



An
Bord
Pleanála

Inspector's Addendum Report ABP-315900-23

Development	Construction of new slipway and beach access.
Location	Fethard Harbour, County Wexford.
Planning Authority	Wexford County Council
Applicant(s)	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).
Board Request	Further consideration.
Inspector	Karla Mc Bride

This report should be read in conjunction with the Inspectors Report ABP - 315900-23 dated 1st June 2023.

1.0 Introduction

- 1.1. The Board requested the Inspector to revert to the Board on a number of matters to allow for consideration of the case at a further Board meeting. These matters related to need, effectiveness and alternatives, cultural heritage and the consideration of the recent addition of an SPA off the Wexford coast at Seas off Wexford SPA.
- 1.2. The Planning Assessment is set out in section 7.0 of the Inspector's report dated 1st June 2023. Section 7.1 deals with the likely consequences for the proper planning and sustainable development of the area, section 7.2 deals with the likely effects on the environment, and section 7.5 to 7.10 deals with Appropriate Assessment. The issues and concerns raised by the Prescribed Bodies and the Observer are summarised in section 6.0 of this report. Section 8.0 contains a Recommendation followed by Conditions.
- 1.3. Section 7.1 contains an assessment of the likely consequences on visual and residential amenity, biodiversity, coastal processes and hydrodynamics, and cultural heritage, along with a consideration of need, effectiveness and alternatives. Sections 7.5 to 7.10 contains a Stage 1 Screening for Appropriate Assessment and a Stage 2 Appropriate Assessment. These sections should be read in conjunction with this report.

2.0 Need, effectiveness and alternatives.

- 2.1. The Board requested additional detail in relation to (the) need, effectiveness and alternatives section in the report and the background information provided justifying the need and extent of the proposed development given the sensitive location of the development.
- 2.2. Section 3.1 of the **Stage 1 Screening Report & Stage 2 Natura Impact Statement (NIS)** states that the enclosed harbour, in which a number of boats are moored, may dry up entirely during low spring tides. The existing harbour serves the local fishing fleet, the local lifeboat services and leisure craft. Potting for lobster and crab is the

main fishing activity, with limited shrimp fishing also carried out. Facilities are limited by the available space within the harbour and the fact that it generally dries out at low tide. The existing slipway terminates shortly below the high-water tide. Access to the existing quay area is narrow and steeply sloping. Section 3.2 states that the new slipway will be used for launching and recovering boats and will be used mainly by leisure boats and the RNLI boat. It is estimated that up to 4 boats (4 x launch & 4 x recovery) per day plus lifeboat as required will use the slipway. The NIS notes that the area beside the harbour is not widely used as a beach and it is not envisaged that more usage will occur as a result of the new slipway, given that there are several nearby beaches.

- 2.3. Section 4.0 of the ***Architectural Heritage Impact Assessment (2011)*** which accompanied the application states that proposals have been developed to construct a new extended slipway to the E of the harbour and associated wave wall for use by the Coastguard, along with a small ramp and a flight of steps for pedestrian access to the foreshore. Section 6.0 states that the works are necessary and desirable so that this harbour may play a role in the provision of sea rescue services in the SE, and so that it may develop its commercial and recreational activities. I note that this 2011 report also referred to proposed works to the W of the harbour, that would have comprised the construction of a hard standing for boat maintenance and a new slipway along with some the partial demolition works. However, these works do not form part of the current proposal, but they may have been part of the previous and withdrawn Foreshore Licence application (MS/511/6/327). In this regard I note the Observer's concerns in relation to these additional elements, however I am satisfied that they do not form part of the current proposal.
- 2.4. Section 5.0 of the ***Architectural Heritage Impact Assessment Report (2022)*** states that the E side of the pier is accessed via a partially cobbled slipway which gives access to the beach, which is short and steep and has been repaired many times. Section 6.0 cautions that the use of cobbled surfaces could give rise to accessibility issues.
- 2.5. Section 2.1 of the ***Underwater / Intertidal Archaeological Impact Assessment report*** states that the works will provide adequate launching facilities and turning areas for the lifeboat to be used at all levels of tide.

