



An  
Coimisiún  
Pleanála

## Specialist Report:

### Ecology

**R322097\_Addendum report**

**Direction from Commission:**

**Appropriate Assessment**

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<b>Development</b>	Kilmore Recreation Trail, Kilmore Quay, County Wexford
<b>Type of Application</b>	Planning appeal 3 <sup>rd</sup> Party
<b>Topic</b>	Direction from Commission: Appropriate Assessment and Biodiversity
<b>Ecologist</b>	Maeve Flynn BSc. PhD. MCIEEM
<b>Planning Inspector</b>	Stephen Rhys Thomas

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## **1.0 Introduction**

### **1.1. Background**

- 1.1.1. Case ABP-322097-25 relates to Kilmore Recreation Trail, a 2.2km walkway, two car parks and all associated works at Kilmore Quay, County Wexford. A Direction from the Planning Commissioner dated 16/07/2025 requested that Screening for Appropriate Assessment and Appropriate Assessment be undertaken by the Inspectorate Ecologist notwithstanding the assessment undertaken by the Planning Inspector.
- 1.1.2. A Natura impact statement (NIS), including screening for Appropriate Assessment (AA) was prepared by Jim Hurrley of SWC Promotions which formed the basis for the Appropriate Assessment undertaken by Wexford County Council in granting permission for the proposed development.
- 1.1.3. Ecological issues comprise a significant element of third-party appeal with detailed observations submitted regarding protected species and impacts on sites designated for nature conservation.
- 1.1.4. The proposed development lies adjacent to Ballyteige Burrow SAC at the southernmost end and overlaps with the more extensive Ballyteige Burrow proposed Natural Heritage Area (pNHA). Ballyteige Burrow SPA overlaps in part with the SAC designation but is not immediately adjacent to any element of the proposed development at a distance of over 700m at the closest point.
- 1.1.5. In my examination of the documents on file including the Planning Inspectors report, I note that the Inspector appears to accept the conclusions on of the NIS in terms of the description of the development as presented. Where the aspect of uncertainty arose in the Inspectors AA was in relation to the consideration of alternative routes that the appellant states were discussed as options in meetings due to the exclusion of works within the curtilage of Sluice Cottage.
- 1.1.6. I note that these options were not submitted as Further Information in relation to how the proposed footpath will interact with the Sluice Cottage. I also note that the Planning report from Wexford County Council states that the proposal can be accommodated within the red line boundary.

1.1.7. Therefore, my assessment, as directed by the Commission, is focused only on the project description presented by the Kilmore Quay Community Development Association and does not consider the trail diversion raised in the appeal submissions or by the Department of Housing, Local Government and Heritage that relate to an unassessed diversion within the boundary of Ballyteige Burrow SAC.

## **1.2. Scope of report**

- 1.2.1. This report to the Commission includes a review of the NIS taking account of documents on the case file, Screening for Appropriate Assessment (stage1) and Appropriate Assessment (stage 2).
- 1.2.2. In my capacity of Inspectorate Ecologist with over 20 years professional experience, I have the relevant expertise to advise on and undertake Appropriate Assessment (AA) for the proposed works.
- 1.2.3. I have reviewed and examined the NIS including relevant appendices and figures. The documents have been reviewed with respect to the following current best practice guidance:
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
  - EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
  - CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.3
- 1.2.4. **Note on Procedure**
- 1.2.5. The first step in AA screening is to determine if screening is actually required. Projects that are directly connected to the management of a SAC or SPA are do not require consideration under the provisions of Article 6(3). This refers to projects that comprise habitat or species management plans to support achievement of conservation measures and are generally undertaken by nature conservation bodies.

- 1.2.6. Therefore, in addressing a point raised in public submissions, the proposed development does not fall under this category, i.e. it is not connected to the management of any European Site and requires consideration under the provisions of Article 6(3) of the EU Habitats Directive and Part XAB of the Planning and Development Act 2000 as amended.
- 1.2.7. AA is a focused assessment of the implications of a proposed development on Sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) under the EU Habitats and Birds Directives. The assessment should be focused on the qualifying interest features only i.e. the habitats and species for which the site is designated.
- 1.2.8. Therefore, the NIS and any subsequent AA undertaken by the relevant competent authority should not include other species that are not listed for the European Site(s). Where there is potential for significant impacts on biodiversity and or protected species not listed for the relevant European sites, a separate ecological impact assessment report should be provided.

