



An
Bord
Pleanála

Inspector's Report

ABP-322097-25

Development	Construction of a recreational trail, two car parks, new footbridge, and all associated site works.
Location	Ballyteige Burrow, Crossfarnoge, Inish and Ballyteige Slob, Kilmore Quay, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20240553
Applicant(s)	Kilmore Quay Community Development Association CLG.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Patsi Bates and Others. Cola Fox.
Observer(s)	Department of Housing, Local Government and Housing Development Applications Unit. Eoghan Cousins.

Mark Bates.

Date of Site Inspection

02 May 2025.

Inspector

Stephen Rhys Thomas

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	6
3.0 Planning Authority Decision	8
3.1. Decision	8
3.2. Planning Authority Reports	8
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History	9
5.0 Policy Context	9
5.1. Development Plan	9
5.3. Natural Heritage Designations	13
6.0 Environmental Impact Assessment (EIA) Screening	14
7.0 The Appeal	14
7.1. Grounds of Appeal	14
7.2. Applicant Response	18
7.3. Planning Authority Response	19
7.4. Observations	19
8.0 Assessment	20
9.0 Appropriate Assessment (AA) Screening	36
10.0 Water Framework Directive Assessment	37
11.0 Recommendation	38
12.0 Reasons and Considerations	38
13.0 Appendix 1 - EIA Pre-Screening	41

14.0	Appendix 2 - EIA Preliminary Examination	44
15.0	Appendix 3 - AA Screening Determination	47
16.0	Appendix 4 - Appropriate Assessment - AA Determination	55
17.0	Appendix 5 - Water Framework Directive (WFD) Screening Matrix.....	72

1.0 Site Location and Description

- 1.1. The site is located to the north west of Kilmore Quay in south county Wexford. The 3.8 Hectare linear site stretches from the western side of Kilmore Quay 2.29 kilometres northwards along the Ballyteige Burrow Road (Baldwinstown Road L3056) to the staggered crossroads junction of Ballyburn Cross with Inish Pebble's Lane. The overall site encompasses the public road, junctions, public footpath, the main drainage channel, and ancillary field drainage ditches and lands that lie alongside the main channel. The area is coastal in character, with large fields and associated drainage ditches, hedgerows and mature trees. The southern end of the site is close to sea views and the dune system associated with Ballyteige Burrow.
- 1.2. A new car park is proposed at the southern section of the proposed trackway, these lands are overgrown and set at a higher level than the Forlorn Road (Harbour Road) and Baldwinstown Road. The car park site slopes upwards from both public roads and then falls steeply to the drainage channel to the west, a stone wall serves as a retaining wall and the bank of the channel comprises cut rock. At this location the site encompasses a formal pedestrian pathway that provides access to an existing footbridge over the main channel. A beacon controlled pedestrian crossing is proposed opposite a small convenience store to provide access to an existing public footpath.
- 1.3. The public footpath ends at Crossfarnoge Villas and the Sluice House Cottage. The Sluice House Cottage is unoccupied, but in good order and includes significant drainage management infrastructure including high walls, industrial type buildings, sluiceways and access steps. The character of the area northwards from this point is rural with no public footpaths, except at the Kilmore Link Road with its footpaths and cycle lanes. The route continues northwards, with a trackway proposed on the western bank of the channel and along a new public footpath along the eastern side of the Baldwinstown Road. The channel north of the Sluice House Cottage is steeply sided and an informal trackway extends along the western bank. This area is grassed and a high bank extends along the western side to meet with the dune system beyond.
- 1.4. There is an existing footbridge from an informal carpark at the Sofrimar Factory that allows access to the extensive heathland of Ballyteigue Burrow to the west, with its

informal tracks with free and open access. In addition, there is a two way vehicular bridge across the channel at this location, to allow access to the factory premises. A new footbridge is proposed at this location.

- 1.5. The proposed trackway continues on the western side of the channel alongside the boundary with the factory lands. The drainage channel margins at this location comprise overgrown vegetation, not readily accessible. At the north end of the factory site there is a concrete farm vehicle bridge crossing the main channel allowing access from the public road to farmland beyond. At this point northwards there are large agricultural fields, with drainage ditches to the west, some in grass and some in tillage. Livestock were grazing in some paddocks on the day of my site visit. The landscape is open, with long range views to wind turbines in the north, Ballyteige Castle to the east and Ballyteige Burrow to the south. From the factory lands northwards most of the west bank of the channel comprises a loosely made farm track, a combination of gravel and broken shells. There are numerous field side drainage ditches that meet up with the main channel and concrete farm bridges cross the main channel at various points. There are low banks and hedges with post and wire stock fencing. A low bank of dredged material from the channel is also present at a number of locations along the west bank of the channel. At a point 750 metres south of the proposed termination car park, the gavelled/seashell farm track gives way to a grass track. The termination of the trail route is positioned in a field, south of a wide gravelled laneway that provides access to the Irish Pebble Company processing buildings and gravel extraction lands.

2.0 Proposed Development

- 2.1. The proposed development is for a recreational trail of 2.29 kilometres, on a 3.8 Hectare linear site, with two car parks and new footbridge, the detail includes:

Southern Car Park: Construction of a new car park at the junction of Ballyteige Burrow Road (L3056) with the Forlorn Road (L7089). The car park will accommodate 23 car spaces with one way entry from Forlorn Road (L7089) and exit to Ballyteige Burrow Road (L3056). The parking will include two disabled spaces, four electric charge bays, picnic tables, bike rack and repair kiosk and a zebra pedestrian crossing with beacon lights across the Ballyteige Burrow Road (L3056).

Linear works comprising:

Ballyteige Burrow Road: On the western side of the road, construction of a 2 metres wide concrete cycle and pedestrian roadside path, 325 metres long from the Cottage Pump House to the entrance of Sofrimar Plant.

On the eastern side of the road, construct a 2 metres pedestrian footpath, 525 metres long from Castle View (L30561) to Ard na Ba Road (L30564).

Recreation Trail: Construct a 3 metres wide cycle and pedestrian trail along the drainage channel towpath from Sofrimar to Ballyburn Crossroads.

The off-road trail will be 1.78 kilometres gravel path with 23 metres long prefabricated footbridge at Sofrimar, together with bike rack and repair kiosk

The off-road trail includes four concrete slab farm crossing points at Field E, G, J and M, stockproof fencing and gates, culverts and signage,

The off-road trail includes headwalls and mammal passes at drainage ditches at a number of locations including at the intersection of Field C and D, Field D and E, and headwalls at the intersection of Field D and G, Field L and K, two at Field M, Field P.

Headwalls will also be constructed at the western boundaries of Fields P, O, N and M.

Ballyburn Crossroad Carpark: Construction of a 22 space carpark with access off Ballyteige Burrow Road (L3056). The parking will consist of two disabled spaces, four electric charge bays, picnic tables and bike rack and repair kiosk.

A Natura Impact Statement (NIS) was prepared for this planning application.

2.2. Further Information was submitted on the 17 January 2025, as follows:

- A detailed planting proposal.
- Site Specific Flood Risk Assessment

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a notification to grant planning permission, subject to seven conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report 1

- Extension of an existing coastal walk is acceptable in principle.
- Ownership and access issues have been raised by OPW.
- Flood Risk needs to be considered.
- EIAR not required, AA not required.

Further information requested in accordance with the Planner's recommendation.

Report 2

- The concerns of the OPW have been resolved, a section 50 consent is required and the OPW will not be liable for any trail maintenance costs.
- SSFRA acceptable.

Permission granted in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- Roads Inspection Report – no objections.
- Chief Fire Officer – no objections.
- Environment Department – further information required SSFRA.
- Disability Access Officer – no objections.

3.2.3. Conditions – Seven conditions attached as follows:

- 1 Standard condition to ensure works carried out in accordance with documentation submitted.

- 2 Access to car parks as detailed in plans submitted.
- 3 Standard drainage condition at road edges.
- 4 Invasive species management plan.
- 5 Stone wall retention, no works to be carried out.
- 6 Standard signage restrictions.
- 7 Landscaping scheme to be carried out within a specified time period.

3.3. Prescribed Bodies

Office of Public Works (OPW) – land ownership and consent issues, flood risk issues, ongoing maintenance of drainage channels and construction details.

3.4. Third Party Observations

3.4.1. Five submissions (some with names attached), issues include:

Traffic during construction and operation, flooding, biodiversity, lack of community engagement, submissions include photographs of badger and otter in the vicinity of the drainage channel.

4.0 Planning History

4.1. Site:

None relevant

5.0 Policy Context

5.1. Development Plan

5.1.1. Wexford County Development Plan 2022-2028

The site is located within the Coastal Zone Map 3: Coastal Zone, and within Inish Slobbs Distinctive Landscapes of the Landscape Character Units Map contained within Volume 7: Landscape Character Assessment

Relevant sections of the plan include:

5. Distinctive Landscapes

The LCA identifies Distinctive Landscapes. While strictly speaking they are not an LCU as they contain a variety of different characteristics and features they have been grouped for the purpose of policy application. They represent features in the landscape and seascape which have visual interest and prominence, and which are generally sensitive to development. Many of these landscapes also have profound historical, socio- cultural and/or religious interest.

The Distinctive Landscapes, as identified on Map No. 7.1, include:

- Water Bodies: Lady's Island, Tacumshin Lake, Ballyteigue Burrow, Bannow Bay and Wexford Harbour.
- Islands: Saltees Islands and Keeragh Islands
- Coastal promontories: Forlorn Point (Kilmore Quay), Carnsore Point, Rosslare Point, Kilmichael Point and Cahore Point
- The Hook Peninsula
- Screen Hills
- Wexford Slob and Inish and Ballyteige Slob.

Uplands, Coastal and Distinctive Landscapes have a High Sensitivity to change and a limited ability to absorb new development. Development proposed within these areas must be shown not to impinge in any significant way upon their character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the protection of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites.

