



An
Bord
Pleanála

Inspector's Report

ABP-321762-25

Development

Addition of a rear extension to include 24 additional bedrooms, an office and stores; alteration and extension to the main function room to include alterations to the covered roof area over the main entrance as granted under planning ref. no. 20170279E (as extended), together with all ancillary works. The development shares the curtilage of a protected structure (RPS No. EO84 - Millhouse Bar, Salthouse Lane). A Natura Impact Statement (NIS) was submitted with further information.

Location

Riverside Park Hotel, The Promenade, Enniscorthy, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20240031

Applicant(s)

C&T Famco Limited

Type of Application

Planning permissions

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party

Appellant(s)

George Kehoe & others

Date of Site Inspection

20th March 2025

Inspector

Sarah O'Mahony

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1.0 Site Location and Description

- 1.1. The 0.68ha site is situated in Enniscorthy town centre and on the western banks of the River Slaney. The site is occupied by the Riverside Park Hotel which comprises a mix of new and old buildings ranging from one to four stories in height over a lower ground floor/ undercroft car park and includes a protected structure. The floorspace of the existing hotel is 8980m².
- 1.2. There is a public access road situated between the river and the front façade of the hotel which provides access to a public park and walkway adjacent the river referred to as the Promenade, the Uisce Éireann Promenade Wastewater Pumping Station and the Slaney Search and Rescue compound all situated south of the hotel. The road terminates in a car park south of the hotel which serves the aforementioned properties and surrounds the pumping station.
- 1.3. The northern boundary of the site comprises a local road called Priory Court while the western boundary comprises Sawmill Lane and Gurteen which is a cul-de-sac serving a residential area.
- 1.4. The hotel has function spaces, bars, restaurants and bedrooms with an undercroft car park.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - Part 2,3, and 4 storey 1286m² extension to the rear of the hotel to include 24no. additional bedrooms (net increase of 18no.), together with office and stores at ground floor and outdoor plant area on the roof, all over lower ground level parking area with attached single-storey bin store and a standalone gas tank enclosure relocated from its existing location.
 - Alteration and extension to the main function room to comprise of an adjoining pre-function room facility on the front elevation at ground floor level to include alterations to the covered roof area over the main entrance as granted under planning ref. no. 20210279E (as extended). (63m² additional floorspace to the front of the hotel).
 - And all associated site works and services.

2.1.1. Reports received with this application include the following:

- Planning Context Report
- Construction Environmental Management Plan
- Daylight Analysis and Overshadowing
- Screening Statement for Appropriate Assessment
- Natura Impact Statement
- Site-Specific Flood Risk Assessment

3.0 Planning Authority Decision

3.1. Further Information

3.1.1. The Planning Authority requested the following further information:

- A Natura Impact Statement (NIS) as the site is situated within Flood Zone A and adjacent to the Slaney River Valley SAC and Wexford Harbour and Slobs SPA.
- A Site-specific Flood Risk Assessment, again as the site is situated within Flood Zone A.
- Revised plans to address overlooking to private dwellings to the west.
- Submit a Diversion Enquiry to Uisce Éireann to complete a diversion feasibility assessment regarding an existing underground water pipe to the front of the building not illustrated on the application drawings as well as the proposal to build over existing wastewater and stormwater pipes.
- Details of the boundary treatment to Sawmill Lane.

3.1.2. The Applicant's response included the following:

- An Natura Impact Statement which concluded that following implementation of mitigation measures as outlined, it is predicted that there would be no significant effect upon qualifying features and therefore the integrity of any European Sites connected to the application site.
- A Site-specific Flood Risk Assessment was submitted (SSFRA) which concluded that the proposed design is not susceptible to flood risk and it would also not result in

an unacceptable residual flood risk either on or offsite due to proposed mitigation measures.

- Windows on the rear elevation of the new extension will serve offices and corridors only. The high level office windows will have restricted openings and infill opaque panels while the corridor windows will be high level only, eliminating overlooking.
- A response from the Diversions Team of Uisce Éireann was submitted which states that the build can be facilitated.
- The existing masonry wall and timber cladding boundary with Sawmill Lane will be retained in situ at the same height however the timber cladding will be replaced with new timber hit and miss panelling. The response also outlines how the Applicant does not have full ownership of the wall but is willing to enter into discussions with the other owners to discuss options and would contribute to any such project in a positive manner including financial support.

3.2. Decision

- 3.2.1. A notification of decision to GRANT planning permission was issued by Wexford County Council (the Planning Authority) on 20th December 2024 subject to 10no. conditions including no. 9 as follows

“9 Prior to the commencement of the development revised plans shall be provided for agreement in writing for the proposed boundary treatment along the western boundary of the site. The development shall be completed in accordance with the agreed plans.

Reason: To ensure adequate control over the proposed development.”

3.3. Planning Authority Reports

- 3.3.1. Planning Reports

- There are two reports from the Case Planner on the file, one assessing the original application and the other assessing the further information response.
- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.

- Environmental Impact Assessment (EIA) issues were screened out.
- Following receipt of the NIS, the Case Planner concluded that the proposed development, with the mitigation measures proposed, individually or in combination with other plans and projects would not adversely affect the integrity of the Slaney River Valley SAC or the Wexford Harbour and Slobs SPA.
- The report considered the principle of development to be acceptable given the long standing hotel use on the site and its employment and tourism benefits. It notes how the design was scaled back during pre-planning consultations in order to reduce impacts to neighbouring residential amenity and that the proposed scale, form and massing is acceptable.
- It notes the contents of a Daylight and Overshadowing Analysis report which suggested there would be some minor additional overshadowing to neighbouring properties. It also noted that revised fenestration proposals on the eastern elevation would ensure no adverse impact would occur to the privacy and amenity of neighbouring residences.
- It considered that the proposed development would not impact the protected structure on the site due to the location of the works to the south of the hotel, separated from the protected structure. It did however recommend the addition of a condition requiring archaeological testing prior to the commencement of development.
- It notes that the CDP standards would require a total of 58no. car parking spaces and that the proposed 124no. represents an oversupply, but it considered this to be acceptable in the context of the site's location at the edge of the town centre and adjacent to the public park and play area.
- It considered the Construction and Environmental Management Plan to be acceptable and that water services matters are addressed including the potential to divert an existing sewer pipe. It also noted the contents of the SSFRA and considered the conclusions to be acceptable as the design has had regard to historic flooding in the area.
- It recommended that boundary treatments are conditioned.

3.3.2. Other Technical Reports.

- Disability Access Officer: Report received which states that a revised Disability Access Certificate is required.
- Roads Inspection Report: No objection subject to standard conditions.
- Environment Section: No response received.

3.4. **Prescribed Bodies**

- Uisce Éireann: Two reports received, the first requesting further information regarding an existing wastewater pipe situated on the site which is not reflected on the application drawings and that it is also proposed to build over existing wastewater and stormwater pipes. The applicant was advised to submit a diversion enquiry to Uisce Éireann. The latter report noted the FI response and outlined how a Confirmation of Feasibility was issued advising that water and wastewater connections are feasible but that there is a sewer pipe traversing the site and it is still unknown if it serves the neighbouring residential properties. The report recommends that a condition is attached requiring the Applicant to obtain another Confirmation of Feasibility in order to build over the sewer. It also outlines how the Applicant obtained permission from Uisce Éireann to build near the existing watermain to the east of the hotel.
- Fáilte Ireland: No response received.
- Department of Housing, Local Government and Heritage: No response received.

3.5. **Third Party Observations**

- 3.5.1. Four observations were received from third parties noted as George Kehoe on behalf of Residents from Gurteen and Sawmill Lane, Paulius Puidokas, David Wall and George Kehoe which raised the following matters:
- The parent permission for the entire hotel development, ref. TP1174, ABP ref. PL59.100496, reduced the scale of the proposal by omitting a second function room on the same footprint as the current proposal. The reason given was to reduce the density of the development, reduce car parking requirements and in the interests of the residential amenity of property in the vicinity. The objection submits that the proposed development is on a similar footprint but twice the scale of that omitted portion and therefore is inconsistent with the requirements of that condition. There

have been no changes to the character of Gurteen and Sawmill Lane to warrant a deviation from the previous omission.