## **2.0 Biodiversity**

### **2.1. Ecological Impact Assessment**

- 2.1.1. I note the direction from the Commission is related to AA only, however it is my professional opinion that there are significant omissions in relation to impacts on biodiversity.
- 2.1.2. An Ecological Impact Assessment report (EclA), separate to the NIS, should have been prepared to address potentially significant impacts on biodiversity including species listed on Annex IV of the Habitats Directive and impacts on local sites of biodiversity importance such as Ballyteige Burrow proposed Natural Heritage Areas (pNHA) which extends over a greater area than the SAC and into which the proposed scheme encroaches.
- 2.1.3. Based on the documentation submitted, I am of the view that insufficient ecological survey has been undertaken to inform an assessment of potential impacts on biodiversity including protected species. This also applies to the baseline information that is required to inform the NIS.

- 2.1.4. Only one walkover survey, conducted in January 2023 is reported in the NIS and no standard methodology is referenced for that survey. January is suboptimal period for flora survey however, a general habitat classification can be obtained. Habitat descriptions are provided with reference to Fossitt 2000 however, there is no quantitative information on the extent of the habitats, no evaluation on the quality or conservation value of the habitats is presented or degree of impact. No habitat map of the area of the proposed scheme is provided.
- 2.1.5. There is no evidence of a mammal survey, breeding or wintering bird survey being undertaken despite records of Otter in the area and the proximity to the SPA designated for wintering birds. Section 4.1.9 of the NIS states that no evidence of resting or breeding places for protected species were found during the walk over survey but there is no indication of the level of survey or methodology employed. I note that these issues are raised in the 3rd party appeal and were also raised in the original planning application to Wexford County Council. The consideration of protected species in section 8.5 of the NIS appears to be desk based and is not adequate for assessment of potential impacts of otter, bats or birds.
- 2.1.6. I note in particular the detailed submission by Mr Mike Bates who has a background in Zoology and aquatic science. He provides photographic evidence (unverified) of Otter and a cub at the canal / sluice cottage steps which is indicative of a holt in the vicinity and a breeding territory along the canal. Photographs of badger and pine martin (unverified) were also submitted. Mr Bates also provided photographs of an excavated burrow entrance within an area of dense bracken within the vicinity of the proposed Forlorn Road car park raising concern regarding the level of site survey undertaken for the proposed development.
- 2.1.7. It is my professional opinion that the consideration of impacts on protected species is inadequate. The proposed development includes a number of physical interventions along the main drainage channel, and while relatively minor they include a footbridge, installation of concrete headwall and piping and works around 5 number existing bridge crossing. There is no indication that these areas were examined for otter activity, and no mitigation measures are proposed to prevent or reduce potential disturbance. Given that otter is a species requiring strict protection as listed on Annex IV of the Habitats Directive, I consider that the

application is not in alignment with requirements of Section 52 of the European Communities (Birds and Habitats) Regulations 2011.

### **3.0 Implications for European Sites**

#### **3.1. Natura Impact Statement Review**

- 3.1.1. I have reviewed the NIS and while in general it conforms to the standard staged assessment, I am not satisfied that there has been adequate consideration of the ecological baseline. I consider that assessment of potential impacts from the construction of the Forlorn Road car park in particular have been underestimated given the proximity to the drainage channel and the channels connection to marine waters of adjacent European Sites. Mitigation measures for protection of water quality and silt management are very general and not specific to the protection of downstream European sites. Section 10 of the NIS conflates 'screening' with the integrity test.
- 3.1.2. I have undertaken AA Screening and AA for the proposed development as requested by An Coimisiún Pleanála in Tables 1 and 2 and my conclusions are as follows:

#### **3.2. Appropriate Assessment**

#### **3.3. Screening (stage 1)**

In screening the need for appropriate assessment, it was not possible to exclude the possibility that the proposed development alone would result in significant effects on Ballyteige Burrow SAC, Ballyteige Burrow SPA or Saltee Islands SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

#### **Appropriate Assessment (Stage 2)**

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations I consider that there are gaps in the scientific information submitted and it is not possible to reach clear precise and definitive findings regarding the exclusion of adverse effects on the site integrity of Ballyteige Burrow SAC, Ballyteige Burrow SPA or Saltee Islands SAC.

