



An
Bord
Pleanála

Inspector's Report

ABP-317713-23

Development

The construction of rock armour revetment works at the base of the cliffs in order to create a coastal protection barrier and all associated site work.

Location

Grange (ed Fethard), Fethard, Co Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20230538

Applicant(s)

John Waters.

Type of Application

Permission.

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

John Waters.

Observer(s)

None.

Date of Site Inspection

9th August 2024

Inspector

Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is located at Grange, Fethard Bay and is approximately 1.6km northeast of Fethard Village. The site has a stated size of 0.37 hectares and consists of two sections. The first section is at a higher level above the cliffs and consists of a single dwelling, gardens and an old disused roadway. The second part of the site is at the bottom of the cliff and includes an old access path and part of the beach.
- 1.2. There is rock armour already present on the beach at this location. There is evidence of erosion to the existing rock face on the site and further to the northeast.
- 1.3. The southeastern part of the site is located within the Bannow Bay Special Protection Area and the Bannow Bay Special Area of Conservation.

2.0 Proposed Development

- 2.1. Permission is sought to construct rock armour revetment works at the base of the cliffs to create a coastal protection barrier for an existing dwelling and all other associated site works.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council refused permission for the proposed development on the 7th July 2023 for the following two reasons:

1. Having regard to the inadequacy of the Appropriate Assessment report supplied, the location of the proposed development within the Bannow Bay Special Area of Conservation and Bannow Bay Special Protection Area and having regard to the precautionary principle, there remains potential for significant impacts. Therefore, on the basis of a preliminary assessment and objective criteria the development, alone or in combination with other plans or projects, could have uncertain effects on the Natura 2000 sites in view of the sites' conservation objectives and would therefore be contrary to Objectives NH04, NH05 & NH08 of the Wexford County Development Plan, Volume One, 2022-2028.

2. Insufficient technical justification/information has been submitted in relation to the need and effectiveness of the proposed works including methods and materials used. Insufficient environmental justification/information has been submitted in relation to the potential impact the proposed development would have on the immediate and wider area to allow the Planning Authority to fully assess the development. The development as proposed would therefore be contrary to Objectives CZM32 of the Wexford County Development Plan, Volume One, 2022-2028.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report dated the 5th July 2023 can be summarised as follows:

- The Irish Coastal Protection Strategy Study shows the location as a shoreline subject to future coastal erosion at the high confidence level.
- The current application does not mention what will be done with the existing coastal defence measures.
- The coastal engineer's comments highlight the inadequacy of the proposed coastal defence works and that a suitably qualified person should design such proposals.
- The AA screening report's claim that the limited nature and scale of the proposed development and its limited spatial scale of zone impact is considered misleading.
- Inadequate consideration of in-combination impact has been considered in the AA screening report.
- The claim that no significant disturbance of birds would occur is based on a 1hr survey. This claim cannot be reasonably verified based on a short survey.
- The AA screening report does not adequately consider the existing and inadequate coastal defence works.

3.2.2. Other Technical Reports

- The Coastal Engineers report dated the 15th June 2023 recommends that permission be refused for the proposed development as the design lacks important details and the proposal as submitted is not in accordance with the proper planning and development of this coastal area.
- The Roads Inspection Report dated the 14th June 2023 stated that the application has no impact from a roads perspective.

3.3. Prescribed Bodies

The main points of the Geological Survey Ireland report dated the 20th June 2023 can summarised as follows:

- Ideally, the site should not be damaged, integrity impacted or reduced in any manner due to the proposed development.
- If not possible, appropriate mitigation measures should be implemented to minimise or mitigate potential impacts to protect and preserve the County Geological Sites in line with the Objective NH06 and NH07 of the Development Plan.
- This section of the coast consists of soft, unconsolidated cliffs particularly vulnerable to higher sea levels and storms.