- Condition 6 of the parent permission states no structures shall be built over foul sewer lines however such development is now proposed.
- Another extension to the hotel permitted under ref. PL26.245427 was granted in the context that it fulfilled all potential expansion opportunities for the hotel.
- Net loss of public car parking spaces is inappropriate and incorrect site boundary regarding public and private property in the existing public car park.
- The development would result in a net reduction in car parking spaces for the hotel which contravenes the CDP as additional bedroom spaces are actually proposed. The local residents consider the existing 126no. spaces to be insufficient to cater to existing hotel requirements due to parking and encroachment on Gurteen and Sawmill Lane during larger functions. This also has an impact on traffic flow and congestion as well as overflow into the adjacent public car park.
- The Daylight Analysis and Overshadowing Report (DAO report) does not account for successive extensions to the hotel and does not consider the cumulative loss in vertical sky component (VSC) or cumulative overshadowing to neighbouring residences. Multiple deficiencies are submitted regarding the report.
- Noise impacts from existing plant, machinery and the car park are highlighted and it is submitted that there is little to no screening in place. Concern raised regarding introduction of additional plant. Concern raised regarding noise travelling from the function space via the office window to the general open air as well as from the extended function room as it would be situated closer to the dwellings. Acoustic analysis and noise screening proposals were not submitted with the application.
- Concern regarding the impact of pile driving and that it may lead to subsidence and structural issues for the existing dwellings as well as noise impacts. A detailed construction management plan should be prepared.
- Concern regarding flood risk and that there is no timeline to implement the Enniscorthy Flood Defence Scheme. The observation submits that an SSFRA was not submitted and there are concerns regarding flood risk to existing dwellings.

- Overlooking would occur from the proposed 8no. new windows on the western elevation as well as from new balconies to primary private amenity areas to the front of dwellings. A separation distance of 5m between new balconies and private amenity areas is highlighted.
- Concern that the proposed function room storage area could later become a further extension to the function room itself, exacerbating noise issues.

3.5.2. The Applicant also made a submission and I note the following text in the Case Planners report regarding same:

'this is a submission from the applicant which is considered as unsolicited further information and therefore cannot be considered at this stage'

The submission included a Confirmation of Feasibility from Irish Water as well as a statement from the applicant that there are no adjacent properties serviced through the site boundary by Irish Water infrastructure or private way leaves.

3.5.3. An observation was also received from the same third parties following receipt of the further information response and it raised the following matters:

- The SSFRA does not address flood risk to adjoining properties, does not examine existing flood routes or off-site surface water sources such as the sewer network. The report did not analyse the proposed development in the context of the River Slaney (Enniscorthy) Drainage Scheme.
- Overlooking has not been addressed.
- The existing boundary wall extends beyond Sawmill Lane into an area referred to as Gurteen. Remedial works for damage caused during construction should be the responsibility of the applicant.
- The list of permitted projects outlined in the NIS are significantly different to the proposed development.
- The same grounds of objection as outlined in the initial submission still apply.

4.0 Planning History

- TP1174, ABP ref. PL59.100496: Planning permission granted for development comprising the demolition of existing stores/offices and erection of proposed hotel

comprising 60 number bedrooms, bar, restaurant, function rooms, ancillary rooms, car parking and service road, together with the change of use of existing warehouse to bar and ancillary rooms. Date signed: April 1997. Condition nos. 1 and 6 of the grant of permission state the following:

“1. Function room number 2, including ancillary floor space of bar, access and sanitary accommodation, shall be omitted from the development. Revised drawings shall be submitted to the planning authority for record purposes.

Reason: To reduce the density of the development, to reduce car parking requirements and in the interest of the residential amenity of property in the vicinity.

6. No structures shall be built over foul sewer lines.

Reason: In the interest of the proper planning and development of the area.”

- TP 1245: Planning permission granted for alterations to previously permitted TP1174.
- TP1246/ ABP ref. PL59.105667: Planning permission granted for erection of restaurant and change of use from first floor meeting room to kitchen facilities.
- TP1397/ABP ref. PL59.128176: Planning permission granted following withdrawal of appeal. Proposed development sought permission for extension to existing hotel comprising a kitchen. Date Signed: March 2002.
- TP1433/ABP Ref. PL59.200400: Planning permission granted for extension to existing hotel premises comprising ancillary leisure centre facilities. Date signed: June 2003.
- TP1595: Planning permission granted for an extension to a smoking balcony. Date Signed: October 2005.
- TP1663: Planning permission granted to develop existing attic space to a bedroom suite. Date signed: August 2006.
- TP1796/ ABP ref. PL59.231568. Planning permission granted for demolition of existing dwelling at no. 6 Gurteen Lane and erection of a 4-storey hotel extension. Date signed: June 2009.

- TP1803/ ABP ref. PL59.232749: Planning permission granted for demolition of existing dwelling and erection of 4-storey hotel extension with ground floor car parking and 9no. apartments. Date signed: June 2009.
- TP1849/ ABP ref. PL59.237213: Planning permission granted for alterations to Millhouse Building (Protected Structure), revisions to previously permitted hotel extension and all associated site works. Date signed: January 2011.
- 20150600/ ABP ref. PL26.245427: Planning permission granted for construction of a 3-storey extension to the existing hotel and all associated works. Development is within the curtilage of a Protected Structure. Date signed: January 2016.
- 20170279: Planning permission granted for extension and alterations to the main entrance, reception area & conservatory corridor of the Riverside Park Hotel, Enniscorthy, Co. Wexford. The development which is within the curtilage of a protected structure (millhouse bar, salthouse lane -RPS no. E084), will involve elevational changes to the front (east) elevation of the hotel, also amendments to the existing set down area, footpath & terrace to the front of the hotel, and the provision of an access ramp. Date signed: April 2017.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant statutory plan is the Wexford County Development Plan 2022-2028, hereafter referred to as the CDP. Enniscorthy Town is listed as a Level 2 Large Town and the CDP sets out the 'Development Approach' for Enniscorthy which includes high level social and economic transport heritage and public realm objectives, one of which is to *Further develop the town's tourism potential and maximise the direct and indirect spin off for the town and its residents.*
- 5.1.2. The CDP does not contain any land use zoning plans for Enniscorthy however Objective CS15 states that it is an objective of the Council to prepare a local area plan for the town.
- 5.1.3. Objective TM12 seeks to:

"balance the development of tourism facilities, infrastructure and accommodation in our towns, villages and rural areas with the needs of the

communities, the need to provide for housing and year round facilities and vitality for the resident population and the sustainable year round use of existing infrastructure such as wastewater treatment infrastructure.”

5.1.4. Objective TM48 seeks to:

‘facilitate the provision of proportionate high quality accessible tourist accommodation and the expansion/upgrade of existing hotels, guesthouses, hostels and B&Bs where the use and scale of the tourist accommodation is appropriate to and in keeping with the scale and character of the settlement.’

5.2. Enniscorthy and Environs Local Area Plan

- 5.2.1. The Enniscorthy and Environs Development Plan 2008-2014 (as extended) has expired. As outlined above, the CDP states that a new LAP will be prepared for Enniscorthy.

5.3. Enniscorthy Town Centre First Strategy

- 5.3.1. The strategy sets out a broad strategy for a longer-term and more holistic approach to social, economic and environmental regeneration. It has been prepared to align closely with the national Town Centre First Policy Approach for Irish Towns. Although this plan is non-statutory, it will nevertheless, play a central role in informing statutory plans and priorities for transformative regeneration actions and projects.

5.4. The Planning System and Flood Risk Management, Guidelines for Planning Authorities 2009

- 5.4.1. These Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. Implementation of the Guidelines is achieved through actions at the national, regional, local authority and site-specific levels.

5.5. Natural Heritage Designations

- 5.5.1. The Slaney River is situated immediately east of the hotel and forms part of both the Slaney River Valley Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA).
- 5.5.2. A narrow portion of the eastern side of the site intersects with the pNHA while there is a separation distance of 10m to the SAC. The intervening area comprises a landscaped riverbank with mown grass and ornamental trees forming an area of linear open space with a public walkway.
- 5.5.3. The Wexford Harbour and Slobbs Special Protection Area is situated 500m south and downstream of the site, forming part of the Slaney River.