- 2.6. The **CEMP** (April 2022) which accompanied the application, noted that WCC applied for a Foreshore Licence under Ref. No. FS007064 in late 2020 for the construction of a slipway, access ramp and steps to the beach located along the eastern side of the existing harbour (Fethard Slipway). Upon examination of this licence application, I note that The Statement of Disturbance to the Foreshore as a result of the Proposed Works states “As the enclosed harbour can dry up entirely during low spring tides, thereby limiting its value for boats, and does not accommodate any pleasure boating and sailing activities, the proposed works are not expected to affect these activities”.
- 2.7. Section 1.4 of the Foreshore Application form states that the primary use of the proposed development will be for the Community / Co-op scheme and Other (to be by the RNLI & unrestricted public access), and that it will be maintained by the Local Authority. Section 1.5 stated that the proposed works will provide for unrestricted recreational public use and emergency services use by the RNLI. Section 1.6 states that the proposed works will enhance the unrestricted public’s use of the foreshore. Section 1.7 states that a previous Foreshore Licence application (MS/511/6/327) was withdrawn, and that this new application comprises a reduced scope of works. Section 1.10 states that it will support tourism in the area.
- 2.8. I note that the same drawings were submitted with both the S177AE and Foreshore Licence applications for the Site location, Existing Layout, Proposed Sections, Lease Application. Although differently enumerated drawings were submitted for the Proposed Layout (2767-TJOC-ZZ-XX-DR-C-0051 vs 2767-TJOC-ZZ-XX-DR-C-0055), I am satisfied that the drawings describe the proposed works in a similar but not identical manner. For example, Drg. no. 0051 annotates the width of the slipway (10m) while Drg. No. 0055 describes the separation membrane between the proposed works and the historic pier.
- 2.9. Having regard to the foregoing, I am satisfied that that the various documents submitted in support of the application have described and demonstrated the need for the proposed development and its future effectiveness in meeting that need, particularly in relation to the role the new slipway will play in sea rescue and saving lives, as well as facilitating artisan commercial fisheries and small-scale recreational craft. The alternatives considered included the previously proposed works to the W of the harbour, which do not form part of the current application. The “do-nothing” option, which would retain the slipway and harbour environs in their current

condition, could impede sea rescues and the uneven cobblestone surface would restrict universal access to the area and could give rise to pedestrian accidents.

3.0 Operational phase impacts

- 3.1. In relation to the potential intensification of the use of the facility post development the Board requested additional commentary on the impacts of the proposed development after completion during the operational phase.
- 3.2. The Board should refer to section 2.0 above for a description of the scale and use of the existing harbour, proposed slipway and nearby foreshore. It is not anticipated that the use of the slipway will intensify to any significant extent, given the small scale of the harbour and its associated artisan fishing and recreational uses, and having regard to the narrow road access to the harbour and the absence of any car parking facilities. The Hook Peninsula contains many fine beaches, several of which are in close proximity to Fethard harbour, and it is unlikely that there will be a shift away from those areas which are also well served by car parks and public amenities. The capacity of the harbour will not be expanded, and the main purpose of the new slipway is to provide safe access to the sea for rescue missions during all tides.

4.0 Cultural heritage

- 4.1. The Board requested additional detail on the future protection and maintenance of the protected structure post development and comment on the recommendation that stones from the derelict structures are to be reused in the new development.
- 4.2. The Board should refer to sections 3.0 and 7.1 of the report dated 1st June 2023 for a detailed description of the proposed works and assessment of potential impacts on visual amenity and cultural heritage. Section 7.1 concluded that there would be not significant adverse impacts on cultural heritage features, including the historic harbour which is a Protected Structure which the works would be set back from and separated by a protective membrane, or any other surrounding NIAH structures/features. This would be subject to compliance with the mitigation measures contained in section 7.0 of the ***Architectural Heritage Impact Assessment Report (2022)*** that accompanied the planning application, and the recommended Conditions no.1, no.2 and no.7. The mitigation measures provide for the following: -

- A measures survey of the harbour and cobbled slipway in advance of conservation works.
- The protection of the historic pier walls during the construction works.
- The installation of a protective membrane between the historic pier walls and the proposed works.
- Archaeological monitoring & submission of reports to the DAU & PA.

