



An
Bord
Pleanála

Inspector's Report

ABP-318205-23

Development	Construction of a new public park, car parking, playground, public toilets and associated site works including demolition of existing public toilets and connections to existing services
Location	Lands adjacent to Market Square, Bunclody, Co. Wexford
Local Authority	Wexford County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Transport Infrastructure Ireland (TII) Carlow County Council Department of Housing, Local Government and Heritage
Observer(s)	None.

Date of Site Inspection

18th of November 2023.

Inspector

Karen Hamilton

Contents

1.0 Introduction.....	4
2.0 Proposed Development	4
3.0 Site and Location	5
4.0 Planning History.....	5
5.0 Legislative and Policy Context.....	5
6.0 The Natura Impact Statement.....	8
7.0 Consultations	8
8.0 EIA Screening.....	9
9.0 Assessment	10
10.0 Recommendation	23
11.0 Conditions	25
12.0 Appendix	29

1.0 Introduction

- 1.1. Wexford County Council is seeking approval from An Bord Pleanála to undertake public realm works adjacent to Bunclody main street, including new public toilets, carparking, playground and associated works adjacent to the Slaney River Valley SAC (site code 000781) which is a designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Construction of a new public park, 22 no. car parking spaces and playground,
 - Demolition of the existing public toilets and construction of new public toilets with connections to existing services
 - Landscaping and associated site works
- 2.2. **Accompanying documents:**
 - Cover letters,
 - Newspaper Notice,
 - Prescribed Bodies Notice,

- Planning Design Report,
- Screening for Appropriate Assessment and Natura Impact Statement,
- Maps, including site plan, and elevations of proposed toilets,
- Letter of Consent.

3.0 Site and Location

3.1. The site (c.0.9ha) is located to the north of Bunclody which is a small town in County Wexford, located along the N80 between Carlow and Enniscorthy. The subject site includes an area of open space along the banks, south of the River Slaney and north of Bunclody town centre. There are trees associated with the riparian corridor of the River Slaney along the north of the site. The site is bordered to the west by the R736 which separates the open space (proposed park) from the existing public toilets. The public toilets adjoin an area used for public car parking.

4.0 Planning History

4.1. None of relevance.

5.0 Legislative and Policy Context

5.1. The EU Habitats Directive (92/43/EEC)

- This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. European Communities (Birds and Natural Habitats) Regulations 2011

- These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural

Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.

- The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. **National nature conservation designations**

The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located in proximity to the subject site include:

- Slaney River Valley SAC (site code 000781)
- Blackstairs Mountains SAC (site code 000770)
- River Barrow and River Nore SAC (site code 02162)

5.5. **Planning and Development Acts 2000 (as amended)**

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

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.

- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:

The likely effects on the environment.

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

The likely significant effects on a European site.

5.6. Wexford County Development Plan 2022-2028

Volume 3: Settlement Plans and Specific Objectives

Bunclody Town Settlement Plan

- The site is mainly zoned for Open Space and Amenity with a small portion of the existing toilets zoned for Town Centre Use.
- The majority of the Open Space and Amenity use is located within Flood Zone A, as defined on Fig B.5.
- The Bunclody Architectural Conservation Area is located to the south of the site.
- Section 1.4.3.1 highlights the need to deliver improvements in public realm.
- The landscape concept for the settlement of Bunclody (Objective B44) highlights the potential to develop along the Slaney River and Clody River and proposal shall have regard to the IFI guidance “Planning for Watercourse in the URBAN Environment” (2020)

5.7. **Slaney & Wexford Harbour WFD Catchment and the Slaney _SC_070 sub catchment**

- 3rd Cycle Draft Report (August 2021) has the most up to date information.
- Slaney_070 sub catchment has moderate to good status and the IFI weirs between Bunclody to Tullow have rehabilitation potential.

6.0 **The Natura Impact Statement**

- 6.1. Wexford County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.
- 6.2. The NIS was accompanied by a screening or Appropriate Assessment and plans and documents detailing the proposed works.

7.0 **Consultations**

- 7.1. The application was circulated to the following bodies:
- Department of Housing, Planning and Local Government (Development Applications Unit)
 - Inland Fisheries Ireland
 - Waterways Ireland
 - The Heritage Council
 - Fáilte Ireland
 - An Taisce
 - Transport Infrastructure Ireland
 - Uisce Éireann

7.2. The proposed development was on public consultation from 11th of October to the 27th of November 2023, the following submissions were received:

7.3. **Transport Infrastructure Ireland (TII)**

- Responses were received from Transport Infrastructure Ireland to state there are no observations to make.