5.6. Built Heritage Designations

- 5.6.1. There is a former millhouse on the site which forms part of the hotel building and is designated as a protected structure, RPS ref EO84 applies, and also features on the National Inventory of Architectural Heritage (NIAH), ref. 15604051 applies.

5.7. EIA Screening

- 5.8. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 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.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal is received from the following residents of Gurteen and Sawmill Lane:

1. George Kehoe
2. Mary and Michael Mahon

3. G.F. Ryan
4. David Wall
5. Paulius and Leones Puidokas
6. Adona Puidokiene
7. Patsy and Sarah Dixon
8. Noel and Ruby James
9. Michael Doyle

- Condition no. 1 of the 1996 parent permission ref TP1174/ABP ref. PL59.100496 required omission of a previously proposed second function room and the reason provided was to *'reduce the density of the development, to reduce car parking requirements, and in the interest of the residential amenity of property in the vicinity'*.

The appeal submits that the proposed development is of the same footprint and a larger scale and height as the omitted function room. It states that *'the proposed increase in density was opposite the intention of condition no. 1 and represented a denial of the concession made to them in the previous appeal'*. The appeal further suggests that the Local Authority did not engage with this matter in its assessment, that the context of the area has not changed since permission was granted for the parent permission and that permitting the proposed development with its increased height and floor area would be in conflict with that condition.

- Concern surrounding a lack of clarity regarding existing wastewater pipes on the site. Condition no. 6 of the parent permission stated that no structure shall be built over foul sewer lines. The Uisce Éireann report submitted to the Planning Authority notes uncertainty as to the purpose of the pipe in question and that the organisation does not permit development over its assets. The appeal suggests that permission should be refused as the development would conflict with condition no. 6, would not comply with Uisce Éireann's policy not to build over existing pipes as well as deficiencies in information regarding the function of the pipe.

- The scale, height and massing of the development would visually impact the existing streetscape and would be overbearing and oppressive to the existing residential amenity, particularly no. 5 Gurteen.

- Overshadowing and access to daylight, in particular Vertical Sky Component factors were not addressed appropriately in the Daylight Analysis and

Overshadowing (DAO) report. Windows on the front elevations of nos. 3 and 5 Gurteen were omitted from the assessment. VSC would be reduced to less than 27% which is what the BRE Guidelines recommend as a minimum. The report concludes that daylight would not be significantly affected as each window in question would still receive 80% of its existing daylight, however the appeal submits that this is incorrect as it does not have regard to the successive developments constructed on the site and the associated cumulative negative impact.

- The appeal submits that the proposed development would not impact rear gardens in terms of overshadowing and these spaces would comply with the BRE Guidelines however the front and side gardens of nos. 3, 4 and 5 Gurteen would suffer extensive overshadowing, and that the front and side garden of no.4 is the primary amenity space for that property. The conclusion drawn in the DAO report and Local Authority assessment that the impact would be minor is alleged to be incorrect as the extent of overshadowing represents a significant loss of amenity and permission should be refused accordingly.
- Illustrations in the DAO report highlight impacts to residential properties as a result of excessive massing, height and length of the proposed development.
- In the event of a grant of planning permission, condition no. 6 regarding noise should be revised to include the following as per Section 2.6 of the CDP:

'as and when required by the Planning Authority a survey of noise levels at monitoring stations on adjacent properties (to be agreed with the Planning Authority) shall be undertaken by an agreed professional (at the expense of the developer) and the results submitted to the Planning Authority within one month of the request'

- The level of existing car parking is inadequate and regularly overflows to the adjacent private lane at Gurteen and Sawmill Lane. The conclusions drawn in the Local Authority assessment that an additional 18no. bedrooms and extended function space do not require additional car parking are inconceivable.
- The justification test for development management as set out in the Planning System and Flood Risk Guidelines has two parts, the first of which requires that the lands in question are zoned or otherwise designated for a particular use in an operative and adopted development plan. The appeal suggests this is not the case

for the subject lands as the Enniscorthy Town and Environs Local Area Plan is stated in the Case Planners report to no longer be operative.

- The appeal suggests that it is therefore premature to permit development in the absence of completion of the flood defence scheme for Enniscorthy pending the updating of the Enniscorthy Town Plan to have regard to the Flood Risk Guidelines which were published following adoption of the town plan.
- Classifying the hotel as a less vulnerable use due to its leisure use is questioned in the appeal given the provision of overnight accommodation. It highlights that a hostel, which also provides accommodation, is classified as a highly vulnerable development and therefore the Site-Specific Flood Risk Assessment (SSFRA) received with the application is flawed and should be rejected by the Board.
- Concern submitted regarding the structural integrity of the existing western boundary wall which forms part of the flood defences. In the event that planning permission is granted, the appeal requests that a condition is imposed to ensure the structure stability of the wall is maintained and repaired in the event of damage.

6.2. Applicant Response

- The appeal focuses on narrative and opinions set out in the Inspectors Report for the parent permission however the Board overturned that recommendation and therefore the report has no relevance to this development.
- Condition no. 1 of the parent permission was not imposed to appease individual requests as implied by the appeal, but in order to represent proper planning and sustainable development at that time. The grounds of appeal ignore the intervening planning history and passage of time.
- Statements that the character of the area has not changed in the intervening 30 years are incorrect.
- The appeal does not reference the remit of Uisce Éireann who own and operate the water network and associated infrastructure since a date long following the grant of permission for the parent permission. The response submits that 'servicing is ex-planning once an appropriate condition is included in the grant'. It also submits that surface water management has significantly changed since the parent permission

with more emphasis on SUDS which has been incorporated in the design. Further, the preparation of an NIS is noted.

- Impacts to residential amenities were considered in the design particularly the A-profiled roof and fenestration orientated away from Sawmill Lane. Some existing bedrooms facing Sawmill Lane will be removed to facilitate the new connection, thereby improving residential amenity.
- Contradictory statements made in the appeal regarding daylight and overshadowing impacts to adjoining properties.
- A response from the author of the DAO report is received noting how windows outlined in the appeal, which were allegedly not assessed for daylight impacts, serving circulation and storage spaces do not require assessment according to the BRE guidelines. The response also provides a new assessment for a ground floor window in no. 3 Gurteen, which allegedly serves a habitable room and was omitted from the assessment. The response states that it would have a VSC value of less than 27% but would be reduced by less than 0.8 times the current value, in line with the results for the other ground floor windows and therefore would not be adversely affected and would comply with BRE guidance. Regarding primary open spaces situated to the front of dwellings, the response highlights text from the BRE Guidelines which states that 'front gardens which are relatively small and visible from public footpaths should be omitted, only the remaining back garden should be analysed. Nonetheless an assessment of the front gardens in question is provided and the response states that they each 'pass'.
- Responding to grounds of appeal that dwelling nos. 3, 4 and 5 Sawmill Lane would suffer a significant impact to residential amenity due to the potential loss of some light to front gardens before 10am, the response outlines how those dwellings are situated west of the development site and receive 'good, long duration sunlight from the south east, south and south west which would not be altered'. The response submits a google maps aerial image demonstrating a large tree formerly situated in the grounds of an adjacent dwelling at no. 5 Sawmill Lane and adjacent to the western boundary of the hotel which was removed in 2023. It suggests that the aerial image illustrates how the tree cast long shadows over the adjacent properties and therefore claims to historic open aspect and lack of shadow are incorrect.

- Overspill car parking already occurs and would not be exacerbated by the proposal. The proposed pre-function room is a complementary use for existing functions and not a second function space to accommodate higher numbers of attendees. The bedrooms offer more accommodation to guests already attending functions.
- Regarding flood risk, the lands were assessed as part of the Strategic Flood Risk Assessment carried out for the CDP and the principle of development has been long established on the site. The Appellants are attempting to revisit the past.
- Regarding the boundary wall and flood risk, the appeal ignores the multiple interim permitted developments which noted the low value of the car park which can be evacuated in advance due to weather forecasting and warning systems. The car park and boundary wall therefore provides an overflow and attenuating value lowering flood risk to neighbouring properties.
- References are made in the response to the most recent ABP Inspectors Report for ref. 245427, the conclusions of which are not accepted by the appellants and are challenged again in this appeal. The quoted paragraph outlines the Inspector's view that the development in that case, a 3-storey extension to the hotel, would not impact residential amenity by overlooking, overshadowing or loss of light, and that the extension was appropriately designed with cognisance of the flood risk. It also considered car parking provision to be acceptable.

