



An
Bord
Pleanála

Inspector's Report

ABP-317594-23

Development	Residential development of 60 no. units in a mix of 1, 2, and 3 bed units, and all ancillary site and enabling works
Location	Killeens, Wexford Town, Co. Wexford
Local Authority	Wexford County Council
Type of Application	Appropriate Assessment (AA) Screening Determination (Application under Article 250 (3) (b) of the Planning and Development Regulations 2001, as amended)
Applicant(s)	Killeens Lane Residents Association
Date of Site Inspection	24 th October 2023
Inspector	Tomás Bradley

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1.0 Introduction

Under the provisions of Article 250 (3) (b) of the Planning and Development Regulations 2001, as amended (PDR) applications for an Appropriate Assessment (AA) Screening Determination were made to An Bord Pleanála (the Board) as to whether the development of a residential development of 60 no. units in a mix of 1, 2, and 3 bed units, and all ancillary site and enabling works by Wexford County Council (WCC) at Killeens, Wexford Town, Co. Wexford would be likely to have significant effects on a European site.

The proposed development is a local authority development and is being applied for under Part XI of the Planning and Development Act 2000, as amended (PDA), and Part XIII of the PDR. It is not a direct planning application to the Board.

One party, Killeens Lane Residents Association (KLRA), made applications under the provisions of Article 250 (3) (b) requesting the Board to make an AA Screening Determination. It is noted that there is no concurrent or separate application for an Environmental Impact Assessment (EIA) Screening Determination.

WCC is of the opinion that the proposed development would not likely have significant effects on a European site and an AA is not required. This is evidenced in an AA Screening Report submitted to the Board. The applicant questions this conclusion and contends the proposed development would likely have significant effects on a European site.

2.0 Site Location and Description

The site is located in the townland of Killeens in Co. Wexford. It is on the periphery of Wexford Town, approximately 2.5 km south-west of the town centre. Access to the site is from the R733 Regional Road on a recently constructed road which ends at the site. A tree-lined laneway bounds the site to the north-east with some agricultural entrances to the site also.

The site is bounded to the east by Min Ryan Park, which is a public park managed by WCC. In the same complex there is the Loreto Secondary School. There is an area of undeveloped land also which is largely in scrub.

To the north and west there is more established residential development – largely single residential dwellings. A residential dwelling sits at the top of the site on a plot

which would have made up the former field. There are agricultural fields both the south and west also.

The site, approximately 1.59 hectares is currently comprised of an open, immature woodland, with is largely in scrub with some trees evident. It is well screened to the west which a mature trees and hedgerow. The east is less screened with the public park in view. The land falls by approximately 5.5 m from a high point at its southwestern end to a low point at its north-eastern boundary

There are no specific natural heritage designations in respect to the subject site. The Laurstown Stream is located to the east of the site which is a tributary of the Horse River. This river outfalls into Wexford Harbour in proximity to the junction of Lower King Street and Trinity Street. Wexford Harbour holds several designations, including the Wexford Harbour and Slobbs Special Protection Area (SPA) and Slaney River Valley Special Area of Conservation (SAC). There are other sites outside the harbour also noted below in Section 8.1. The Wexford Harbour and Slobbs is also a proposed Natural Heritage Area (pNHA) There are no Recorded Monuments on the site.

The site has been considered under the Catchment Flood Risk Assessment and Management (CFRAM) Programme. The mapping indicates that the stream to the east of the site is liable to fluvial flooding. The extent of the flooding is largely contained to the watercourse.

3.0 Proposed Development

3.1. Development Description

The proposed development includes:

- 60 dwellings, consisting of
 - a terrace of six two-storey, three-bedroom houses;
 - twelve one-bedroom and twelve two-bedroom apartments, with twelve two-bedroom and six three bedroom duplexes above them; and
 - twelve three-bedroom, three-storey 'back-to-back houses.
- 78 car parking spaces, including four accessible ones, and 240 bicycle parking spaces.

- new access road will serve the site from the east and Killeens Lane will be upgraded.

