



An
Bord
Pleanála

Inspector's Report ABP-315900-23

Development	New slipway & beach access.
Location	Fethard Harbour, Co. Wexford.
Local Authority	Wexford County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Geological Survey Ireland
Observer(s)	SWC Promotions
Date of Site Inspection	31 st May 2023
Inspector	Karla Mc Bride

1.0 Introduction

- 1.1. Wexford County Council is seeking approval from An Bord Pleanála to construct a new slipway and beach access at Fethard Harbour which is located to the SE of Fethard-on-Sea on the Hook Peninsula in Co. Wexford. The existing harbour is located adjacent to the Hook Head SAC and at the southern tip of Bannow Bay SAC and SPA. The project site lies within the Hook Head SAC and Bannow Bay SPA, it is close to the Bannow Bay SAC, and there are several designated European sites in the wider area. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the development.

2.0 Site and Location

- 2.1. Fethard Harbour is located c.1.2km to the SE of Fethard-on-Sea on the E side of the Hook Peninsula and the surrounding coastal, estuarine and rural area comprises a mix of small maritime uses, agricultural fields and dwelling houses. Access to the harbour is off the local road (L8116) and via a narrow steeply slopping laneway. Fethard Harbour comprises two linked piers which enclose a small harbour which serves a small local fishing fleet, local lifeboat service and leisure craft. Potting for lobster and crab is the main fishing activity with limited shrimp fishing also carried out. The harbour is known to dry up entirely during low spring tides and the existing slipway terminates shortly before the high-water mark on the adjacent seashore.

- 2.2. The project site lies within the Hook Head SAC and Bannow Bay SPA, and within c.40m of the site boundary with Bannow Bay SAC. The harbour and environs may also be important for mobile species from other further afield European sites.
- 2.3. Photographs & maps in Appendix 1 describe the site & surroundings in more detail.

3.0 **Proposed Development**

Wexford County Council proposes to construct a new slipway and beach access at Fethard Harbour with an overall footprint of c.685sq.m. The proposed scheme would improve harbour infrastructure and it would facilitate the launch and recovery of c.4 x boats per day plus the lifeboat as required. The works would take place over a c. 4 - month period during daytime periods of low tide.

The proposed works would comprise:

- New concrete deck & slipway to the E of existing harbour (c.10m x 50m).
- Associated reinforced concrete retaining walls.
- Concrete reflective wave wall at S end of existing W quay wall (c.2.5m x 5m).
- Concrete access ramp & steps to beach area (c. 1.8m x 28.5m).
- All ancillary site works (incl. excavation, dredging, rock armour).

Accompanying documents

The application was accompanied by the following documents:

- Planning report, maps & drawings
- AA Screening & NIS
- Wave Climate Study
- Architectural Heritage Impact Assessment (x 2)
- Underwater / Intertidal Archaeological Impact Assessment.
- CEMP
- List of Prescribed Bodies
- Copies of Public Notices.

4.0 Planning History

Several small-scale planning cases in the surrounding area, none of note.

FS0077064: Foreshore Lease Application for proposed works.

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.
- 5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located within the Zone of Influence of the subject site include: -

SAC	SPA
Hook Head (000764)	Bannow Bay (004033)
Bannow Bay (000697)	Keeragh Islands (004118)
Saltee Islands (000707)	Saltee Islands (004002)
Ballyteigue Burrow (000696)	Ballyteigue Burrow (004020)
River Barrow & River Nore (002162)	

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

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

- The likely effects on the environment.
- The likely consequences for the proper planning and sustainable development of the area.
- The likely significant effects on a European site.

5.6. **National and Regional Planning Policy**

National Planning Framework, 2018-2040

This Plan sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level.

National Development Plan, 2018-2027

This Plan underpins the National Planning Framework 2018-2040.

Climate Action Plan, 2023

This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It identifies several risks as a result of climate change including rising sea-levels, extreme weather, further pressure on water resources and food production systems, and increased chance and scale of river and coastal flooding.

Biodiversity Action Plan

The Plan sets out actions through which a range of government, civil and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity' and follows on from the work of the first and second National Biodiversity Action Plans. It contains 119 x targeted actions which are underpinned by 7 x strategic objectives.

The Regional Economic & Spatial Strategy for the Southern Region, 2020-2032

The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan. It sets out a strategic vision and policy objectives for urban, rural and coastal areas, people, the economy, the environment, connectivity, amenities and utilities.

5.7. Local Planning Policy

Wexford County Development Plan, 2022 - 2028

The site and surrounding lands, which are located within a coastal / estuarine area to the S of Fethard-on-Sea along the Hook Peninsula, are covered by the policies and objectives contained in the current Wexford County Development Plan. Chapter 11 deals with the landscape, Chapter 12 deals with the coastal zone, and Chapter 13 deals with heritage and conservation.

Coastal Zone:

Obj. CZN01: ensure the sustainable development of coastal areas whilst protecting and enhancing environmental quality and managing & restoring biodiversity.

Obj. CZM30: carefully consider proposals in at risk of coastal erosion (incl. Fethard).

Obj. CMZ46: support the development of appropriate land-based infrastructure which facilitates marine activity ... subject to the protection of coastal features, habitats and species, and compliance with the Habitats Directive.

Nature conservation:

Obj.NH01 to 21: seeks to ensure the protection of designated ecological sites, promote biodiversity & habitat connectivity, and to require AA for European sites.

Obj.NH022 to 28: deals with measures to protect against invasive species.

Sensitive designations:

Coastal Zone: site located within the Coastal Zone.

Coastal Landscapes: site located within the Hook Peninsula LCA.

European sites: located within Hook Head SAC & Bannow Bay SPA.