7.4. **Department of Housing, Local Government and Heritage (Development Application Unit).**

- An Archaeological Impact Assessment (AIA) should be prepared by a suitably qualified and experienced archaeologist with underwater and terrestrial experience and should be completed in advance of any works.
- Any works along the riverbank shall include a detailed archaeological impact assessment which shall be submitted to An Bord Pleanála.
- Based on the findings an archaeological mitigation strategy shall be outlined to An Bord Pleanála.

7.5. Carlow County Council

- The proposed development does not have a direct effect on the functional area of Carlow County Council.

8.0 **EIA Screening**

8.1. The proposal relates to public realm works which include the demolition and replacement of public toilets, new playground, 22 no car parking and associated works.

8.2. Class 10, Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended) details those infrastructure projects which require an EIAR with the construction of more than 400 car parking spaces, or urban development greater than 20 hectares. Whilst the development would constitute sub-threshold development the proposal is significantly below these thresholds.

8.3. Having regard to the scale of works on lands zoned for open space and town centre are considered not to have a significant effect on the biodiversity of the site or surrounding area. In coming to this conclusion, I have had regard to the criteria set

out under Schedule 7 of the Planning and Development Regulations, 2001 (as amended). I refer to Form no. 2 Preliminary Examination Appended to this report and conclude that there is no real likelihood of significant effects on the environment and that EIA is not required.

9.0 **Assessment**

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

9.2. The proposal includes the redevelopment of existing public toilets and greenfield lands to provide a public amenity area including the following:

- 22 no. car parking spaces,
- 2 no. picnic areas,
- Nature based playground,
- Walkway and age friendly seating,
- Proposed swale and rain garden,
- Landscaping and all other associated works.

9.3. The refurbishment of the toilets is on lands zoned for town centre uses and the remaining works are located on lands zoned as open space and recreation. The policies and objectives for the development plan promote healthy communities and the delivery of a variety of recreational uses, including passive uses.

9.4. Volume 3 of the Wexford County Development Plan 2022-2028 includes policies and objectives specific for Bunclody town. Fig B-4 of the development plan illustrates the Place and Landscape Concept for Bunclody with the site illustrated as existing open space. The recreation and open space objectives support the delivery of recreation and amenity facilities and Objective B45 states “To identify a suitable location for the development of a Neighbourhood Park including a community play area, adult gym and playground close to the town centre”.

9.5. Having regard to the zoning on the site, the location beside the town centre and the policies and objectives of the development plan, the proposed development complies with the proper planning and sustainable development of the area.

9.6. **The likely effects on the environment**

Built Environment

- 9.7. Bunclody Town Centre is designated as an Architectural Conservation Area (ACA). Fig B.2 of the development plan indicates that those houses directly south of the site are located along the north of the ACA. The proposed removal of the existing greenfield site and replacement with a recreational park will not cause a significant impact on the character or setting of this ACA. I also note the scale of the toilet facilities proposed to replace the existing toilets which is modest in scale and will not impact the visual amenity of the ACA.
- 9.8. A submission received from the DAU in relation to archaeology. The submission requests that the applicant submit an Archaeological Impact Assessment (AIA) prepared by a suitably qualified and experienced archologist, to An Board Pleanála before an site preparation and/or construction works. The submission refers to works along the riverbanks. I note the site is not located within an area designated for archaeology potential, nor has the DAU specifically referred to any such [protection. In relation to the works along the riverbanks and the potential impact on underwater archology, the Board will not the proposal does not include any works within 10m and will disturb any riverbeds. Having regard to the absence of any works on the riverbed or the immediate riverbanks for the River Slaney, and the absence of any areas of archaeological potential, I do not consider the local authority should be required to undertake an Archaeological Impact Assessment (AIA) for the propsoed development.

Flooding

- 9.9. The site is located within an area defined as Flood Zone A. Table 3.2 of the Planning System Flood Risk Management Guidelines considers the use on water-compatible development appropriate on lands within Flood Zone A or application of the justification test for proposal for less vulnerable development. Water-compatible development, such as amenity open space and outdoor sports and recreation is considered appropriate. I consider the proposal can be defined as amenity open space and is considered water compatible. The ancillary facilities such as the toilets and car parking can also be considered within the scope of this vulnerability class.