3.4. Third Party Observations

None

4.0 Planning History

P.A. Ref: 20220390

Permission was refused on the 18th May 2022 for the retention of laying concrete blocks to create a coastal protection barrier on the foreshore. The permission was refused for the following reasons:

1. Insufficient technical justification/information has been submitted in relation to the need and effectiveness of the works including methods and materials use. The development could, therefore, be contrary to public safety and the proper planning and sustainable development of the area.
2. Insufficient environmental justification/information has been submitted in relation to the potential impact the development would have on the immediate and wider area to allow the Planning Authority to fully assess the development. The development could, therefore, be contrary to public safety and the proper planning and sustainable development of the area.
3. The development by its haphazard nature and materials used injures the visual amenities of this sensitive coastal landscape. As such the proposed development would be contrary to policy CZ2 and the proper planning and sustainable development of the area.
4. Insufficient information has been submitted to demonstrate the applicant has sufficient legal interest in the land. The development could therefore be contrary to public safety and the proper planning and sustainable development of the area.

Enforcement

P.A. Ref: 0059/2020: Unauthorised coastal defence.

5.0 Policy Context

5.1. Development Plan

The Wexford County Development Plan 2022-2028 is the operational plan for the area. This plan came into effect on the 25th July, 2022.

The site is located in an area designated as a 'Coastal Zone.'

Relevant Policies

Objective CZM32

To prepare coastal erosion management plans and support the development of coastal protection or management works for the following locations subject to

compliance with the Habitats and SEA/EIA Directive and subject to normal planning and environmental criteria:

- Rosslare Coastal Erosion and Flood Risk Management Plan.
- Courtown North Beach Nourishment and Marina Feasibility Study.
- Grange, Fethard on Sea Coastal Erosion Management Plan.
- Bastardstown / Ballyhealy Coastal Erosion and Flood Risk Management Plan for the area between Kilmore Quay and Carnsore.

Objective CZM33

To consider proposals for environmentally sensitive coastal works in limited circumstances, which include but are not limited to the protection of an inhabited permanent residence/ habitable dwelling, and critical infrastructure such as access roads. Where coastal protection works are proposed in these circumstances the onus will be on the applicant to provide evidence (including appropriate modelling which incorporates climate change) to demonstrate that the development will not be at risk over its lifetime. The Planning Authority will have regard to recent and historic trends and events in assessing such applications. The onus will also be on the applicant to ensure that the proposed works would not have a negative impact on the erosion of nearby properties. Pedestrian access for the public to the beach must be retained and if necessary, access for people with disabilities.

Objective CZM43

To adopt a presumption against development which would have inappropriate impacts on the seascape and landscape of the coastal area.

Objective NH01

To ensure the protection of all designated ecological sites (as detailed in Section 13.2.1 to 13.2.11) in relevant Local Area Plans and in the assessment of planning applications and promote the restoration of sites where required.

Objective NH04

To protect the integrity of sites designated for their habitat and species importance and prohibit development which would damage or threaten the integrity of these sites. Such sites include Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), Natural Heritage Areas (NHAs) and proposed NHAs, Nature Reserves, Refuges for Fauna and RAMSAR sites. To protect protected species wherever they occur.

Objective NH05

In assessing planning applications located in and/or in proximity to Natura 2000 sites, whether hydraulically linked or otherwise linked or dependent (such as feeding, roosting or nesting grounds) to a designated site, regard shall be had to the detailed conservation management plans and data reports prepared by NPWS, where available, to the identified features of interest of the site, the identified conservation objectives to ensure the maintenance or restoration of the features of interests to favourable conservation status, the NPWS Article 17 current conservation status reports, the underlying site specific conditions, and the known threats to achieving the conservation objectives of the site.

Objective NH08

To ensure that any plan/project and any associated works, individually or in combination with other plans or projects, are subject to Screening for Appropriate Assessment to ensure there are no likely significant effects on any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. Where a plan/project is likely to have a significant effect on a Natura 2000 site or there is uncertainty with regard to effects, it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where, in the absence of alternative solutions, the plan/project is deemed by the competent authority imperative for reasons of overriding public interest.

5.2. Natural Heritage Designations

Bannow Bay Special Protection Area (004033) is located on the southeastern section of the site.

Bannow Bay Special Area of Conservation (00679) is located on the southeastern section of the site.

Hook Head Special Area of Conservation (000764) is approximately 0.5km south of the site.

Seas off Wexford Special Protection Area (004237) is approximately 0.5km south of the site.

