



An
Coimisiún
Pleanála

Inspector's Report

ABP-320234-24

Development	Retention permission is sought for an existing 1.2km access road to access forestry and agricultural lands and all other associated works. This application is accompanied by a Remedial Natura Impact Statement (rNIS).
Location	Ballycrystal, Rossard, Co. Wexford
Planning Authority	Wexford County Council
Applicant(s)	Castlewood Poles Limited
Type of Application	Application under section 177E of the Planning and Development Act, 2000 (as amended) for Substitute Consent
Observer(s)	Click here to enter text.
Date of Site Inspection	6 th June 2024
Inspector	Peter Nelson

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1.0 Introduction

- 1.1. This report provides an assessment of an application for substitute consent for an existing 1.2km access road to access forestry and agricultural lands and all other associated works, at Ballycrystal E.D., Rossard, County Wexford, under Section 177E of the Planning and Development Act 2000(as amended). Part of the site is in the Blackstairs Mountains Special Area of Conservation which is a designated European site.
- 1.2. A retention planning application (PA. ref: 20232480) for an existing 1.2km of access road was lodged to Wexford County Council on the 5th May 2023. This was returned to the applicant as Wexford County Council refused to consider the application as under Section 34(12) the Planning Authority considered that if the application for permission had been made in respect of the development concerned before it was commenced the application would have required an appropriate assessment.
- 1.3. Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Commission 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 Commission before consent is given for the proposed development.
- 1.4. The Planning and Development, Maritime and Valuation (Amendment) Act, 2022 (Commencement of Certain Provisions) (No. 2) Order 2023 (S.I. 645 of 2023) came into effect on 16th December 2023. The Commencement Order brings into operation sections (10) to (21), sections (23) to (40) and subsections (8) to (12) of section (41) of the Planning and Development, Maritime and Valuation (Amendment) Act, 2022. Consequently, as now required, the assessment of this application for substitute consent includes consideration of ‘exceptional circumstances’.

2.0 Site Location and Description

- 2.1. The site is located in a rural area c.10kms to the south of the town of Bunclody and c. 15kms west of Enniscorthy, Co. Wexford. It is within the Townland of Ballycrystal, Rossard and is accessed via the county road network off the R746, to the south of

Butler's Crossroads. The application site (0.492ha) is located in an uplands area c.3km northeast of Killealy and is accessed from the local road network.

- 2.2. Part of the site is located in a section of the Blackstairs Mountains Special Area of Conservation. The Urrin River is to the west and adjacent to the site and flows southeast to join the Slaney River at Enniscorthy. Ballycrystal Guest House is to the east of the site and there is a separate entrance to this property which is in the applicant's landholding.

3.0 Proposed Regularisation Development

- 3.1. The development to be retained consists of a 1.2km access road to access forestry and agricultural road and associated works. The access road to be retained links the L-6152-1 and the L-61525-1. The access road is a gravel road with a filter drain and has two gates at the entrances with the public road. The road is approximately 4m wide.
- 3.2. This application is accompanied by a Remedial Natura Impact Statement.

4.0 Planning History

Application Site

PA. Ref: 20230480 submitted on the 5th May 2023. In accordance with Section 34(12B) the PA refused to consider a retention permission for an existing 1.2km access road to access forestry and agricultural lands, and all other associated works. It was considered a NIS was required.

Within the applicant's ownership

ACP. Ref: 319539-24 Permission refused on the 14/04/2025 for Substitute Consent for Stables with ancillary services, including open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. Permission was refused for the following three reasons:

1. The Board is not satisfied on the basis of the information submitted that it has been demonstrated that the surface water and wastewater arrangements in

place are sufficient and in accordance with the required standards to serve the development proposed for regularisation. The development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

2. The Board has identified a number of deficiencies in the information submitted with the application and it has not therefore been possible for the Board to complete an Appropriate Assessment of the development and ascertain beyond reasonable scientific doubt that the proposed development either individually or in combination with other plans and projects would not adversely affect the integrity of European Sites, Blackstairs Mountain SAC (000770) and Slaney River Valley SAC (000781).
3. The development is located along a minor road which is inadequate in width and alignment, and it has not been demonstrated that adequate sight distances can be achieved within the applicant's landholding at the entrance to serve the development proposed for regularisation. Neither has it been demonstrated that adequate measures have been undertaken to prevent surface waters entering onto the local road network in accordance with the required standards set out in the Wexford County Development Plan 2022-2028 (Volume 2, Section 6.2.6 Development Management Manual). As such it has not been demonstrated that the proposal would not endanger public safety by reason of traffic hazard, and it would therefore be contrary to the proper planning and sustainable development of the area.

Adjoining Site

ACP. Ref: 309998-21 Permission refused on the 14/10/2021 for alterations to previously granted planning application (Planning Registration No 20181080). Alterations to include revised site boundary, relocation of proposed dwelling, garage, bored well, wastewater treatment system and percolation area and all associated site works & services within the family land holdings.