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

Objective L07 To ensure that, where a development will have a negative impact in the Upland, River Valley, Coastal, or Distinctive Landscape Character Unit, an overriding need is demonstrated for that particular development and ensure that careful consideration is given to site selection. The development should be

appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape.

Objective L08 To encourage appropriate development which would enhance an existing degraded landscape and/or which would enhance views to or from an Upland, River Valley, Coastal or Distinctive Landscape Character Unit from public viewpoints.

Objective L09 To seek to minimise the individual and cumulative adverse visual impacts that rural housing may have on Upland, River Valley, Coastal and Distinctive Landscape Character Units. In this regard, in locations where the Council considers that there is a risk of individual or cumulative adverse impacts, the Council will only consider proposals for housing developments where a need for the dwelling has been demonstrated in accordance with the criteria contained in Table 4-6 in Chapter 4 Sustainable Housing in Volume 1 Written Statement.

Objective TM14 To support and develop our towns and villages and rural heritage sites including our beaches for tourism purposes through the facilitation of links by public transport, greenways, blueways and associated infrastructure subject to compliance with the Habitats Directive and normal planning and environmental criteria.

Objective TM30 To encourage and facilitate sustainable and appropriate forms of activity and marine tourism in towns, villages and rural areas through the development of greenways, blueways and other recreational opportunities such as walking trails, water sports, outdoor and indoor activity centres, subject to compliance with the locational and other objectives of this plan, and subject to Appropriate Assessment in accordance with the requirement of the EU Habitats Directive to ensure the protection and preservation of all designated SACs and SPAs.

Objective TM32 To consider the development of small scale complimentary facilities and businesses along greenways, blueways and walking trails such as bicycle hire, cafés, craft and design shops, pubs and restaurants subject to compliance with the Habitats Directive and normal planning and environmental criteria. These facilities and businesses should be located within existing settlements so that they are easily accessible to both users of the routes/trails and the wider public. Consideration will

also be given to the use of traditional and agricultural buildings for commercial purposes along these routes in accordance with Section 7.6.2 Rural Based Tourism.

Objective TM33 To consider the development of car parking facilities at designated entry/exit points along greenway and blueways routes, subject to compliance with the Habitats Directive and normal planning and environmental criteria.

Objective TM35 To facilitate and encourage the development of new and expanded outdoor activities such as cycling routes, walking trails (including in the Blackstairs Mountains in consultation with Coillte and other landowners), mountain hiking, bird watching, water sports and canoeing. The location of these developments will be considered on a case-by-case basis, having regard to the nature of the proposal, its location and siting, its scale, potential for impacts on its host rural area and residential amenities and environment and subject to compliance with the Habitats Directive and normal planning and environmental criteria.

Objective NH26 To require best practice and facilitate the development of appropriate facilities to minimise the spread of invasive species along blueways and greenways.

Objective CZM30 To carefully consider development proposals in areas identified at risk of coastal erosion, which include but are not limited to Kilpatrick, Ardamine, Glascarrig, Killincooly to Ballinesker, Rosslare, Tacumshin to Kilmore Quay, Ballyteige Burrow to Cullenstown and Fethard, and areas where coastal defence works are in place but confidence rate are low including but not limited to Courtown, Pollshone, Cahore, Blackwater and Rosslare.

5.2. National Policy

5.2.1. Climate Action Plan 2025

Regeneration and repurposing of industrial heritage assets Through Fáilte Ireland, Bord Na Móna were awarded €3.6 million in June 2024 as an initial investment to design and seek planning permission for up to 79 kilometres of new walking and cycling trails. Evaluation and development of the approved walking and cycling trails (in addition to waterways) will be progressed throughout 2025.

Action JM/25/5 - Support regeneration, repurposing and sustainable development of walking and cycling tracks and trails, and waterways.

Action TR/25/7 - Advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans.

5.2.2. National Planning Framework First Revision – April 2025

National Policy Objective 37 Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

5.2.3. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023- 2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

5.3. Natural Heritage Designations

- 5.3.1. Ballyteige Burrow SAC (site code 000696) is adjacent to the site, Ballyteige Burrow SPA (site code 004020) located to the west, Seas off Wexford SPA (site code 004237) and Saltee Islands SAC (site code 000707) are located to the south.

- 5.3.2. Proposed Natural Heritage Areas: Ballyteige Burrow, the site is located within the pNHA.

6.0 Environmental Impact Assessment (EIA) Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. Two third party appeals have been lodged, the third party grounds of appeal are grouped and summarised as follows:

- **Flood Risk** – The FRA submitted by the applicant does not show alignment with national, regional and local planning policies.

The assessment of the Sluice Cottage has been omitted from the FRA, and contradicts statements made in the NIS, page 59 refers.

The conclusion of the applicant's FRA that there is no risk of fluvial, pluvial or groundwater flooding is contradicted by a 2021 FRA (JBA Consulting for the County Development Plan) that identifies tidal sources as a major source of flood risk.

There have been recent flood events in the area, photographs and aerial views illustrate this.

Runoff and drainage issues have not been addressed in the documentation submitted with the application. SuDS measures have not been outlined or addressed in any detail. Runoff to the drainage channel has not been detailed and will result in a deeper channel cut.

Significant areas of concrete works are proposed at bridging points, this is out of character with the area and could impact on flood risk at variance with guidelines on the matter.

There is a lack of detail on drawings with reference to slopes and gradients.

The FRA notes an inactive and unsuitable hydrometric gauging station, but no alternative methods are outlined or used.

The FRA does not mention an local engagement with interested parties or the community. Community engagement should be done as part of any FRA.

Inconsistencies within the FRA include – mention of tidal coastal flood events, but no risk from other flood factors, yet signage is to be erected, and car park barriers deployed.

The FRA is widely criticised and include: lack of detail regarding mitigation measures and implementation in the event of a flood event, long term climate change not addressed, emergency response not addressed, monitoring and review measures not discussed, no assessment of cumulative impacts.

Wexford County Council is both the client and the body seeking further information with relation to flood risk.

- **Incomplete Documentation Planting Plan** – a planting plan did not accompany revised landscaping drawings.

Tree and hedgerow surveys are accurate and could lead to damage during construction.

The entire landscape and planting plan is devoid of detail.

Spoil disposal from dredging is not addressed.

Management of invasive species has not addressed.

- **Technical Issues and Omissions** – a wide range of issues and criticisms are levelled at the applicant's documentation, specifically the Preliminary Design Report, the entire project is criticised, in summary the issues include the following:

The Trail route is on and off road.

The Ballyteige Marsh proposed NHA is not mentioned.

A survey of the site should take place, nesting, sensitive areas and time periods for any works.

A number of development plan policies and objectives were not mentioned by the applicant.

Design standards for cycling have not been taken into account. THE trail does not align with Sports Ireland guidelines.

The removal of land, considered as a buffer zone to the existing dune system, is not addressed.

The trail route at farm access points and factory entrance will create traffic conflicts.

OPW ownership of Cottage Pump House creates issues that result in the redirection of the trail route, poor cycle design and encroachment of the SAC.

Inclusion of existing footpath infrastructure with the Trail Route is misleading.

Car Park proposals are lacking in detail, with reference to demolition, construction works, and operational details. Access across private laneways require a change of use permission.

The retention of a wall is unlikely given the removal of a mound and placement of a path.

Drawings shown at public meetings do not form part of the planning documentation. Drawings are misnumbered.

Land ownership and rights of way are disputed along the route and conflicts are highlighted. Folio numbers are missing and consents not present.

The Ballyburn Car Park is not justified, it is remote, access is problematic and could be dangerous and will attract anti social behaviour. The trail head is better located at Stella Maris Centre, where facilities already exist.

Unsealed roads and surfaces will not be conducive to picnics and EV charging.

Runoff and drainage issues are highlighted.

The proposed trail will not accord with Sports Ireland criteria.

Trail gradients, widths and dimensions are different between drawings.

The materials proposed in the development differ between drawings and reports.

The trail route will achieve connectivity aims, there are other parts of Kilmore that should be connected.

The fencing proposed is extensive and not in character with existing forms of agricultural fencing in the area, and this will impact upon wildlife.

There will be a large number of gates and bollards and this will impact on the usability of the trail.

The construction methodology of the proposal is criticised for lacking detail and more environmentally sound alternatives are offered.

In summary, the entire project is criticised, from initial design, choice of materials, connectivity, fencing, access, maintenance and management.

- **Inaccuracies and Omissions NIS** – the appellant points to a number of issues to with the content of the NIS as follows:

The ecological value of the site is not considered in the context of international, national and local policy and legal frameworks.

Screening and NIS were not carried in accordance with best practice, a single walkover in January not acceptable.

The pNHA is not addressed in terms of impact or risk, from all aspects of the proposal.

Some protected species are identified in the NIS but others are not, such as Kingfisher and Buzzard.

Channel maintenance is incorrectly stated at seven or eight years, when in practice and according to the OPW NIS , this happens every year.

Sand dune erosion not considered in the NIS.

NIS recommends stone wall retention, when in fact it will be largely removed.

- **Cultural Heritage Impacts** – A Cultural Heritage Impact assessment was not carried out and the project will adversely impact upon the setting and character of the village, other issues include:

Many policies and objectives set out in the development plan have been disregarded.

Removal of a stone wall at the Forlorn Car Park and Sluice Cottage will impact the character of Kilmore Quay.

Two old Norman pillars will be at risk from the development

- Other Issues – issues are reiterated with reference to nature based solutions, management, construction and operational waste, re-routing not acceptable, and a lack of consultation.

7.1.2. The grounds of appeal conclude that a trail is supported by the local community but not in its current format.

7.1.3. The appeals are supplemented by references, appendices that include AA advice, Heritage Letter, pNHA Site synopsis, Kilmore Quay Community Development Association correspondence, Meeting notes, Consent denied correspondence, solicitor's letter, Sport Ireland technical notes, email correspondence, National Trails Office technical notes, photographs and list of 58 names as signatories to an appeal.