5.3. EIA Screening

See Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the first-party appeal can be summarised as follows:

- The planning history of the coastal protection is detailed.
- The applicant has had problems sourcing a company to carry out an environmental report.
- The applicant wishes to protect and preserve a property that multiple generations of their family have enjoyed.
- A suitably qualified person carried out the Appropriate Assessment submitted with the application.

- The AA Screening Report concluded that the development was unlikely to have significant effects on any Natura 2000 sites.
- A request for further information rather than a refusal of the application should have been sought if the Council felt insufficient information had been submitted.

6.2. **Planning Authority Response**

The main points of the Planning Authorities Response dated the 14th August 2023 can be summarised as follows:

- The planner's report and previous planning applications thoroughly outline the Planning Authority's concerns.
- No mention was made regarding the current rock armour in the submitted details.
- It is considered that the submitted appropriate assessment report is fundamentally flawed and fails to adequately address the concerns raised, as outlined in the planner's report.

6.3. **Observations**

- None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- **Appropriate Assessment.**
- **Coastal Protection**

7.2. Appropriate Assessment.

- 7.2.1. The first reason for refusal related to the inadequacy of the Appropriate Assessment Report supplied, and as the proposed development is within the Bannow Bay Special Area of Conservation and Bannow Bay Special Protection Area, there is potential of significant impacts and uncertain effects on the Natura 2000 sites in view of the sites' conservation objectives.
- 7.2.2. A screening report dated 15th May 2023 prepared by SWC Promotions was submitted with the planning application. The report concludes that the proposed development is not directly connected to, or necessary for, the management of any Natura 2000 site. The screening report concludes that, on the basis of objective information, the development, either individually or in combination with other plans or projects, does not have the potential to adversely affect the integrity of any Natura 2000 site other than loss of habitat under the footprint of the proposed development.
- 7.2.3. AA Screening Determination

The following is an Appropriate Screening Determination for the proposed development.

7.2.4. Description of the Project

I have considered the rock armour revetment works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Grange, Fethard, and part of the site is in the Bannow Bay Special Protection Area (004033) and Bannow Bay Special Area of Conservation and is approximately 0.5km north of the Hook Head Special Area of Conservation (000764) and the Seas off Wexford Special Protection Area (004237)

The proposed development comprises rock armour revetment works c. 50m long at the base of cliffs. The armour consists of a geo-textile layer to protect sand/earth and a rock armour layer comprising 500kg to 2500kg boulders and in-fill rocks. A large 5000kg bottom boulder will be keyed into rock/seabed at the beach at the end of rock armour. The work will include cutting back and reshaping the cliff face.

In the applicant's Appropriate Assessment Screening Report, 7no. protected sites have been listed. The Seas off Wexford SPA was not included as it was designated after the date of the screening report.

The report considers that there would not be significant impacts beyond an indicative zone of impact and influence with a radius of 100-175m. Therefore, the Bannow Bay SPA and SAC were the only sites considered further. While the Hook Head SAC is 0.5km south of the appeal site, given the qualifying interest of the SAC and the scale of the proposed development I consider that the Hook Head SAC does not need to be considered further. Given the potential ornithological connection I consider that the conservation objectives of the Seas off Wexford SPA should be considered at this stage.

7.2.5. Potential impact mechanisms from the project.

The proposed development will include cutting back and reshaping the cliff and removing a section of sand/soil at the base of the cliffs. The construction of the proposed rock armour will involve construction traffic carrying the rock traversing European Sites.

The proposed development could generate impacts which, uncontrolled, might represent a risk to the achievement of the conservation European Sites by the potential loss of habitat loss and potential species disturbance.

Indirect impacts include surface water pollution from construction vehicles and works and human disturbance during construction resulting in displacement effects to qualify interest species.