Refused for the following reasons:

1. Having regard to the topography of the site, and to the elevated positioning, scale and height of the proposed dwelling, it is considered that the proposed development could not be effectively assimilated into the landscape and would, therefore, form a discordant and obtrusive feature on the landscape at this rural location. The proposed development would be contrary to the provisions of the Wexford County Development Plan 2013-2019 (as extended), in which it is stated that within uplands landscape areas, care still needs to be taken to minimise the risk of developments being visually intrusive. The proposed development would seriously injure the visual amenities of the area, and, by itself and by the precedent it would set, would militate against the preservation of the rural environment and would, therefore, be contrary to the proper planning and development of the area.
2. Having regard to the absence of trial hole and percolation test results for the location of the proposed effluent treatment and disposal system, the Board is not satisfied that the applicant has demonstrated that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

Enforcement

Planning Enforcement history includes regard to the following files:

0169-2019 – Unauthorised entrance, access road, and horse gallops. Dated 4th November 2020.

0248-2022 – Unauthorised No. 2 Storage Sheds, Concrete Apron, Sand Area, Storage Area for Horse Manure.

5.0 Planning Authority Reports

5.1. Planning Report

Further to Section 177I (1) of the Planning and Development Act 2000-2017 Wexford County Council submitted a report on the application for substitute consent on the 14th October 2024. The main conclusion of the report is as follows:

- Having regard to the location, scale and nature of the development, the limited amount of riparian woodland removed taken in conjunction with the Qualifying Interest of the Blackstairs Mountains SAC and the remedial measures proposed in the rNIS, it is considered that substitute consent should be granted for the development.

The report recommends the attachment of five conditions. Recommended condition No.5 requires the submission of a full site drainage layout map and all surface water to be collected and disposed of in accordance with SuDS Guidelines.

5.2. Other Technical Reports

The above report includes a report on PA. ref: 20230480, from the PA Roads Section: The main points raised can be summarised as follows:

- Sightlines available along the L-6152-1, with hedgerow maintenance for the main entrance.
- The L-61525-1 is a local tertiary road with a reduced carriageway. There are a number of natural passing points on this road with low vehicle speed.
- Sightlines at this entrance cannot be achieved in full but given the nature of the road this is acceptable.
- Recommends a grant of permission subject to conditions

5.3. **Prescribed Bodies**

The following prescribed bodies were invited to comment under Section 131 of the Act invoking article 29 of the Planning and Development Regulations, 2001 as amended.

- An Taisce
- Development Application Unit
- The Heritage Council
- Failte Ireland
- Department of Agriculture, Food and Marine
- An Chomairle Ealaíon.

No comments were received.

5.4. Applicants Section 132 Notice

A Section 132 notice was issued to applicant requiring further drawings and plans.

A drainage layout was submitted on the 18th December 2024.

The submission also includes support letters from neighbours and comments from the applicant.

6.0 First Party Response

6.1. BPS Planning & Development Consultants have submitted a First Party response to the issues raised in the Planning Authority's Planner's Report on behalf of the applicants. Their response is summarised as follows:

- The recommendation from the PA to grant permission is welcomed.
- Request ACP to grant permission in accordance with the PA recommendations.
- The PA has assessed the remedial NIS and concludes that no significant impact on the Natura site would arise from permission being granted.
- The Roads Department recommends permission to be granted subject to a condition which the applicant accepts.
- ACP may want to alter the PA condition requiring a drainage scheme to be agreed in light of the submitted drainage details.
- The PA attached a condition requiring tree planting which the applicant fully accepts.
- BPS submits that there should be no technical, planning policy or environmental reason why this substitute consent permission be granted.

7.0 Policy Context

7.1. National Policy

The following guidelines are considered relevant to the proposed development:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

7.2. Development Plan

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

Volume 1 Written Statement

Chapter 6 – Economic Development Strategy

Objective ED99: To facilitate the development of sustainable agricultural practices and facilities within the county, subject to complying with best practice guidance, normal planning and environmental criteria and the development management standards in Volume 2.

Objective ED100: To protect good quality agricultural lands from development which could be accommodated elsewhere and that would undermine the future agricultural productivity of the lands or irreversibly harm the commercial viability of existing or adjoining agricultural land.

Objective ED115: To ensure that existing native woodlands are protected and enhanced and, where appropriate, encourage the conversion of coniferous forest to native woodlands with a focus on opportunities for habitat linkage and wider eco-services.

Objective ED129: To support and promote the equine industry in the county as an economic and employment provider.

Chapter 8 - Transportation Strategy

Objective TS78: To facilitate new accesses, or the intensified use of existing accesses, to the local road network having regard to:

- The characteristics of the site;
- The likely level and characteristics of traffic associated with the development /use proposed;

- The Primary or Secondary/Tertiary designation of the road;
- The condition, alignment and capacity of the local road at that location;
- Public safety and the need to avoid an undue proliferation of access points at that location;
- The avoidance of undue loss of significant existing natural and built features at the road edge;
- Where the speed limit is less than 60kmh the Design Manual for Urban Roads and Streets (DTTS 2013/2019) and the promotion of convenient, safe and attractive cycling and walking; and
- Compliance with all other relevant objectives and development management standards including those relating to the provision of sightlines.