The Board may wish to amend the reason attached to recommended Condition no.2 so as to include a specific reference to the architectural mitigation measures contained in the ***Architectural Heritage Impact Assessment Report (2022)***, or alternatively attach a new condition. I am satisfied that the measures proposed in the 2022 report are preferable and to those contained the older ***Architectural Heritage Impact Assessment Report (2011)*** which relate to a previous proposal, so as to avoid confusion (refer below). I note that as a Local Authority Project, the proposed development will be maintained by Wexford County Council upon completion.

- 4.3. Section 4.0 of the ***Architectural Heritage Impact Assessment Report (2011)*** which accompanied this application also referred to previously proposed works to the W of the harbour. These works would have comprised the construction of a hard standing for boat maintenance and a new slipway along with some the partial demolition works and the reuse of stone to consolidate the existing ruinous buildings which frame the harbour. However, these works do not form part of the current proposal, but they may have been included in the previous and withdrawn Foreshore Licence application (MS/511/6/327). In this regard I note the Observer's concerns in relation to these additional elements, however I am satisfied that they do not form part of the current proposal.
- 4.4. Having read this 2011 report, the Inspector inadvertently suggested that the consideration be given to the reuse of stones from the derelict structures in the proposed development. However, I note that these works do not form part of the current proposal. Furthermore, the ***Architectural Heritage Impact Assessment Report (2022)*** cautioned again the use of cobblestone in the slipway and pedestrian ramp for accessibility reasons, and advised against flanking the sea wall with any form of cladding as it would not withstand tidal and wave action, thus the reuse of stones from the ruinous buildings (even it they were available) would not be appropriate.

5.0 Appropriate Assessment

- 5.1. The Board request that the Inspector consider the recent addition of an SPA off the Wexford coast at Seas of Wexford SPA.
- 5.2. Section 7.6 of the report dated 1st June 2023 noted that the proposed development would be located within an area covered by 2 x European site designations and that it is not relevant to the maintenance of any such sites. The Stage 1 Screening Assessment lists 9 x European sites that are located within a 15km radius of the slipway site along with their relevant Qualifying Interests/ Special Conservation Interests, the approximate separation distances from the site, and whether there is an aquatic or mobile link between the slipway site and the European sites.
- 5.3. Section 7.8 identifies the potential effects on the European sites as:
- 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.
- 5.4. Section 7.9 notes that there is a potential aquatic connection with 3 x SACs and a potential mobile and/or aquatic connection with 3 x SPAs. This conclusion is based on an examination of maps and aerial imagery, the survey data provided by the applicant and the information contained in relevant NPWS documentation. Three European sites are screened out from any further consideration because of the nature of the European site, the absence of relevant Qualifying Interests downstream of the works, and the absence of an aquatic connection between the European site and the site.
- 5.5. The Appropriate Assessment concluded that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites (SACs & SPAs) in light of their Conservation Objectives, subject to the implementation of the NIS mitigation measures.

Seas off Wexford c.SPA (Site code: 004237)

- 5.6. The recently designated European site off the Wexford coast is described below. Having regard to the proximity of the SPA site boundary to the proposed development (c.240m) I am satisfied that there is a potential mobile and aquatic connection between the two sites, and this SPA has been screened in for further consideration and appropriate assessment.

Background information

European site description:

The marine waters off the coast of County Wexford mark the boundary between the Irish and Celtic Seas. These waters constitute a valuable feeding resource for the seabirds that return every spring to Wexford's coastal and island colonies to breed. Outside of the summer months these relatively shallow coastal waters provide safe feeding and roosting opportunities for a range of marine birds overwintering here or on passage. This SPA extends offshore along the majority of the Co.Wexford coastline and is approximately 3,054sq.km in area and it abuts, and is ecologically connected to, four breeding seabird SPAs (incl. Lady's Island Lake SPA, Wexford Harbour & Slobs SPA, Keeragh Islands SPA and Saltee Islands SPA). The site lies within the Zone of Influence as it has an aquatic and mobile connection to the project site and slipway works.