7.2.6. European Sites at Risk

Table 1: European Sites at risk from impacts of the proposed project			
Effect Mechanism	Impacts pathway/ Zone of Influence	European Sites	Qualifying interest features at risk

Loss of Habitat	Removal of area of cliff and beach for proposed development.	Bannow Bay SAC (000697)	Mudflats and sandflats not covered by seawater at low tide [1140]
Surface water pollution.	Construction-related pollution of sea		
Human Disturbance	Construction noise and disturbance	Bannow Bay SPA (004033)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Lapwing (<i>Vanellus vanellus</i>) [A142] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]
Surface water pollution.	Construction-related pollution of sea		
Loss of Habitat	Removal of area of cliff and beach for proposed development.		
Human Disturbance	Construction noise and disturbance	Seas off Wexford SPA (004237)	Red-throated Diver (<i>Gavia stellata</i>) [A001] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Common Scoter (<i>Melanitta nigra</i>) [A065]

Loss of Habitat	Removal of area of cliff and beach for proposed development.		Guillemot (<i>Uria aalge</i>) [A199] Puffin (<i>Fratercula arctica</i>) [A204]
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7.2.7. Bannow Bay Special Area of Conservation (000697)

Bannow Bay SAC is a relatively large estuarine site, approximately 14 km long, on the south coast of County Wexford. Small rivers and streams to the north and southwest flow into the bay and their sub-estuaries from part of the site. The bay contains large areas of mud and sand, and the underlying geology is mainly of Ordovician slates with the exception of the areas to the east of Bannow Island which are underlain by Cambrian slates.

Otter and Common Seal occur within the site.

The appeal site is in an area identified as Mudflats and sandflats not covered by seawater at low tide, which is a qualifying interest of the Bannow Bay SAC.

It is considered that the remaining qualifying interests are not at risk from the proposed development due to distance from the project and the lack of a significant pathway or connection.

7.2.8. Bannow Bay Special Area of Protection (004033)

Bannow Bay is a large, very sheltered, estuarine system with a narrow outlet to the sea, situated on the south coast of County Wexford. It is up to 14 km long along its north-east/south-west axis and has an average width of about 2 km. A number of small- to medium-sized rivers flow into the site, the principal being the Owenduff and the Corock which enter at the top end of the estuary. Very extensive intertidal mud and sand flats are exposed at low tide. The sediments have a rich macroinvertebrate fauna, with such species as Peppery Furrow-shell (*Scrobicularia plana*), Ragworm (*Hediste diversicolor*) and Lugworm (*Arenicola arenaria*) occurring frequently. Mats of green algae (*Ulva* spp.) are present on the intertidal flats and shorelines. Salt marshes are well-developed in the sheltered areas of the site and are characterised by species such as Common Saltmarsh-grass (*Puccinellia maritima*), Sea Aster

(*Aster tripolium*), Thrift (*Armeria maritima*), Sea Plantain (*Plantago maritima*), Red Fescue (*Festuca rubra*), Saltmarsh Rush (*Juncus gerardi*) and Sea Rush (*Juncus maritimus*). Swards of Glasswort (*Salicornia* spp.) occur on the lower zones of the salt marshes and extend onto the intertidal flats. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Light-bellied Brent Goose, Shelduck, Pintail, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Blacktailed Godwit, Bar-tailed Godwit, Curlew and Redshank. The E.U. Birds Directive pays particular attention to wetlands and as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

The qualifying interests at potential risk from the project are those that have been identified as foraging or roosting in the Fethard Bay Subsite (00410) in which the project is located.

7.2.9. Seas off Wexford Special Protection Area (004237)

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. The Seas off Wexford SPA extends offshore along the majority of the County Wexford coastline and is approximately 3,054 km² in area. This SPA abuts, and is ecologically connected to, four breeding seabird SPAs: Lady's Island Lake SPA, Wexford Harbour and Slobbs SPA, Keeragh Islands SPA, and Saltee Islands SPA. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Common Scoter, Red-throated Diver, Fulmar, Manx Shearwater, Gannet, Shag, Cormorant, Kittiwake, Black-headed Gull, Mediterranean Gull, Lesser Black-backed Gull, Herring Gull, Little Tern, Roseate Tern, Common Tern, Arctic Tern, Sandwich Tern, Puffin, Razorbill and Guillemot.

After referencing the NWPS Conservation Objectives for the Seas off Wexford SPA and notes, I consider the following qualifying interests to be at potential risk from the

project: Red-throated Diver, Manx Shearwater, Cormorant, Common Scoter, Guillemot and Puffin.