This objective also applies where access to the local road is proposed via an existing private lane.

Chapter 11- Landscape and Green Infrastructure

Objective L04: To require all developments to be appropriately sited, designed and landscaped having regard to their setting in the landscape, ensure that any potential adverse visual impacts are minimised and that natural features and characteristics of the site are retained.

Objective L06: To ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units.

Chapter 13 – Heritage and Conservation

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.

Volume 2 Development Management Manual

Section 6 Transport and Mobility

Section 6.1.4 refers to Country Roads/Green Routes.

Section 6.2 to Assessment of Road Traffic Safety.

Section 6.2.5 to Design Speeds – Table 6-5 refers.

Section 6.2.6 to Siting and Design of Access/Egress Points. This includes regard to Sightlines and Visibility.

Section 7 Heritage and Landscape

Section 7.4.4 Biodiversity Networks and Green Corridors

Section 8 Infrastructure and Environmental Management

8.2.1 Surface Water Management.

Volume 7: Landscape Character Assessment

The subject site is in an Uplands Landscape Character Unit. (Map No.7.1)

7.3. Natural Heritage Designations

- Part of the site is within the Blackstairs Mountains proposed Natural Heritage Area:
- Part of the site is within the Blackstairs Mountains Special Area of Conservation
- The River Barrow and River Nore Special Area of Conservation is approximately 2.9km from the subject site.
- The Slaney River Valley Special Area of Conservation is approximately 5.6km from the subject site.

7.4. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 2 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 Assessment

8.1. Having assessed the documentation submitted, undertaken a site visit and having regard to the relevant policies pertaining to the subject site in this rural area, the nature of existing uses on and in the vicinity of the site, the nature and scale of the development proposed for regularisation, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Exceptional Circumstances
- Principle of the Development
- Visual Impact
- Access
- Surface Water Management
- Appropriate Assessment – Remedial NIS

8.2. Exceptional Circumstances

8.2.1. The tests / matters to have regard to in considering exceptional circumstances in an application for substitute consent are set out in Section 30 of the Planning and Development, Maritime and Valuation (Amendment) Act, 2022. Section 30 amends Section 177K of the 2000 Act. In considering whether exceptional circumstances exist, the Commission is required to have regard to the matters set out under the criteria as set out within this part of the Act as follows:

Whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive.

- 8.2.2. The EIA Directive seeks to provide for an assessment of the likely significant effects of a development on the environment prior to decision making, and to take account of these effects in the decision-making process. The Habitats Directive seeks to ensure the conservation of a wide range of rare, threatened or endemic animal and plant species and the conservation of rare and characteristic habitat types. The current application refers to the Habitats Directive and includes a remedial NIS.
- 8.2.3. This substitute consent application now submitted, includes an Appropriate Assessment Screening Report and a remedial NIS which concluded that the development has no significant adverse effects on the integrity and extent of the Blackstairs Mountains SAC (000770), and as such, I am satisfied that the proposed development would not circumvent the purpose and objectives of the Habitats Directive.
- 8.2.4. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, I considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

whether the applicant had or could reasonably have had a belief that the development was not unauthorised.

- 8.2.5. The applicant's submission states that they considered the agricultural access road was exempted development. The gravel access road was deemed to be required to as the horse raising facilities on these lands have improved.
- 8.2.6. The applicant was notified in November 2020 by the Planning Authority that the development does not constitute exempted development because the development must be used only of agriculture within Section 4(1)(a) of the Act and the development was carried out partly within an SAC. The current application seeks to regularise the situation and includes a remedial NIS.

- 8.2.7. In their submission the applicant accepts that retention permission is required and did seek in 2023 to obtain permission having made a genuine error in his understanding of what did and did not constitute exempted development.
- 8.2.8. I note that the development on the applicant's lands, comprising of stables with ancillary services, including open sand arena, horse walker, dungstead, feed silo, staff canteen, toilets and sewage facilities was refused on the 11th April 2025, under a substitute consent application (ACP. Ref: 319539-24). This was also carried out without planning permission. In this case the applicant originally considered (prior to enforcement action being taken) that the development as constructed was exempt as agricultural development. I note that in this case the inspector considered that the site planning history would not preclude the granting of substitute consent.
- 8.2.9. Having regard to the above, in my opinion, I consider that the applicant was not aware at the time of construction that the development required permission. I therefore consider that the applicant's knowledge of the site planning history would not preclude the granting of substitute consent in this instance if deemed appropriate by the Commission, given that this process is the only mechanism through which the status of the existing development may be regularised.

whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired.

