



An
Bord
Pleanála

Technical Note- Ecology ABP-319539-24

Development

Application under Section 177E for Substitute Consent for stables and ancillary services, including open sand arena, horse walker, dungstead, feed silo, staff canteen, toilets and sewage facilities.

Lands at Ballycrystal, Rossard, Bunclody, Co. Wexford.

Topic

Inspector request for specialist ecologist assistance on adequacy of remedial Natura Impact Statement (rNIS) and mitigation measures.

Inspectorate Ecologist

Fiona Patterson BSc. MSc

Contents

1.0 Background	3
2.0 Scope of Report.....	3
3.0 Review of rNIS	4
4.0 Conclusions/Recommendations.....	8
5.0 Figures	8

1.0 Background

- 1.1. Substitute Consent is sought for the regularisation of the proposed development, which is now substantially complete and the stables (for c.50 horses) are operational onsite. A remedial Natura Impact Statement (rNIS) has been submitted.
- 1.2. The lands in which the stables are situated are proximate to the Blackstairs Mountains SAC (site code 000770) (c.234m) (refer to Figures 2a and 2b below in Section 4.0 below).
- 1.3. Details submitted note that the applicants, Cashwood Poles Limited have identified lands available for the spread of dung and manure effluent. They refer to two separate Folio Nos. containing 15.17ha and 28.76ha respectively. Folio Maps have been submitted '*Land available for spread of manure and effluent*'. The larger of the two land parcels: Folio WX11200 (28.76 hectares) overlaps with the boundary of the Blackstairs Mountain SAC (site code 000770) (refer to Figures 1 and 2 in Section 4.0 below). The River Urrin runs through the SAC adjacent to the border of Folio WX11200 (refer to Figures 1 and 2 below).
- 1.4. There are concerns noted on file from the Wexford County Council Agricultural Scientist noting that the current farm waste storage on the holding, which includes the existing uncovered dungstead may give rise to water pollution.
- 1.5. In considering case 319539-24, the Inspector has requested specialist technical assistance from an ecologist as to the adequacy of the rNIS, also having regard to the mitigation measures proposed.

2.0 Scope of Report

- 2.1. This report has been prepared in response to the Inspectors request for assistance and provides a specialist consideration of the adequacy of the remedial Natura Impact Statement (rNIS) and also having regard to the mitigation measures proposed. I have examined the rNIS prepared by Gerard Tobin, BSc (Zoo), M.A., ecological consultant on behalf of Cashwood Poles Ltd. I have reviewed the folio maps showing the '*Land available for spread of*

manure and effluent'. I have also reviewed NPWS online mapping showing the location of the development site relative to European sites. I have also reviewed the development site layout drawings on the file.

3.0 Review of rNIS

3.1. In this section I address the Inspectors request in relation to the adequacy of the rNIS and having regard to the mitigation measures proposed. I note that the rNIS document is a combined NIS and Screening for Appropriate Assessment (AA) report (herein referred to as "report").

3.2. Description of the project and project area characteristics:

- The report provides a brief description of the proposed development and project area characteristics. It focuses on the lands in which the stables are situated. Habitats are classified as *Buildings and artificial surfaces BL1*. Terrestrial fauna and invertebrate fauna assumed to be in the area are listed. A site visit was carried out by the report author on 17th August 2023.
- The land spreading of manure and effluent activity associated with the proposed development is not described in the report. The report does not describe the local characteristics of the lands available for spreading of manure and effluent (for example habitat description).

3.3. Identification of relevant European sites which may be affected:

- The report identifies one European site which may be affected by the proposed development: Blackstairs Mountains SAC (site code 000770). The report notes that this SAC has been chosen for the following Annex I habitats:
 - Northern Atlantic wet heaths with *Erica tetralix* (4010) and
 - European dry heaths (4030).
- The lands in which the stables are situated are proximate to the Blackstairs Mountains SAC (c.234m).

