



An
Bord
Pleanála

Inspector's Addendum Report

ABP-317769-23A

Development	Construction of a new dwelling, subsequent to Ref. 17/761 and all ancillary site works
Location	No. 2 Suaimhneas, Coolbunia, Cheekpoint, Co. Waterford
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	22736
Applicant(s)	William & Catherine Bradley
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	(1) Theresa Sullivan, (2) Annette & Seamus Heffernan, (3) Pat Moran, and (4) Thomas & Tom Sullivan
Observer(s)	Thomas & Olesea Holden
Date of Site Inspection	None
Inspector	Susan McHugh

1.0 Introduction

- 1.1. This report is an addendum report to the Inspectors report in respect of ABP-317769-15th January 2024.
- 1.2. The Board Direction dated 2nd May 2024 required an updated report that includes an appropriate assessment screening exercise for the proposed development.
- 1.3. The clarification of this issue is set out below and reference is made to Ref. ABP-302297-18 (17/761) which relates to the parent permission for 1 no. dwelling and for the construction of site services for a further 2 sites including the current appeal site. Permission was granted by the Board on 13th December 2018 subject to 13 no. conditions.

2.0 European Designated Sites and Appropriate Assessment

- 2.1. I have carried out a screening for Appropriate Assessment please see screening determination attached. The following natural Heritage designations are located in the vicinity of the appeal site:
 - River Barrow and River Nore SAC (002162) – located approximately 110m to the SE of the current appeal site boundary and approximately 20m SE of Ref. ABP-302297-18 (parent permission) appeal site boundary.
 - Barrow River Estuary pNHA (000698) – located approximately 670m to the SE of the current appeal site boundary and approximately 565m SE of Ref. ABP-302297-18 (parent permission) appeal site boundary.
- 2.2. I have checked the designated sites on the NPWS website and there have been no alterations in terms of boundaries or qualifying interests since the Board carried out the AA screening on the parent permission in December 2018.
- 2.3. It should be noted that in relation to the current appeal, no AA screening report was submitted as part of the planning application package and that in relation to this issue the Planner's Report on file notes the following:

“The concerns raised in the Third Party submissions regarding lack of NIS being submitted and concerns regarding impact on habitats are noted. I also

note that the NIS had been submitted as part of PD 17761 assessment and concluded that significant impact on these protected sites could be ruled out”.

In addition, the report of the Heritage Officer on file states the following:

“As with 17/761 presume proposed development will connect to Cheekpoint WWTP? If this is the case and there are SuDS proposals to deal with stormwater on site be it a rain garden/soakaway and given that the site is outside the boundary of the SAC and will not incur habitat loss from the ecological footprint of the designated site I am satisfied it can be screened out for AA. It can be concluded that there is no potential for significant effects on the qualifying interest habitat and species for which Waterford Estuary (River Barrow/Nore) is designated a SAC or their conservation objectives where a significant effect is understood as effects that would cause loss, fragmentation or disruption to habitats and species that are qualifying interests of the SAC”.

- 2.4. Having regard to the Inspector’s Report on Ref. ABP-302297-18 (17/761), the following sections should be noted by the Board in the context of the present appeal and the Board’s Direction in relation to the issue of AA screening:

7.6.6. Assessment of likely effects - direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary: The possible effects of the proposed development on the conservation status of the designated sites in the vicinity of the subject site include loss/reduction of habitat, disturbance of key species, habitat or species fragmentation, reduction in species density and decrease in water quality and quantity. The Board will note that the site is not within any designated sites and there is no significant uncontrolled discharge from the site proposed. Waste water arising from the development will be dealt with in the public wastewater treatment plant and surface water will be dealt with by way of soakpits. Soil conditions on the site are adequate for infiltration and therefore direct runoff into the river is unlikely to occur. In this regard, there are no direct pathways or links to the site including any hydrological link. Overall, the site works required to accommodate the proposed development will not result in any habitat loss or reduction in the quality of the habitat.