- 8.2.10. No, having regard to the documentation submitted, I would not consider this to be the case. The applicant advertised their intention to lodge this application by the appropriate form of public notice as submitted to the Commission on the 12th of July 2024. This development does not require the undertaking of a remedial Environmental Impact Assessment. The application is accompanied by a remedial NIS which is included on the application file which I consider provides complete and scientific information on the likely effects of the development on European Sites. It is noted that there are no third-party submissions to this application.

the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development.

- 8.2.11. No actual or likely significant effects on the environment due to the development proposed for regularisation have been identified. A small section of the site is within the Blackstairs Mountains SAC and the remainder of the site is proximate to it. The qualifying interests of the SAC are Northern Atlantic wet heaths with *Erica tetralix* [4010] European dry heaths [4030] do not occur in the section of the site which is within the Blackstairs Mountains SAC. The qualifying interest are approximately 1.5km from the development site on the slopes of Cloroge Beg and Cloroge More and upstream.
- 8.2.12. The rNIS screening submits that the although the QIs may not be directly affected, the non-QI riparian woodland encompasses within the Blackstairs Mountains SAC was lost due to the construction of the access road and in an abundance of caution the potential loss or alteration of habitats contained with this SAC could not be ruled out and therefore a remedial NIS has been prepared.
- 8.2.13. In addition, while a hydrological pathway may exist via the River Urrin to the Slaney River Valley SAC, some 20kms southeast of the site, it is considered that given this distance any effects from the construction of the access road will have been diluted on reaching the SAC and will not have had a significant effect on the QIs of the SAC which include mobile freshwater species such as lamprey, salmon, and otter. I also note that the Water Framework Directive water quality status of the River Urrin is High. This water quality status has been High since 2013 and is High in the latest 2019-2024 period, therefore the status of the water quality has not changed since the construction and operation of the access road. Again, given the distance to the Slaney River Valley SAC it is considered that any minor operations effects will have been diluted.
- 8.2.14. The rNIS proposes remediation and mitigation measures. To offset the loss of 0.29ha woodland in the SAC it is proposed that an area similar or greater size is set aside within the applicant's landholding and adjacent to the existing woodland, for supplementary planting with the same native present in the existing woodland. It is also proposed to carry out surveys the length of the access road as it runs along the woodland to establish if invasive species have spread into the adjacent woodland section of the SAC. If invasive species are detected the NWPS will be consulted to discuss the need and approach for removal within the SAC boundary.

8.2.15. The rNIS concluded that the development has no significant adverse effects on the integrity and extent of the Blackstairs Mountains SAC (000770)

8.2.16. Having regard to the above I consider that adverse effects on site integrity of any European Site can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated.

8.2.17. While no significant adverse effects on the QI's were identified, as stated above, the mitigation measures include the replanting in a natural state, appropriate native woodland within the landholding adjacent to the riparian woodland within the Blackstairs Mountain SAC to remediate against the loss to woodland due to the construction of the access road. The identifying and managing of invasive species if required is also proposed as a mitigation measure.

whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development.

8.2.18. On-site works for the access road and development the subject of ACP. ref: 319539-24 undertaken resulted in enforcement action being taken by Wexford County Council and details are provided in the Planning History Section above. The BPS response provides that at all times the applicants have sought to engage with the Council relative to enforcement. They submit as noted above that they considered that the works undertaken in this agricultural area constituted exempted development, prior to enforcement action being taken. In any event, it must be noted that enforcement is a matter for the Council and is not within the remit of the Board. In my opinion, the applicant is making appropriate efforts to regularise the status of the existing development on the site through the substitute consent procedure.

such other matters as the Board considers relevant.

8.2.19. These matters are considered in full, within the following sections of my report. In addition, I note the Planner's Report and submissions received from BPS on behalf of the applicant with reference to this current application for substitute consent and also the exceptional circumstances as they have been set out and reiterated.

Conclusion

- 8.2.20. Given the foregoing, I am satisfied that the applicant has adequately demonstrated there are exceptional circumstances pertaining with specific reference to Section 177K(1J) of the Planning and Development Act, 2000 (as amended). This is as amended by Section 30 of the Planning and Development, Maritime and Valuation (Amendment) Act 2022.

Proper Planning and Development

8.3. Principle of Development

- 8.3.1. This application for Substitute Consent relates to a 1.2km length of access road to serve forestry and agricultural lands. The access road has been in place at least since November 2020. This is a retrospective application seeking regularisation of planning in that the said unauthorised works have already taken place. It is of note that the issue of a regularisation application, similar to a retention application, is whether the works would have been considered appropriate and done in the first place had permission been applied for and subsequently been granted.
- 8.3.2. A section of the access road is part of a larger 28.742ha landholding which is owned by the applicant and includes Ballycrystal Guest House and various agricultural buildings. The remained of the access road is part of a larger landholding of 19.286ha and a consent letter has been submitted for this section of the site. It is stated that the access road is serving forestry and agricultural lands.
- 8.3.3. The site is located within a rural area where the predominant land use is agriculture. The applicant's landholding forms part of an existing agricultural complex and is in use as stables and ancillary facilities to support the equine industry.
- 8.3.4. I note that the Planning Authorities' planning report recommends that substitute consent should be granted for the development.
- 8.3.5. Objective ED129 of the Wexford Development Plan is to support and promote the equine industry in the county as an economic and employment provider. I consider that the development to be retained is in compliance with the above objective. It is therefore my opinion that, in principle the development to be retained which consists of an access road serving forestry and agricultural lands is acceptable.