- The report notes that there is a small potential for outflows from the development to the Blackstairs Mountains SAC that could potentially be negatively affected via potential water quality modification.
- I note that the headwaters of the Urrin River are included within the Blackstairs Mountain SAC and are located adjacent to the folio lands (WX11200) (refer to Figures 1 and 2 in Section 4.0 below). I note that the site layout drawing in the file (PD23002) shows “*existing surface water lines*” extending from the development site towards the “*stream to the west*” which is the Urrin River. Thus, there is evidence of a hydrological pathway from the development to the Blackstairs Mountain SAC.
- The boundary of the Slaney River Valley SAC from the proposed development (as the crow flies) is c.6.4km. I note that the Urrin River flows into the Slaney River Valley SAC (000781) at Enniscorthy. Thus, there is evidence of a potential hydrological pathway from the proposed development to the Slaney River Valley SAC via the Urrin River. The distance from the boundary of the Slaney River Valley SAC to the proposed development following the flow of the Urrin River itself is c.17.8km. I also note that the qualifying interests of the Slaney River Valley SAC include mobile freshwater species such as lamprey, salmon and otter. The Slaney River Valley SAC is not identified in the report.
- I note that the River Barrow and River Nore SAC (002162) is located c.3.04km from the proposed development (as the crow flies) however this SAC is located in a different water catchment. There is no hydrological pathway between the proposed development and the River Barrow and River Nore SAC (002162).

3.4. Description of the likely effects of the project alone on European sites(s) in view of conservation objectives or in combination with other plans and projects:

- The report notes that there is a small potential for outflows from the development to the Blackstairs Mountains SAC that could potentially be negatively affected via potential water quality modification.
- Likely effects on the Slaney River Valley SAC are not described in the report. I consider that this SAC should be included at the AA screening stage given the hydrological pathway.
- As landspreading is not specifically discussed in the AA screening section of the report, it is unclear if the effects of landspreading from the proposed development on European sites have been considered in the AA screening assessment.
- Page 6 of the report discusses “*assessment of likely effects*”. It is unclear whether it was intended that this section should have been in the Stage 2 AA section of the report rather than in Stage 1 as it includes mitigation measures. I note the AA Screening conclusion is discussed later in Page 7 of the report.

3.5. AA Screening report conclusion:

- The AA screening conclusion in the report states that the “*project poses potential for negative impacts, namely a potential increase in enrichment of the adjoining Blackstairs Mountain SAC and as such requires further appropriate assessment*”.
- The potential for negative effects on the Slaney River Valley SAC has not been considered in the AA screening conclusion in the report.
- I note that the ‘application to land’ of ‘fertiliser’, i.e. the landspreading of slurry, is regulated by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022, SI 113 of 2022 (amended in 2023 to SI 62/2023) [the GAP Regulations]. This is enforced by local authorities and the Environmental Protection Agency. The Department of Agriculture, Food and Marine oversee the implementation of the Regulations, which form part of the Fifth Nitrates Action Programme.
- I note that compliance with the GAP Regulations has not been referenced in the report.

- I note that compliance with the GAP Regulations is required regardless of proximity to, or possible impacts on European sites. I consider that measures associated with the Good Agricultural Practice for Protection of Waters could be considered at the screening stage.

3.6. rNIS:

- Page 8 onwards of the report deals with Stage 2 AA. It notes that “*there is a slight possibility that water quality modification could occur should enrichment of water outflows enter the nearby SAC without attenuation*”.
- It is unclear if the most up to date site specific conservation objectives of the Blackstairs Mountains SAC have been considered in the report i.e. targets and attributes, current conservation status, pressures threats and conditions underpinning site integrity.
- Mitigation measures proposed to minimise impacts on the nearby Blackstairs Mountains SAC are detailed in Pages 8-10 of the report.
- In my examination of the rNIS, some of the mitigation measures are site-specific and relate to the prevention of polluted surface water runoff into the field drainage (“*surface water lines*”) to the west of the development site which provide connectivity to the Urrin River within the SAC to the west. It is my view that these types of mitigation measures are well established and effective in reducing water quality impacts on receiving waters.
- Page 9 of the report states that “*the current proposal will have no impact in-combination with other plans or projects as it is of such a scale and close to an already serviced area*”. As I have noted previously, it is unclear if the effects of landspreading from the proposed development on European sites have been considered in the assessment. However, I note that points 12-14 of the mitigation measures (page 9) reference land spreading and dungstead management. It is my understanding that these measures would normally be covered as standard under the GAP Regulations.