7.2.10. Likely significant effects on the European sites 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'.				
European Site and qualifying feature	Conservation Objective	Could the conservation objectives be undermined (Y/N)		
		Habitat Loss	Surface Water Pollution	Human Disturbance
Bannow Bay SAC				
Mudflats and Sandflats	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide.</p> <p>Target 1:</p> <p>The permanent habitat area is stable or increasing, subject to natural process.</p>	Y	Y	N
Bannon Bay SPA				
Wetlands and wintering birds	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of the wetland habitat in Bannow Bay SPA as a resource for the regularly occurring migratory waterbirds that utilise it.</p> <p>Target:</p>	Y	Y	Y

	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 1,364ha, other than that, occurring from natural patterns of variation			
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Light-bellied Brent Goose:</p> <p>Target:</p> <p>Long term population trend stable or increasing.</p> <p>There should be no significant decrease in the range, timing or intensity of use of areas by Light-bellied Brent Goose, other than that occurring from natural patterns of variation</p>	Y	Y	Y
Shelduck (Tadorna tadorna) [A048]	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Shelduck.</p> <p>Target:</p> <p>Long term population trend stable or increasing.</p> <p>There should be no significant decrease in the range, timing or intensity of use of areas by Shelduck, other than that occurring from natural patterns of variation.</p>	Y	Y	Y
Pintail (Anas acuta) [A054]	Conservation Objective:	Y	Y	Y

	<p>To maintain the favourable conservation condition of Pintail.</p> <p>Target:</p> <p>Long term population trend stable or increasing.</p> <p>There should be no significant decrease in the range, timing or intensity of use of areas by Pintail, other than that occurring from natural patterns of variation</p>			
<p>Oystercatcher (Haematopus ostralegus) [A130]</p>	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Oystercatcher.</p> <p>Target:</p> <p>Long term population trend stable or increasing.</p> <p>There should be no significant decrease in the range, timing or intensity of use of areas by Oystercatcher other than that occurring from natural patterns of variation</p>	Y	Y	Y
<p>Lapwing (Vanellus vanellus) [A142]</p>	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Lapwing.</p> <p>Target:</p> <p>Long term population trend stable or increasing.</p> <p>There should be no significant decrease in the range, timing or intensity of use of areas by Lapwing other than that occurring from natural patterns of variation.</p>	Y	Y	Y

Curlew (Numenius arquata) [A160]	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Curlew.</p> <p>Target:</p> <p>Long term population trend stable or increasing.</p> <p>There should be no significant decrease in the range, timing or intensity of use of areas by Curlew, other than that occurring from natural patterns of variation.</p>	Y	Y	Y
Redshank (Tringa totanus) [A162]	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Redshank.</p> <p>Target:</p> <p>There should be no significant decrease in the range, timing or intensity of use of areas by Redshank, other than that occurring from natural patterns of variation</p>	Y	Y	Y
Seas off Wexford SPA				
Red-throated Diver Gavia stellata	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Red-throated Diver.</p> <p>Target:</p> <p>Long term SPA population trend is stable or increasing</p> <p>Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of</p>	N	N	N

	suitable habitat to support the population			
Manx Shearwater <i>Puffinus puffinus</i>	<p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of Manx Shearwater</p> <p>Target:</p> <p>Long term SPA population trend is stable or increasing</p> <p>Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population.</p>	N	N	N
Cormorant <i>Phalacrocorax carbo</i>	<p>Conservation Objective:</p> <p>To restore the favourable conservation condition of Cormorant.</p> <p>Target:</p> <p>Long term SPA population trend is stable or increasing</p> <p>Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population.</p>	N	Y	N
Common Scoter <i>Melanitta nigra</i>	<p>Conservation:</p> <p>To maintain the favourable conservation condition of Common Scoter</p> <p>Target:</p> <p>Long term SPA population trend is stable or increasing</p> <p>Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of</p>	N	N	N

	suitable habitat to support the population.			
Guillemot Uria aalge	<p>Conservation:</p> <p>To maintain the favourable conservation condition of Gulliemot.</p> <p>Target:</p> <p>Long term SPA population trend is stable or increasing</p> <p>Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population.</p>	N	N	N
Puffin Fratercula arctica	<p>Conservation:</p> <p>To restore the favourable conservation condition of Puffin.</p> <p>Target:</p> <p>Long term SPA population trend is stable or increasing</p> <p>Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population.</p>	N	Y	N