8.4. Visual Amenity.

- 8.4.1. The site is located in an area designated as an Uplands Landscape Character Unit. (Map No.7.1). Section 11.6 of the Wexford Development Plan states that this landscape unit, which contains concentrations of more elevated and steeper land, ridges and skylines, which are very prominent in the overall landscape of the county and are generally more sensitive to development. The development plan has attached a high sensitivity rating to this landscape unit.
- 8.4.2. The access road to be retained is not visible over a wide area and is not conspicuous in the context of existing landscape, including the riparian woodland adjacent to the site and to the River Urrin.
- 8.4.3. Objective L06 of the development plan is to ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units. Given the minor nature of the development to be retained I do not consider that the development creates significant adverse visual impacts on the uplands landscape character of this area. I therefore consider that the development is in compliance with Objective L06 of the Development Plan and is acceptable.

8.5. Access

- 8.5.1. The main entrance to the access road is off the L-6152-1. The L-61525-1 is a local road. Both these roads have a speed limit of 60km/h.
- 8.5.2. Section 6.6.9 of the Wexford Development Plan states that for roads which are greater than 60km/h the sightline lines required for local/county roads are 65m. Drawing number of P-02 dated the 28th April 2023 shows that sightlines in excess of 65m are achievable. I note at the time of the submission of the application the speed limit of this road would have been 80km/h. The Planning Authority's roads report included in the planning report considers that the acceptable sightlines are available and recommends that a condition be attached requiring that the sightlines be maintained. I consider that the sightlines for the access onto the L-6152- I to be adequate to ensure traffic and pedestrian safety and recommend that if the Commission is minded to grant permission that a similar condition be attached.

- 8.5.3. The second entrance is off the L-61525-1 which is a stated local tertiary road. Objective TS78 of the Development Plan is to facilitate new accesses, to the local road network having regard to a number of criteria including the likely level and characteristics of traffic associated with the development /use proposed and the Primary or Secondary/Tertiary designation of the road.
- 8.5.4. The Planning Authority's report states that there are a number of passing points along the section of narrow road. The Planner and Roads Section consider that while sightlines cannot be achieved in full, this is a secondary access with minimal passing traffic and also the fact that internal road network serves to reduce the traffic on the L-61525-1 the Planning Authority deem it accessible.
- 8.5.5. Given the characteristics of the access road to be retained, the low level of traffic associated with it, I consider that the entrance onto this tertiary local road to be in compliance with Objective TS78 of the Wexford Development Plan and to be acceptable.

8.6. Surface Water Drainage

- 8.6.1. After a Section 132 notice was issued and a drainage layout was submitted on the 18th December 2024. Land/filter drains to the edge of the access road are feeding into the River Urrin. Section 9.11.11. of the Wexford Development Plan states that *'the management of surface water is important so as to avoid increased flood or pollution risk in the storm water network, rivers and streams in the county's towns, villages and rural areas. In this regard, the Council will require compliance with best practice guidance for the collection, reuse, treatment and disposal of surface water for all future development proposals.'* Given the permeable nature of the surface, I consider that the surface water run off from the gravel access road to be limited and that the use of the land/filter drains will ensure that development to be retained does not increase flood risk in the area.
- 8.6.2. I note that the Water Framework Directive water quality status of the River Urrin is high. Given the limited use of the access road, I do not consider that the access road causes a significant pollution risk to the River Urrin. I therefore consider that with regard to the management of surface water drainage the development to be retained is in compliance with Section 9.11.11 of the development plan and is acceptable.