My conclusion is based on the following:

- Inadequate baseline information
- Incomplete evaluation of potential impacts alone and in combination with other plans and projects
- General and nonspecific mitigation measures related to prevention of water pollution – particularly at Forlorn car park

**Signed**



Maeve Flynn

Senior Ecologist (Inspectorate)

05/11/2025



## Table 1: Screening for Appropriate Assessment

### Stage 1: Test for likely significant effects

#### Step 1: Description of the project and local site characteristics

<b>Brief description of project</b>	<p>Kilmore recreation trail</p> <p>2.2km walking trail from Kilmore Quay to intersection with L-9010-1 Cross of Ballyburn comprising:</p> <ul style="list-style-type: none"> <li>• car park at the southern trailhead (Forlorn Road car park- 23 car spaces, 4 x charging points, bicycle racks, 2 x picnic tables)</li> <li>• footpath from car park to Sofrimar seafood processing factory</li> <li>• footbridge spanning channel at Sofrimar</li> <li>• 3m wide recreation trail along west bank to Cross of Ballyburn</li> <li>• car park at Cross of Ballyburn (Ballyburn Cross car park- 19 car spaces, 4 x charging points, bike rack)</li> </ul>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development as described is located adjacent to but outside of Ballyteige Burrow SAC. For most of its length the proposed walkway follows along a drainage channel managed by the Office of Public works. The wider area is characterized by farmland on polder drained by numerous channels known locally as Ballyteige Slob. There are existing (unmanaged) paths through the sand dunes between Kilmore beach and Ballyteigue Burrow car park (note this habitat by is mapped by NPWS as priority habitat 2130 Fixed coastal dunes with herbaceous vegetation ('grey dunes').</p> <p>The proposed development will require site clearance, excavation and ground works including installation of hydrocarbon interceptors at the proposed car parks, ground works for the installation of new footpaths and surfacing of the proposed trail.</p> <p>Potential impact mechanisms include: direct/ indirect impacts from:</p> <ul style="list-style-type: none"> <li>• Construction related pollution and increased sedimentation via surface water discharge to adjacent drainage channel and marine waters,</li> <li>• Disturbance to QI species / SCI species from construction /operational noise / increased human disturbance</li> <li>• Introduction/ spread of invasive plant species</li> </ul>

Screening report	Yes, Included as part of Naura Impact Statement  Prepared by Jim Hurley SWC Promotions			
Natura Impact Statement	Yes			
Relevant submissions	Third party appeal concerns regarding protected species.  The Department of Housing, Local Government and Heritage made observations via DAU raising concerns about impacts on the Ballyteige Burrow SAC if alternative trails are required on the SAC side of the canal.			
<p>Of note: It is unclear from the project description if a footpath is proposed for both sides of the Forlorn Road. However, drawings and Fig 10 in NIS show 2m concrete footpaths on both sides of the road up to the Sofimar seafood processing factory. It is on this basis that I am assuming that the pathway can be accommodated despite the exclusion of the Sluice Cottage curtilage.</p>				
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<p>The screening report identified 15 European sites within 15 km of the proposed development (see NIS tables 2 and 3), further refining the number of sites within 5km as listed below in view of the source, pathway, receptor model of impact prediction. The screening stage detailed in the NIS refines the potential zone of influence to 500m. However, I consider this distance may underestimate the potential impact reach of hydrological connections.</p> <p>Note: The Screening report / NIS incorrectly includes Ballyteige Burrow SPA and SAC as one European Site</p>				
European Site  (code)	Qualifying interests <sup>1</sup>  Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup>  Y/N
Ballyteige Burrow SAC  (000696)	12 x Coastal and 2x marine habitats including estuaries, coastal lagoons, salt meadows, Sand Dune habitats	Immediately adjacent for circa 500m along the southern portion of the proposed walkway:	Yes  hydrological connection via surface water  Adjacent to sand dune	Yes

		including car park and footpath,  Northern extent of trail and northern carpark located outside but in vicinity of SAC boundary which covers Ballyteige channels	habitat (grey dunes, priority habitat) at southern extent (separated by drainage channel)	
Ballyteige Burrow SPA (004020)	Wintering birds x 7 species  Wetland habitat	Within 700m at closest point  (SPA overlaps with proportion of Sac	Yes (weak)  Indirect  Possible ex-situ	Yes
Seas off Wexford cSPA (004237)	20 x seabird species	Within 200m at closest point- the main channel discharges directly into the sea at an area included within this SPA	Yes  hydrological connection via surface water	Yes
Saltee Islands SAC (4237)	5 x coastal and marine habitats including mudflats, reefs, vegetated sea cliffs  Grey Seal	Within 350 m at closest point, over 600m via coastal waters  QI: Large shallow inlets and bay intertidal reef complex mapped along adjacent coastline	Yes (weak)  Indirect via marine waters	yes