7.2.11. I conclude that the proposed development would have a likely significant effect 'alone' on Mudflats and sandflats not covered by seawater at low tide of Bannow Bay SAC from effects associated with habitat loss. I conclude that the proposed development would have a likely significant effect 'alone' on Light-bellied Brent Goose, Shelduck, Pintail, Oystercatcher, Lapwing, Curlew, Redshank and Wetland and Waterbirds of Bannow Bay SPA from effects associated with habitat loss, surface water pollution and human disturbance. I also conclude that the proposed development would have a likely significant effect 'alone' on Cormorant and Puffin of

Seas off Wexford SPA from effects associated with surface water pollution. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in combination with other plans and projects is not required at this time.

- 7.2.12. I note the presence of concrete blocks for coastal protection on the site which have been previously laid by the applicant. These have not been considered as part of 'in-combination' impacts in the Appropriate Assessment Screening Report. No proposal for the removal of these concrete blocks has been proposed in this application.
- 7.2.13. I conclude that the proposed development cannot be definitively screened out for Appropriate Assessment. The information supplied in the applicant's screening report, especially the bird survey results, and the lack of construction details and management of the proposed development are insufficient to screen out the proposed development for Appropriate Assessment. Given these considerations, an Appropriate Assessment is warranted to comprehensively assess the potential impacts on the Natura 2000 sites. Therefore, I consider that significant effects cannot be excluded, and an Appropriate Assessment is required before granting permission. The submission of a Natura Impact Statement (NIS) is required for a comprehensive understanding of the proposed development's implications and to facilitate informed decision-making. This conclusion is based on a thorough review of ecological characteristics, conservation objectives, and the potential impacts on qualifying species and habitats.
- 7.2.14. Based on the information provided with the application and appeal and in the absence of a Natura Impact Statement, I am not satisfied that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Bannow Bay Special Area of Conservation (Site Code: 0004033), Bannow Bay Special Protection Area (Site Code: 000697) and Seas off Wexford (Site Code: 004237). or any other European site, in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission. Therefore, I recommend that the proposed development be refused permission on this basis.

7.3. Coastal Protection

- 7.3.1. The second reason for refusal states that insufficient technical justification and information for the needs and the effectiveness of the proposed coastal works have been submitted with the planning application. It also states that insufficient environmental justification or information has been submitted in relation to the potential impact the proposed development may have on the surrounding area to allow for the Planning Authority to fully assess the development.
- 7.3.2. The Irish Coastal Protection Strategy Study (ICPSS), OPW 2020, shows the appeal site location as a shoreline subject to erosion at the medium confidence level.
- 7.3.3. I note that the ICPSS map for the Grange/Fethard shoreline does not denote a 2050 Erosion Line at the appeal site. However, it indicates such a line 60m south of the appeal site.
- 7.3.4. At the time of the site inspection, signs of erosion of the cliff face at the applicant's site are apparent. An old access road to the beach, included in the site outlined in red, has collapsed due to coastal erosion in the past.
- 7.3.5. The planning application includes a site layout plan, and a cross-section of the proposed rock armour revetment works. The works included a geo-textile layer to protect sand and earth beneath rock armour. Above this is a rock armour layer comprising 500kg to 2500kg boulder size and in-fill rocks. It is proposed that boulders be placed according to size and location to provide an even finished layer. A large 5000kg boulder keyed into rock/seabed by approximately 50% in depth is proposed at the base of the revetment works. It is also proposed that the existing cliff at the top of the revetment works be cut back and reshaped. The depth of the works proposed is a variable 6m from the cliff face to the shoreline.
- 7.3.6. The Planning Authorities Coastal Engineer is concerned that the proposal while providing some limited protection, does not address the more critical issue of the unstable upper section of the clay cliff. The engineer also has concerns that there is no revetment crest shown on the drawings as it is normal practice to have a flat revetment crest of some meters in width. There is concern relating to the gradient of

the proposed revetment works and the possibility that the works could result in a considerably greater footprint on the beach than shown.