Shellfish Waters: site located SE of Bannow Bay Shellfish Waters.

Ramsar Site: site located SE of Bannow Bay Ramsar Site.

Built heritage & Archaeology:

Obj. HT02: ensure the management and protection of heritage assets.

Obj. AH01: conserve/protect archaeological sites & underwater archaeology.

Obj. BH01: protect the architectural heritage of the county.

Obj. BH06 & 07: protect the curtilage, character & setting of protected structures.

Protected Structures: Fethard Quay is a designated protected structure (WCC131).

6.0 Consultations

6.1. Prescribed Bodies:

The Council circulated the project details to the following Prescribed Bodies: -

- Dept. of Housing, Local Government & Heritage
- Dept. of Agriculture, Food & the Marine
- Dept. of Environment, Climate & Communications
- Inland Fisheries Ireland
- Failte Ireland & An Taisce
- An Chomhairle Ealaion & the Heritage Council

Department of Environment, Climate & Communications (GSI):-

- No objections or concerns raised.
- Encourage use of and reference to GSI datasets.
- County Geological Site at Fethard includes a high coastal cliff.

6.2. Public Submissions:

One submission received from **SWC Promotions**: -

- Welcome the provision of a new slipway.
- Width of slipway is excessive (10m) & it should be halved (5m).
- Reduce land-take from SAC and loss of biodiversity & beach area.
- Unnecessary loss of c.500sq.m. of subtidal & intertidal QI habitats.
- Small port with narrow entrance & no slipway access, it dries out at low tide.
- Capacity for less than 10 vessels & no nearby boat storage yards or facilities.
- Located at end of a narrow 3rd class local road with poor access for boat transporting trailers which cannot be accommodated.
- Existing slipway via the beach is c.4m wide, and proposed 10m wide slip way is excessive for level of use.
- Adverse impact on visual amenity of existing small 18th Century harbour.

7.0 Assessment

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

The proposed works at Fethard harbour would comply with national, regional and local policy in respect of climate change, residential amenity, cultural and natural heritage, and the environment.

Fethard Harbour comprises a small quay which dates from the mid-18th Century which dries out at low tide and from which boats can only launch at high tide. The Council states that the works, that include a new slipway, are justified as they would enable the continued use of public infrastructure and ensure that a small number of leisure and fishing vessels, along with the local lifeboat, could access the water.

The submissions received from Prescribed Bodies (GSI) are summarised in section 6.0 above and no concerns were raised. One submission was received a member of the public (SWC Promotions) who raised concerns in relation to the scale of the proposed slipway relative to the size of the existing quay, and loss of coastal habitats with resultant adverse impacts the Hook Head SAC. These concerns will be addressed in the following sections of the report.

Design and layout:

The location and design of the proposed slipway works are described in sections 2.0 and 3.0 above. The existing small harbour is a designated protected structure which dates from the mid-18th Century. It does not contain a slipway and dries out at low tide, which in turn makes it difficult for vessels to access the water. The existing cobblestone and concrete slipway to the E of the harbour is short and in a poor state of repair, and it terminates at the High-Water Mark. The proposed development would comprise a new slipway which would be located parallel to the existing harbour wall, and it would be c.10m wide and 50m long with low rise support and wave walls to the E and W, and a ramped and stepped access to the beach.

The concerns raised by SWC Promotions in relation to the scale of the proposed slipway relative to the size of the historic harbour are noted. However, based on my examination of the site, the existing cobblestone slipway, which has been extended to the W by a more recent concrete addition, extends to an overall width of c.6 to 7m.

Furthermore, given that the new structures would be low rise and set back from the existing historic harbour walls, the character and setting of the protected structure would not be adversely affected in line with Development Plan built heritage objectives (Obj. BH06 & 07). I am satisfied that there would be minimal disturbance to the visual amenities of the area, the new slipway would settle into its coastal environs over time, and the design and layout are therefore considered acceptable.

Visual and residential amenity:

In relation to visual amenity, Fethard Harbour and the surrounding rural area is characterised by a mix of coastal and tillage land, with several detached dwelling houses located along the local approach road to the harbour. The overall lands are located within a Coastal Zone and the Hook Peninsula Landscape Character Area, and the surrounding small linear settlement is not covered by any sensitive built heritage or conservation designations. Fethard Harbour and environs, along with the adjoining local road and surrounding rural area, are characterised sea cliffs and agricultural fields that are defined by hedgerows, all of which contribute to the overall character of the area. Several Development Plan policies seek the protection of features which contribute to landscape character. Given the small scale, low profile and linear nature of the slipway works beside an existing small harbour, the project would not have an adverse impact on visual amenities.

In terms of general residential amenity, the proposed works would not overlook, overshadow, result in a loss of privacy or otherwise adversely affect the amenity of any nearby houses. However, any localised removal of rocky outcrops and vegetation in the vicinity would have a minor localised impact on the visual amenities and coastal character of the area in the short term, but not in the long term.

Biodiversity:

The site is located within a rural coastal area and the surrounding area is characterised by agricultural fields and narrow roads that are defined by mature hedgerows, along with small coastal inlets, beaches, and bays. The slipway site and environs are characterised by a mix of coastal and estuarine habitats including a small sandy beach and rocky shore which is framed by vegetated sea cliffs to the S and E, and the existing harbour wall to the W. The proposed slipway would be located parallel to the existing harbour wall and over a section of the seashore that is

characterised by a sandy beach grading down to a rocky shore with some rocky outcrops. Fethard Harbour is located within the Hook Head SAC and Bannow Bay SPA, and adjacent to the Bannow Bay SAC, and to the SE of Bannow Bay Ramsar Site. The seashore and environs may also be important for aquatic and mobile species for further afield European sites including Ballyteigue Burrow to the N (various waterbirds), and the Keerah Islands (Cormorant) and Saltee Islands (Grey seal) to the E.