3.2. Documents supporting the Proposed Development

The following documents were submitted by WCC following the application under Article 250 (3) (b):

- Cover Letter dated 11th of August 2023
- Appropriate Assessment Screening Report (dated 10th August 2023)
- Ecological Impact Assessment (dated 10th August 2023)

4.0 Planning History

A review of the WCC Planning Portal was carried out on the 25th of September 2023 to collate any relevant planning history for the site. There was no recent, relevant planning history for the subject site, save for the Part XIII planning application (WCC Ref: LAC2305) the subject of this AA Screening Determination.

Other Urban Developments

There are numerous planning applications around the site in respect of residential, commercial and other developments which is to be expected in a such a suburban location. This includes previous applications for the public park (WCC Ref: LAC1507) and the secondary school (WCC Ref: 20170830) These are all noted and considered in the assessment below.

5.0 Policy Context

5.1. Zoning Objective

The Wexford County Development Plan 2022-2028 (WCDP) is the relevant plan for the subject site – it came into effect on the 25th of July 2022. This plan has superseded other plans including Wexford Town and Environs Development Plan 2009-2015 (WTEDP) which has expired.

As a result, this site is unzoned until such time as plan is prepared for Wexford Town. It is Objective CS15 to prepare such a plan in accordance with relevant guidelines.

5.2. Core Strategy

Wexford Town is a Level 1 Key Town in the settlement hierarchy and it has been allocated 45% of the overall population growth for Wexford County as set out in Chapter 3 of the plan. A set of strategic objectives for the town is set out at the end of the chapter (WT01-WT10).

5.3. Sustainable Housing

In respect of the location for future housing the plan has set out instructive objectives in Chapter 4 of the plan, including

Objective SHO6 - To prioritise the provision of new housing in existing settlements and at an appropriate scale and density relative to the location in accordance with the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region and the Core Strategy and the Settlement Strategy in the Plan.

5.4. Specific Policies in respect of Natural Heritage

Chapter 13.2 of the plan and specifically Objectives NH01-NH28 sets out measures to protect, conserve, and enhance the county's biodiversity and ecological connectivity having regard to national and EU legislation and strategies.

6.0 Legal Context

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('the Habitats Directive') is European Community legislation aimed at nature conservation. The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European site(s), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to AA to identify any implications for the European site(s) in view of the site's Conservation Objectives The Habitats Directive is transposed into Irish law by Part XAB of the PDA, and the PDR.

Case law of the European Court of Justice (ECJ) has determined that AA is required if likely significant effects cannot be excluded on the basis of objective information. Case law has also clarified that measures intended to avoid or reduce harmful effects on European sites, must not be considered when determining whether it is necessary to carry out an AA.

Under the provisions of Article 250 (3) (b) of the PDR, where any person considers that a development proposed to be carried out by a local authority under Part XIII would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect.

Under Article 250 (3) (d), where the Board determines that a development would be likely to have a significant effect on a European site it shall require the local authority to prepare a Natura Impact Statement (NIS).

7.0 Request for Determination

A total of one party, KLRA, made an application under the provisions of Article 250 (3) (b) requesting the Board make an AA Screening Determination. A list of the members of KLRA is set out in Appendix 2 of the submission. The KLRA live on the lane to the north-west of the site identified in Section 2.0 of this report. The application was prepared by Andrew Hersey Planning on behalf of the applicant.

The application can be summarised as follows:

- The applicant provides a description of the site in Section 2.0 of its report. It identifies the stream on the eastern boundary of the site which is referred to as 'Killeens Stream'. It flows easterly to the Horse River and is underground in parts until it reaches Wexford Harbour.
 - The applicant sets out the relevant European designations at Wexford Harbour which are identified in Section 2.0 of this report. The applicant states there is a hydrological connection between the site and the European designated sites and has included maps of same in Appendix 1 of the submission.
- In Section 3.0 of the applicants submission it sets out the legislative context in respect of local authority development which has been summarised in this report above in Section 6.0. Most significantly, the applicant identifies that there is no AA Screening Report available for public inspection on the Part XIII application. For a Part XIII application, WCC is the competent authority.
- In Section 4.0 of its application, the proposed development is described and an extract drawing of the proposed development in the context of the 'Killeens Stream' is provided to highlight the proximity of both.