<sup>1</sup> Summary description

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

<b>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</b>		
<b>Site name</b> <b>Qualifying interest (QI) features</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
<b>QI in potential zone of influence in Bold</b>	<b>Impacts</b>	<b>Potential Effects</b>
<b>Site 1: Ballyteige Burrow SAC (000696)</b>  <b>Estuaries</b>  <b>Mudflats and sandflats not covered by seawater at low tide</b>  <b>Coastal lagoons</b> Annual vegetation of drift lines Perennial vegetation of stony banks  <b>Salicornia and other annuals colonising mud and sand</b>  <b>Atlantic salt meadows (Glauco-Puccinellietalia maritima)</b>  <b>Mediterranean salt meadows (Juncetalia maritimi)</b>  <b>Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi)</b>  Embryonic shifting dunes  <b>Shifting dunes along the shoreline with Ammophila arenaria (white dunes)</b>  <b>Fixed coastal dunes with herbaceous vegetation (grey dunes)</b>  Atlantic decalcified fixed dunes (Calluno-Ulicetea)  Humid dune slacks	Direct: No direct impact- All aspects of the proposal are outside of the SAC boundary  Indirect: hydrological  Potential for negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.  Despite proximity to Dune habitat 2130 and 2120 no aspect of the proposed development is proposed to encroach on the SAC.  Spread of invasive species	Decreased water quality: negative effect on habitat quality/ function which could undermine conservation objectives related to receiving coastal habitats
	Possibility of significant effects (alone) in view of the conservation objectives of the site  <b>Yes</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Ballyteige Burrow SPA (004020)</b>	No direct impacts	Decreased water quality: negative effect

<p>Light-bellied Brent Goose, Shelduck, Golden Plover, Grey Plover, Lapwing, Black-tailed Godwit, Bar-tailed Godwit</p> <p><b>Wetland and Waterbirds</b></p>	<p>Indirect: hydrological</p> <p>Low potential for negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Temporary disturbance from human disturbance / noise during construction and operation.</p>	<p>on habitat quality/ function which could undermine conservation objectives related to receiving marine habitats (wetland habitats): mudflats as above and Ballyteige channels</p> <p>Ex situ disturbance if QI species occur in significant numbers adjacent to the development (i.e. outside of the SPA) during construction/ operational phase (over winter months)</p>
	<p><b>Likelihood of significant effects from proposed development (alone): Yes/ uncertainty as to degree of potential impacts</b></p>	
	Impacts	Effects
<p><b>Seas off Wexford cSPA</b></p> <p>(004237)</p> <p>Red-throated Diver, Fulmar, Manx Shearwater, Gannet, Cormorant, Shag, Common Scoter, Mediterranean Gull, Black-headed Gull, Lesser Black-backed Gull, Herring Gull, Kittiwake, Roseate Tern, Common Tern, Arctic Tern, Guillemot, Razorbill, Puffin, Sandwich Tern, Little Tern</p>	<p>Indirect: hydrological</p> <p>Low potential for negative impacts (temporary) on receiving marine water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Temporary disturbance from human disturbance / noise during construction and operation.</p>	<p>Water quality is not listed in conservation objectives, however, fish prey can be affected by deteriorations in water quality. Based on the scale of the proposed development, it is highly unlikely to generate effects of a magnitude that could significantly affect conservation objectives associated with this SPA.</p>
	<p><b>Likelihood of significant effects from proposed development (alone): No</b></p> <p>This SPA is designated for the Marine open water habitats required for the listed species. Whilst some potential for temporary deterioration of receiving marine water quality could result from the construction phase of the proposed development, the conservation</p>	

	objectives of this site would not be undermined, and no significant effects are likely.	
<b>Saltee Islands SAC</b>  (4237)  Mudflats and sandflats not covered by seawater at low tide  Large shallow inlets and bays  <b>Reefs [1170]</b>  Vegetated sea cliffs of the Atlantic and Baltic coasts  Submerged or partially submerged sea caves  Grey Seal	No direct impacts  Indirect: potential for negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.  Temporary disturbance from human disturbance / noise during construction and operation.	Low possibility  Decreased water quality: negative effect on habitat quality/ function which could undermine conservation objectives related to receiving marine habitats: Reefs
	<b>Likelihood of significant effects from proposed development (alone): Yes/ uncertain</b>  The NIS excluded the likelihood of significant effects based on the estimated zone of influence. However, reef habitat contiguous with habitat included in the SAC is present at the coastline where the channel discharges into the sea. In an unmanaged or poorly managed scenario at the car park construction site, there is potential for suspended sediment/ construction related pollutants to reach this habitat which could result in temporary impacts/ increased sedimentation of sensitive habitat.	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Ballyteige Burrow SAC, Ballyteige Burrow SPA or Saltee Islands SAC from effects associated with water pollution, human disturbance and invasive species potentially resulting in decreased habitat quality and disturbance of species listed for these sites.  An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.  <b>Proceed to AA.</b>		