6.3. Planning Authority Response

- The development will provide additional tourist accommodation and is considered to comply with the Wexford County Development Plan 2022 - 2028 and the aims and objectives of the Enniscorthy Town Centre First Strategy. The existing hotel is connected to public water and wastewater services in an established urban area. Please refer to the Planner's recommendation report for the Planning Authority's assessment of the development.

7.0 Assessment

7.1. Introduction

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

- Principle of development
- Design and Scale
- Overshadowing
- Flood risk
- Other matters

7.2. Principle of Development

7.2.1. The appeal submits that the proposed development would conflict with condition no. 1 of ref. TP1174/ABP ref. PL59.100496 which granted permission for the overall hotel development in 1997. The appeal considers that granting the proposed permission would negate concessions made by condition no.1 of that 1997 parent permission requiring omission of aspects of the then proposed development in order to protect residential amenity. This included omitting a second function room in the general location of the current proposed development.

7.2.2. Each planning application is assessed on its own merits having regard to the particulars of the development itself, together with the surrounding site characteristics and context as well as the relevant planning policy and guidance in place at that time. In this regard I consider there is no basis to refuse permission on the grounds outlined above. Further, as the development description as advertised on the statutory notices does not seek to amend that parent permission, I do not consider condition no. 1 of that permission to be relevant to this assessment.

7.2.3. I note the appellants point which submits that the character of the area has not changed in the intervening 28 years however as each planning application is

assessed on its own merits, I will deal with this under the next heading of design and scale to assess the suitability of the proposed development in the context of the surrounding built environment as is currently in place.

- 7.2.4. I note the development description does seek to amend another permitted development on the site, namely ref. 2017/0279E which granted permission for an extension and alterations to the main entrance, reception area & conservatory corridor on the front elevation of the hotel. This work has not commenced and I note there are no conditions attached to that grant of permission which would restrict further development of the site in the manner suggested by the appeal.
- 7.2.5. The site is considered unzoned as the relevant Local Area Plan has expired and zoning is not provided for the town in the current CDP for Enniscorthy. In determining the principle of development, the Case Planner had regard to the existing hotel and leisure use of the site as well as objectives in the CDP to support tourism development and I concur with this assessment. In my opinion the principle of development is acceptable, is consistent with the pattern of development in the area and meets the requirements of objectives TM12 and TM48 of the CDP.

7.3. Design and Scale

- 7.3.1. The proposed development comprises two parts, a small extension on the front elevation to accommodate a new pre-function room space and a larger bedroom extension to the rear.

Front extension

- 7.3.2. The works to the front elevation are advertised simply as 'alteration and extension to the main function room to comprise of an adjoining pre-function room facility on the front elevation at ground floor level, to include alterations to the covered roof area over the main entrance as granted under planning ref. no. 20210279E (as extended)'. The application form indicates that 63m² of additional floor space will be provided.
- 7.3.3. The existing function room is a flat roof single storey structure situated south of the hotel, immediately south of the large central atrium tower. The front eastern elevation in this area has a stepped façade with an upper ground floor outdoor terrace while the interior accommodates a cloakroom and small meeting room. It is proposed to

extend the stepped front façade east as far as the edge of the current terrace and footprint of the carpark beneath. New curtain glazing would be installed overlooking the river and access road and internally the meeting room and cloakroom walls would be removed to provide one 144m² ante-function room.

- 7.3.4. Permission was granted under ref. 2017/0279E as noted above to extend an existing portion of the eastern elevation situated north of the central atrium tower. It was proposed to install new glazing to match existing curtain glazing on the bar area further north and also install a new canopy over the upper ground floor terrace as well as over the main hotel entrance area itself. The appropriate period of this permission was extended until 2027.
- 7.3.5. It is now proposed as part of this application to omit the canopy and provide one standing seam metal finish on the roof of new and existing curtain glazing throughout the eastern elevation. This would extend from the proposed pre-function room extension at the south, through the previously permitted works area at the entrance however the permitted canopy would be omitted and a new overhang and sheltered area provided with the same pressed metal cladding. The cladding would then continue north along the permitted conservatory area enclosing the terrace and finish at the existing bar area. I consider the proposed design would create a coherent and consolidated design throughout, reflecting the existing material palette on the site. The new cladding would provide a strong or perhaps dominant horizontal architectural feature throughout the front elevation which would not be incongruous with the current architectural form and design.
- 7.3.6. I consider the scale of additional floorspace in this location to be acceptable also as it utilises an existing terrace without extending into any greenfield land or intruding on the access road etc.
- 7.3.7. I note the appeal does not raise any concerns regarding the front extension and that the Planning Authority considered it to be acceptable.

Rear Extension

- 7.3.8. At the rear it is proposed to construct a part 2, 3 and 4 storey extension over the existing service yard and car park to provide 24 no bedrooms. 6 existing bedrooms would however be removed to accommodate the works meaning there would be a net increase of 18no. bedrooms. Offices and stores are also proposed at upper ground floor. The lower ground floor/undercroft area currently comprises a car park

and some of this will be revised to accommodate the new works resulting in a net reduction of 2no. spaces. Car parking rates are discussed later in this report. Ancillary works include the installation of rooftop plant, a bin store and relocating a gas tank enclosure.

- 7.3.9. The existing rear elevation is varied in terms of height, building lines and building form and this is reflected in the proposed extension. The 18.5m high extension would extend south for 27m along Gurteen/Saw Mill Lane however the taller elements are set back from the boundary and located centrally, adjacent to the existing fourth storey. Separation distances of 14m between the closest dwelling and the proposed ground floor would be provided, increasing to 19m for the setback fourth floor.
- 7.3.10. The extension would have a varied roof profile to accommodate the changes in floors/stories and it is stated in the documentation received that this design was proposed in order to reduce impacts to adjoining residential amenity. This includes an asymmetrical pitched roof with a new gable facing south and the longer slope/pitch of the roof facing west towards the Gurteen and Saw Mill Lane dwellings to set back and reduce some of the bulk of the structure. It also proposes a broken pitched roof, or a pair of detached/separated pitches which do not meet at the middle and which effectively form a screen around a central flat roof. It is proposed to relocate existing plant to this rooftop location.
- 7.3.11. The proposed section drawing nos. 21.1173.PP.3.22. and 21.1173.PP.3.23. as well as the proposed southern elevation drawing no.PP.3.11 (and associated revised drawings at further information stage) all illustrate how the pitched roof on either side of the plant area is not required in order to achieve head height internally. I consider this configuration unnecessarily adds complication to the roof shape and general elevations when viewed both from the west and south.
- 7.3.12. I again note the roof shape was designed to reduce the massing of the structure however I consider that the resulting elevations are unattractive and in my opinion a flat roof would be more appropriate for this partial fourth floor with the plant relocated elsewhere. This would serve to reduce the height of the extension by almost 2m and may therefore also go some way to address later matters regarding overshadowing concerns. In my view these alterations would not subsequently impact the proposed architecture and design of the front elevation. At the south, the dramatic western pitch of the roof slope over the first, second and third floors would remain however a

flat roof to the fourth floor would, in my opinion, provide a more consolidated elevation when set against the backdrop of an already complicated roof shape on the remainder of the hotel structure.