- In Section 5.0 the requirement for a 'Stage 2' Appropriate Assessment is set out.
 - The Surface Water Report (Section 3.2) clearly states that surface water will be discharged to the watercourse at the north-east corner of the site. The surface water will be treated prior to discharge and will include measures such as settlement ponds and oil spill prevention. These will impact the adjoining stream and in turn the identified European sites.
 - The applicants consider the measures to treat surface water run-off 'mitigation measures' – without same there would be an impact to the stream and in turn the identified European sites.
- In conclusion and in summary, the applicant considers that WCC has failed in its duty to prepare an AA Screening Report in the first instance and should prepare an NIS on the basis that:
 - there is a hydrological connection
 - surface water will enter this hydrological connection
 - mitigation measures are being relied upon to manage water before it enters the hydrological connection.
- The applicant also appends the Site Synopsis for Wexford Harbour and Slobbs SPA and the Slaney River Valley SAC.

8.0 Assessment

The proposed development will not be located within a Natura 2000 site and the closest Natura 2000 sites are approximately 2.3 km downstream from the site. The proposed development will occur primarily on immature woodland.

The site slopes generally from north to south. During the operation phase the proposed development includes a surface water drainage system which will outfall to the Laurstown Stream at the north-east corner of the site.

During the construction phase there is no requirement to discharge to the Laurstown Stream according to WCC. The foul water drainage will connect to an existing foul sewer at the north of the site.

There is a direct hydrological connection to Wexford Harbour and the Natura 2000 sites therein via the Laurstown Stream, which is at the eastern site boundary, and the Horse River.

Please note this stream is referred to as Laurstown Stream by WCC and Killeens Stream by the applicant – for the purposes of this report it is herein referred to as Laurstown Stream as defined by the Environmental Protection Agency. The stream's location on different mapping compared to satellite imagery is also noted. The stream clearly runs along and forms the eastern boundary to the site rather than running through the middle of the site. This was confirmed by site visit also.

8.1. Revant European Sites

An AA Screening Report dated 10th August 2023 was prepared by Altemar Marine & Environmental Consultancy on behalf of WCC (please note Section 9.0 on a procedural matter).

The AA Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development.

No habitats or species listed as qualifying interests for any nearby European Sites or corresponding with Annex I are identified on the site in the AA Screening Report.

The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites.

The AA Screening Report considers European sites within 15 km of the proposed development. This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (i.e., watercourses). Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model, it is considered that this is a reasonable Zone of Influence.

Table 1 below lists the qualifying interests of these sites, their conservation objectives, and possible connections between the proposed development (source) and the sites (receptors).

Having regard to:

- the information and submissions available.
- the nature, size and location of the proposed development.
- its likely direct, indirect and in-combination effects.

- the source-pathway-receptor model; and
- the sensitivities of the ecological receptors.

It is considered that the following sites are relevant to include for the purposes of initial screening for the requirement for Stage 2 AA on the basis of likely significant effects.

- **IE000781 Slaney River Valley SAC**
- **IE000710 Raven Point Nature Reserve SAC**
- *IE000708 Screen Hills SAC*
- *IE000709 Tacumshin Lake SAC*
- *IE002161 Long Bank SAC*
- *IE000704 Lady's Island Lake SAC*
- *IE002269 Carnsore Point SAC*
- *IE000707 Saltee Islands SAC*
- *IE002953 Blackwater Bank SAC*
- **IE004076 Wexford Harbour and Slobbs SPA**
- **IE004019 The Raven SPA**
- *IE004092 Tacumshin Lake SPA*
- *IE004009 Lady's Island Lake SPA*

For the majority of the sites (in *italics* above and listed in Table 1 below) there is no potential for meaningful biological or relevant hydrological connectivity to this site given the separation of the proposed development from this site and the dilution and dispersion action of the sea, in both Wexford Harbour and the Irish Sea. It is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.

However, there is a clear hydrological connection to the several sites (in **bold** above and listed in Table 1 below) including Slaney River Valley SAC, Raven Point Nature Reserve SAC, Wexford Harbour and Slobbs SPA, The Raven SPA.