- 9.10. Objective B49 requires the retention of a buffer zone along the banks of the River Slaney wherein no development other than parks/playgrounds may be provided. The width of the buffer is dependent on the width of the river and a minimum of 10m will be required for smaller rivers and up to 50m in some instances. Compliance with the IFI guidance “Planning for Watercourses in the Urban Environment” must be complied with.
- 9.11. The physical works for the park and car park are located outside the river buffer (10m) along the side of the Slaney River. The toilets are not within the designated Flood A and the playground and carparking area is over 40m from the edge of the river. As stated above, the playground and carparking are considered compatible within the flood zone and having regard to the scale of the works, I do not consider the works will cause any flood displacement or have a negative impact on the surrounding area. I note the plans and particulars indicate compliance with the IFI Guidelines for works along watercourses.
- 9.12. Therefore, having regard to the compatibility of the proposed use as defined in the national flood risk guidance and the policies and objectives of the development plan, it is considered the proposal would not be vulnerable to flooding and is appropriate at this location.

Biodiversity

- 9.13. The proposal is located along the edge of the River Slaney. The site is currently greenfield land, and the proposal includes the integration of enhanced landscaping along the edge of the river, adjoining the hard standing area beside the car park and within the proposed swale and rain garden. New native tree planting will be included throughout the site. Details of the landscape and planting are included on the site plan and indicate extensive addition to the biodiversity on the site. I consider the proposal will enhance the natural environment with wildlife friendly greenspace and be a positive addition to the overall environment.

Population and Human Health.

- 9.14. The delivery of the park adjacent to the town centre of Bunclody will provide additional active and passive recreation amenities for the residents of the town. The addition the refurbishment of the public toilets will provide upgraded amenities for the

visitors and residents within the town. The proposal will have a positive impact on the quality of the population and enhanced biodiversity is beneficial for human health.

Conclusion

9.15. Having regard to the nature, scale and layout of the proposed development, I consider the recreation amenity area, parking and refurbished toilets will have a long-term positive impact on the environment.

9.16. **The likely significant effects on a European site**

The areas addressed in this section are as follows:

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

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

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

9.19. **Natura Impact Statement**

9.20. The application was accompanied by an NIS which described the proposed development, the project site, and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required for one site. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects

and it identified any residual effects on the European sites and their conservation objectives.

9.21. The NIS was informed by the following studies, surveys, and consultations:

- A desk top study.
- An examination of aerial photography and maps.
- An otter survey of the proposal site and surroundings.

9.22. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not cause any significant effects on the Blackstairs Mountains SAC (site code 000770) or the River Barrow and River Nore SAC (site code 02162) and did have the potential to have a significant effect on the Slaney River Valley SAC (site code 000781)

9.23. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 7.0 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

9.24. **Screening for Appropriate Assessment**

9.25. I consider that the proposed development of the site for public amenity area, car parking and new public toilets is not directly connected with or necessary to the management of any European site.

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

European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance
<p>Slaney River Valley SAC (site code 000781)</p> <p>Slaney River Valley SAC National Parks & Wildlife Service (npws.ie)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	<p>Within and along the north of the site</p>
<p>Blackstairs Mountains SAC (site code 000770)</p> <p>Blackstairs Mountains SAC National Parks & Wildlife Service (npws.ie)</p>	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p>	<p>c. 5.6km to the southwest of the subject site</p>

European site (SAC/SPA)	Qualifying Interests	Distance
<p>River Barrow and River Nore SAC (site code 02162)</p> <p>River Barrow and River Nore SAC National Parks & Wildlife Service (npws.ie)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twait Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>	<p>c. 12.6km to the southwest of the subject site</p>

European site (SAC/SPA)	Qualifying Interests	Distance
	Margaritifera durrovensis (Nore Pearl Mussel) [1990]	

- 9.27. Based on my examination of the NIS report and supporting information, including the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for one of the three European sites referred to above, namely The Slaney Valley SAC.
- 9.28. The remaining sites can be screened out from further assessment because of the lack of any source-pathway, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances, and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable 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 the following European Sites A) Blackstairs Mountains SAC (site code 000770) and B) River Barrow and River Nore SAC (site code 02162) in view of the site(s) conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.
- 9.29. The NIS notes the connection between the site and the Wexford Harbour and Slobbs SPA, which is located outside the 15km Zone of Influence. The Slaney River Valley SAC joins this SPA downstream c. 50km which may be considered a hydrological connection. Having regard to the separation distance, the intervening land uses between the subject site and the SPA and the inclusion of c. 21 tributaries the NIS concluded that any contaminants which entered the Slaney River would be dissipated through assimilative capacity before they reached Wexford Harbour and Slobbs SPA and there would be no impact on water quality.