7.2. **Applicant Response**

7.2.1. The applicant has responded as follows:

- Engagement did take place with landowners along the route and the wider community.
- An application was made to the Department of Rural and Community Development and a grant of €500,000 was secured.
- The trail route does not pass through the landowner named at appendix 11 and so no consultation was entered in to with that owner.
- With reference to the Trail Head car park at Stella Maris Centre, there is a current planning application reference 20250057, and permission previously existed but lapsed.

7.3. Planning Authority Response

7.3.1. None.

7.4. Observations

7.4.1. Three Observations have been received, one from a statutory consultee as follows:

Department of Housing, Local Government and Housing Development

Applications Unit – The submission refers to the material submitted in the grounds of appeal. With reference to the redirection of the trail route through the SAC. Such a change in route was not assessed in the original Appropriate Assessment. Any conclusions drawn from the original AA cannot be considered for any new route proposal.

7.4.2. Two other observations can be summarised as follows:

- Scope of the NIS does not take into account previously tendered works, and other phased parts of the trail.
- Project splitting has occurred in order to avoid EIA, other phases of a planned walking route are highlighted and these have not been assessed.
- Annex 3 of the Wildlife Act have been observed along the trail route (Otter, Pine Martin, Badger and Bats).
- The use of land for the construction of a car park at Forlorn Road, will remove habitat used and occupied by protected species. Lighting will impact on the usability of the lands and canal by protected species.
- The temporary diversion of the trail route into the SAC would result in disturbance of species in the SAC. The NIS states that the development is not directly connected to or necessary for the management of the SAC, this is not correct.
- An Ecological Impact Assessment has not been prepared and should have been.

Observations are accompanied by photographs, tables, extracted and annotated layout drawings.

8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Transportation
- Natural Heritage Impacts
- Cultural Heritage Impacts
- Flood Risk
- Procedural Matters
- Conditions

8.2. **Transportation**

8.2.1. The proposed development is for a walking and cycling trail route along a drainage channel northwards from the village of Kilmore Quay, a designated level 3b strategic settlement in the county development plan. I see that the county development plan is supportive of this kind of tourism and transport initiative with a number of policies and objectives that seek to facilitate and support such schemes, section 5.0 of my report refers. I also note that the Climate Action Plan 2025 supports this type of development under actions JM/25/5 and TR/25/7 and the National Planning Framework puts cycling and walking forward as important features of new development. The planning authority issued a notification to grant permission, however, appellants and observers, whilst supporting the idea of a trail, object strongly to its current format. With reference to broad transport issues, I address each point as follows:

8.2.2. Car Parking – third parties are critical of the location, design and overall need for car parking facilities. A primary concern is the potential for antisocial behaviour and the impact on wildlife. The applicant's Preliminary Design report states that two car parks will be located at each trail head and include facilities such as: EV charging point, picnic tables and bike racks. The report also states that ducting will be put in place should CCTV be required along the route.

- 8.2.3. In my view, the applicant has not fully justified the need for the two car parks at each end of the trail route, other than to indicate the convenience of starting and finishing an excursion by car. I recognise that car parking facilities are sometimes provided along walking and cycling routes, it is not always the case. In the context of the current proposal, I note that at the Kilmore Quay end of the route there is an existing public car park not far from the termination point (Kilmore Beach Car Park). In addition, I note that there are other forms of development such as a caravan park, shops and the village itself that would generate and accommodate users of the trail. There is also a large number of car parking spaces within the village and around the quay area that would facilitate users of the trail and support the amenities of the village itself. Lastly, there is an existing car parking area south of the Sofrimar Factory, together with a footbridge that allows access to the Ballyteigue Burrow and its associated waymarked walking routes. I note that the planning authority did not raise any issues with regard to the location of car parking facilities, other than the attachment of condition number 2. However, I am not satisfied that the quantum and location of car parking is fully justified or completely necessary in this instance.
- 8.2.4. With regard to the potential for antisocial behaviour along the route and specifically at the car park locations. I am not satisfied that this would necessarily be the case. The applicant has set out a management plan and indicates that CCTV could be installed at some point in the future. I note that many walking and cycling routes up and down the country operate safely and without significant incidences of antisocial behaviour. This should be no different for this proposal that is well overlooked by a public road and for which some of the trail will be routed on existing and new public footpaths.
- 8.2.5. I am not satisfied that the applicant has provided a reasoned and robust justification for the requirement to position two car parking areas at each trail head. I highlight the cultural heritage sensitivity of the southern car park at section 8.4 of my report and I have concerns that the natural environment has not been adequately taken into account either. With reference to the northern car park, I am not satisfied that this is either a logical or necessary part of the overall development. The provision of two car parking areas adds a significant element to the overall piece of infrastructure for little or no benefit to the overall environmental credentials of the scheme. The route is relatively short and is therefore not necessarily a point to point activity, exploring

and returning the way you came is entirely possible, without the need to accommodate car parking areas at either end. Objective TM33 of the county development plan seeks to consider the development of car parking facilities at designated entry/exit points along greenway and blueways routes, subject to compliance with the Habitats Directive and normal planning and environmental criteria. However, in this instance, I am not satisfied that the location and need for the car parks have been adequately considered from a planning perspective and that impacts on the natural and built environment have not been fully identified or quantified.

8.2.6. Connectivity – third parties are critical of the logic of the proposed trail route, stating that it will not provide useful links to Kilmore Quay. The applicant states that the trail will link Kilmore Quay with onward routes from Ballyburn Crossroads with Baldwinstown and Bridgetown villages.

8.2.7. The proposed route does not form part of any strategic walking or cycling route set out in the county development plan. However, that does not mean the scheme is not without its merits. It is evident that the route along an open drainage channel and within open countryside is an appealing prospect. I encountered no other walkers on the day of my site visit, but I did observe cyclists heading northwards along a posted cycle route. The proposed trail route would coincide with a European wide cycling route known as the Eurovelo 1 Atlantic Coast cycling route, or locally as the Norman Way. In that context, the proposed trail would provide a significant off road cycling experience and be part of a Europe wide cycling network, and this is to be welcomed. I am satisfied that the proposed development would align with wider objectives to provide off road and safe walking and cycling routes and this development fulfils these objectives.

8.2.8. Design Requirements – appellants and observers are critical of the design of the overall trail, citing a lack of conformity with Sports Ireland guidelines for such trails and that the route is off and on road. The applicant prepared a Preliminary Design Report, in which, the design requirements for the project are set out. The report states that the 2.2km recreation trail intends to utilise a number of guidance documents in order to provide a high quality pedestrian/cyclist route, section 2.2 of the applicant's report refers. The report goes on to set out in detail the requirements of various documents including: NTA National Cycle Manual, TII Rural Cycleway

Design, Sports Ireland Classification and Grading for Recreational Trails and its guide to planning. Third parties may be critical of the design and layout of the trail as it has been devised, specifically with reference to obstructions, the potential for conflicting traffic movements and ease of use. I am satisfied that all relevant guidelines documents have been referenced and followed. Third parties seem to be concerned that funding may not be forthcoming unless the trail is fully compliant. The issue of securing funding is a different matter entirely and one to be resolved between the developer and any funding bodies. As already stated, I am satisfied that the overall design of the trail is acceptable from a guidance document perspective and would be an attractive addition to the walking and cycling infrastructure of the village.

8.2.9. Traffic Conflicts – third parties are concerned that there is a potential for accidents as a result of conflicting traffic movements as agricultural machinery cross the trail route. In addition, the matter of on and off road routing is highlighted as a confusing aspect of the development. The applicant has clearly set out how agricultural traffic (vehicular and livestock) will cross the trail route, and these include bollards and double gates. I find these measures to be appropriate and a pragmatic element of the overall design, no different to any other green or blue way. The planning authority raised not traffic conflict issues and considered the development to be acceptable from a traffic safety perspective. With regard to some of the trail route transferring to existing and new public footpaths as it nears the village, I find this to be an entirely logical design concept. I am satisfied that the proposed trail route will not result in any adverse traffic safety impacts.

8.2.10. Transportation Conclusion – I have examined the detail of each submission and grounds of appeal made on this file. I acknowledge that most are supportive of some sort of trail at Kilmore Quay and I note the numerous and intricate criticisms levelled at the proposal in its current format. However, in terms of the transportation benefits of the proposal, I find that the development deserves qualified approval. Specifically, I am not satisfied that the car parks are required at all and that some interventions such as at the Sluice House Cottage require adjustment, an issue I examine in detail at section 8.4 of my report. I am not satisfied that permission should be refused with reference to transportation reasons, such as traffic hazard. However, the omission or adjustment of car parking provision by condition may not be appropriate, given that

the development was subject to an NIS and I cannot be certain what the ecological effects would be.