The seashore and environs may provide a habitat, refuge, foraging area or resting place for a variety of terrestrial and aquatic animal species (incl. otter, birds, fish & aquatic invertebrates), which have been described in the submitted documents. This includes an Appropriate Assessment Screening Report and Natural Impact Statement which examined the relationship between the seashore and its environs, and several European sites. The AA Screening and NIS reports were informed by desk top studies and field surveys which described the ecological characteristics of the receiving environment and identified the potential impacts on European Sites and biodiversity, and the NIS also contains mitigation measures. Potential adverse impacts European sites (incl. SCI species and SAC habitats & species) is addressed in the following sections of this report.

In relation to current **Development Plan policies and objectives**, Coastal Objectives (CZN 01 & 46) seek to protect biodiversity and support the development of appropriate land-based infrastructure which facilitates marine activity subject to the protection of coastal features, habitats, and species, while Nature Conservation Objective (NH 01 to 21) seek to ensure the protection of designated ecological sites, promote biodiversity & habitat connectivity.

Although foraging **otter** may be present in the vicinity it is not a QI species for any of the nearby SACs. However, a pre-construction survey should be undertaken before the slipway works commence so as to avoid disturbance to this species during the breeding season, in the event that a holt or holts are identified in the surrounding area. This could be addressed by way of a planning condition.

A wide variety of **bird** species were noted in the surveys of the harbour, seashore and surrounding area (incl. waterbirds, common species & passerines). Although none were recorded nesting at or close to Fethard Harbour, the harbour walls and nearby sea cliffs may have foraging, nesting and roosting potential. Although there would be some disturbance during the construction works and localised loss of seashore habitat and vegetation, given the small scale, low profile and linear nature of the slipway works adjacent to and an existing harbour, it is unlikely that the proposed development would cause a long-term disturbance to birds. However, any vegetation clearance should take place outside of the bird nesting season.

The existing harbour, seashore and surrounding coastal environs may provide suitable foraging and/or roosting habitat for **bats** given the characteristics of the harbour structure and the wider presence of trees and hedgerows along the local road and agricultural fields. It is noted that the old masonry associated with the harbour and surrounding derelict structures has bat roost potential due to large number of cracks and crevices and a bat survey should be undertaken as the works have the potential to cause disturbance to bat roosts. However, given that no Bat species are designated QIs for any of the SACs, I am satisfied that this concern could be addressed by a pre-construction bat survey which should be undertaken before the works commence. In the event that a roost is recorded the applicant should be required to either or avoid works during the nesting season and / or seek a Derogation Licence to enable the safe and humane relocation of any specimens to another suitable nearby habitat, as considered necessary. This could be addressed by way of a planning condition.

The surrounding coastal and estuarine waterbodies could provide suitable support habitat for several species of **fish** including for prey species of aquatic invertebrate which form part of the food supply for fish species in the wider area. The proposed slipway works at the seashore have the potential to release and convey deleterious construction materials into the water in the absence of appropriate safeguards which could adversely affect water quality, aquatic invertebrates, benthic and intertidal communities, and fisheries (incl. contamination and habitat loss & degradation), along with general noise and disturbance. However, the mitigation measures contained in the NIS report would ensure that appropriate protection measures are put in place during the slipway works (incl. no concrete mixing or vehicle washing on

site, protection of the waterbodies from silt & chemical contamination). The works should adhere to the IFI publication “Guidelines on protection of fisheries during construction works in and adjacent to waters”, works should only take during periods of low tide and water quality should be protected. These concerns could be addressed by way of a planning condition.

No **invasive plant species** were recorded at or in the vicinity of Fethard Harbour or the seashore during the surveys, however a biosecurity condition should be attached to ensure that the works (and vehicles) do not introduce or contribute to the spread of invasive plant and animal species.

The proposed slipway works would require the removal of **seashore and intertidal habitats and vegetation** which would have a short-term localised impact on biodiversity in terms of disturbance to foraging areas, resting places and refuges during the works, however no adverse long-term impacts are anticipated after the repair works are completed.

It is proposed to appoint an **Ecological Clerk of Works** to oversee the works and the mitigation measures contained in the NIS report would protect sensitive species (incl. birds). The works should be conducted in accordance IFI guidance, the removal of vegetation during the bird nesting season will be prohibited, and pre-construction surveys for Otters and Bats should be required,

In conclusion, having regard to all of the above, the predicted impacts on biodiversity would be temporary and short term as most species will return to the area after the works are complete. It is noted that IFI and NPWS did not make any submissions.

Coastal processes & hydrodynamics:

The proposed development would be constructed of concrete to withstand the effects of wave action and provide durability in the marine environment. A Wave Climate Study was undertaken which shows that swell wave conditions dominate the site, and the design wave height should be taken at 2.75m, 50m in front of the harbour wall, with a lower value closer to the seashore and harbour entrance. Given the small scale of the proposed slipway works relative to the overall extent of the wider estuarine and coastal environment, the locally sheltered location and the presence of an existing small harbour, I am satisfied that the proposed slipway would not have a significant impact on coastal processes or tidal patterns in the vicinity. It would not interfere to any noticeable extent with prevailing patterns of sediment transport and deposition, give rise to or exacerbate coastal erosion within Bannow Bay, or excessive levels of deposition in the vicinity or along the estuary and coast.