7.6.7. Screening Statement with conclusions: The safeguards set out in Article 6(3) and (4) of the Habitats Directive are triggered not by certainty but by the possibility of significant effects. Thus, in line with the precautionary principle, it is unacceptable to fail to undertake an appropriate assessment on the basis that it is not certain that there are significant effects. Given the nature and scale of the proposed development on an existing greenfield site, and having considered the above potential significance indicators I consider that the development, if permitted, is likely to have little or no impact, either alone or in conjunction with other plans or projects on any designated Natura 2000 sites.

7.6.8. It is reasonable, therefore, to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site River Barrow and River Nore SAC, Site Code 002162, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

2.5. In the above case, an AA Screening Report was submitted to the Planning Authority on 18th June 2018 on foot of a Further Information request. The AA Screening Report was prepared by Rodger Goodwillie & Associates and the following points contained in the report are of relevance:

- Although the site is located in close proximity to the SAC, the site does not contain any of the listed habitats or support any of the listed species and therefore there is no direct effect possible from the proposed development.
- The only indirect effects would relate to polluted water (sediment) or chemical spillages from the development site that would realistically only impact on fish species in the estuary but the estuarine habitats would be protected due to the dilution of the leakage within the receiving waters.
- The type of development proposed should not discharge significant amounts of information during construction or operation and soil conditions are suitable to absorb water runoff and effluent will be discharged to the WWTP.

2.6. The AA Screening Report concludes that:

“The scale and type of development proposed will have no significant effect on the adjoining (or any) Natura 2000 site or their conservation objectives. This being the case ‘in combination’ effects will not arise.

A Stage 2 Appropriate Assessment is not required”.

- 2.7. Having regard to the above assessment of the parent permission, the current appeal relates to a site that is fully serviced in terms of connection to Cheekpoint WWTP. Surface water runoff is proposed to be disposed of within the site as per Condition No. 6 of the original Inspector’s Report:

Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health.

Accordingly, as no effluent or surface water runoff is anticipated to be discharged into the SAC adjacent to the appeal site, the assessment of this issue in the original report stands, i.e. it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

3.0 Conclusion

Having regard to the above, nothing in the clarification of the issue of AA screening relating to this appeal gives rise to any concerns which would alter the recommendation to the Board to grant permission for the proposed development in this case.

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.

Susan McHugh
Senior Planning Inspector

31st July 2024

**Screening for Appropriate Assessment
Screening Determination**

Description of the project:

Following a request from the Board, I have considered the planning appeal ABP317769-23 in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Coolbunia, Cheekpoint, Co. Waterford, 110m south east of the River Barrow and River Nore SAC (at its closest point).

The proposed development comprises the construction of a new dwelling, and all ancillary site works.

Potential impact mechanisms from the project

The proposed development is not located within a European Site designated Special Area of Conservation (SAC) or Special Protection Area (SPA) therefore no direct impacts to such sites will occur. The only impacts to consider are therefore the potential for indirect impacts to European Site that may be within a zone of influence of the development.

The proposed development is for 1 no. dwelling and for the construction of site services for a further 2 no. sites including the current appeal site. It is unlikely to generate impacts beyond a very localised area. Site preparation works and construction may generate temporary water quality impacts including silt laden surface water run-off in wet conditions and mobilize construction related pollutants. However, no receiving drainage feature or watercourses are present on site that could convey such impacts to any sensitive receptors directly.

The site characterised by improved agricultural grassland bound by hedgerows which would act to buffer surface water run-off.

The proposal includes for the connection to an existing public sewer, and public water mains.

Given the proximity of the SAC the following potential impact mechanisms are considered:

- Surface water pollution (silt/hydrocarbon/construction related) from construction works which could result in changes to environmental conditions such as water quality/habitat degradation.