8.3. Natural Heritage Impacts

- 8.3.1. The appellants and observers have raised a large number of concerns with regard to natural heritage and the impact that the development will have if permitted. Very broadly, the lack of comprehensive information, surveys and analysis is stated as the reason why the applicant's NIS is not adequate. Observers also criticise the robustness of the natural heritage documentation that formed part of the application. The Department of Housing, Local Government and Housing Development Applications Unit (DAU) with reference to natural heritage state that the redirection of the trail route through an SAC has not been considered in the original NIS. Thus, the potential for adverse effects on the Ballyteige Burrow SAC have not been assessed for the purposes of AA.
- 8.3.2. Designated Sites - Firstly, I have carried out AA at section 9.0 of my report and my conclusions are set out there. With regard to the issues raised by the DAU, sections 2.1.7.0 and 5.5 of an observer's submission (Bates) to the appeal are referenced. There are a number of 'Bates' observations throughout the file. However, I note the (Bates) observation dated 11 April 2025, prepared by Mark Bates, a person with qualifications in zoology and aquatic sciences. It is a short observation but illustrated with the help of a number of photographs and maps, it is not broken into sections as referenced by the DAU. However, this Bates observation refers to a proposed temporary trail diversion due to unresolved land ownership issues at the Forlorn car park location. According to the observer, such a temporary diversion will traverse the SAC and these impacts have not been assessed in the NIS, a view reiterated by the DAU.
- 8.3.3. I have examined all of the documentation on the file, observer's submissions on the appeal, submissions at the planning application stage, the two grounds of appeal, the applicant's response to the grounds of appeal and the DAU submission. I have been unable to locate any document with sections labelled 2.1.7.0 or 5.5. Nor have I been able to locate any drawing or plan that refers to temporary trail diversion. I note the red line boundary of the application was not revised at the response to further information stage, correspondence dated 17 January 2025. I also note

correspondence from the Drainage Maintenance and Construction Services section of the OPW dated 9 January 2025 with reference to unconfirmed land ownership details north and south of the Sluice House Cottage.

- 8.3.4. It is the area around the Sluice House Cottage, the location of the Forlorn Car Park (southern car park) that has generated a number of natural heritage concerns. This naturalised area could be home to a variety of protected species and the length of the drainage channel itself may host kingfisher. According to interested parties, all of these details are downplayed in the NIS, leading to the criticisms that adequate surveys were not conducted and that an Ecological Impact Assessment was not carried out. Irrespective of these issues, that I examine in detail elsewhere in my report, I have not seen any information that shows a permanent or temporary diversion of the trail route into the SAC. It may be the case that the notification to grant permission and specifically condition number 1 issued by the planning authority that refers to further information dated 17 January 2025, implies movement of the trail route if land ownership cannot be confirmed. However, this line of thought is not referenced by the DAU submission or any other submission.
- 8.3.5. In addition, an appellant points out that the development includes the construction of three new headwalls that fall within the pNHA, outside the red line boundary of the proposed development and not mentioned at all in the NIS. I see from drawing number 218 that a gate is proposed along Irish Pebble's Lane, a field gap is noted at Field O and to create a new field gap with gate, new culvert, headwall and drainage pipe at Field M. All of these features fall outside the red line boundary and are not referenced in the NIS, this is a problematic issue for the completeness of the NIS and I consider these matters in detail at section 9.0 of my report. The DAU submission is important and has implications for the robustness of the NIS and whether the Board may grant permission in this case. In relation to the DAU submission, I am uncertain that any trail deviation has been shown in any plans or drawings that I have seen and therefore the NIS may not be complete as far as it can be. For a full conclusion with respect to AA, section 9.0 of my report refers.
- 8.3.6. Ecology – a number of concerns have been raised by appellants and observers with regard to the impact on wildlife along the route of the trail and specifically the area around the proposed southern car park at the junction of Forlorn Road and Ballyteige Burrow Road. Photographs have been submitted that show otter and badger along

and around the channel south of the Sluice House Cottage. In addition, it is stated that kingfisher and bat have been spotted along the channel together with other aquatic species. I note that badger, otter, bat and kingfisher are not listed as qualifying interests of the Ballyteige Burrow SAC or SPA, but they are protected species.

8.3.7. The applicant prepared an AA Screening Report and NIS, that deals with all relevant designated sites that may be affected by the proposed development. Mammal passes are shown and some environmental mitigation is set out at section 6.2 of the Preliminary Design report. However, no other natural heritage documentation has been prepared and submitted with the application or response to the grounds of appeal. I note the content of all the submissions on file with respect to natural heritage and I am surprised that a more rigorous assessment of the sensitivities of this area were not taken into account. I have walked the length of the proposed trail, in both directions and observed that for the most part the area is typical of low-lying coastal farmland that has undergone a long history of drainage and improvement over the years. The field patterns and drainage channels are evidence of this historic management of the overall area, and this has provided a rich canvas for wildlife. The area adjacent to the coastal dunes and the channel south of the Sluice House Cottage are more rugged and relatively undisturbed. This is the proposed location of the southern car park and a significant intervention into a landscape that has remained more or less unchanged since it was constructed as part of the drainage works in the nineteenth century.

8.3.8. In addition to a lack of any assessment of the ecological value of the site in general and this southern location in particular, there are no detailed drawings of the car park area. I would expect to find detailed drawings of the existing site, indication of levels and any gradients. There should be adequately scaled cross section drawings detailing the amount of ground to be removed and relative levels relative to the existing public road and any retaining walls on the channel side. There should also be a detailed surface water management plan for the car park site, showing SuDS and outfall points. The appellant has prepared detailed layout drawings with annotations along the length of the trail and a booklet of standard construction details has been submitted. However, for a project of this scale and the sensitivities of the receiving environment, I would expect more.

8.3.9. In terms of the wildlife concerns raised by the appellants and observers, I find that the proposed development would benefit significantly from more detailed assessments, such as an Ecological Impact Assessment at the very least. Such an assessment would establish the existence and extent of protected and other species along the route, the anticipated impacts during and after construction together with mitigation measures as necessary. I assess the practical merits of the necessity of car park at all under the transportation section of my report. However, with regard to the lack of adequate natural heritage documentation, detailed drawings and a robust rationale for the removal of a significant portion of a semi-natural wildlife buffer, permission should be refused.

8.4. Cultural Heritage Impacts

- 8.4.1. An appellant and observers, are concerned that the cultural heritage of Kilmore Quay will be affected if development proceeds. Specifically, the removal of a stone wall at the Forlorn Car Park and Sluice House Cottage will impact the character of Kilmore Quay and that two old Norman pillars will be at risk from the development. The planning authority attached conditions to ensure wall retention along part of the route and that signage is not erected that could impact on the character of the area.
- 8.4.2. At a very high level, it is difficult to imagine that a walking and cycling trail would impact on the cultural heritage of Kilmore Quay. The current county development plan is supportive of such tourism and active travel initiatives and I anticipate that the trail and its route would be a beneficial asset for Kilmore Quay. However, in detail, there are aspects of the development that do cause me concern and I address each point raised by third parties with regard to cultural heritage as follows:
- 8.4.3. Wall Removal – the applicant plans to remove a significant portion of historic stone wall to facilitate the southern car park and make amendments to the front boundary of the Sluice House Cottage in order to facilitate a new footpath. Condition 5 requires the retention of a wall from Phil Redmond's house to the Uisce Éireann compound. To be clear, the Uisce Éireann compound is located just south of the Sofrimar factory, a low stone wall runs southwards to meet the Sluice House Cottage. I have examined the Landowner's Consent Booklet, correspondence from OPW, all drawings and layouts and I have failed to identify Phil Redmond's house, but in all probability, it is actually the Sluice House Cottage. In any case, condition 6 seeks to

retain that wall in its entirety without interventions. It is most likely that a new footpath can be accommodated along this portion of the trail route, however, some design detail on this matter is required to ensure the structural integrity of the wall, the resultant width of the carriageway and the new footpath to be installed on the eastern side of the road. None of these matters are insurmountable, but there is not enough information on the file to assess and would consequently require a detailed and very specific condition to ensure that the wall is retained and the public road not adversely impacted upon from a traffic safety perspective.

- 8.4.4. In addition, I have concerns that the structural integrity of the stone wall on the channel side of the southern car park site has not been adequately assessed. Nor has the historical importance of this wall been appraised with reference to the wider drainage channel infrastructure in the area. Along with many other concerns I have about the southern car park, I am not satisfied that the cultural heritage impacts have been adequately realised.
- 8.4.5. Sluice House Cottage – this building, associated sluice gate, massed concrete cover building, access steps, steep drainage channel sides and front boundary are not listed on the RPS or identified in the NIAH for county Wexford. However, this particular collection of buildings are an interesting and intact piece of industrial and cultural heritage for the area. The applicant proposes to demolish the front boundary wall and railing together with a low shed and construct a new retaining wall one metre closer to the cottage, modify the iron railing and place a 1.2 metre footpath across the frontage as part of the trail route. Third parties are not convinced this is the right thing to do and will adversely impact the heritage of Kilmore Quay. For the most part I agree, the Sluice House Cottage and its curtilage are an interesting element of industrial heritage at the edge of Kilmore Quay and form an integral part of the main drainage channel infrastructure. It would be more appropriate if a competent and suitably qualified conservation architect were employed to assess the intrinsic quality of the buildings and what impact the proposed development might have. There is no documentation on the file to assess the heritage value of the Sluice House Cottage and this is a significant gap in the information that I would expect to find on the file.
- 8.4.6. In addition, I note that the Office of Public Works (OPW) have stated that the OPW owned Sluice House Cottage and its curtilage will not be encroached upon.

However, all of the drawings and descriptions in the application indicate otherwise and significant works are proposed to and within the curtilage of the cottage. Additionally, this may require the deviation of the trail route inside the SAC, an issue I address at section 8.3 of my report.

8.4.7. Norman Pillars – the appellant references a threat to two Norman Pillars as a result of the proposed development. I am unclear whether it is meant that gate pillars from the Norman period are at risk or if it is the Norman influenced gate pillars (circular with a conical top) found throughout farms in the area. In any case, there is no reference to the removal of historic gate pillars in the documents prepared by the applicant. I have not located any gate pillars listed on the RPS or identified in the County Wexford NIAH with reference to Norman Pillars. With regard to the documentation that accompanied the application, it would have been useful if a full and thorough assessment of any architectural features along the trail route were included, but no such assessment was made.