Table 1: European Sites considered for Stage 1 Screening			
European Site (Code)	Distance	Qualifying Interest(s)	Source-Pathway-Receptor and Potential for Likely Significant Effects
IE000781 Slaney River Valley SAC	2.3 km	<ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, <i>Salicion albae</i>) [91E0] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Lampetra planeri</i> (Brook Lamprey) [1096] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] • <i>Alosa fallax fallax</i> (Twait Shad) [1103] • <i>Salmo salar</i> (Salmon) [1106] • <i>Lutra lutra</i> (Otter) [1355] • <i>Phoca vitulina</i> (Harbour Seal) [1365] 	Hydrological connection to site could give rise to changes in water quality.
IE000710 Raven Point Nature Reserve SAC	7.6 km	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] • Humid dune slacks [2190] 	Limited potential for meaningful biological or relevant hydrological connectivity to this site as it is connected via the Wexford Harbour. Given the separation of the proposed development from this site and the dilution and dispersion action of the sea, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
IE000708 Screen Hills SAC	10.1 km	<ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] • European dry heaths [4030] 	No potential for meaningful biological or relevant hydrological connectivity to this site as it is the opposite side of the estuary. Given the separation of the proposed development from this site it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
IE000709 Tacumshin Lake SAC	11.9 km	<ul style="list-style-type: none"> • Coastal lagoons [1150] • Annual vegetation of drift lines [1210] • Perennial vegetation of stony banks [1220] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] 	No potential for meaningful biological or relevant hydrological connectivity to this site. Given the separation of the proposed development from this site it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
IE002161 Long Bank SAC	12.7 km	<ul style="list-style-type: none"> • Sandbanks which are slightly covered by sea water all the time [1110] 	No potential for meaningful biological or relevant hydrological connectivity to this site as it is connected via the Wexford Harbour and the Irish Sea. Given the separation of the proposed development from this site and the dilution and dispersion action of the sea, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.

IE000704 Lady's Island Lake SAC	13.7 km	<ul style="list-style-type: none"> Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220] 	No potential for meaningful biological or relevant hydrological connectivity to this site. Given the separation of the proposed development from this site it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
1002269 Carnsore Point SAC	138 km	<ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] 	No potential for meaningful biological or relevant hydrological connectivity to this site as it is connected via the Wexford Harbour and the Irish Sea. Given the separation of the proposed development from this site and the dilution and dispersion action of the sea, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
IE000707 Saltee Islands SAC	14.9 km	<ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide [1140] Large shallow inlets and bays [1160] Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Submerged or partially submerged sea caves [8330] Halichoerus grypus (Grey Seal) [1364] 	No potential for meaningful biological or relevant hydrological connectivity to this site as it is connected via the Wexford Harbour and the Irish Sea. Given the separation of the proposed development from this site and the dilution and dispersion action of the sea, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
IE002953 Blackwater Bank SAC	15.8 km	<ul style="list-style-type: none"> Sandbanks which are slightly covered by sea water all the time [1110] 	No potential for meaningful biological or relevant hydrological connectivity to this site as it is connected via the Wexford Harbour and the Irish Sea. Given the separation of the proposed development from this site and the dilution and dispersion action of the sea, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
IE004076 Wexford Harbour and Slobs SPA	2.6 km	<ul style="list-style-type: none"> Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Mallard (<i>Anas platyrhynchos</i>) [A053] Pintail (<i>Anas acuta</i>) [A054] Scaup (<i>Aythya marila</i>) [A062] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Hen Harrier (<i>Circus cyaneus</i>) [A082] Coot (<i>Fulica atra</i>) [A125] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] 	Hydrological connection to site could give rise to changes in water quality.

		<ul style="list-style-type: none"> • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Little Tern (<i>Sterna albifrons</i>) [A195] • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] • Wetland and Waterbirds [A999] 	
IE004019 The Raven SPA	7.1 km	<ul style="list-style-type: none"> • Red-throated Diver (<i>Gavia stellata</i>) [A001] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Common Scoter (<i>Melanitta nigra</i>) [A065] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Sanderling (<i>Calidris alba</i>) [A144] • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] • Wetland and Waterbirds [A999] 	Limited potential for meaningful biological or relevant hydrological connectivity to this site as it is connected via the Wexford Harbour. Given the separation of the proposed development from this site and the dilution and dispersion action of the sea, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
IE004092 Tacumshin Lake SPA	12.1 km	<ul style="list-style-type: none"> • Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] • Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037] • Whooper Swan (<i>Cygnus cygnus</i>) [A038] • Wigeon (<i>Anas penelope</i>) [A050] • Gadwall (<i>Anas strepera</i>) [A051] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Tufted Duck (<i>Aythya fuligula</i>) [A061] • Coot (<i>Fulica atra</i>) [A125] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Wetland and Waterbirds [A999] 	No potential for meaningful biological or relevant hydrological connectivity to this site. Given the separation of the proposed development from this site it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.
IE004009 Lady's Island Lake SPA	13.7 km	<ul style="list-style-type: none"> • Gadwall (<i>Anas strepera</i>) [A051] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Wetland and Waterbirds [A999] 	No potential for meaningful biological or relevant hydrological connectivity to this site. Given the separation of the proposed development from this site it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely.