9.30. Relevant European sites

9.31. The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.

Site Name	Qualifying Interests	Distance
<p>Slaney River Valley SAC (site code 000781)</p> <p>Slaney River Valley SAC National Parks & Wildlife Service (npws.ie)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	<p>Along the north of the site</p>

1. Slaney River Valley SAC (site code 000781)

Introduction

- 9.32. The site comprises of freshwater stretches of the River Slaney from the Wicklow Mountains to Wexford Harbour. The river runs along seven towns including Bunclody. The site synopsis for the SAC notes the inclusion of floating river vegetation along those freshwater stretches, good examples of wet woodland at some locations and patches of old oak woodlands at patches throughout the site. To the north of Bunclody the river valley has several dry woodlands managed by the estates and mixed woodlands have also been identified in the vicinity of Bunclody. Active gravel pits along the river below Bunclody have been highlighted in the site synopsis, possibly utilised for fishing along the river. The river supports populations of several species listed on Annex AA of the E.U Habitats Directive, habitats listed on Annex 1 of the Directive as well as important wintering wildfowl included as species on Annex 1 of the E.U Birds Directive.
- 9.33. The maps which accompanied the Conservation Objective for the Slaney River Valley SAC illustrates the areas identified as old sessile oakwoods with *Ilex* and *Blechnum*. These are located upstream to the North of the Bunclody Golf and Fishing Club and to the south of the town centre and not along the edge the within the site. As such this Conservation objective will not be affected by the proposal.
- 9.34. The site includes part of the Slaney River Valley SAC, along the northern boundary. This section of the site forms part of the riverbanks of the River Slaney. The site location map illustrates different zones from the edge of the river, throughout the site. These zones are defined as a stream side zone (10m) from the riverbanks, a middle zone (20m) from the edge of the streamside zone and the outer zone. The inner zone, along the river bank includes the stream zones which has minimal works and the middle and outer zone, the remainder of the site, includes the majority of the physical infrastructure associated with the recreation area (carpark and playground).

Conservation Objectives of Habitats

To maintain the favourable conservation condition:

- Estuaries,
- Mudflats and sandflats not covered by seawater at low tide.

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

To restore the favourable conservation condition:

- Old sessile oakwoods with *Ilex* and *Blechnum*
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion) (*priority habitat)

The Conservation Objectives for the site do not include the status for those salt meadows although I note that the status is favourable in other similar SAC sites.

- Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]
- Mediterranean salt meadows (Juncetalia maritimi) [1410]

Conservation Objectives of Species

To restore the favourable conservation condition of:

- Sea lamprey,
- Brook lamprey,
- River lamprey,
- Twaite Shad,
- Atlantic Salmon,
- Otter.

To maintain the favourable conservation condition of:

- Harbour Seal

The Conservation objective for this SAC notes that the status of the freshwater pearl mussel (*Margaritifera margaritifera*) as a qualifying Annex II species for the Slaney River Valley SAC is currently under review.

Potential direct effects

The proposal includes works to a greenfield site which comprises of areas of hardstanding for the car park, playground, paths, and toilets. Field based surveys identified the location of Himalayan balsam, a high-impact invasive species, along the banks of the river and within the site.

Having regard to the proximity of the site to the River Slaney the construction activities have the potential to release pollutants on the watercourse either directly or indirectly via the groundwater. The release of pollutants has the potential to have an adverse effect on the water quality the ability of species to forage or commute.

- Habitat Loss/Degradation
- Water Quality Impairment
- Increase sedimentation of watercourse
- Spread of Invasive Species

Potential indirect effects

There is a potential for construction activities to disturb sediment on the site and impact other aquatic species.

- Air Quality Impairment
- Indirect impacts on other aquatic species

Potential in-combination effects

The NIS provides an overview of the plans or projects which are likely to have a significant effect along or in combination with this project. The site investigations included an Otter survey which concluded no evidence on any otter use on the site. An investigation of the Wexford planning portal did not highlight any planning permissions which, in combination with the project, would be likely to have a potential in-combination effect.