8.7. Appropriate Assessment

Stage 1 AA Screening

- 8.7.1. The application is accompanied by a remedial AA screening assessment and an rNIS. The remedial NIS considers the impact of the development which has already been carried out on relevant European sites. In this regard I note that this application was lodged in 2024, and as such, the requirements which now apply under Part 2, S.27 (2B) (b) of the Planning and Development, Maritime and Valuation (Amendment) Act, 2022 concerning the submission of a remedial Natura Impact Statement for the development applies.
- 8.7.2. I note that Substitute Consent was refused for Stables with ancillary services, including open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. (ACP. Ref: 319539-24). In that case there were a number of deficiencies in the information submitted with the application and it was not possible for the Commission to complete an Appropriate Assessment of the development. The Commission was also not satisfied that on the basis of the information submitted that it had been demonstrated that the surface water and wastewater arrangements in place were sufficient to serve the development proposed for regularisation, particularly as the development to be retained included lands available for spread of manure and effluent. These lands included part of the current applicant's landholding.
- 8.7.3. As the development to be retained is an agricultural access road and will not include land spreading or the treatment of waste water, I consider any potential effects on the qualify interests of the Blackstairs Mountain Special Area of Conservation and the Slaney River Valley SAC (Code 00781) to be significantly less than that applied for under Substitute Consent (ACP. Ref: 319539-24).
- 8.7.4. In addition, while a hydrological pathway may exist via the River Urrin to the Slaney River Valley SAC, some 20kms southeast of the site, it is considered that given this distance any effects from the construction of the access road will have been diluted on reaching the SAC and will not have had a significant effect on the QIs of the SAC which include mobile freshwater species such as lamprey, salmon, and otter. I also note that the Water Framework Directive water quality status of the River Urrin is

High. Again, given the distance to the Slaney River Valley SAC it is considered that any minor operations effects will have been diluted. I therefore conclude that the development to be retained does not give rise to significant effects on the Slaney River Valley SAC and therefore does not have to be considered further.

- 8.7.5. The screening assessment undertaken on behalf of the applicant concluded that the potential for significant effects could not be ruled out for one European Site within the intervening area in view of the conservation objectives of this site and thus Stage 2 was required.
- 8.7.6. I have carried out an AA screening Assessment. (See Appendix 2). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development will give rise to significant effects on the Blackstairs Mountains SAC (000770) in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The loss of riparian woodland in the Blackstairs Mountains Special Area of Conservation. (000770)
- The potential loss of habitats as a result of spread of invasive species.

Stage 2 Appropriate Assessment

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Blackstairs Mountains SAC (000770) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- An assessment of construction and operational impacts.

- The location of the conservation interest features considered in the AA.
- The proposed development will not affect the attainment of conservation objectives for Blackstairs Mountain SAC or prevent or delay the restoration of favourable conservation condition for this site.
- Effectiveness of mitigation and monitoring measures proposed.

9.0 Water Framework Directive

- 9.1.1. The subject site is located c.45m from the River Urrin (River Waterbodies Risk IE_SE_12U010200 Urrin) and over the Ballyglass ground waterbody (Ground Waterbodies Risk IE_SE_G_011 Ballyglass)
- 9.1.2. The proposed development comprises of the retention of an existing 1.2km access road to access forestry and agricultural lands. No water deterioration concerns were raised in the substitute consent application.
- 9.1.3. I have assessed the access road and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.1.4. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development which is an agricultural access road.

Conclusion

- 9.1.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise

10.0 Recommendation

I recommend that the Commission grant substitute consent in accordance with the following Draft Order

11.0 Reasons and Considerations

The Commission, in accordance with section 177K of the Planning and Development Act 2000, as amended, and based on the Reasons and Considerations set out below, decided to GRANT substitute consent in accordance with the conditions set out below.

(a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA (Substitute Consent) and the provisions of the Planning and Development Regulations, 2001, as amended.

(b) the applicable national, regional and local planning policy including in particular the provisions of the Wexford County Council Development Plan 2022-2028.

(c) the remedial Natura Impact Statement and supporting documentation submitted with the application;

(d) the report and the opinion of the planning authority and the applicant's response to the report;

(e) the planning history of the subject site and adjoining lands;

(f) the nature, scale, characteristics and location of the historic development;

(j) the Inspector's assessment as set out in the Inspector's Report;

Environmental Impact Assessment

The Commission agreed with the Screening Assessment carried out by the Inspector and having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, the Commission considered that there is no real likelihood of significant effects on the environment.

The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

Appropriate Assessment

Appropriate Assessment Stage 1 (Screening)

The Commission agreed and adopted the screening assessment and conclusion carried out in the Inspector's report that the Blackstairs Mountains Special Area of Conservation. (000770) is the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment Stage 2

The Commission considered the remedial Natura Impact Statement and the Inspector's report and carried out an Appropriate Assessment of the implications of the proposed development for the Blackstairs Mountains Special Area of Conservation. (000770) in view of the site's conservation objectives.

The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Commission considered the likely direct and indirect impacts arising from the historic development, both individually or in combination with other plans or projects, the remediation measures set out in the remedial Natura Impact Statement and the conservation objectives for the European Site.

The Commission consider that, subject to the implementation of the identified remediation measures either individually or in combination with other plans or projects, that adverse effects on site integrity of the Blackstairs Mountains SAC (000770) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

The Commissions conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The location of the conservation interest features considered in the AA.

- The proposed development will not affect the attainment of conservation objectives for Blackstairs Mountain SAC or prevent or delay the restoration of favourable conservation condition for this site.
- Effectiveness of mitigation and monitoring measures proposed.