European Sites at risk

The River Barrow and River Nore SAC (002162) was designated for a range of marine, freshwater and terrestrial habitats including saltmarsh, alluvial woodlands, dry heath, estuaries, floating river vegetation and petrifying springs. The following three saltmarsh habitats are included as qualifying interests for the site:

1310 Salicornia and other annuals colonizing mud and sand
 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
 1410 Mediterranean salt meadows (*Juncetalia maritimi*)

These all lie north and up gradient of the proposed development site. The closest to the appeal site is 1310 Salicornia and other annuals colonizing mud and sand at Dunbrody Abbey Campile River estuary 245m N of the subject site at the closest edge.

The Conservation Objective is to maintain the favourable conservation condition of this habitat and site-specific attributes and targets have been set to achieve this objective (NPWS 2011ⁱ). Impact mechanisms that could potentially affect the physical and vegetation structure of the site are considered.

The overall Conservation Objective for 'Salicornia and other annuals colonizing mud and sand' is to 'maintain the favourable conservation condition'.

The overall objective for 'Atlantic salt meadows' in the River Barrow and River Nore SAC is to 'restore the favourable conservation condition'.

The overall objective for 'Mediterranean salt meadows' in the River Barrow and River Nore SAC is to 'restore the favourable conservation condition'.

Table 1 Potential impact mechanisms

Impact mechanism	Impact pathway/Zone of influence	River Barrow and River Nore SAC
Surface water pollution	No direct pathway-intervening habitats provide natural buffer	Salicornia and other annuals colonizing mud and sand - maintain the favourable conservation condition Relevant attributes: Area, Range, Structure and Functions.

Likely significant effects on the European site(s) 'alone'

Table 2 below expands on the implications of the identified impact mechanisms in view of the conservation objective for the SAC. The only attributes considered are those that could be influence externally by the impact mechanisms identified i.e. those related to supporting area, range, structure and functions of water levels and water quality, I do not consider that there is a likelihood or possibility that the conservation objectives of the SAC will be undermined by the proposed development.

I consider that it is reasonable to reach a conclusion of no likely significant

effects in view of the conservation objectives related to area, range, structure and functions of water levels and water quality and there is no risk to other attributes and targets.

Table 2: Could the project undermine the conservation objectives ‘alone’
[Site specific cons obj \(npws.ie\)](http://npws.ie)

1310 Salicornia and other annuals colonizing mud and sand	Relevant target required to maintain favourable conservation status	Could the conservation objective be undermined (Y/N)? Surface Water
Area - Habitat Extent	No decrease in extent from established baseline.	N
Range – Habitat Distribution	No decline or change in the distribution of saltmarsh habitats	N
Physical structure: sediment supply	Maintain or where necessary restore, the natural circulation of sediment and organic matter without any physical obstructions.	N
Physical structure: creeks and pans	Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession.	N
Physical Structure: flooding regime	Maintain natural tidal regime.	N
Vegetation Structure: Zonation	Maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes including erosion and succession.	N
Vegetation Structure: Vegetation Height	Maintain structural variation within the sward.	N
Vegetation Structure: Vegetation Cover	Maintain 90% of the area outside of the creeks vegetated.	N
Vegetation Structure: Typical Species and Sub Communities	Maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009)..	N
Vegetation Structure: Negative Indicator Species	Negative indicators such as Spartina should be absent or under control.	N

I conclude that the proposed development alone would have no likely significant effect 'alone' on River Barrow and River Nore SAC.

In combination effects

Given the scale of the proposed development, the nature of the site, the lack of impacts that could combine with other projects and plans, I am satisfied that in combination effects can be excluded for the SAC.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on the River Barrow and River Nore SAC either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

The conclusion is based on:

- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Distance from European Sites.
- The absence of meaningful pathway to any European site

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Signed
Susan McHugh
Senior Planning Inspector

Date: 31/07/2024

ⁱ NPWS(2011) Conservation Objectives: River Barrow and River Nore SAC (002162). Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.