Cultural heritage:

Fethard Harbour is a designated protected structure which dates from the mid-18th Century. As previously stated, given that the new structures would be low rise and set back from the existing historic harbour walls, the character and setting of the protected structure would not be adversely affected in line with Development Plan built heritage objectives (Obj. BH06 & 07). The surrounding area is not covered by any sensitive built heritage designations, and the proposed development would not adversely affect the character or setting of any Recorded Monuments or NIAH features in the area, however there are several derelict stone buildings in the vicinity that may be of historic interest. The contents of the Architectural Heritage report are noted including the recommendation that the stones from the derelict structures are reused in the new development are noted, and their integration into the finished design of the slipway should be considered by the Council. However, it is noted that the development description does not include the demolition of these structures. The contents of the Archaeological Assessment reports are also noted. Given the historical evolution of the Hook Peninsula (incl. Fethard) since Norman times, it is possible that the surrounding environment may contain historical artefacts that may be uncovered during the works, and archaeological monitoring should be required. These heritage concerns could be addressed by way of a planning condition.

Need, effectiveness & alternatives:

I am satisfied that the applicant has provided adequate background information to justify the need for the proposed works which seek to replace public infrastructure and that the proposed works will function effectively. I am also satisfied, on the basis of my examination of the submitted documents and assessment of the area, that the proposed works constitute an appropriate and proportionate response to the prevailing conditions within the harbour.

Conclusions:

Having regard to the foregoing, I am satisfied that the proposed development is acceptable in principle and that the slipway works are justified.

7.2. The likely effects on the environment

The applicant did not provide an Environmental Impact Assessment Screening Report. However, the project is not of a type included in Schedule 5 Part 1 or Part 2 of the Planning and Development Regulations 2001 (as amended) or in the Road Act 1993 (as amended). Furthermore, it does not meet any of the criteria set out in Schedule 7 of the Regulations for determining whether a sub-threshold development would be likely to have significant effects on the environment, with regard to the characteristics of the works, its location and the characteristics of potential impacts. Having regard to the small scale, low profile and linear nature of the proposed development, which would comprise a new slipway and beach access beside an existing harbour within a narrow section of the seashore, and the characteristics of the receiving environment which is not densely developed or covered by a locally sensitive heritage or landscape designations, and notwithstanding its location within the Hook Head SAC, I am satisfied that the proposed works would not have any significant adverse effects on population and human health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape, and the need for environmental impact assessment can, therefore, be excluded.

Notwithstanding this conclusion, the Council should ensure that the NIS ecological mitigation measures are fully implemented, that pre-construction Otter and Bat surveys are undertaken before works commence, and that the works do not take place during the bird nesting season.

7.1. **The likely significant effects on a European site:**

The areas addressed in this section are as follows:

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

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

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

7.3. **The Natura Impact Statement**

The application was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed works and European sites which was informed by desk top studies and field surveys.

The desk top studies and field surveys described the site and surrounding area. This included details of potential connections between the proposed works and several European sites (incl. Hook Head SAC and Bannow Bay SAC & SPA). The reports assessed the surrounding coastal environs for Qualifying Interest (QI) habitats and species and Special Conservation Interest (SCI) species for the European sites. The ecological and tidal characteristics of the coastal/estuarine environs were described. No scheduled invasive species were recorded.

The AA Screening report identified 8 x European sites located within a 15km radius of the proposed works, it examined connectivity and characterised the possible effects of the proposed development on these sites. It concluded that significant

effects could not be ruled out for 6 of the sites (Hook Head SAC, Bannow Bay SAC & SPA, Ballyteige Burrow SPA, Keeragh Island SPA & Saltee Islands SAC), and that the preparation of an NIS was required.

The NIS report described the receiving environment and the proposed development. It described the 6 x remaining European sites, listed their QI habitats and species, and SCI species, and described the nature of the connection between the proposed works and the European sites. It characterised the potential effects on the European sites including in-combination effects in view of the site's Conservation Objectives.

The NIS contained 3 x Technical Appendices: -

1. NPWS Site Synopsises
2. Bird Surveys
3. Intertidal Surveys

The identified effects related to potential habitat loss, water pollution, noise and disturbance, and cumulative impacts. The NIS formally concluded that the proposed development will not, either alone or in combination with other plans and projects, adversely affect any of the constituent interests of the European sites, in light of their conservation objectives.

7.4. 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, and details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

7.5. **Appropriate Assessment**

7.6. The proposed development, which would comprise a new slipway with beach access adjacent to an existing small harbour over a short section of the seashore would be located within two European sites, but it is not directly connected with or necessary to the management of these or any other European sites in the surrounding area.

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

7.8. The potential likely significant impacts that could arise during the construction and operational phases of the proposed development on the European site’s QI habitats and QI and SCI species are:

- Release of sediment & pollutants to surface water during construction.
- Loss of or damage to habitat/resting/nesting/foraging places.
- Noise, disturbance and displacement of species during construction.
- Changes to coastal processes & tidal patterns with resultant impacts on habitats & species.
- Dispersal of invasive species with resultant impacts on habitats & species.

Stage 1 Screening Assessment:

The European sites within the Zone of Influence (i.e the area over which an impact can have a potential effect in relation to proximity of European sites and the mobility of faunal species from further afield sites) of the proposed works and approximate separation distances are set out below.