8.2. Potential Impacts on European Sites and Test of Likely Significant Effects

8.2.1. Construction Phase

During the construction phase, the existing immature woodland and trees on the site will be removed and some trees and vegetation may be disrupted. There will be some soil and earth movement to ready the site. As a result, there will be general construction related noise, dust, lighting, traffic and potential for pollutants to enter watercourses. The site is not located within a European site and there will be no direct impacts on the Natura 2000 sites or their qualifying interests.

As the proposed development is located upstream of the Wexford Harbour sites, this raises the potential for indirect effects on those Natura 2000 sites and qualifying interests during the construction phase. Potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of sediments and pollutants to the adjacent watercourse and general disturbance during the works, which could in turn have localised adverse impacts on qualifying interests.

Notwithstanding these concerns, the construction works associated with the proposed development will take place largely on the existing immature woodland and there would be limited interaction with and instream works at the watercourse. In the case of the Laurstown Stream there is a substantial distance between the significant site works and foundations required for the residential dwellings and the watercourse. The vegetation around the stream will not be removed and there is a riparian protection area also offset 10m from the eastern boundary at the river – no works will occur within this except for the installation of drainage features and additional landscaping.

In addition the proposed development will incorporate standard construction methods to protect the general environment and ensure water quality in the surface water drainage network is protected. Furthermore the dilution and dispersion action of the stream and river over an instream distance of approximately 2.9 km is such that that impacts as a result of any discharges from the construction phase on the maintenance of the favourable conservation condition on species and habitats of the Natura 2000 sites would be unlikely.

Therefore, having regard to the separation distance from the European sites; the scale and interaction of the works at the Laurstown Stream; the nature of the site, which surrounded by existing suburban development; and the nature and scale of the proposed development it is considered that there is no significant hydrological pathway between the proposed development and the European Sites during the construction phase.

Considering the characteristics of the qualifying interests of the European Sites, as listed above, it is considered that no other form of pathway exists and that the site would not be likely to play a supporting or ex situ role for any of the identified habitats or species listed in Table 1 including bird species.

It is therefore considered that the construction phase of the proposed development is not likely to have a significant effect on the European Sites, or any other European site, in view of the conservation objectives for these sites.

8.2.2. Operation Phase

Post construction, there will be general urban related noise, lighting, traffic and potential for pollutants to enter watercourses. The site is not located within a European site and there will be no direct impacts on the Natura 2000 sites or their qualifying interests.

As the proposed development is located upstream of the Wexford Harbour sites, this raises the potential for indirect effects on those Natura 2000 sites and qualifying interests during the operation phase. Potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of sediments and pollutants to the adjacent watercourse, which could in turn have localised adverse impacts on qualifying interests.

Notwithstanding these concerns, it is considered the hydrological connection to European Sites in Wexford Harbour are limited as a result of the proposed surface water drainage systems. The proposed surface water drainage includes an attenuation system at the site. This includes a vortex flow control device (hydro-brake or equivalent) and separator arrangement. There will also be associated SUD features and underground geotanks.

It is noted that the site has some linkage and may act as an 'ecological corridor' through the stream and existing hedgerows to the wider countryside and in turn other

European sites. However, the site location which is encompassed by urban residential development makes it a limited corridor for qualifying interests like bird species. The evidence submitted by WCC states no such species use the site in any case.

In relation to the otters and the potential use of this watercourse as a commuting route for this qualifying interest - the proposed development does not require the substantial removal of any vegetation at the stream and would not affect Otter in terms of disturbance, water quality, prey or connectivity. It is also noted that the stream is culverted for a substantial section which would limit the physical characteristics of a habitat required to support otters.

