Harbour. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed road development shall be carried out and completed in accordance with the plans and particulars, including the Natura impact statement and Planning and Environmental Considerations Report, lodged with the application for approval, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura impact statement or the Planning and Environmental Considerations

Report or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The proposals, mitigation measures, commitments, and recommendations set out in the Natura impact statement and Planning and Environmental Considerations Report shall be implemented in full as part of the proposed road development. Any proposals, mitigation measures, commitments, and recommendations stating ‘should’ or ‘may’ etc. shall be read as ‘shall’ or ‘will’ etc.

Reason: In the interest of clarity, to mitigate the environmental effects of the proposed road development, and to protect the amenities of the area and of properties in the vicinity.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura impact statement and Planning and Environmental Considerations Report and demonstration of proposals to adhere to best practice and protocols.

Reason: In the interest of protecting the environment.

4. The preservation, recording, and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

I confirm that this report represents my professional planning assessment, judgement, and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Anthony Kelly
Planning Inspector
6th April 2023