SPA Special Conservation Interest species:

This SPA is designated for its 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 surrounding previously designated SPAs do not regularly 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. I note that any 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
Red-throated Diver	Maintain	Non-breeding population (stable or increasing); Spatial distribution (suitable support habitat); Forage spatial distribution (suitable habitat & forage biomass); Disturbance across site (no impacts on population & distribution targets); and Barriers to connectivity (no significant impacts on access to ecologically important SPA & non-SPA sites)
Fulmar	Restore	Breeding population size (stable or increasing); Spatial distribution (suitable support habitat); Forage spatial distribution (suitable habitat & forage biomass); Disturbance across site (no impacts on population & distribution targets); and Barriers to connectivity (no significant impacts on access to ecologically important SPA & non-SPA sites)
Manx Shearwater	Maintain	As for Fulmar above.
Gannet	Maintain	As for Fulmar above.
Cormorant	Restore	Population size (stable or increasing); and as for Fulmar above.
Shag	Restore	As for Fulmar above.
Common Scoter	Maintain	As for Fulmar above.
Mediterranean, Black-headed, Lesser Black-backed & Herring Gull	Maintain	As for Fulmar above.
Kittiwake	Restore	As for Fulmar above.
Sandwich, Roseate, Common, Arctic & Little Tern	Maintain	As for Fulmar above.
Guillemot	Maintain	As for Fulmar above.
Razorbill	Maintain	As for Fulmar above.
Puffin	Restore	As for Fulmar above.

Consideration of potential impacts:

The proposed development would be located within c.240m of the Seas off Wexford SPA and it not relevant to maintenance of this SPA site. However, there is potential effects on the Seas off Wexford SPA on the SCI species during the **construction and operational phases**.

Potential direct effects: There is no potential for indirect effects on the Seas off Wexford SPA during the **construction and operational phases** as the proposed development is not located within the SPA.

Potential indirect effects: There is potential for indirect effects on the Seas off Wexford SPA 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 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 indirect adverse effects during the **operational phase** as the proposed works would comprise the construction of a slipway adjacent to an existing small harbour, which is already surrounded by a small number of residential uses. Having regard to the small scale and linear layout of the proposed development, it's position relative to the adjacent harbour and over the existing slipway, the project would not result in a loss of nesting or foraging habitat or give rise to a collision risk or species displacement. No adverse impacts on the Attributes and Targets for any of the SCI species are anticipated.

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, and their SCI species from adverse effects. These measures would equally apply to the Seas off Wexford SPA, and 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.

Potential in-combination effects: Potential in-combination effects relate to damage to support habitats and SCI 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 birds, 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 Seas off Wexford SPA European site and its SCI species.

Residual effects: None anticipated post mitigation.

NIS Omissions: Not relevant as this report pre-dates the designation of the Seas off Wexford SPA, although no NIS omissions were noted in the original assessment.

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. 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 Seas off Wexford SPA European site in light of its Conservation Objectives, subject to the implementation of mitigation measures outlined above.

I am satisfied that the further consideration of the Appropriate Assessment contained in Sections 7.5 to 7.10 would not give rise to any changes to the conclusions reached by the Inspector in respect of the report dated 1st June 2023.

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 in relation to the surrounding European sites, 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 no. 004237 or any other European site, in view of the site's Conservation Objectives.

6.0 Recommendation

Having regard to the foregoing, I am satisfied that there is adequate information before the Board to enable it to continue with its deliberations in relation to the proposed slipway development. However, the Board may wish to include the following amendments to the Draft Order: -

1. Include the recent Seas off the Wexford SPA in the AA conclusion.

2. Either amend Condition no.2 to include a specific reference to the architectural heritage mitigation measures contained in the Architectural Heritage Impact Assessment Report (2022), or alternatively attach a new standalone condition.
3. Amend the reference to the Government of Ireland Climate Action Plan 2023 in the Reasons and Considerations to refer to the 2024 version of the Plan.

Professional Declaration

I confirm that this Addendum 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

Inspectorate

28th February 2023