European Site	Qualifying Interests	Distance	Link
Hook Head SAC (Site code: 000764)	Large shallow inlets and bays Reefs & Vegetated Sea cliffs	Within	Yes
Bannow Bay SAC (Site code: 000697)	Estuaries, and Mudflats & sandflats Annual vegetation of drift lines Perennial vegetation of stony banks Salicornia & other annuals Atlantic & Mediterranean salt meadows	c.0.04km W	Yes

European Site	Qualifying Interests	Distance	Link
	Mediterranean & thermo-Atlantic halophilous scrubs (saltmarsh) Embryonic shifting dunes White & Grey dunes		
Ballyteigue Burrow SAC (Site code: 000606)	Estuaries and Mudflats & sandflats Coastal lagoons & Humid dune slacks Annual vegetation of drift lines Perennial vegetation of stony banks Salicornia & other annuals Atlantic & Mediterranean salt meadows Mediterranean and thermo-Atlantic halophilous scrubs (saltmarsh) Embryonic shifting dunes White, Grey & Fixed dunes	c.7.3km NE	No
Saltee Islands SAC (Site code: 000707)	Mudflats & sandflats Large shallow inlets & bays Reefs & Vegetated Sea cliffs Submerged sea caves & Grey Seal	c.15.8km E	Yes (mobile)
River Barrow & Nore SAC (Site code: 002162)	Estuaries, and Mudflats & sandflats Reefs & Salicornia & other annuals Atlantic & Mediterranean salt meadows Floating River vegetation European dry heaths Tall herb fringe communities Petrifying springs with tufa formation Old sessile oak woods & Alluvial forests Desmoulin's Whorl Snail Freshwater & Nore Pearl Mussel White-clawed Crayfish Sea, Brook & River Lamprey Twaite Shad & Salmon Otter & Killarney Fern	c.20km W (aquatic) c.6km (straight)	No

European Site	Qualifying Interests	Distance	Link
Bannow Bay SPA (Site code: 004033)	Light-bellied Brent Goose & Curlew Shelduck, Pintail, Oystercatcher & Knot, Golden, Grey Plover, Lapwing & Dunlin Black-tailed & Bar-tailed Godwit Redshank & Wetland & Waterbirds	Within	Yes (mobile)
Keeragh Islands SPA (Site code: 004118)	Cormorant	c.5.3km E	Yes (mobile)
Ballyteigue Burrow SPA (Site code: 004020)	Light-bellied Brent Goose & Shelduck Golden & Grey Plovers Black-tailed & Bar-tailed Godwits Lapwing, and Wetland & Waterbirds	c.8km NE	Yes (mobile)
Saltee Islands SPA (Site code: 004002)	Fulmar, Gannet, Cormorant & Shag Lesser Black-backed & Herring Gulls Kittiwake, Guillemot, Razorbill & Puffin	c.15.8km E	No

Based on my examination of the NIS report and supporting information (incl. the desktop studies & field surveys), NPWS website, aerial and satellite imagery, the small scale of the proposed works and nature of the likely effects, the substantial separation distance and functional relationship between the proposed works and the European sites and their conservation objectives, the site specific characteristics, and taken in conjunction with my assessment of the subject site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for 6 of the European sites referred to above which I consider to be within the Zone of Influence by reason of a direct aquatic and/or mobile connection. The following European sites are therefore screened in for further assessment: -

- Hook Head SAC
- Bannow Bay SAC
- Saltee Islands SAC
- Bannow Bay SPA
- Ballyteigue Burrow SPA
- Keeragh Island SPA

7.9. Stage 2 Appropriate assessment:

Hook Head SAC, Bannow Bay & Saltee Islands SACs:

The slipway site lies within Hook Head SAC, adjacent to Bannow Bay SAC and c.15km to the W of Saltee Islands SAC. These sites lie within the Zone of Influence of the works as they have a direct aquatic and/or mobile connection to the project.

European site description:

Hook Head SAC: the peninsula forms the E side of Waterford Harbour while the W side adjoins the estuary mouth of Bannow Bay. The site comprises marine subtidal reefs to the S and E of the Hook Head Peninsula, shallow bay communities, and vegetated sea cliffs from Hook Head to Baginbun and Ingard Point. The rocky coastline is important for several breeding birds (incl. Chough, Raven & Peregrine, and there is a small seabird colony, mainly of Guillemots, near Baginbun. The headland is a noted landfall point for migrants.

Bannow Bay SAC: this large estuarine site contains large areas of mud and sand, above which are found saltmarshes of exceptional species diversity (incl. *Spartina* & *Salicornia*). Narrow shingle beaches and a mosaic of sand dune habitats occurs intermittently at the edge of the estuary. Otter and Common Seal frequent the site. The site is also an SPA for large numbers of wintering wildfowl, including an internationally important population of Light-bellied Brent Goose. The main damaging operations and threats to the SAC include agriculture, aquaculture and recreation (incl. jet-skiing) and the removal of sand and beach material.

Saltee islands SAC: comprises 2 x main islands and a constellation of islets and rocks, which are located c.4-5 km off the S Wexford coast. They constitute a broken reef that protrudes from a seabed of sand and shell which is typically strewn with boulders, cobbles and patches of sand and gravel. They host a wide diversity of habitats (incl. subtidal reefs), plant and animal species. The site is of international importance for breeding seabirds (incl. Gannets, Cormorants, Shags, Fulmars, Kittiwakes, Guillemots, Razorbills & Puffins), and Peregrine and Chough are also present. Great Saltee has a breeding population of Grey Seal (Annex 11).

SAC Qualifying Interest habitats and species:

These SACs are designated for their importance to a wide variety of habitats and species, and the full list of QI habitats and species is set out in the table above.