- 7.3.7. The engineer highlights that the design does not show the endpoints of the revetment or any proposals to minimise the impact of erosion processes immediately adjacent to the proposed works.
- 7.3.8. I note that the objective of the Wexford Development Plan 2022-2028 (CZM32) is to prepare coastal erosion management plans and support the development of coastal protection or management works for Grange, Fethard on Sea. This has not happened to date.
- 7.3.9. While I consider that the principle of coastal erosion protection in this location would comply with Objective CZM24 and CZM25 of the current Wexford Development Plan and is acceptable, I consider that the application does not include sufficient technical details or evidence of the potential effectiveness of the proposed revetment works or its impact on the immediate area.
- 7.3.10. The applicant has submitted no additional details or a response to the second reason for refusal, and no details have been supplied relating to the removal of the existing concrete armour blocks.
- 7.3.11. It is also an objective of the development plan (CZM33) to consider proposals for environmentally sensitive coastal works in limited circumstances, which include but are not limited to the protection of an inhabited permanent residence/ habitable dwelling, and critical infrastructure such as access roads. The objective requires that where coastal protection works are proposed in these circumstances the onus will be on the applicant to provide evidence (including appropriate modelling which incorporates climate change) to demonstrate that the development will not be at risk over its lifetime. The Planning Authority will have regard to recent and historic trends and events in assessing such applications. The onus will also be on the applicant to ensure that the proposed works would not have a negative impact on the erosion of nearby properties.
- 7.3.12. Inadequate details have been provided with the application or the appeal to assess the effectiveness of the proposed works and whether the proposed works would not have a negative impact on the erosion of nearby properties or the adjoining cliffs. I therefore consider that the proposed development would be contrary to Objective

CZM33 and would, therefore, be contrary to the proper planning and sustainable development of the area.

8.0 Recommendation

I recommend that permission be refused for the following reasons.

9.0 Reasons and Considerations

1. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the Bannow Bay Special Area of Conservation (Site Code: 0004033), Bannow Bay Special Protection Area (Site Code: 000697) and Seas off Wexford (Site Code 004237), or any other European site, in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.
2. Insufficient technical justification and information have been submitted in relation to the need for and effectiveness of the proposed coast protection works. Insufficient details have been submitted to ensure that the proposed development would not have a negative impact on the erosion of nearby properties. The proposed development is therefore contrary to Objective CZM32 of the Wexford County Development Plan 2022-2028 and is therefore contrary to the proper planning and sustainable development of the area.

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.

Peter Nelson
Planning Inspector

21 August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317713		
Proposed Development Summary	Construction of rock armour revetment works at the base of cliffs in order to create a coastal protection barrier and all associated site works.		
Development Address	Grange, Fethard, Co Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10 Infrastructural Projects(K) Coastal work to combat erosion and maritime works capable of altering the coast through the	Proceed to Q.4

		construction, for example, of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but excluding the maintenance and reconstruction of such works or works required for emergency purposes.		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317713	
Proposed Development Summary	The construction of rock armour revetment works at the base of the cliffs is done in order to create a coastal protection barrier and all associated site works.	
Development Address	Grange, Fethard on Sea, Co. Wexford	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The construction of approximately 50m of rock armour revetment works in this location of coastal erosion is not exceptional in the context of the existing environment. The proposed development will not result in the production of any significant waste, emission or pollutants.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	It is considered that the size of construction of approximately 50m of rock armour revetment works is not exceptional in the context of the existing environment. There are no significant cumulative considerations regarding other existing and/or permitted projects.	No No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The proposed development is located in the Bannow Bay SAC & SPA; however, having regard to the nature and scale of the works it is not considered the proposal would have any significant effects on the environment.</p> <p>The site is located within 0.5km of the Hook Head SAC and the Seas off Wexford SPA; however, having regard to the nature and scale of the works it is not considered the proposal would have any significant effects on the environment.</p>	<p>No</p> <p>No</p>
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)