- 7.3.13. The plant referred to in the application documents to be relocated comprises heat pumps which are currently located at upper ground floor level on the southern elevation, approximately in the location of the proposed office. They are attached to the wall in an area above the service yard and vehicular access route. Alternative locations to relocate them to could include the flat roof of the proposed lower ground floor store, adjacent the stairwell or underneath the new office windows in a similar arrangement as that currently in place.
- 7.3.14. The internal layout is designed with balconies and windows to the new bedrooms facing south and east. The only windows proposed on the west elevation serve corridors or offices which were revised during the further information stage to ensure no overlooking would occur to private dwellings. The design requires removal of 6no. existing bedrooms which face south but have balconies parallel to the Gurteen/Saw Mill Lane dwellings and therefore removing these would in effect serve to reduce existing overlooking opportunities.
- 7.3.15. I consider the general overall scale is acceptable as there would be a separation distance of 14m between the closest dwelling and the proposed ground floor, increasing to 19m for the setback fourth floor. While acknowledging efforts have been made to reduce the bulk and massing of the structure as well as maintaining existing ridge heights and building lines, I consider that the current rooftop arrangement adds to the massing effect and the revisions I have outlined above would address this. Providing a flat roof would reduce the bulk and massing of the structure to a more acceptable and appropriate design in my opinion while also reducing unnecessary complicated roof shapes.
- 7.3.16. In terms of the design and finish of the rear elevation facing onto Gurteen/Saw Mill Lane, I have concerns it would be overbearing due to its lack of variation and fenestration. This is further exacerbated by the extent of render on the portion of the existing western elevation immediately adjacent the extension. In my view there is no merit to adding more fenestration to break up the western façade due to overlooking concerns however efforts could be undertaken to lessen its visual impact and reducing the large extents of rendered walls.

- 7.3.17. There is slate cladding currently in place on the western elevation of the hotel further north along the laneway which provides some variation to the overall structure. In my view implementing similar slate cladding around the proposed stairwell would break down the monotony of the proposed western elevation and would also consolidate the design. I also consider the slate cladding to be a higher quality finish along this elevation. The northern end of the western elevation currently comprises a flat roof structure with slate cladding on the upper levels. If a similar approach was taken to the proposed extension and the roof altered as I have suggested, this would 'bookend' the building and provide a more coherent and consolidated design in my opinion.
- 7.3.18. I agree with claims in the appeal that the proposed extension would result in a significant change to the Gurteen/Saw Mill Lane streetscape but do not agree that they would negatively impact residential amenity to a significant degree. I consider that the degree of aspect/view which would be lost is acceptable given the extent of built structures in the existing immediate viewshed as well as the separation distance between the proposed works and each dwelling which includes a front garden and the laneway in each case.
- 7.3.19. In concluding design matters, I recommend a condition is attached to revise the western elevation as follows:
- Omit the pitched roof of the fourth storey and provide a flat roof.
 - Relocate plant equipment to the flat roof of the lower ground floor or to the western elevation of the ground floor office or stairwell.
 - Introduce additional slate cladding to the western elevation in a similar manner to that currently in place at the north of the western elevation.

Protected Structure

- 7.3.20. The application documents and development description clearly indicate that there is a protected structure on the site. This comprises a former mill which is situated north of the bar area and does not form part of the works area. In this regard I highlight to the Board that no physical works are proposed to the mill building. The proposed alterations would be visible from the roadside in one contiguous elevation but only from the eastern banks of the Slaney River along the R772 as the curvature of the access road adjacent to the site and the juxtaposition of the various hotel buildings

mean it would be extremely difficult to view the proposed front elevation works in tandem with the mill building at any one time.

- 7.3.21. I consider the scale, design and layout of the works are not likely to impact the character or setting of the protected structure. No physical works are proposed to the fabric of the protected structure and in my opinion the scale and distance of the proposed works from the protected structure means it is not likely that any damage would occur during the construction phase. I also note no comments were received from the prescribed bodies in this regard.

7.4. Overshadowing

- 7.4.1. The Daylight Analysis and Overshadowing report (DAO) was carried out in accordance with the BRE Guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and the British Standard: Lighting for Buildings, Part 2 Code for Practice for Daylighting. It concludes that each of the dwellings situated on Gurteen/Saw Mill Lane meet the advisory thresholds and limits set out therein. I note Section 2.6 of the Development Management Manual, set out in Volume 2 of the CDP, states that daylight and sunlight levels, as a minimum, should be in accordance with both documents.
- 7.4.2. The appeal raises four issues with the report which were also raised in the third-party submissions to the planning application. It questions the reliability of the report due to these alleged failings which are discussed below.

Cumulative Impact

- 7.4.3. The appeal suggests that the cumulative impact of the proposed development together with the existing structure has not been accounted for.
- 7.4.4. Neither the DAO report nor the response to the appeal specifically address the matter of cumulative impact and it is evident from the planning history of the site that the hotel has been expanded multiple times over the decades and therefore there has been an incremental reduction in VSC experienced in the existing dwellings on Gurteen/Saw Mill Lane.
- 7.4.5. Having regard however to multiple images prepared in the DAO report illustrating the extent of overshadowing in both existing and proposed scenarios, I consider it is clear that the full extent of the existing hotel was input to the computer model and

analysed. Each of these images generates shadow from the existing structure which represents the cumulative impact of successive extensions. Table 1 of the report also provides a figure of the current in situ VSC at each window analysed and therefore in my opinion the DAO report had regard to cumulative impacts.

Unanalysed Windows

- 7.4.6. The appeal highlights 3no. windows on the front elevation of 2no. dwellings which were not analysed for impacts to Vertical Sky Component (VSC). These windows allegedly serve a ground floor window in no. 3 Gurteen serving a kitchen/dining area and 2no. windows in no. 5 Gurteen serving an attic and a circulation/landing space at first floor.
- 7.4.7. The appeal response outlines how the BRE Guidelines recommend that only habitable rooms need to be assessed and as the landing and attic windows referred to in no. 5 Gurteen do not comprise habitable spaces, they therefore do not require assessment. It acknowledges that the kitchen/dining room window to no. 3 Gurteen was omitted from the assessment and submitted an analysis that the window in question would have the same result as the other windows previously analysed, which is that it would have less than 27% VSC post-development but remain within 80% of existing levels.
- 7.4.8. This conclusion is addressed further below as it forms another issue raised in the appeal, however to conclude on the matter of omitting the windows, I agree that the circulation and attic spaces do not require assessment as they are not habitable rooms. Any potential significant impact to light levels in those rooms would therefore not significantly impact the residential amenity of the property. I also accept the results submitted for the kitchen/dining room window for no. 3 Gurteen and address the results below.

Vertical Sky Component

- 7.4.9. The DAO report noted that a VSC of 27% is the recommended minimum target in the BRE Guidelines. When including results for the omitted window in no. 3 Gurteen as discussed above, predicted VSC levels outlined in the report reached the minimum threshold of 27% for 18no. of the windows analysed and 4no. failed as outlined below:

Window no. (refer to DAO report for locations of windows)	Existing VSC %	Predicted VSC % post development	Difference
2	32.09	24.72	0.77
5	25.46	22.49	0.9
6	29.32	26.43	0.9
7	29.29	26.63	0.91

Table 1: VSC results

7.4.10. Three of the four windows failing to reach the 27% target would still retain 80% of the existing VSC in accordance with the guidelines. One window would only reach 77% but considered this to be acceptable given its proximity to the 80% mark. The appeal states that the appellants do not accept this conclusion as it does not have regard to the cumulative impact of previous extensions to the hotel.

7.4.11. I refer the board to my previous conclusions regarding cumulative impact as well as references to the CDP which require standards in the BRE guidelines to be applied as minimum standards. I also note the following in the summary on page 4 of the guidelines which states that the guidelines are 'purely advisory and the numerical target values within may be varied to meet the needs of the development and its location.' Further, section 1.6 states 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design' and goes on to say that calculation methods are flexible.

7.4.12. Having regard to the degree of compliance with the BRE Guidelines demonstrated in the DAO report together with the language regarding flexibility outlined in the Guidelines, I consider that the minor scale of non-compliance outlined in table 1 is immaterial and does not represent a significant impact to residential amenity. I accept the conclusions drawn in the report and consider it likely that each dwelling would still enjoy high levels of VSC.

Overshadowing

7.4.13. The appeal suggests that the front and side gardens of dwelling nos. 3 and 4 Gurteen are the primary amenity spaces for these properties and they, together with

the front elevation of no. 5, currently enjoy the morning southeast sunlight. It submits that the conclusion drawn in the DAO report misrepresents the impact which would occur to these properties where it states that minor additional overshadowing would occur.

7.4.14. The appeal response highlights section 3.3.3 of the BRE Guidelines which advises that side and front gardens do not require assessment. The response also however submitted an analysis of these spaces concluding that each would pass the relevant test in terms of overshadowing. I also note that each dwelling in question also benefits from a larger more private area of open space to the rear which would not be impacted by the development and therefore conclude that impacts to private residential amenity are not likely to be significant as a result of the proposed development.