It is noted from the NPWS documentation and accompanying maps, and the results of the desk top studies and site surveys that several of the QI habitats and species for the SACs are located a considerable distance away from proposed development. For this reason, combined with the modest scale of the proposed works, the specific QI site characteristics and locational requirements, and the dynamics of coastal and tidal processes, specific QI site characteristics and locational requirements or specific species requirements, the following QI habitats and species will be excluded from any further consideration: -

Bannow Bay SAC:

- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Mediterranean & thermo-Atlantic heliophilous scrubs (saltmarsh)
- Embryonic shifting dunes
- White dunes
- Grey dunes

Saltee Islands SAC:

- Mudflats & sandflats
- Large shallow inlets & bays
- Reefs & Vegetated Sea cliffs
- Submerged sea caves

SAC Conservation Objectives:

The Conservation Objectives for the various habitats and species seek to maintain or restore the favourable conservation condition of the habitats and species in the SACs, which are defined by a specific list of attributes and targets.

SAC Qualifying Interests, attributes & targets:

The relevant SAC Qualifying Interests for the remaining SAC habitats and species, and their attributes and targets for the remaining QIs, are set out below.

Qualifying Interests	Conservation Objectives	Attributes & targets
Large shallow inlets & bays	Maintain	Habitat area & Community extent.
Reefs	Maintain	Distribution, Habitat area, Community Structure & extent.
Vegetated Sea cliffs	Maintain	Habitat length & Distribution, Physical structure, and Vegetation structure & composition.
Estuaries	Maintain	Habitat area & Community distribution
Mudflats & sandflats	Maintain	Habitat area, Zostera shoot & Bamea candida densities & Community distribution
Salicornia & other annuals	Restore	Habitat area & distribution, Physical structure (sediment supply & flooding), Vegetation structure (zonation & cover) and Vegetation composition & structure.
Atlantic & Mediterranean salt meadows	Restore	Habitat area & distribution, Physical structure (sediment supply & flooding), Vegetation structure (zonation, height & cover), Vegetation composition & Negative species indicators.
Grey seal	Maintain	Access to suitable habitat, Breeding behaviour / sites, Moulting & Resting behaviour, Population composition & Disturbance

Consideration of potential impacts:

The proposed development would be located within the Hook Head SAC, adjacent to the Bannow Bay SAC and within c.15km of the Saltee Islands SAC. It is not relevant to the maintenance of any of the sites. However, there is potential direct effects on the Hook Head SAC, and potential for indirect effects on all three SACs during the ***construction and operational phases***.

Potential direct effects: There is potential for direct effects on the Hook Head SAC during the ***construction phase*** as a result of: - habitat loss and disturbance, water pollution from the unmitigated release of fine sediments in runoff during the works and hydrocarbons by way of accidental spillages from machinery which could give rise to water pollution and chemical contamination, with resultant impacts on habitats and constituent species, and sediment transfer and siltation. This could have resultant impacts on the attributes and targets for the QI habitats and constituent species, in the absence of mitigation. Further potential direct effects relate to the uncontrolled introduction of invasive species from works vehicles which could give rise to the colonisation of habitats by invasive plant and animal species, with

resultant impacts on the attributes and targets for the QI habitats and species, in the absence of mitigation. There is no potential for any significant additional direct adverse effects during the **operational phase** as the proposed works comprise the construction of a slipway adjacent to an existing small harbour which has been used by vessels since the mid-18th Century.

Potential indirect effects: The potential for indirect effects on the Bannow Bay SAC and Saltee Islands SAC during the **construction and operational phase** would be similar to the direct effects outlined above, except for habitat loss. Any resultant impacts on water quality could have a knock-on effect for Grey Seal which is a QI for the Saltee Islands SAC in terms of general disturbance and loss of prey species.

Mitigation measures: The NIS report contains a full list of mitigation measures which would serve to protect the European sites and their QI habitats and species from adverse effects, and these include: -

- Best construction practice.
- Avoidance of nuisance due to noise, dust, vibration, as well as air and water pollution.
- On-site induction training for workers.
- Environmental management plan.
- Adherence relevant guidelines (incl. ERFB, IFI & CIRIA)
- Surface water management measures to protect water quality for habitats and species (incl. no concrete mixing or washing out on site, designated storage for waste, protection from siltation & contamination, avoidance of sediment plumes during dredging, and spill kits).
- Protection measures for marine species during dredging (incl. Marine Mammal Observers, pre-start-up monitoring & ramping-up of noise).
- Timing and seasonality of works.
- Avoidance of wintering bird season.
- Construction activity restrictions & noise control
- Protection of shoreline habitats (incl. fencing).
- Construction and Environmental Management Plan (CEMP).
- Appointment of an Ecologist to oversee works.

Hook Head SAC (Large shallow inlets & bays, Reefs & Vegetated sea cliffs):

these habitats, which are located in the vicinity of Fethard Harbour, have the potential to be adversely affected by the proposed works by way of direct habitat loss, surface water contamination and the introduction or spread of invasive species. There would be no loss or contamination of Vegetated sea cliffs habitat, given that it is located outside the slipway footprint and upgradient of the proposed works, although it could be affected by invasive species. Very small sections of the overall Reef habitat (c.10,534ha) and overall Large shallow inlets and bays habitat (5,243ha) would be lost within the footprint (c.695sq.m.) of the proposed works (c.99sq.m & c.160sq.m respectively). Having regard to extensive size of the 2 x habitats relative to the very small scale of the proposed slipway works, adjacent to an existing long established small harbour, there would be a miniscule loss of and minor short-term disturbance to these habitats. I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. timing & seasonality of works, management of sediments & accidental spills, and control of invasive species), the proposed works would not have an adverse impact on these habitats or introduce invasive species to the surrounding area during the construction and operational phases. There would be no resultant adverse effects on these QI estuarine and coastal habitats with respect to their attributes and targets (incl. Distribution, Habitat area or length, Community Structure & Extent, Physical structure, or Vegetation structure & composition).