- It is also my understanding that the Board has an established practice of imposing conditions related to the GAP Regulations and the carrying out of an in-combination assessment of associated landspreading as part of either AA screening or AA.

4.0 Conclusions/Recommendations

- 4.1. It is my opinion that the likely effects on the Slaney River Valley SAC should be considered at AA Screening stage.
- 4.2. It is my opinion that potential water quality impacts from the proposed development on the Urrin River and on both the Blackstairs Mountains SAC and Slaney River Valley SAC can be addressed having regard to compliance with the GAP Regulations and the application of site-specific mitigation measures as proposed in the rNIS.

5.0 Figures

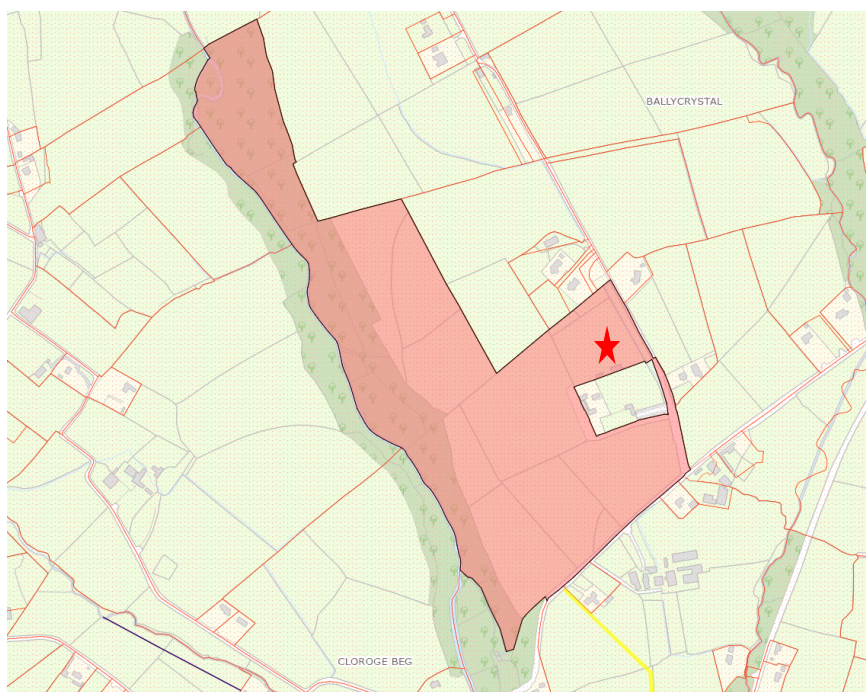


Figure 1 Folio WX11200. Development location denoted by red star (not to scale)