It is not considered that the proposed drainage measures comprise mitigation for the purpose of AA, as they would be required irrespective of the presence of European Sites in the vicinity or not. It is a good practice to include these measures for the environment generally. It is also considered that surface water discharge from the site will not have any measurable impact on water quality or any significant effects on Natura 2000 sites or their qualifying interests due to the scale of the development.

The foul water arising within the proposed development will discharge to the existing treatment plant – Uisce Éireann are satisfied a connection is feasible and Wexford Town Waste Water Treatment Plant (WWTP) has capacity. Given the scale of the proposed development and number of new connections to the proposed foul sewer the impact on capacity at the WWTP will be negligible, the potential for impacts including in-combination impacts with the operation of the WWTP on the Wexford Harbour is unlikely.

Therefore, having regard to the separation distance from the European sites; the scale and interaction of the works at the Laurstown Stream; the operational nature of the site including the surface water drainage systems (which incorporates swales and oil interceptors) and design measures to limit transference of pollutants, the location of the site which is surrounded by existing suburban development; and the nature and scale of the proposed development it is considered that there is no significant hydrological pathway between the proposed development and the European Sites during the operation phase.

Considering the characteristics of the qualifying interests of the European Sites, as listed above, it is considered that no other form of pathway exists and that the site would not be likely to play a supporting or ex situ role for any of the identified habitats or species.

It is therefore considered that the operational phase of the proposed development is not likely to have a significant effect on the European Sites, or any other European site, in view of the conservation objectives for these sites.

8.3. In-Combination Effects

It is noted that the development is on serviced lands in an urban area and does not constitute a significant urban development in the context of the wider town. The development is not associated with any significant loss of habitat or pollution which could act in an in-combination manner to result in significant negative effects to any Natura 2000 sites. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

Should the construction of the proposed development occur in tandem with other urban development, including those set out in the NIS (page 31), any impacts would be of a temporary nature and short-term given:

- the expected duration of the works,
- the location of lands to be developed,
- the location and distance to the other existing and/or approved projects.
- the likelihood of temporal overlap of construction works between projects.
- the implementation of standard and best practice construction and operation measures.

It is considered unlikely that in-combination effects with other existing and/or approved projects would arise.

8.4. Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.5. Conclusion

Having regard to the foregoing, it is reasonable to conclude, on the basis of the information on the file, which is considered adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site, in view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development is not required.

9.0 Procedural Matters

An AA Screening Report dated 10th August 2023 was prepared by Altemar Marine & Environmental Consultancy on behalf of WCC. It is noted that this has been prepared retrospectively following this application under Section 250 (3) (b) of the PDR.

WCC did not provide a full copy of the Part XIII planning application as part of their submission to the Board and on review of the WCC Planning Portal for this file (WCC Ref: LAC2305) it is noted no formal AA Screening Report or AA Screening Determination was published prior to this application being advertised.

While this would not be considered best practice, it also not considered injurious to the application before the Board now. In effect the applicant has given WCC the opportunity to rectify the omission through the Section 250 (3) (b) request.

It should be noted that the applicant, KLRA, has had the opportunity to review and comment on the AA Screening Report submitted by WCC. On the 27th of September 2023, the Board wrote to the applicant, in the interest of justice, requesting any submission or observation they may have on the additional information. No submission was received.

The Board is now the competent authority, and I am satisfied, despite the retrospective nature of the submission by WCC, the assessment above has assessed the robustness and completeness of information provided by WCC and the Board can reach its own determination in this case.

10.0 Recommendation

Having regard to the above assessment, it is considered that the proposed development would not be likely to have significant effects on any European sites and, accordingly, an AA is not required.

It is therefore recommended that WCC be advised that the preparation and submission of a NIS is not required in respect of the proposed development.

11.0 Reasons and Considerations

Having regard to the following:

- the nature and scale of the proposed development,
- the location of the proposed development and the separation distance from the Natura 2000 sites,
- the hydrological connection between the site and the European sites via an adjacent watercourse,
- the ecological connection between the site and the European sites via an adjacent watercourse and treelines and vegetation,
- the submission made by the local authority, including the AA Screening Report,
- the submissions made by the applicants requesting a determination,
- the report and recommendation of the Inspector,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually and in-combination with other plans or projects, would not be likely to have a significant effect on the identified Natura 2000 sites, in view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development is not required.

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.

Tomás Bradley,

Senior Planning Inspector

26th October 2023