Mitigation measures

Section 7.0 details all those mitigation measures which are proposed during the construction phase of the proposal. The NIS states that these measures will be detailed in a Construction Environmental Management Plan (CEMP). The measures are summarised below:

- Restricted working hours.
- Education of all site personnel in relation to the protected species and legal protection of the site.
- Use of low noise plant machinery during construction.

- Use of a project Ecologist/Ecological Cleric of Works.
- The marking, signage and fencing off the identified Himalayan balsam and restriction of all vehicles and personnel within the buffer area.
- Pouring of concrete will only take place during dry weather and control of works will be monitored.
- Protection of the 10m zone along the river edge and the restriction of any artificial lighting, construction activities or other works.
- Control of surface water on the site as per the Inland Fisheries Guidance and prevention of works within the 10m zone adjoining the river.
- Use of SUDS features throughout the works including swales, rain gardens and landscaping.

Residual effects

On foot of the employment of mitigation measures no adverse effects on the qualifying interests of The Slaney River Valley SAC are anticipated.

NIS Omissions

None noted.

Suggested related conditions.

The presence of the Himalayan Balsam has been identified in an invasive species along the banks of the River Slaney. This invasive species is commonly found along the banks of rivers and its presence can lead to the elimination of local biodiversity and impede access to riverbanks. The proposal does not include the removal of the species, rather it includes the use of a buffer around the identified species to prevent the spread. I note the use of the site will encourage the public to use this area for recreation and a spread of the species is possible by increased activity. These plants are easily removed under controlled conditions, and I consider a condition to remove this invasive species would benefit the biodiversity of the site.

Conclusion

I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site

in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

9.35. **Appropriate Assessment Conclusions**

Having regard to nature, scale and location of the proposed works which is a sufficient distance from the Slaney River Valley SAC I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site Slaney River Valley SAC (site code 000781), or any other European site, in view of the site's Conservation Objectives.

10.0 **Recommendation**

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Slaney River Valley SAC (site code 000781).
- (e) the policies and objectives of the Wexford County Development Plan 2022-2028
- (f) the nature and extent of the proposed works as set out in the application for approval,

- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) and, the report and recommendation of the Inspector.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Slaney River Valley SAC (site code 000781) is the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Slaney River Valley SAC (site code 000781) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in Section 7 of the Natura Impact Statement, shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - a. Details on all proposal to removal of the Invasive Species Himalayan Balsam (*Impatiens glanduifera*) and prevent the spread if this invasive species throughout the site.
 - b. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

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

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

5. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned

and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

6. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in Section 7 of the Natura Impact Statement. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

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

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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.

Karen Hamilton
Senior Planning Inspector
29th of November 2023

12.0 Appendix

Form 1 EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318205-23		
Proposed Development Summary	Public Realm works, public toilets, car park, playground and landscaping		
Development Address	Bunclody, County 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	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	✓		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)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10 of Part 2 of Schedule 5, (b) (iii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the	Proceed to Q.4

		<p>primary purpose of, a development.</p> <p>(iV) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</p>		
--	--	--	--	--

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Form 2: EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318205-23	
Proposed Development Summary	Public Realm works, public toilets, car park, playground and landscaping	
Development Address	Bunclody, Co Wexford	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is on the edge of the town centre and will involve a change from greenfield lands use to an amenity park with walkways, carpark and playground.</p> <p>There are no proposals for any removal of trees or shrubs or will there be any significant waste generated from the proposal. It is not proposed that there will be a larger number of air emissions or pollutants.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The scale of development is not exceptional in the context of surrounding development. The extent of the car parking and development is significantly below the threshold set out in Part 2 of Schedule 5.</p> <p>It is not considered that there is any likelihood of significant cumulative effects with other existing or permitted developments in the area.</p>	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 site is located beside the River Slaney and a portion is within the Slaney River Valley SAC. The NIS and my assessment above note the use of mitigation measures to control contaminant from construction activities. 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 to the north of the Bunclody ACA. The applicant's Planning Statement notes the location beside the ACA and considered this when designing the park. I consider the scale and design of the works is appropriate on a site adjoining an ACA. The design of the toilets is modest and a visual improvement to the existing public toilets.</p> <p>The proposal will not significantly impact on built heritage.</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: ____Karen Hamilton____

Date: ____09/11/2023____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)