Bannow Bay SAC (Estuaries, Mudflats & sandflats, Salicornia & other annuals, and Atlantic & Mediterranean salt meadows): the nearest Estuary habitat, which is located c.8km to the N at Wellington Bridge, is unlikely to be affected by the project, having regard to the substantial separation distance and the high degree of tidal and estuarine mixing in the surrounding area, and likewise for the small patches of Salicornia and other annuals habitat, and Atlantic and Mediterranean Salt meadows habitats which are located c.3km and c.3.5km to the NW of the site near Gorteens and Saltmills. The nearest Mudflats and Sandflats habitat is located to the immediate W of Fethard Harbour and this habitat has the potential to be adversely affected by the proposed works by way of surface water contamination, siltation, and the introduction or spread of invasive species. However, having regard to extensive size of this habitat relative to the very small scale of the proposed slipway works,

tidal and wave conditions, and the degree of shelter provided by the existing intervening harbour, there would only be a minor short-term disturbance to this habitat. I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. timing & seasonality of works, management of sediments & accidental spills, and control of invasive species), the proposed works would not have an adverse impact on the habitats or introduce invasive species during the construction and operational phases. There would be no resultant adverse effects on these QI estuarine habitats with respect to their attributes and targets (incl. Distribution, Habitat area, Species density, Community Structure & Extent, Physical structure, Vegetation structure or Negative indicator species).

Saltee islands SAC (Grey seal): although the islands are located c.15km to the E of the site it is possible what Fethard Harbour lies within the foraging range for Grey seal. The proposed development would not introduce a barrier to movement or interfere with breeding or haul-out sites on the islands given the substantial separation distance. However, the proposed construction works could give rise to a minor short-term noise disturbance, diminution in water quality, and the introduction and spread of invasive species with resultant adverse impacts on prey species. I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. timing & seasonality of works, water quality management, control of invasive species, ramping up of noisy activities & a Marine Mammal Observer), the proposed works would not have an adverse impact on Grey seal during the construction and operational phases. There would be no resultant adverse effects on this QI species with respect to its attributes and targets (incl. Access to suitable habitat, Breeding behaviour / sites, Moulting & Resting behaviour, Population composition & Disturbance).

Potential in-combination effects: Potential in-combination effects relate to damage to QI habitats and species because of accidental spillages and sediment run off during the slipway works, and the poorly managed removal of or introduction of invasive species, in-combination with agricultural, aquaculture, recreational, commercial and residential works in the wider area. This could give rise to pollution, contamination and/or colonisation by invasive species, with resultant impacts on water quality, fisheries, and the availability of prey species for Grey seal, having

regard to the various plans, projects and activities in the wider area, in the absence of mitigation. However, having regard to the implementation of the mitigation measures, I am satisfied that there would be no adverse cumulative effects on the 3 x European sites and their QI habitats and species.

Residual effects: None anticipated post mitigation.

NIS Omissions: None noted.

Suggested conditions: All plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens. IFI requirements should be adhered to in relation to the works. A pre-construction survey for Grey seals should be undertaken, construction noise should be gradually ramped-up and a Marine Observer should be appointed. Having regard to the location of the slipway works within an historic maritime environment, the works should be carried out under the supervision of an archaeologist and all discoveries should be recorded.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites (SACs) in light of their Conservation Objectives, subject to the implementation of mitigation measures outlined above.

Bannow Bay, Ballyteige Burrow & Keeragh Island SPAs

The site lies within Bannow Bay SPA, c.5km to the W of Keeragh Island SPA and c.8km to the SW of Ballyteige Burrow SPA. These European sites lie within the Zone of Influence of the works as they have an aquatic and mobile connection to the project site.

European site description:

Bannow Bay SPA: As for Bannow Bay SAC. It supports internationally important populations of Light-bellied Brent Goose and Black-tailed Godwit as well as nationally important populations of a further eleven species. Bannow Bay is also a Ramsar Convention site and part of Bannow Bay SPA is a Wildfowl Sanctuary.

Ballyteige Burrow SPA: This site comprises a c.8km long sand and shingle barrier beach and the estuary of the Duncormick River. It has a range of coastal habitats, including various types of sand dunes, salt meadows, and intertidal sand and mud flats. It supports internationally important populations of Light-bellied Brent Goose and Black-tailed Godwit, and nationally important populations of a further five species. Ballyteige Burrow is a Biogenetic Reserve site and part of the Ballyteige Burrow SPA is a Statutory Nature Reserve.

Keeragh Island SPA: This site comprises 2 x low-lying islets located c.1km off the S Wexford coastline. It includes the islets and associated rocky shorelines and reefs, as well as the surrounding marine area (c.200m). The SPA is of ornithological importance for its nationally important population of breeding Cormorant.

SPA Special Conservation Interest species:

These SPAs are designated for their importance to a wide variety of bird species and the full list of SCI species is set out in the table above.

It is noted from the NPWS documentation, maps and bird surveys (c. 2009/10), and the results of the desk top studies and site surveys (c. 2007, 2010 & 2019) that most of the SCI species for the SPAs do not frequent Fethard Harbour and environs, given their specific locational, dietary and foraging requirements, in addition to the level of human activity associated with the harbour and surrounding residential uses. Most of these species will therefore be excluded from any further consideration. The remaining species were recorded in low number in the various surveys with only Cormorant and Oystercatcher recorded in the immediate vicinity of Fethard Harbour.

SPA Conservation Objectives:

The Conservation Objectives for the various bird species seek to maintain and/or restore the favourable conservation condition of the species in the SPAs, which are defined by a specific list of attributes and targets.

SPA Special Conservation Interests, attributes & targets:

The relevant SPA SCIs, and applicable attributes and targets, are set out below.