7.4.15. By way of concluding on daylight, sunlight and overshadowing matters, I consider the proposed development is not likely to result in any significant impacts to residential amenity. I also consider that impacts predicted in the DAO report are likely to be further reduced in the event the pitched roof is omitted in favour of a flat roof.

7.5. Flood Risk

7.5.1. A Site-Specific Flood Risk Assessment was submitted on foot of a further information request as the site is situated within flood zones A and B for fluvial flooding. Tidal flooding is not considered to be a risk to the proposed development. The undercroft car park currently provides flood attenuation and will remain unaltered by the new development. All internal finished floor levels are, and will be 5.52mOD which is 1.9m above the 1% AEP flood level, allowing for climate change and an additional freeboard of 300mm. The SSFRA includes an Emergency Plan and as well as additional resistance and resilience measures such as sealing all openings below 5.52mOD, installation of an interior drainage collection system and designing door openings to accommodate temporary removable flood defence barriers. The report concluded there would be no residual flood risk to vulnerable properties.

7.5.2. The appeal suggests that permitting the proposed development is premature pending adoption of a new land use plan for Enniscorthy as the previous plan has expired and the lands are considered unzoned. It also suggests that the

development does not pass the development management justification test outlined in the Flood Guidelines as again the lands are unzoned. Further, it suggests that classifying the hotel as a less vulnerable land use was inappropriate as a hostel for example is considered a highly vulnerable use in the guidelines.

7.5.3. Section 5.28 of the Flood Guidelines state:

'Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.'

7.5.4. The proposed development comprises an extension and addition to an existing commercial premises and therefore the justification test does not apply in my view.

7.5.5. Further, Section 5.47 of the Strategic Flood Risk Assessment set out in Volume 11 of the CDP refers to Enniscorthy and states

'There is significant fluvial flood risk in Enniscorthy which has resulted in the Enniscorthy Flood Defence Scheme. Re-development of any existing property within Flood Zone A/B should be assessed in line with Section 4.7. New development should avoid Flood Zone A/B and the impacts of climate change should be robustly incorporated into any potential development FRA. When the new LAP is being prepared it is important that the zonings are considered in line with the sequential approach and Justification Test'

7.5.6. Section 4.7.1 states:

'Despite the 'Sequential Approach' and 'Justification Test' not applying, as they relate to existing buildings, an assessment of the risks of flooding should

still accompany such applications, that is, a site-specific flood risk assessment.'

7.5.7. The applicant submitted the required SSFRA as required and I therefore consider the matter to be addressed.

7.5.8. With regard to the vulnerability classification, the appeal is correct in that Table 3.1 of the Flood Guidelines does clearly identify hostels as highly vulnerable. It also however classifies the following as less vulnerable:

- *Buildings used for: retail, leisure, warehousing, commercial, industrial and non-residential institutions;*
- *Land and buildings used for holiday or short-let caravans and camping, subject to specific warning and evacuation plans;*

7.5.9. In my view the existing and proposed land use on the site falls into the categories of both leisure and buildings used for holiday. It does not comprise a hostel. However, as this proposal is an extension of an existing use, I do not consider such definitions to be central to the consideration of this issue.

7.5.10. I therefore conclude that granting permission for the proposed development would not, in my opinion, be premature and I accept the conclusions set out in the SSFRA that there would be no likely residual flood risk to the proposed development, remainder of the site or any adjoining development as a result of the proposal as no floodwater attenuation will be displaced and all vulnerable internal floor areas will be above the freeboard.

7.6. Other Matters

Car Parking

7.6.1. There are currently 126no. car parking spaces on the site. There would be a net reduction of 2no. car parking spaces as a result of the proposed development resulting in the provision of 124no. spaces. The rate of car parking within the site however would still meet, and in fact far exceed, the CDP standards which require 1 space per 3 bedrooms and 1 space per 50m² of function room or conference room, therefore requiring 58no. spaces for the entire hotel. The Case Planner's assessment considered this to be acceptable while also noting the availability of additional spaces in the public car park immediately south of the site surrounding the

Uisce Éireann pumping station and serving the public park. I also note the Transport Department's report which considers there is sufficient car parking to cater for the additional bedrooms.

- 7.6.2. The appeal contends that existing car parking rates are insufficient as evidenced by an alleged regular overspill of car parking onto Gurteen and Sawmill Lane adjacent the site. The applicant's response suggests that the proposed new pre-function space is complementary to the existing function room and not a separate meeting space as it is proposed simply to manage functions better, separating function visitors from other guests. In this regard the proposed room would not cater for additional visitors to the site. The response also submits that the proposed bedrooms would provide overnight accommodation to guests already attending functions and therefore would also not generate any need for additional car parking.
- 7.6.3. I agree with the Case Planners assessment as there is currently an oversupply of car parking provided over the CDP requirements and that additional spaces are available in the public car park. I noted during the site inspection that the public car park was busy with a high turnover from members of the public accessing the promenade and playground nearby however multiple spaces remained empty at all times during my presence on the site.
- 7.6.4. I also accept the applicants argument that the pre-function room space is not likely to generate any additional demand for spaces. Regarding additional demand from the bedrooms, in my opinion there is potential for some of these rooms to be booked by visitors not attending functions and therefore there may be some additional demand for car parking. However, I agree the likelihood is that the vast majority of those rooms would be occupied by persons attending functions in the first place requiring car parking regardless of any overnight stay. In this regard I consider the rate of car parking is acceptable and there is no requirement to provide additional spaces particularly given the proximity of the public car park adjacent the site and its potential for dual usage as demand for car parking to access the promenade and playground would decrease during evening and night time hours when the demand for function related car parking would increase. In my view the potential for dual usage of the public car park is more advantageous than providing additional car parking on an adjacent site.

- 7.6.5. Any alleged parking on the cul-de-sac, which the appellants state is private property, is a civil issue.

Boundary Wall

- 7.6.6. The appellants requested the imposition of a condition which would protect the integrity of the existing wall during the construction stage and that in the event of damage the wall would be repaired by the applicant.
- 7.6.7. I consider protection of the wall to be an acceptable response and one which could be included in a revised Construction Management Plan. Matters regarding costs however are a civil issue outside the scope of this appeal and therefore not considered further in this assessment.

Noise

- 7.6.8. The appellants sought insertion of a condition requiring noise monitoring to be undertaken as and when requested by the Planning Authority. I note the Case Planners report did not make any reference to any existing noise complaints or enforcement cases against the hotel but did attach condition no. 6 setting out noise limits of 55dBA during day time hours and 42dBA during night time, Sundays and bank holidays. It further restricted noise to not be impulsive or have tonal elements 5dBA above the adjacent frequencies.
- 7.6.9. I note condition no. 4 of the parent permission imposes a noise limit of no more than 15dBA above the ambient noise levels when measured at the boundaries of the site during the hours of 20:00 to 08:00. I consider this is a sufficient measure to regulate night time noise from functions.
- 7.6.10. No works are proposed to the function room itself or to increase the capacity of functions etc as part of this development. I consider the issue of noise from functions relates to an existing permitted development, that being the parent permission. I do not consider it would be appropriate to attach a new more restrictive noise condition to regulate noise from functions where no such permission is sought under this proposal.
- 7.6.11. I also do not consider it likely that the operation of the proposed bedrooms or pre-function room, which is the extent of planning permission sought, would result in any significant nuisance noise which may negatively impact the adjoining residential amenity. Due to proposals to relocate plant however there is scope to attach a

condition to regulate overall noise from the existing hotel and in this regard I recommend attaching the same condition no. 4 as outlined in the parent permission.

Sewer Pipe

7.6.12. The appeal suggests that planning permission should be refused due to the proposals to construct a structure over an existing foul water pipe as such proposals are contrary to Uisce Éireann practices and condition no. 6 of the parent permission.

7.6.13. Uisce Éireann submitted reports addressing this issue during the Local Authority assessment stage which concluded with a recommendation to include a condition requiring the applicant to enter into a connection agreement and obtain a Confirmation of Feasibility to build over the pipe. As Uisce Éireann owns and operates the infrastructure in question and is also the Competent Authority in this regard, I accept the recommendations made in their report to attach the condition.