8.4.8. Cultural Heritage Conclusion – For the most part, I find that the addition of a walking and cycling trail alongside a drainage channel is a beneficial development and complementary to the cultural heritage of Kilmore Quay. However, there are elements of the proposal that are without proper and in depth assessment of just what cultural heritage impacts might result. Specifically, I have concerns that the provision of a car park and its impact on the stone walls and general infrastructure of the drainage channel will be detrimental. Works that impact the setting and context of the Sluice House Cottage have not been adequately appraised in order to inform the extent of works proposed. For all of these reasons permission should be refused on the basis that the cultural heritage of Kilmore Quay would be adversely impact upon.

8.5. Flood Risk

8.5.1. The applicant prepared a Site Specific Flood Risk Assessment (SSFRA) and submitted it to the planning authority as a response to further information. The SSFRA was prepared by IE Consulting Water-Environmental-Civil and dated October 2024. The SSFRA was undertaken within the guidance provided by the Planning System and Flood Risk Assessment Guidelines for Planning Authorities 2009. Table 1 of the SSFRA states that Tidal/coastal flooding is significant and that

fluvial flooding is possible. Other flood factors such as pluvial (urban drainage), pluvial (overland flow), blockage and groundwater are not significant, and explanations are provided. The primary flood risk is from an extreme tidal/coastal flood event and secondary flood risk would result from an extreme fluvial event along the drainage channel.

- 8.5.2. Gauging Station 13062 at the southern end of the drainage channel was considered unsuitable for hydrometric data purposes, due to its inactive status. Preliminary Flood Risk Assessment (PRFA) mapping indicates that the site is located within an indicative coastal flood zone, no other flood zones are detailed as present. Due to the low resolution nature of PFRA mapping, a site specific flood risk assessment is required. No flood events are recorded for the development site or nearby, other than Flood ID 14123, for which there is no other information available. The site is located within an area designated as Arterial Drainage Scheme Benefitted Lands, the OPW maintain these drainage channels. The area to the west of the site was historically the Ballyteige Lough, now reclaimed land, figures 5 and 6 refer. The area is underlain by Estuarine Sediments, Metamorphic Till and Brown Sands. There are no areas in the vicinity of the site that are subject to groundwater flooding, figure 8 refers.
- 8.5.3. South Eastern CFRAM Study dated July 2016, tidal flood extent mapping indicates extensive defended areas west of the site. Irish Coastal Wave and Water Level Monitoring Study 2018, at Nodal Point S45 states that the predictive present day scenario 0.5% AEP and 0.1% AEP tidal flood levels at 2.57m OD and 2.71m OD respectively. The predicative mid range future climate change scenario 0.5% AEP and 0.1% AEP tidal flood levels at 3.07m OD and 3.21m OD respectively. Based on the foregoing, Figures 11, 12, 13 and 14 of the SSFRA illustrate the Tidal Flood Risk for the site, and it falls within a coastal flood risk zone in all scenarios. It was concluded that the primary flood risk is from coastal/tidal flooding events.
- 8.5.4. The majority of the site falls within Tidal/Coastal Flood Zone A and B, with the 440 metre southern section situated within zone C. Mitigation measures such as signage are proposed, together with barriers to be erected across the car park entrances during a flood event.

- 8.5.5. In terms of hydrological impact from the development, little or no effect is anticipated from the walking trail route itself. The new pedestrian footbridge is likely to be overtopped during an extreme event and will not therefore impede flow, or flood risk to adjacent lands. The proposed car parks are to be constructed at existing ground levels that have impermeable surfacing. Surface water flows from both car parks should be restricted to greenfield runoff rates.
- 8.5.6. With reference to the Justification Test, the development of a trail route on lands subject to flood risk zone A is considered to be a water compatible development and as such is not subject to a justification test. The SSFRA concludes with a number of recommendations that include: warning signage, barrier systems at car parking areas to prevent vehicle access, and to limit surface run off to greenfield rates. The SSFRA is satisfied that with the implementation of these measures, there will be no adverse impact to the hydrological regime and no increase to flood risk off the site.
- 8.5.7. Third parties are not satisfied that flood risk has been adequately assessed as part of the overall development proposal. Criticisms are levelled at the robustness of the SSFRA, and the many and various inaccuracies and contradictions are outlined at section 7.1 of my report, however, to ensure complete engagement with all the relevant issues, I take each point in turn:
- The FRA submitted by the applicant does not show alignment with national, regional and local planning policies. Chapter 5 of the Planning System and Flood Risk Assessment Guidelines for Planning Authorities 2009, refers to Flooding and Development Management, paragraph 5.9 sets out what is to be expected within a SSFRA. I am satisfied that the SSFRA is not required to detail all local, regional and national policies/objectives with regard to flood risk this has already been outlined in the County Developmental Plan SFRA.
 - The assessment of the Sluice Cottage has been omitted from the FRA, and contradicts statements made in the NIS. I note that the SSFRA states at Table 1 Flooding Mechanisms, that there are no significant or restrictive hydraulic structures located in the vicinity of the development lands. I note that the Sluice House Cottage and its attendant sluice gate infrastructure is located along the development site, at its southern end. I am not certain that its potential for blockage has been taken in to account in the SSFRA.

- The conclusion of the applicant's FRA that there is no risk of fluvial, pluvial or groundwater flooding is contradicted by a 2021 FRA (JBA Consulting for the County Development Plan) that identifies tidal sources as a major source of flood risk. I am satisfied that the SSFRA, that is by definition specific to this site, rather than to the county as a whole, has adequately assessed flood risk as it pertains to coastal/tidal flooding. The SSFRA concludes that the majority of the site is located in flood zone A and B.
- There have been recent flood events in the area, photographs and aerial views illustrate this. The SFRA addresses the issue of historic flooding, section 4.3 refers, no significant local events are further detailed.
- Runoff and drainage issues have not been addressed in the documentation submitted with the application. SuDS measures have not been outlined or addressed in any detail. Runoff to the drainage channel has not been detailed and will result in a deeper channel cut. In part I share the concerns raised by third parties, the SSFRA and the documentation in general provides information that is low in detail. No specific SuDS measures are highlighted and I have concerns about the construction of the southern car park. However, I note that the 2009 guidelines state that where flood risk is an issue, the planning authority may consider granting permission subject to conditions to ensure that the Justification Test is satisfied. Overall, conditions should deal with any residual risk and should be guided by the development management objectives set out in the development plan. I am satisfied that in this instance the matter of flood risk can be addressed by condition, but I have concerns that details to be agreed at some future date, may not be compatible with the findings and conclusions of the NIS.
- Significant areas of concrete works are proposed at bridging points, this is out of character with the area and could impact on flood risk at variance with guidelines on the matter. As already stated, I am satisfied that appropriate conditions could be prepared with respect to finalised design details.
- There is a lack of detail on drawings with reference to slopes and gradients. I have already outlined my concerns with specific details, the southern car park

remains an area of concern and it may have implications for the assessment of flood risk.

- The FRA notes an inactive and unsuitable hydrometric gauging station, but no alternative methods are outlined or used. This point is noted, however, I am satisfied that all other data sources have been considered.
- The FRA does not mention any local engagement with interested parties or the community, engagement should be done as part of any FRA. Public consultation is not a feature of Flood Risk Assessment.
- Inconsistencies within the FRA include – mention of tidal coastal flood events, but no risk from other flood factors, yet signage is to be erected, and car park barriers deployed. I am satisfied that the SSFRA has adequately considered relevant factors in relation to flood risk, other than the omission of the Sluice House Cottage, already outlined.

8.5.8. The applicant prepared an SSFRA in accordance with the relevant guidelines. I am satisfied that most issues have been addressed or can be resolved by condition. At a very high level the applicant has identified that most of the site is located in flood zones A and B, but a trail route can be considered to be a Water Compatible Development, and with that point I agree. However, I have some concerns that the SSFRA has not fully addressed all flood risk issues for the site, such as the potential for blockages, or that detailed SuDS measures have been adequately illustrated or described. It is likely that the development of the trail route itself, along the banks of the drainage channel will be acceptable from a flood risk perspective. I am broadly satisfied that the matter of flood risk has been addressed up to a point, more detail would have been useful. The SSFRA shows that the development of a walking and cycling trail would be acceptable from a flood risk assessment point of view. There are still details that remain to be resolved and these could be addressed by conditions. However, as I have already outlined, I am uncertain what impact planning conditions that require further engagement and possible design changes would have on designated sites. However, I am not satisfied that permission should be refused for flood risk reasons.

8.6. Procedural Matters

- 8.6.1. An appellant and observers have pointed to various procedural errors as they see them with regard to the content of the application or at least the lack of relevant documentation. Omissions within the NIS, lack of an Ecological Impact Assessment and Cultural Heritage Impact Assessment are all listed. Whilst these are not procedural errors per se, they have led to the frustration experienced by third parties. I have dealt with all of these issues within the relevant sections of my report. However, a leading criticism is levelled at the lack of community engagement and involvement in the conception and design of the trail. In addition, it is highlighted that not all property owners were consulted and the relevant consents are not forthcoming, either to make or implement the planning application.
- 8.6.2. Engagement – third parties are critical of the lack of any meaningful engagement on behalf of the applicant with respect to the development. I note that public consultation is not a feature of planning applications, and the only obligation on the applicant is notification by way of public notice, this has been complied with. Though it is desirable to have more or less complete support from adjacent property owners and perhaps the community at large, for a development, it is not a requirement of planning. I am satisfied that the statutory requirements to notify the public have been met in full by the applicant. I note that some engagement between parties did take place but not, apparently, to the complete satisfaction of the appellant and observers in this instance, no further action is required on behalf of the Board.
- 8.6.3. Legal Consent/Ownership - On occasion, the ownership of lands or consent of the landowner may be disputed, this is hinted at by third parties in this appeal. The 2007 Development Management Guidelines note that in such circumstances, the Board can seek further information pursuant to Article 33, but that “Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis.” A clear lack of sufficient legal interest is, therefore, the appropriate test for refusing permission on this basis. In this instance, I already have sufficient information before me that shows the ownership of lands and the various consents in place to make a planning application, and I am satisfied that the Board will not require any further information in this respect.
- 8.6.4. From the information available to me on the file, it is apparent that ownership of lands north and south of the Sluice House Cottage are not known and this may impact the implementation of the development, specifically the southern car park.