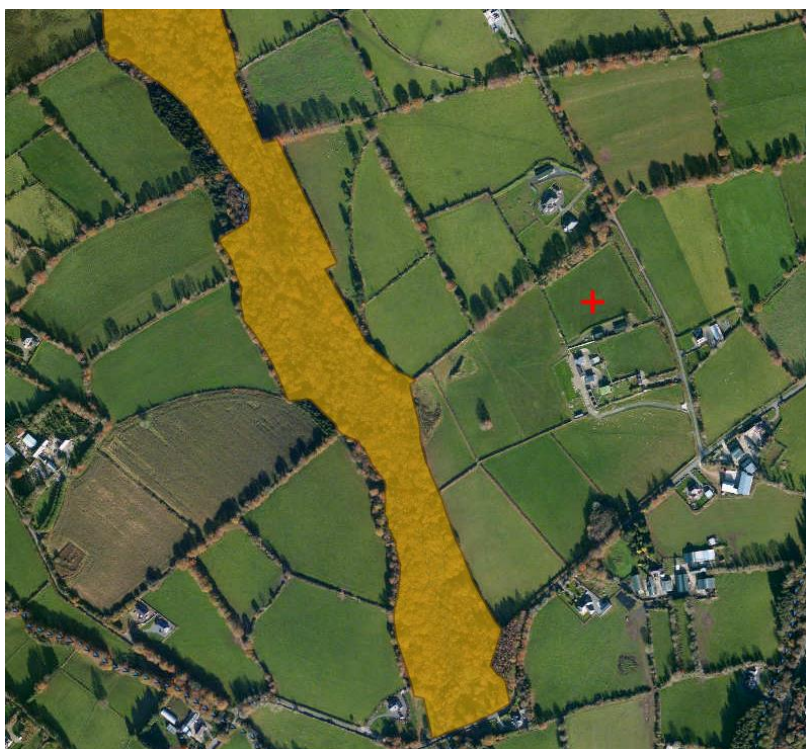


Figure 2a Blackstairs Mountains SAC (000770) (shown in yellow). Development location denoted by red + (not to scale)

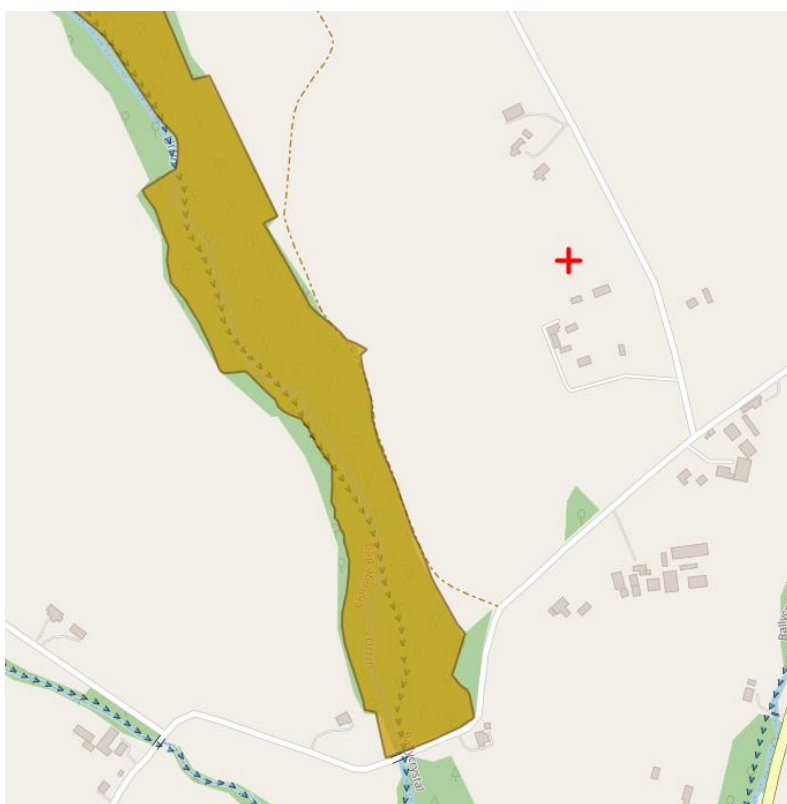


Figure 2b Blackstairs Mountains SAC (000770) (shown in yellow). Development location denoted by red + (not to scale)

Signed:

A handwritten signature in blue ink, appearing to read 'Fiona Patterson'.

26/02/2025

Fiona Patterson BSc, MSc

Inspectorate Ecologist