Special Conservation Interest species	Conservation objective	Attributes & targets
Cormorant	Maintain / restore	Population tend & Distribution
Oystercatcher	Maintain	Population tend & Distribution
Light bellied Brent Goose	Maintain	Population tend & Distribution
Shelduck	Maintain	Population tend & Distribution
Pintail	Maintain	Population tend & Distribution
Black-tailed Godwit	Maintain	Population tend & Distribution
Bar-tailed Godwit	Maintain	Population tend & Distribution
Golden plover	Maintain	Population tend & Distribution
Grey plover	Maintain	Population tend & Distribution
Lapwing	Maintain	Population tend & Distribution
Knot	Maintain	Population tend & Distribution
Dunlin	Maintain	Population tend & Distribution
Curlew	Maintain	Population tend & Distribution
Redshank	Maintain	Population tend & Distribution
Weland & Waterbirds	Maintain	Population tend & Distribution

Consideration of potential impacts:

The proposed development would be located within the Bannow Bay SPA, and within c.5km and c.8Km of the Keeragh Island and Ballyteige Burrow SPAs. It is not relevant to the maintenance of any of the sites. However, there is potential direct effects on the Bannow Bay SPA, and potential for indirect effects on the SCI species for all three SPAs during the **construction and operational phases**.

Potential direct effects: There is potential for direct effects on the Bannow Bay European site during the **construction phase** as a result of: - water pollution from the unmitigated release of fine sediments in runoff during the works and hydrocarbons by way of accidental spillages from machinery which could give rise to ground and water pollution and chemical contamination, with resultant impacts on

food supplies for SCI bird species, and general disturbance, with resultant impacts on the attributes and targets for the SCI bird species, in the absence of mitigation. Further potential direct effects relate to the loss or disturbance to foraging habitat and the uncontrolled introduction of invasive species from works vehicles which could give rise to the colonisation of foraging habitats by invasive plant and animal species, with resultant impacts on the attributes and targets for the SCI species, in the absence of mitigation. There is no potential for any additional direct adverse effects during the **operational phase** as the proposed works comprise the construction of a slipway adjacent to an existing small harbour, which is already surrounded by a small number of residential uses.

Potential indirect effects: There is potential for indirect effects on the 3 x European sites during the **construction phase** which would be similar to the direct effects outlined above.

Mitigation measures: As for Hook Head SAC above.

Potential in-combination effects: As for the SACs above.

Residual effects: None anticipated post mitigation.

NIS Omissions: None noted, but some of the bird surveys are quite dated.

Suggested conditions: As for the SACs above.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites in light of their Conservation Objectives, subject to the implementation of mitigation measures outlined above.

7.10. **Appropriate Assessment Conclusions:**

Having regard to the foregoing I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site nos. 000764, 000697, 000707, 004033, 004020 and 004118 or any other European site, in view of the site's Conservation Objectives.

8.0 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 those 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 2011-2015,
- (c) the Government of Ireland Climate Action Plan, 2023,
- (d) the Regional Economic & Spatial Strategy, 2020 - 2032,
- (e) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (f) the conservation objectives and qualifying interests for the Hook Head SAC and Bannow Bay SAC (site codes: 000764 & 000697),
- (g) the conservation objectives and special conservation interests for the Bannow Bay SPA, Ballyteige Burrow SPA and Keeragh Islands SPA (site codes: 004033, 004020 & 004118),
- (h) the policies and objectives of the Wexford County Development Plan 2022 to 2028,
- (i) the nature and extent of the proposed works as set out in the application for approval,
- (j) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and
- (k) 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 the: -

- Hook Head SAC (site code: 000764)
- Bannow Bay SAC (site code: 000697)
- Saltee Islands SAC (site code: 000707)
- Bannow Bay SPA (site code: 004033)
- Ballyteige Burrow SPA (site code: 004020)
- Keeragh Islands SPA (site code: 004118)

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

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the: -

- Hook Head SAC (site code: 000764)
- Bannow Bay SAC (site code: 000697)
- Saltee Islands SAC (site code: 000707)
- Bannow Bay SPA (site code: 004033)
- Ballyteige Burrow SPA (site code: 004020)
- Keeragh Islands SPA (site code: 004118)

in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- 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 Site.

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 Site/s, having regard to the site's 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 Site, in view of the site's conservation objectives.

Proper Planning and Sustainable Development and 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, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and it would not give rise to likely effects on the environment.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The mitigation measures outlined in the plans and particulars relating to the proposed development or as may be required in order to comply with the following conditions shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and European Sites.

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 demonstration of proposals to adhere to best practice and protocols.

Reason: In the interest of protecting the European Site and biodiversity.

4. The following nature conservation requirements shall be complied with:
- (a) A pre-construction survey for Grey seal shall be carried out by a suitably qualified marine ecologist, construction noise should be gradually ramped-up, and a Marine Observer should be appointed.
 - (b) The works shall be carried out in compliance with the Inland Fisheries Ireland document “Guidelines on protection of fisheries during construction works in and adjacent to waters.”
 - (c) All works (including the use of concrete) shall be undertaken during periods of low tide.
 - (d) No vegetation removal shall take place during the period 1st March to 31st August (inclusive).
 - (e) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence, any destruction of otter holts or relocation of otter species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
 - (f) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season; any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage; and the works shall be undertaken in accordance with the Bat Conservation of Ireland document “Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers 2010”.
 - (g) Any areas damaged by machinery or equipment shall be fully re-instated.
 - (h) Prevention measures shall be put in place to prevent the introduction or spread of invasive species.

Reason: In the interest of biodiversity and nature conservation.

5. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of biodiversity.

6. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

7. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works.

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.

Professional Declaration

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.

Karla Mc Bride

Senior Planning Inspector

1st June 2023