Case law advises that the Board cannot ignore issues of title or landowner consent and must engage with the submissions made to it. I have engaged with all of the material submitted by each party within the appeal and planning application documentation; such as it is. I have visited the site and observed the state of affairs as they currently pertain. The scope of engagement and outcome, however, is limited because the determination of title is not a matter for the Board. As I see it, the Board is entitled to accept the evidence of title provided (e.g. folio details, legal consent) and is not required to go behind the registered title and to make enquiries as to who might be the beneficial owner. Where a dispute regarding sufficient interest goes to issues that the Board is not competent to resolve, then the Board can grant planning permission, knowing that it is subject to s.34(13) of the 2000 Act. This is just such an occasion, and the matter of ownership is best resolved in different forum, I recommend that reference to section 34(13) of the 2000 Act should be provided to the parties in any cover letter enclosing the Board's decision.

- 8.6.5. With reference to the DAU submission and their concerns about the deviation of the trail route inside the SAC, it would seem that the ownership of some lands at the southern portion of the site cannot be determined and this leads some observers to assume the trail route must enter the SAC. However, given the on road nature of the trail route at this southern part of the scheme, I am satisfied that adequate consent is in place from the planning authority to carry out works within the public realm. In other words, it is within the scope of the application red line boundary to terminate the trail on new and existing public footpaths on the Ballyteige and Forlorn (Harbour) Road, and not to continue to the termination as proposed at the southern car park.
- 8.6.6. Change of Use – the appellant is concerned that access across private laneways requires a change of use permission. The applicant has applied for a walking and cycling trail route, this is the relevant consent process to undergo in order to facilitate the development. No change of use permission is required to be advertised in the description of development, the development is exactly as it is described.
- 8.6.7. Inconsistencies – third parties point to a variety of inconsistencies between drawings, misnumbering of pages in reports and so on. I have examined all of the material in the file and I am satisfied that all of the relevant information can be adequately deciphered and understood. It is useful that the appellant has pointed out the various flaws and inconsistencies throughout the application documentation, but this is not a

procedural error in the sense that any part of the 2000 Act or 2001 Regulations have been contravened.

8.7. Conditions

- 8.7.1. The planning authority attached seven conditions, some are technical and standard in nature and others are specific to this proposal. I have already addressed in my preceding report the issues that arise from the conditions attached by the planning authority and the difficulty of attaching amending conditions if the scheme is to be permitted. In that regard and in the context of my recommendation to refuse permission, I do not intend to make any further recommendations with respect to conditions.

9.0 Appropriate Assessment (AA) Screening

9.1. Screening Determination - Finding of likely significant effects

- 9.1.1. 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 Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020) in view of the conservation objectives of a number of qualifying interest features of those sites.
- 9.1.2. 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.

9.2. Natura Impact Statement (NIS)

- 9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 9.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Ballyteige Burrow SAC (Site code

000696) and Ballyteige Burrow SPA (Site code 004020) cannot be excluded in view of the conservation objectives of these sites and that some level of scientific doubt remains as to the absence of such effects. I have some concerns with regard to the queries that have been raised about the incursion of part of the trail route within the Ballyteige Burrow SAC Site code 000696, in the vicinity of the Sluice House Cottage, drawing number 213 refers. Specifically in relation to the construction phase of the development. I also note that three additional areas of works are proposed outside the red line boundary of the development, within a pNHA and not considered as part of this screening assessment, drawing number 218 refers.

My conclusion that the NIS is not adequate, is based on the following:

- The potential for the incursion of part of the trail route within the Ballyteige Burrow SAC Site code 000696, in the vicinity of the Sluice House Cottage has not been considered. Three additional areas of works are proposed outside the red line boundary of the development, within a pNHA and have not been considered as part of the Appropriate Assessment.
- Doubt remains as to the proposed development and how it will affect the attainment of conservation objectives for the Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020).

10.0 Water Framework Directive Assessment

- 10.1. The subject site is located along a drainage channel that flows southwards from the nearest designated water body 270 metres to the north, Ballyteige Burrow 010.
- 10.2. The proposed development comprises the provision of a trail route alongside an open drainage channel with a car park at its northern and southern end, detail is contained at section 2.0 of my report. No water deterioration concerns with regard to the Ballyteige Burrow were raised in the planning appeal. However, broad concerns with regard to the surface water drainage design along its route and the potential for flood risk were raised. I address these matters at section 8.0 of my report.
- 10.3. I have assessed the trail route project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent

deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The trail route design alongside an existing open land drainage channel comprising angular grit laid on compacted stone, with discharge to field drains via oil interceptor catch pits,
- The lack of a meaningful hydrological connections with the nearest designated water body, in the context of the type and nature of the walking and cycling route development proposed,
- The findings of the Site Specific Flood Risk Assessment,

10.4. Conclusion - I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that planning permission should be refused for the reasons and considerations as set out below:

12.0 Reasons and Considerations

1. On the basis of the information on file, the Board is not satisfied that the proposed development, specifically the construction of a car park and other works yet to be determined at the southern end of the site, would not be likely to have a significant effect on the Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020). It cannot be determined with certainty that the development as proposed would not give rise to continued increased disturbance to wildlife, including Otter (which is a protected species included on Annex II of the European Union Habitats Directive), from human activity in what was formerly a relatively undisturbed

area of the overall site. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the proposed development on hydrological or other conditions within the Annexed habitat and the resulting implications for wildlife and flora.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that, by reason of the lack of sufficiently detailed drawings showing existing ground levels, cross sections and proposed levels, and lack of any architectural heritage documentation concerning the Sluice House Cottage, its attendant grounds and specifically lands to the south and adjacent to the main drainage channel incorporating historic retaining walls, that the proposed development of a car park would materially and adversely affect the character and setting of a structure with some level of industrial heritage and would, therefore, seriously injure the amenities of the area. Any development of the southern portion of the site in advance of a comprehensive architectural heritage assessment, carried out to the requirements of the appropriate authorities, would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area

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.

Stephen Rhys Thomas
Senior Planning Inspector

28 May 2025

13.0 Appendix 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-322097-25		
Proposed Development Summary	Construction of a recreational trail of 2.29 kilometres, on a 3.8 Hectare linear site, with two car parks and new footbridge. Detail is set out in section 2.0 of my report.		
Development Address	Ballyteige Burrow, Crossfarnoge, Inish and Ballyteige Slob, Kilmore Quay, 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	✓
		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	✓	Part 2 Class 1 (a) Part 2 Class 10 (b) Part 2 Class 10 (dd)	Proceed to Q3.
No	Tick or leave blank		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	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	<p>Class 1 (a) Projects for the restructuring of rural land holdings, where the area to be restructured would be greater than 100 hectares.</p> <p>The development is for the construction of a recreational trail of 2.29 kilometres, on a 3.8 Hectare linear site.</p> <p>Class 10 (b) (ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.</p> <p>The development proposes 45 car parking spaces ancillary to the trail route development.</p> <p>Class 10 (dd) All private roads which would exceed 2000 metres in length.</p> <p>The proposal is for a trail route of 2.29 kilometres that will not accommodate motor vehicles and will be open to the public, not a private road. The entire route comprises 1.78 kilometres of off road trail alongside a drainage channel and 450 metres of new and existing public footpath alongside the public road.</p> <p>May Include:</p> <p>Class 15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in</p>	Preliminary examination required (Form 2)

		this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.	
--	--	--	--

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

Inspector: _____ Date: _____

14.0 Appendix 2 - EIA Preliminary Examination

Case Reference	ABP-322097-25
Proposed Development Summary	Construction of a recreational trail of 2.29 kilometres, on a 3.8 Hectare linear site, with two car parks and new footbridge. Detail is set out in section 2.0 of the Inspector's report.
Development Address	Ballyteige Burrow, Crossfarnoge, Inish and Ballyteige Slob, Kilmore Quay, Co. Wexford.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development comprises a new walking and cycling trail alongside an open drainage channel, with new footpaths alongside the public road, two car parks and a new footbridge. The proposed development would not be exceptional in the context of the existing environment. The development would result in production of some waste at construction stage. However, this is not considered to be significant. The attachment of a standard condition to require the preparation of a CEMP would address these matters. Localised construction impacts would be temporary.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	The size of the proposed development comprising a linear walk and cycling trail along the route of an existing informal trackway is not exceptional in the context of the existing environment. The site is bounded by agricultural farmland to the east and west.

<p>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>	<p>The development will require the removal of a buffer wildlife zone, but this is addressed in the planning assessment. The development will involve works across an open drainage channel, standard conditions can be attached to mitigate environmental impacts. The development will involve works to a structure with some aspects of cultural/engineering interest, but is not listed on the RPS, the NIAH or within an ACA.</p> <p>Designated sites are located in the vicinity and the appeal site coincides with a pNHA, these matters are addressed in the Planning Assessment and Appropriate Assessment sections of the main report.</p> <p>There are no significant cumulative considerations having regard to other existing and/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>The development will require the removal of a wildlife buffer, the impact to this feature will be significant and not addressed by a suitably worded condition. This matter is separately assessed within the Planning Assessment section of the Inspector's Report.</p> <p>A Natura Impact Statement was submitted with the application. Refer to Section 8.0 of the Inspector's Report.</p> <p>The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p style="text-align: center;">Conclusion</p>	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information is not required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR is not required.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

15.0 Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics

Case file: ABP-322097-25

Brief description of project	Construction of a recreational trail of 2.29 kilometres, on a 3.8 Hectare linear site, with two car parks and new footbridge. Detail is set out in section 2.0 of the Inspector's report.
Brief description of development site characteristics and potential impact mechanisms	It is proposed to construct a walking and cycling trail alongside an open drainage channel and construct two car parks. A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the AA screening report/ NIS and other planning documents provided by the applicant. The site is located in proximity to a designated site and within a pNHA. Impact mechanisms may include, construction activity disturbance, removal of important habitats and operational impact mechanisms may include increased human activity along the trail route.

Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	DAU have raised concerns about relying on the conclusions of the NIS in the context that the route of the trail may change and divert within an SAC. The appellants and observers have raised numerous issues with regard to impacts to wildlife in general and designated sites in particular.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

In addition, queries have been raised about the incursion of part of the trail route within the Ballyteige Burrow SAC Site code 000696, in the vicinity of the Sluice House Cottage. I also note that three additional areas of works are proposed outside the red line boundary of the development, within a pNHA and not considered as part of this screening assessment.

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Ballyteige Burrow SAC Site code 000696	1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1150 Coastal lagoons* 1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1410 Mediterranean salt meadows (Juncetalia maritimi) 1420 Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with Ammophila arenaria (white dunes)	0 metres	Hydrological pathway.	Y

	<p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>2150 Atlantic decalcified fixed dunes (Calluno-Ulicetea)*</p> <p>2190 Humid dune slacks</p> <p>https://www.irishstatutebook.ie/eli/2021/si/435/made/en/pdf</p> <p>18 August, 2021.</p>			
<p>Ballyteige</p> <p>Burrow</p> <p>SPA</p> <p>Site code</p> <p>004020</p>	<p>Branta bernicla hrota - Light-bellied Brent Goose</p> <p>Tadorna tadorna – Shelduck</p> <p>Pluvialis apricaria - Golden Plover</p> <p>Pluvialis squatarola - Grey Plover</p> <p>Vanellus Vanellus - Lapwing</p> <p>Limosa limosa - Black-tailed Godwit</p> <p>Limosa lapponica - Bar-tailed Godwit</p> <p>https://www.irishstatutebook.ie/eli/2010/si/383/made/en/print</p> <p>30 July 2010</p> <p>In addition:</p> <p>Wetland and Waterbirds [A999]</p> <p>https://www.npws.ie/protected-sites/spa/004020</p>	727 metres	Hydrological pathway.	Y

	26 May 2025			
--	-------------	--	--	--

Information contained in the applicant’s AA Screening includes: Table 5 of the applicant’s AA Screening Report details estimated zone of influence and figure 31 illustrates a geographical indicative footprint in relation to designated sites. Table 8 details a site summary of trends for Ballyteige taken from Birdwatch Ireland and dated 1994-95 and 2019-20. No ecological surveys were undertaken by the applicant. A Habitat Survey was carried out on the 30 January 2024, and habitats encountered are shown in table 1 of the AA Screening Report.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development could result in direct effects on the SAC.

Sources of impact and likely significant effects are detailed in the Table below.

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects

Ballyteige Burrow SAC Site code 000696	Direct pathway to SAC.	Adverse environmental and ecological effects as a result of water pollution. Secondary effects include disturbance of protected species and the introduction of invasive alien species.	
	Likelihood of significant effects from proposed development (alone): Yes		
	Impacts	Effects	
Ballyteige Burrow SPA Site code 004020	Indirect pathway to SPA:	Adverse environmental and ecological effects as a result of water pollution. Secondary effects include disturbance of protected species and the introduction of invasive alien species.	
	Likelihood of significant effects from proposed development (alone): Yes		

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

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 Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020).

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

I have some concerns with regard to the queries that have been raised about the incursion of part of the trail route within the Ballyteige Burrow SAC Site code 000696, in the vicinity of the Sluice House Cottage, drawing number 213 refers. I also note that three additional areas of works are proposed outside the red line boundary of the development, within a pNHA and not considered as part of this screening assessment, drawing number 218 refers.

Screening Determination**Finding of likely significant effects**

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 Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020) in view of the conservation objectives of a number of qualifying interest features of those sites.

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.

16.0 Appendix 4 - Appropriate Assessment - AA Determination

Appropriate Assessment

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

Taking account of the preceding screening determination at appendix 3 of the Inspector's report, the following is an appropriate assessment of the implications of the proposed development of a walking and cycling trail in view of the relevant conservation objectives of the Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020) based on the scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared Jim Hurley (BSc.)
- Preliminary Design Report
- Site Specific Design Report
- Landscape Drawings
- Appropriate Assessment Screening Report prepared Jim Hurley (BSc.)
- Standard Details Drawings

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

Department of Housing, Local Government and Housing Development Applications Unit – The submission refers to the material submitted in the grounds of appeal. With reference to the redirection of the trail route through the SAC. Such a change in route was not assessed in the original Appropriate Assessment. Any conclusions drawn from the original AA cannot be considered for any new route proposal.

Two observations on the appeal refer as follows:

- Scope of the NIS does not take into account previously tendered works, and other phased parts of the trail.
- Annex 3 of the Wildlife Act have been observed along the trail route (Otter, Pine Martin, Badger and Bats).
- The use of land for the construction of a car park at Forlorn Road, will remove habitat used and occupied by protected species. Lighting will impact on the usability of the lands and canal by protected species.
- The temporary diversion of the trail route into the SAC would result in disturbance of species in the SAC. The NIS states that the development is not directly connected to or necessary for the management of the SAC, this is not correct.
- An Ecological Impact Assessment has not been prepared and should have been.

Ballyteige Burrow SAC (Site code 000696):

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 (iii) Spread of invasive species See section 10 NIS				
Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary) NIS Section 9.1.4	
Estuaries [1130]	To maintain the favourable conservation condition of Estuaries in Ballyteige Burrow SAC.	The site of the proposed development is adjacent to Ballyteige Burrow SAC. Adverse environmental and ecological effects as a result of water pollution. Secondary effects	Standard and Best Practice Construction Procedures Concrete – safe storage, covered sand. Hydrocarbons – no refuelling on site, emergency procedures and spillage kits. SuDS Waste Management Drainage Channel – cleaning, and install catchpit manholes on outfalls, three new drains to adjacent drainage system (at the two car parks and derelict house).	

		include disturbance of protected species and the introduction of invasive alien species.	Routine Walking Surface maintenance and litter picking Public education.	
1140 Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Ballyteige Burrow SAC	As above		
1150 Coastal lagoons	To restore the favourable conservation condition of Coastal lagoons in Ballyteige Burrow SAC	As above		

1310 Salicornia and other annuals colonising mud and sand	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Ballyteige Burrow SAC	As above	As above	
1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	To restore the favourable conservation condition of Atlantic salt meadows (GlaucoPuccinellietalia maritimae) in Ballyteige Burrow SAC	As above	As above	
1410 Mediterranean salt meadows (Juncetalia maritimi)	To maintain the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in Ballyteige Burrow SAC	As above	As above	

1420 Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi)	To restore the favourable conservation condition of Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi) in Ballyteige Burrow SAC	As above	As above	
Other QI's				
1210 Annual vegetation of drift lines	To maintain the favourable conservation condition of Annual vegetation of drift lines in Ballyteige Burrow SAC	Due to the lack of any water dependence, this feature, no potential for adverse effect is anticipated with respect to this QI and it will not be assessed further.		

1220 Perennial vegetation of stony banks	To maintain the favourable conservation condition of Perennial vegetation of stony banks in Ballyteige Burrow SAC	As above.		
2110 Embryonic shifting dunes	To maintain the favourable conservation condition of Embryonic shifting dunes in Ballyteige Burrow SAC			
2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	To maintain the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in Ballyteige Burrow SAC	As above		

2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Ballyteige Burrow SAC,			
2150 Atlantic decalcified fixed dunes (Calluno-Ulicetea)	To maintain the favourable conservation condition of Atlantic decalcified fixed dunes (Calluno-Ulicetea) in Ballyteige Burrow SAC			
2190 Humid dune slacks	Not Stated in Conservation Objectives Series dated 07 Jul 2014 Version 1			
The above table is based on the documentation and information provided on the file, and publicly available at https://www.npws.ie/protected-sites/sac/000696 , and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				

<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation</p> <p>Water quality of the SAC, deterioration of water quality and substrates in the designated site, resulting in adverse impacts to habitats, plant species and plant communities that are qualifying interests that the SAC has been designated for.</p> <p>Mitigation measures and conditions</p> <ul style="list-style-type: none"> • Standard and Best Practice Construction Procedures • Concrete – safe storage, covered sand. • Hydrocarbons – no refuelling on site, emergency procedures and spillage kits. • SuDS features • Waste Management • Drainage Channele – cleaning, and install catchpit manholes on outfalls, three new drains to adjacent drainage system (at the two car parks and derelict house). • Routine Walking Surface maintenance and litter picking • Public education <p>(ii) Disturbance of mobile species</p> <p>As stated above.</p> <p>(iii) Spread of invasive species</p> <p>As stated above.</p>	

<p>Conditions listed at section 12 of the NIS.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality can be captured by a suitably worded planning condition.</p>	
<p>In-combination effects</p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p>Findings and conclusions</p> <p>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 the proposed development can be excluded for the Ballyteige Burrow SAC (Site code 000696). 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 and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.</p>	

Reasonable scientific doubt

I have concerns that some level of reasonable scientific doubt remains as to the absence of adverse effects, given the location of the proposed development that may fall within the boundary of an SAC and that some works within a pNHA have not been considered in this appropriate assessment.

Site Integrity

The proposed development may affect the attainment Conservation objectives of the Ballyteige Burrow SAC (Site code 000696). Adverse effects on site integrity cannot be excluded and some reasonable scientific doubt remains as to the absence of such effects.