Ancillary Development

7.6.14. I note the front elevation drawings seek to provide a large signage panel on the new extension, above the function room. An annotation on the drawing seeks the final design to be agreed via compliance with the Local Authority. I consider this to be an acceptable approach.

8.0 AA Screening

8.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Slaney River Valley SAC and Wexford Harbour and Slobbs SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

8.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

8.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Slaney River Valley SAC or Wexford Harbour and Slobbs SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

8.4. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Slaney River Valley SAC or Wexford Harbour and Slobbs SPA 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.

8.5. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The conservation interest features considered in the AA.
- The proposed development will not affect the attainment of conservation objectives for Slaney River Valley SAC or Wexford Harbour and Slobbs SPA or prevent or delay the restoration of favourable conservation condition for the species listed in the AA.
- Effectiveness of mitigation measures proposed and adoption of CEMP.

9.0 Recommendation

I recommend that planning permission be granted in accordance with the conditions set out below.

10.0 Reasons and Considerations

Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Wexford Development Plan 2022-2028 including Objectives TM12 and TM48 as well as the provisions of The Planning System and Flood Risk Management, Guidelines for Planning Authorities 2009, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would not seriously injure the visual or residential amenity of the area, create any additional flood risk or impact the integrity of the adjacent Special Area of Conservation. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30th day of October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.</p> <p>Reason: To protect the integrity of European Sites.</p>
3.	<p>Prior to the commencement of works, the developer shall submit to, and agree in writing with the planning authority,</p> <p>(a) Revised drawings changing the shape of the proposed fourth floor roof from a pitched roof to a flat roof.</p> <p>(b) Proposals to relocate plant to the roof top shall also be omitted and revised proposals for an alternative location to relocate plant shall be submitted accordingly.</p> <p>Reason: In the interest of architectural and visual amenity.</p>
4.	<p>Prior to the commencement of works, the developer shall submit to, and agree in writing with the planning authority, revised drawings for the western elevation of the proposed extension which reduce the extent of nap render proposed and which introduces slate cladding, similar to that currently in place on the northern portion of the west elevation.</p> <p>Reason: In the interest of architectural and visual amenity.</p>

5.	<p>Ambient noise levels when measured at the boundaries of the site shall not be increased by more than 15dB(A) during the hours of 20:00 and 08:00 as a result of hotel operations.</p> <p>Reason: In the interest of public health and residential amenity.</p>
6.	<p>The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/ dredging/ underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>REASON: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>

7.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. (b) The Applicant shall obtain a written Confirmation of Feasibility from Uisce Éireann's Diversions Team to build over the existing sewer within the southwest corner of the site prior to any works commencing.</p> <p>Reason: In the interest of public health and to ensure adequate water and wastewater facilities.</p>
8.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a final Construction Management Plan, which shall be adhered to during construction. This plan shall provide protection measures to maintain the integrity of the existing western boundary wall with Saw Mill Lane as well as details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
9.	<p>All signage and advertising shall be agreed with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of architectural and visual amenity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms</p>

	<p>of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

Sarah O'Mahony
Planning Inspector

30th April 2025

Appendix 1

Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321762-25		
Proposed Development Summary	Addition of a rear extension to include 24 additional bedrooms, an office and stores; alteration and extension to the main function room to include alterations to the covered roof area over the main entrance as granted under planning ref. no. 20170279E (as extended), together with all ancillary works.		
Development Address	Riverside Park Hotel, Enniscorthy, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Class 10 (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. Part 2, Class 13 (a) Any change or extension of development which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than-	Proceed to Q3.

		<ul style="list-style-type: none"> - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, <p>whichever is the greater.</p>	
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (iv) threshold = 2ha. Subject site comprises 0.68ha. Class 13(a) threshold would relate to that set out in Class 10(iv). The size of the site of the existing hotel would not increase as a result of this proposed development.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321762-25
Proposed Development Summary	Addition of a rear extension to include 24 additional bedrooms, an office and stores; alteration and extension to the main function room to include alterations to the covered roof area over the main entrance as granted under planning ref. no. 20170279E (as extended), together with all ancillary works.
Development Address	Riverside Park Hotel, Enniscorthy, 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).	<p>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to the existing hotel building.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular	<p>The site is situated in an urban area adjacent to the Slaney River and within the floodplain of the river. A Site-Specific Flood Risk Assessment has identified risks and mitigation and I conclude there</p>

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).	<p>is no likely significant flood risk to vulnerable property.</p> <p>The river is also designated as a pNHA SAC immediately adjacent the site as well as an SPA 500m downstream. A CEMP and NIS outline the construction methodology as well as mitigation measures to protect the integrity of both the general environment and the natura 2000 sites.</p> <p>There is a protected structure on the site which is separated from the works area and will not be impacted by the proposed development.</p> <p>The proposal is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development and works constituting development within an existing built up area and operational hotel facility, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
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: _____

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Alterations and extension to existing hotel to include 4 storey extension to the rear to accommodate 18no. additional bedrooms.</p> <p>Third party appeal.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The 0.68ha site comprises part of an existing hotel situated close to the banks of the River Slaney with an access road, public walkway and narrow grassed amenity area situated between the hotel and river. The entire works area comprises existing built structures or hardstanding associated with the hotel with no greenfield landtake proposed.</p> <p>The Slaney River Valley SAC is situated 10 east of the site boundary and includes the steepest portion of the river bank itself but does not extend as far as the walkway known as the promenade. The Wexford Harbour and Slobs Special Protection Area is situated 500m south and downstream of the site.</p> <p>The site is entirely situated within flood zones A and B and a Site-Specific Flood Risk Assessment was submitted with the application.</p> <p>A Construction Environmental Management Plan received with the application outlines a proposed construction methodology to comprise a traditional reinforced concrete frame with precast concrete floors sitting on piled foundations to retain the undercroft car park and flood attenuation. The CEMP states that construction is expected to take 18 months to complete. It also outlines good practice construction site management measures.</p> <p>No additional surface water will be generated and all surface and foul water will be discharged to the existing public networks. Uisce Éireann have outlined no objections to the proposal.</p>
Screening report	Yes
Natura Impact Statement	Yes prepared by Neo Environmental Consultants
Relevant submissions	Third party submissions did not raise matters regarding natura 2000 sites.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

Two European sites are potentially within a zone of influence of the proposed development. I note that the screening section of the NIS considered a further two sites in a wider area (within 15km) including the Screen Hills SAC and Blackstairs Mountains SAC but rules these out for further examination due to distance and lack of/weak ecological connections. I am satisfied that these sites can be excluded from further consideration.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Slaney River Valley SAC Site Code: 000781	Estuaries habitats Salt meadow habitats Dune habitats Alluvial forests and oak forests Freshwater pearl mussel Sea, brook and river Lamprey Shad, salmon, otter, seal Slaney River Valley SAC National Parks & Wildlife Service	Within 10m at the nearest point.	Indirect via surface water discharge during construction	Y
Wexford Harbour and Slobbs SPA Site Code: 004076	Waterbirds including some wintering species x 28 Hen harrier Golden and grey plover Wexford Harbour and Slobbs SPA National Parks & Wildlife Service	Within 500m at the nearest point downstream.	Indirect via surface water discharge during construction and possible groundwater contamination. The site is situated within foraging ranges associated with the SPA and therefore there is an ornithological connection.	Y