Proper Planning and Development of the Site

Having regard to the nature, scale and extent of the development and to the acceptability of the environmental effects and noting that the integrity of European Sites were not adversely affected, in view of the relevant sites' conservation objectives, as set out above, and subject to compliance with the conditions set out below, the Commission is satisfied that to grant substitute consent to the development accords with the proper planning and sustainable development of the area.

12.0 Conditions

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Coimisiun Pleanála with the application on the 12th day of July 2024, except as may otherwise be required in order to comply with the following conditions.

(b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development on the subject site.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures contained in the submitted Natura Impact Statement (NIS), shall be implemented. The mitigation planting proposed shall take place within the first planting season following the grant of permission. All trees shall be native deciduous woodland species.

Reason: To protect the integrity of European Sites.

3. Sightlines as indicated on drawing no. P-02 submitted to An Coimisiun Pleanála with the application on the 12th day of July 2024 shall be maintained at all times.

Reason: In the interest of traffic and pedestrian safety.

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

19 December 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	320234-24
Proposed Development Summary	Retention permission is sought for an existing 1.2km access road to access forestry and agricultural lands and all other associated works
Development Address	Ballycrystal, Rossard, Co Wexford
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2,	

Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10. Infrastructure projects (dd) All private roads which would exceed 2000meters in length.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	320234-24
Proposed Development Summary	Retention permission is sought for an existing 1.2km access road to access forestry and agricultural lands and all other associated works
Development Address	Ballycrystal, Rossard, Co Wexford
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development is for a gravel access road through agricultural lands which has been used as a horse gallops. The development to be retained did not use a significant amount of natural resources and does not produce significant waste, nuisance, risk of accidents or significant impact human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Part of the site is located in Part of the site is within the Blackstairs Mountains proposed Natural Heritage Area: Part of the site is within the Blackstairs Mountains SAC. The submitted NIS concludes that the development does not have significant adverse effects on the QI of the SAC. Replacement tree planting for trees removed during construction of the road is proposed. The development does not significantly affect any environmental sensitivity of the geographical area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters,	Given the nature of the development as an access road there will be no likely significant effects on environmental parameters. The small section of trees

magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	removed to facilitate the construction of the road are to be replaced.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2:

Stage 1: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention permission is sought for an existing 1.2km access road to access forestry and agricultural lands and all other associated works
Brief description of development site characteristics and potential impact mechanisms	The access road to be retained is a gravel road 1.2km in length and crossed agricultural lands. The construction of the road resulted in the removal of a section of woodlands adjacent to the River Urrin. The site includes a segment of the Blackstairs Mountains SAC to the west. The SAC includes a section broadleaved woodland and freshwater marsh occurring along the upper section of the Urrin River above Ballycrystal Bridge. The Urrin River flows into the Slaney River Valley SAC (000781) at Enniscorthy. The boundary of the Slaney River Valley SAC from the proposed development is approximately 6.4km. 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.
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	PA planning report has no objection to the development and accepts the conclusion of the rNIS.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
Part of the site is located in the Blackstairs Mountains SAC (Code 000770). Encompassed within the SAC is the River Urrin, which flows c.41m west of the development at its closest point. Excess surface water from the development may flow from the development towards this river creating a hydrological pathway between the development and Blackstairs Mountain SAC (000770). The Slaney River Valley SAC (Code 00781) is approximately 20km downstream of the site. The applicant's screening report considers that this downstream distance and the small-scale nature of the works are deemed sufficient to rule out any potential effects from a hydrological pathway. There are no hydrological, hydrogeological or air and land pathways with the River Barrow and River Nore SAC (002162) which is located c.2.5km west of the site.	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Blackstairs Mountains SAC (000770)	Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030]	Directly Adjacent/Overlap	Direct Hydrological and land pathways	Y
River Barrow and River Nore SAC (002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus	2.6km	No Hydrological and site/land pathways due to distance and river flow direction. SAC is located in a different water catchment.	N

	excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]			
Slaney River Valley SAC (00781)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus	7.3km Linear Distance.	Hydrological pathways through the River Urrin to Slaney River Valley SAC. The Slaney River is c.20km downstream from the site.	Y

	excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Blackstairs Mountains SAC (000770) Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030]	Direct: No direct impacts Indirect: Loss of riparian woodland (not a QI) Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Loss of habitat due to invasive species	Habitat loss/ modification No negative effect on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality, due to upstream location of QI's Potential loss of habitat due to spread of invasive species.

	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Y	
	Impacts	Effects
Site 2: Slaney River Valley SAC (00781) Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096]	Direct: No direct impacts Indirect Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	Given the distance of the site from the site from where the River Urrin joins the River Slaney it is considered that any minor operations effects will have been diluted. Any effects from the construction of the access road will have been diluted on reaching the Slaney River Valley SAC and will not have had a significant effect on the QIs of the SAC which include mobile freshwater species such as lamprey, salmon, and otter. The Water Framework Directive water quality status of the River Urrin is High.

Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]		
	Likelihood of significant effects from proposed development (alone): NO	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? NO	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site.		
It is not possible to exclude the possibility that proposed development alone would result significant effects on Blackstairs Mountains SAC (000770) from effects associated with habitat loss within the SAC. An appropriate assessment is required on the basis of the possible effects of the project ‘alone’. Further assessment in combination with other plans and projects is not required at screening stage. Proceed to AA.		

Screening Determination

Significant effects cannot be excluded.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Blackstairs Mountains SAC (000770) in view of the sites' conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature of the development to be retained.
- The loss of riparian woodland in the Blackstairs Mountains SAC (000770)
- Potential spread of unidentified invasive species.

Stage 2: Appropriate Assessment

Blackstairs Mountains SAC (000770):

Summary of Key issues that could give rise to adverse effects (from screening stage): [examples]

(i) Habitat Loss

See Table 2 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant summary)	Potential adverse effects	Mitigation measures (summary) NIS SECTION 4.4
Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]	To maintain the favourable conservation condition. No decline in habitat distribution, subject to natural processes	Loss of riparian woodland not QI habitat Spread of invasive species	Supplementary planting of an area similar or greater with same native species as present in existing woodland. Invasive Species Management if required after survey of site and adjoining woodland.
European dry heaths [4030]	To maintain the favourable conservation condition. No decline in habitat distribution, subject to natural processes	Loss of riparian woodland not QI habitat Spread of invasive species	Survey and management (if required) of any spread of invasive species in the SAC.

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note the location of the QI which are upstream of the development site.

Assessment of issues that could give rise to adverse effects view of conservation objectives

The above tables are based on the documentation and information provided on the file, as well as information as contained on the NPWS website. I am satisfied the NIS has adequately considered potential effects on each relevant qualifying interest.

(i) Loss of riparian woodland

Given the location of the Northern Atlantic wet heaths and the European dry heaths which are upstream from the application site, the loss of riparian woodland will not have a potential adverse effect on the QI.

Mitigations or measures

Supplementary planting of an area similar or greater with same native species as present in existing woodland will remediate the habitat loss of a riparian woodland section of the Blackstairs SAC as it runs along the River Urrin.

I am satisfied that the measures proposed can be implemented, supervised effectively and will be effective in remediating any loss of riparian woodland. Mitigation measures are captured in planning condition 2 of the Inspectors Report.

Surveys to be carried out along the length of the site to establish if invasive species are present. Preparation of an Invasive Species Management Plan if required. Surveys to take place for two consecutive years.

Monitoring to take place for a minimum of 5 years of the establishment of the supplementary planting.

I am satisfied that the measures proposed can be implemented, supervised effectively and will be effective in preventing the spread of invasive species. Mitigation measures are captured in planning condition 2 of the Inspectors Report.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. Development granted and pending in the area have been assessed and no other plans and projects could combine to generate significant effects when mitigation measures are considered.

I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V / 177AE was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Blackstairs Mountains SAC (000770) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The location of the conservation interest features considered in the AA.
- The proposed development will not affect the attainment of conservation objectives for Blackstairs Mountain SAC or prevent or delay the restoration of favourable conservation condition for this site.
- Effectiveness of mitigation and monitoring measures proposed.

Appendix 3			
WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	320234	Townland, address	Ballycrystal, Rossard, Co. Wexford
Description of project		Retention permission is sought for an existing 1.2km access road to access forestry and agricultural lands and all other associated works.	
Brief site description, relevant to WFD Screening,		The site is bounded by agricultural fields to the north, east and south, with some rural residential dwellings in the surrounding area. The site is bounded to the west by riparian woodland and River Urrin, which form part of the Blackstairs Mountains SAC (000700) At its closest point the application site is c.45m from the River Urrin.	
Proposed surface water details		Surface water from the access road to be discharged to land drains and River Urrin.	
Proposed water supply source & available capacity		Not applicable	

Proposed wastewater treatment system & available capacity, other issues			Not applicable			
Others?			Not applicable			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	45m	IE_SE_12U010200 Urrin_20	Good	Not at risk	None Identified	Linked to watercourse by surface run off and lands drain discharge

Groundwater waterbody	Underlying site	IE_SE_G_011 Ballyglass	Good	At risk	Unknown, Agriculture	Free draining soil conditions.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	IE_SE_12U010200 Urrin_20	Surface Water	Siltation and sedimentation	None	No. Small scale of construction of access road has not resulted in residual risk.	Screened out
2.	Ground	IE_SE_G_011 Ballyglass	Drainage	Hydrocarbon Spillages	None	No. Small scale of the access road and low usage does result in a residual risk.	Screened out
OPERATIONAL PHASE							

3.	Surface	0010	None	None	Replacement Planting of riparian woodland	No, scale and potential low usage of access road do not warrant further assessment.	Screened out
4.	Ground	0020	None	None	Replacement Planting of riparian woodland	No, scale and potential low usage of access road do not warrant further assessment.	Screened out
DECOMMISSIONING PHASE							
5.	NA						