Ballyteige Burrow SPA (Site code 004020):**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

(iii) Spread of invasive species

See 10 NIS

Qualifying Interest

Conservation

Potential adverse

Mitigation

features likely to be affected	Objectives Targets and attributes (as relevant - summary)	effects	measures (summary) NIS SECTION 10	
A046 Brent Goose Branta bernicla hrota	To maintain the favourable conservation condition of Light-bellied Brent Goose in Ballyteige Burrow SPA	Knock on adverse impacts via food chains and food webs on the wild birds that are listed as SCIs that the site has been designated for.	Standard and Best Practice Construction Procedures Concrete – safe storage, covered sand. Hydrocarbons – no refuelling on site, emergency procedures and spillage kits. SuDS features Waste Management Drainage Channel – cleaning, and install catchpit manholes on outfalls, three new drains to adjacent drainage system (at the two car parks and derelict house). Routine Walking Surface maintenance and litter picking Public education.	
A048 Shelduck Tadorna tadorna	To maintain the favourable conservation	As above	As above	

	condition of Shelduck in Ballyteige Burrow SPA			
A140 Golden Plover <i>Pluvialis apricaria</i>	To maintain the favourable conservation condition of Golden Plover in Ballyteige Burrow SPA,	As above	As above	
A141 Grey Plover <i>Pluvialis squatarola</i>	To maintain the favourable conservation condition of Grey Plover in Ballyteige Burrow SPA,	As above	As above	
A142 Lapwing <i>Vanellus vanellus</i>	To maintain the favourable conservation condition of Lapwing in Ballyteige Burrow SPA,	As above	As above	
A156 Black-tailed Godwit <i>Limosa limosa</i>	To maintain the favourable conservation condition of Black-tailed Godwit in Ballyteige Burrow SPA,	As above	As above	

A157 Bar-tailed Godwit Limosa lapponica	To maintain the favourable conservation condition of Bar-tailed Godwit in Ballyteige Burrow SPA, w	As above	As above	
A999 Wetlands	To maintain the favourable conservation condition of the wetland habitat in Ballyteige Burrow SPA as a resource for the regularly occurring migratory birds that utilise it.	As above	As above	
The above table is based on the documentation and information provided on the file, and publicly available at https://www.npws.ie/protected-sites/spa/004020 , 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: (i) Water quality degradation, Disturbance of mobile species, Spread of invasive species As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for bird species.				

<p>Mitigation measures and conditions</p> <p>As above for SAC</p>	
<p>In-combination effects</p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p>Findings and conclusions</p> <p>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 the proposed development can be excluded for the Ballyteige Burrow SPA (Site code 004020). 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 and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.</p> <p>Reasonable scientific doubt</p>	

I have concerns that some level of reasonable scientific doubt remains as to the absence of adverse effects, given the location of the proposed development that may fall within the boundary of an SAC and that some works within a pNHA have not been considered in this appropriate assessment.

Site Integrity

The proposed development may affect the attainment Conservation objectives of the Ballyteige Burrow SPA (Site code 004020). Adverse effects on site integrity cannot be excluded and some 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 the Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020) 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, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Ballyteige Burrow SAC (Site code 000696) and Ballyteige Burrow SPA (Site code 004020) cannot be excluded in view of the conservation objectives of these sites and that some level of scientific doubt remains as to the absence of such effects. I have some concerns with regard to the queries that have been raised about the incursion of part of the trail route within the Ballyteige Burrow SAC Site code 000696, in the vicinity of the Sluice House Cottage, drawing number 213 refers. Specifically in relation to the construction phase of the development. I

also note that three additional areas of works are proposed outside the red line boundary of the development, within a pNHA and not considered as part of this screening assessment, drawing number 218 refers.

My conclusion is based on the following:

- The potential for the incursion of part of the trail route within the Ballyteige Burrow SAC Site code 000696, in the vicinity of the Sluice House Cottage. Three additional areas of works are proposed outside the red line boundary of the development, within a pNHA and have not been considered as part of the Appropriate Assessment.
- Doubt remains as to the proposed development and how it will affect the attainment of conservation objectives for the Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031].

17.0 Appendix 5 - Water Framework Directive (WFD) Screening Matrix

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322097-25	Townland, address	Ballyteige Burrow, Crossfarnoge, Inish and Ballyteige Slob, Kilmore Quay, Co. Wexford.
Description of project		<p>The proposed development is for a recreational trail of 2.29 kilometres, on a 3.8 Hectare linear site along the banks of a drainage channel, with two car parks and new footbridge, the detail includes:</p> <p>Southern Car Park: Construction of a new car park at the junction of Ballyteige Burrow Road (L3056) with the Forlorn Road (L7089). The car park will accommodate 23 car spaces with one way entry from Forlorn Road (L7089) and exit to Ballyteige Burrow Road (L3056). The parking will include two disabled spaces, four electric charge bays, picnic tables, bike rack and repair kiosk and a zebra pedestrian crossing with beacon lights across the Ballyteige Burrow Road (L3056).</p> <p>Linear works comprising:</p>	

	<p>Ballyteige Burrow Road: On the western side of the road, construction of a 2 metres wide concrete cycle and pedestrian roadside path, 325 metres long from the Cottage Pump House to the entrance of Sofrimar Plant.</p> <p>On the eastern side of the road, construct a 2 metres pedestrian footpath, 525 metres long from Castle View (L30561) to Ard na Ba Road (L30564).</p> <p>Recreation Trail: Construct a 3 metres wide cycle and pedestrian trail along the drainage channel towpath from Sofrimar to Ballyburn Crossroads.</p> <p>The off-road trail will be 1.78 kilometres gravel path with 23 metres long prefabricated footbridge at Sofrimar, together with bike rack and repair kiosk</p> <p>The off-road trail includes four concrete slab farm crossing points at Field E, G, J and M, stockproof fencing and gates, culverts and signage,</p> <p>The off-road trail includes headwalls and mammal passes at drainage ditches at a number of locations including at the intersection of Field C and D, Field D and E, and headwalls at the intersection of Field D and G, Field L and K, two at Field M, Field P.</p> <p>Headwalls will also be constructed at the western boundaries of Fields P, O, N and M.</p> <p>Ballyburn Crossroad Carpark: Construction of a 22 space carpark with access off Ballyteige Burrow Road (L3056). The parking will consist of two</p>
--	---

	disabled spaces, four electric charge bays, picnic tables and bike rack and repair kiosk.
Brief site description, relevant to WFD Screening,	A full description of the development site can be found at section 1.0 of my report, in summary the walking cycling trail will be located on the banks of an open drainage channel.
Proposed surface water details	SuDS features, surface water run off rates to be restricted to greenfield rates.
Proposed water supply source & available capacity	None.
Proposed wastewater treatment system & available capacity, other issues	None.
Others?	None.
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River ¹	280	Ballyteige_Burrow_010 IE_SE_13B330460	SW 2016-2021 Poor	Review	Unknown.	Surface run-off
Transitional ²	280	Ballyteige Channels IE_SE_080_0200	SW 2016-2021 Poor	Review	Unknown.	Surface run-off
Coastal ³	160	Eastern Celtic Sea (HAs 13;17)	SW 2016-2021 High across all conditions	Not at Risk	Unknown.	Surface run-off

¹ https://www.catchments.ie/data/#/waterbody/IE_SE_13B330460?_k=w7mdwq

² https://www.catchments.ie/data/#/waterbody/IE_SE_080_0200?_k=mocuw6

³ https://www.catchments.ie/data/#/waterbody/IE_SE_050_0000?_k=jf9bsn

		IE_SE_050_000					
Groundwater ⁴	0	Bridgetown IE_SE_G_02 2	GW 2016-2021 Good across all conditions	Not at risk	Unknown.	Infiltration to groundwater	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Ballyteige_Burrow_010	Existing drainage ditches.	Siltation, pH (concrete),	Standard construction practice,	No.	Screened out.

⁴ https://www.catchments.ie/data/#/waterbody/IE_SE_G_022?_k=wqbo5g

		IE_SE_1 3B33046 0		hydrocarbon spillages.	submission of a CEMP, construction in accordance with IFI Guidelines on protection of fisheries during construction works in and adjacent to waters.		
2.	Surface	Ballyteig e Channels IE_SE_0 80_0200	Existing drainage ditches.	Siltation, pH (concrete), hydrocarbon spillages.	Standard construction practice, submission of a CEMP,	No.	Screened out.

					construction in accordance with IFI Guidelines on protection of fisheries during construction works in and adjacent to waters.		
3.	Surface	Eastern Celtic Sea (HAs 13;17) IE_SE_050_0000	Existing drainage ditches.	Siltation, pH (concrete), hydrocarbon spillages.	Standard construction practice, submission of a CEMP, construction in	No.	Screened out.

					accordance with IFI Guidelines on protection of fisheries during construction works in and adjacent to waters.		
4.	Ground	Bridgetown IE_SE_G_022	Pathway exists.	Hydrocarbon spillages.	Standard construction practice, submission of a CEMP, construction in accordance with IFI	No.	Screened out.

					Guidelines on protection of fisheries during construction works in and adjacent to waters.		
OPERATIONAL PHASE							
1.	Surface	Ballyteig e_Burrow _010 IE_SE_1 3B33046 0	Existing drainage ditches.	Hydrocarbon spillages.	SuDS Features, hydrocarbo n interceptor.	No.	Screened out.
2.	Surface	Ballyteig e Channels	Existing drainage ditches.	Hydrocarbon spillages.	SuDS Features, hydrocarbo	No.	Screened out.

		IE_SE_0 80_0200			n interceptor.		
3.	Surface	Eastern Celtic Sea (HAs 13;17) IE_SE_0 50_0000	Existing drainage ditches.	Hydrocarbon spillages.	SuDS Features, hydrocarbo n interceptor.	No.	Screened out.
4.	Ground	Bridgeto wn IE_SE_G _022	Pathway exists.	Hydrocarbon spillages.	SuDS Features, hydrocarbo n interceptor.	No.	Screened out.
DECOMMISSIONING PHASE							
1.							