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

<p>Site 1: Slaney River Valley SAC Site Code: 000781.</p> <ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Atlantic salt meadows • Mediterranean salt meadows • Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche Batrachion vegetation • Old sessile oak woods with Ilex and Blechnum in the British Isles • Alluvial forests with Alnus glutinosa and Fraxinus excelsior • Freshwater Pearl Mussel • Sea Lamprey • Brook Lamprey • River Lamprey • Twait Shad • Salmon • Otter • Harbour Seal 	<p>Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect:</p> <p>Construction phase; Low risk of surface water runoff from construction Reaching sensitive receptors but could potentially enter Slaney River.</p> <p>Disruption from noise and visual presence during construction phase however the existing urban nature of the site means disturbance from visual presence is not likely to be increased from the current context.</p> <p>No likely spread of invasive species due to the existing urban nature of the site and no requirement to import soils.</p> <p>Operational phase: surface water and wastewater will connect into the existing public infrastructure and network serving the site.</p>	<p>Risk of surface water borne pollutants reaching the SAC. The qualifying interests of the SAC estuarine / intertidal habitats are considered to have relatively low sensitivity to suspended sediments or other pollutants, and their conservation objectives would not be compromised and there would be no significant changes in ecological functions due to any minor construction related emissions.</p> <p>The freshwater upper levels however may be more sensitive to siltation and pollutants impacting water quality. There could be potential damage to riparian and river habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase.</p> <p>Potential disturbance risks to Otter, a qualifying interest species for the SAC which could be associated with increased noise, additional lighting and increased human activity at both construction and post construction phases. However, given the urban nature of the existing site which comprises built ground it is unlikely that otter use this site for commuting or holt excavation.</p> <p>There is no suitable habitat for harbour seal near the site.</p>
Likelihood of significant effects from proposed development (alone): Yes		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A		

Possibility of significant effects (alone) in view of the conservation objectives of the site* Yes		
	Impacts	Effects
Site 2: Wexford Harbour and Slob SPA Site Code: 004076 <ul style="list-style-type: none"> • Little Grebe • Great Crested Grebe • Cormorant • Grey Heron • Bewick's Swan • Whooper Swan • Light-bellied Brent Goose • Shelduck • Wigeon • Teal • Mallard • Pintail • Scaup • Goldeneye • Red-breasted Merganser • Hen Harrier • Coot • Oystercatcher • Golden Plover • Grey Plover • Lapwing • Knot • Sanderling • Dunlin • Black-tailed Godwit • Bar-tailed Godwit • Curlew • Redshank 	<p>No direct impacts</p> <p>Indirect impacts: As above for surface water and disturbance in terms of noise.</p>	<p>The urban nature of the existing site shows the current land use is not suitable for regular use by SCI wintering waterbirds of the SPA.</p> <p>There are no likely direct or ex-situ effects on wintering water birds from disturbance during operation of the proposed development again due to the existing urban nature of the site with ambient noise levels from traffic likely to be high and existing disturbance from human presence along the promenade. The NIS states that the lack of suitable habitat present within the site results in negligible effects for these species.</p> <p>Conservation objectives related to ensuring adequate supporting habitat for hen harriers and little tern outside of the SPA will not be undermined.</p>

<ul style="list-style-type: none"> • Black-headed Gull • Lesser Black-backed Gull • Little Tern • Greenland White-fronted Goose • Wetland and Waterbirds 		
Likelihood of significant effects from proposed development (alone): Yes		
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 Yes		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Slaney River Valley SAC and Wexford Harbour and Sloba SPA associated with surface water contamination and disturbance.</p> <p>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.</p>		
<p>Screening Determination</p> <p>Finding of likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Slaney River Valley SAC and Wexford Harbour and Sloba SPA in view of the conservation objectives of a number of qualifying interest features of those sites.</p> <p>It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.</p>		

Appropriate Assessment

<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development to extend an existing hotel in view of the relevant conservation objectives of the Slaney River Valley SAC and Wexford Harbour and Slobbs SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Neo Environmental Consultants
- Water Quality data from the EPA online GIS system
- NPWS website outlining conservation objectives, site synopsis and statutory instruments for protected sites.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

None received relating to AA.

NAME OF SAC/ SPA (SITE CODE): Slaney River Valley SAC Site Code: 000781.

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

- (i) Water quality degradation (construction and operation)
- (ii) Disturbance of mobile species

See section 1.61 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Freshwater pearl mussel	The status of the freshwater pearl mussel (<i>Margaritifera margaritifera</i>) as a qualifying Annex II species for the Slaney River Valley SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	Best practice pollution control and biosecurity measures. Application of industry standard controls including CIRIA guidance documents CEMP

	Source: NPWS Website 17 th April 2025.		
White-clawed crayfish, sea lamprey, brook lamprey, river lamprey, twaite shad and salmon	To restore favourable conservation condition.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	
Terrestrial Habitats including: Atlantic salt meadows, mediterranean salt meadows, water courses of plain to montane levels, vegetation, old sessile oak woods, alluvial forests.	To maintain favourable conservation condition.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	

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.

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

(i) Water quality degradation

Water quality of the SAC remains moderate. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the Slaney River. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds. Ecological surveys at the site showed no signs of Otter or harbour seal activity. No operational phase impacts are anticipated.

Mitigation measures and conditions

Please refer to Section 1.94 of the NIS for a full list of detailed mitigation measures.

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance) application of specific mitigation measures and monitoring effectiveness of measures. Detail is provided on sediment control, concrete and hydrocarbon control, an emergency response plan and general biosecurity measures.

NAME OF SAC/ SPA (SITE CODE): Wexford Harbour and Slobbs SPA Site Code: 004076.

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

(i) Water quality degradation (construction and operation)

See section 1.81 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
bar-tailed godwit, black-tailed godwit, Little Tern, goldeneye, curlew, shelduck, knot, sanderling, redshank, dunlin and scaup	To maintain favourable conservation condition.	These species are associated with coastal habitats which are not present within the site and are situated significant distances downstream therefore there would be a negligible effect for these species.	Best practice pollution control and biosecurity measures. Application of industry standard controls including CIRIA guidance documents
Bewick's swan, whooper swan, oystercatcher, golden plover, grey plover, lapwing Greenland white-fronted goose, light-bellied brent goose and wigeon.	To maintain favourable conservation condition.	These species are primarily wetland species which is not present within the site and are situated significant distances downstream therefore there would be a negligible effect for these species.	CEMP
Grey heron, mallard, teal, coot, little grebe, great crested grebe, cormorant, pintail, red-breasted merganser and redshank.	To maintain favourable conservation condition.	These species forage in large water bodies such as rivers and lakes which are not present within or close to the site and therefore the proposed development would result in negligible effects on these species.	
Hen harrier	To maintain favourable conservation condition.	This species uses woodland edges to forage in the winter period. The site does not contain suitable habitat to support this	

		species and therefore the development would result in negligible effects on this species.	
Lesser black-backed gulls and black-headed gulls.	To maintain favourable conservation condition.	These species nest in wetland habitats but are known to forage in domestic waste and fields of arable crops. No crops will be present within the site and all food waste will be managed within a covered bin store and therefore there is no foraging or scavenging habitat available on the site. Gulls are not known to currently scavenge at the site. Therefore a negligible effect is predicted.	
Wetland	To maintain the favourable conservation condition of the wetland habitat in Wexford Harbour and Slobbs SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.	Water quality degradation and/ or alteration of habitat quality could undermine conservation objectives however there are no wetlands situated within the site or in close proximity. All wetland habitats are situated sufficiently downstream to result in negligible effects to the habitat.	

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.

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

(i) Water quality degradation

Water quality of the Slaney remains moderate at a monitoring station south 500m south of the hotel. Good quality water is necessary to maintain the populations of the Annex I

II habitats and animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the Slaney River. Decrease in water quality would compromise conservation objectives and increase sedimentation could alter habitat quality for spawning or nursery grounds. Ecological surveys at the site showed no signs of Otter or harbour seal activity or presence of any notable bird species. No operational phase impacts are anticipated.

Mitigation measures and conditions

Please refer to Section 1.94 of the NIS for a full list of detailed mitigation measures.

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance) application of specific mitigation measures and monitoring effectiveness of measures. Detail is provided on sediment control, concrete and hydrocarbon control, an emergency response plan and general biosecurity measures.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No in combination effects are identified.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Slaney River Valley SAC or Wexford Harbour and Slobbs SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

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 Slaney River Valley SAC or Wexford Harbour and Slobbs SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U 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 Slaney River Valley SAC or Wexford Harbour and Slobbs SPA 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 conservation interest features considered in the AA.
- The proposed development will not affect the attainment of conservation objectives for Slaney River Valley SAC or Wexford Harbour and Slobbs SPA or prevent or delay the restoration of favourable conservation condition for the species listed in the AA.
- Effectiveness of mitigation measures proposed and adoption of CEMP.

Inspector: _____

Date: _____