## Table 2: Appropriate Assessment

### (Stage 2 AA) Integrity Test

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

Taking account of the preceding screening determination, the following is an appropriate assessment (AA) of the implications of the proposed development in view of the relevant conservation objectives of Ballyteige Burrow SAC, Ballyteige Burrow SPA and Saltee Islands SAC based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon for the AA includes the following:

- Natura Impact Statement prepared by SWC Promotions
- Conservation objectives for the European Sites and supporting documents from NPWS.ie

### European sites

- Ballyteige Burrow SAC(000696)
- Ballyteige Burrow SPA (004020)
- Saltee Islands SAC( 4237)

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

- Water quality degradation (construction and operation)
- Disturbance of SCI bird species (construction and operation)
- Spread of invasive species (construction- excluded in NIS)

See NIS Tables 6, 7, 12 and 14

### Ballyteige Burrow SAC (000696)

Qualifying Interest features likely to be affected	Conservation Objectives  Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)  From NIS SECTION 9
Estuaries	Maintain favourable conservation condition	Potential to undermine natural condition of community type	

Mudflats and sandflats not covered by seawater at low tide	Maintain favourable conservation condition	(mudflats at southern coastal boundary of SAC in closest proximity)	Best practice measures- unspecified  Management of concrete, hydrocarbons
Coastal Lagoons	Restore favourable conservation condition	Potential to undermine water quality targets if source impacts of sufficient magnitude reach Ballyteige channels to North	Silt management via SUDs principles – not specified  Drainage channel clearance and cleaning (not assessed)
Salicornia and other annuals colonising mud and sand  Atlantic salt meadows (Glauco-Puccinellietalia maritimae)  Mediterranean salt meadows  Mediterranean and thermo-Atlantic halophilous scrubs	Maintain favourable conservation condition  Restore favourable conservation condition  Maintain favourable conservation condition  Restore favourable conservation condition	Given distance from any likely source impacts and positioning these habitats are unlikely to be adversely affected by the proposed development	Raising public awareness
Ballyteige Burrow SPA (004020)			
Light-bellied Brent Goose, Shelduck, Golden Plover, Grey Plover, Lapwing, Black-tailed Godwit, Bar-tailed Godwit	Maintain favourable conservation condition  Long term population trend stable or increasing  No significant decrease in the range, timing or intensity of use of areas	Potential to undermine habitat quality for foraging if source impacts of sufficient magnitude reach Ballyteige channels to North  No examination of potential ex-situ effects (disturbance) which are linked to attainment of objective 1.	As above for water quality



Wetland and Waterbirds	<b>Maintain favourable conservation condition</b>  Area	No adverse effects on area	
<b>Saltee Islands SAC ( 004237)</b>			
Reefs	Maintain favourable conservation condition  Community structure: maintained in a natural condition -Intertidal reef community complex; and Laminaria dominated community	Not considered in NIS as not screened in by applicant.  Examination of conservation objectives (map 4 and 5) shows this habitat is continuous along shoreline and the outfall of the main drainage channel.  Potential to undermine natural condition of community type	As above
<b>Assessment</b>  <b>Water quality degradation</b>  <p>The potential for deterioration of water quality and associated decreases in habitat quality is listed as a primary impact of the proposed development. This would be a temporary impact during construction and a potentially ongoing impact if not managed during operation at the proposed car parks in particular.</p> <p>However, there is a lack of detail on the implications for individual habitats, and I consider that the assessment of potential impacts from the construction of the Forlorn Road car park in particular, has been underestimated given the proximity to the drainage channel and short connection to marine waters of adjacent European Sites.</p> <b>Mitigation measures and conditions</b>  <p>The mitigation measures presented in Section 9 of the NIS are general and no specific measures for the prevention of ingress of suspended solids to avoid siltation of surface water are presented.</p> <p>Site works undertaken <i>in line with best practice</i> is not explained in view of any industry standards and there appears to be a reliance on measures mandated by conditions, however this is not an approach that is suitable for AA. The mitigation measures must be shown to be effective in preventing adverse effects. It is not possible to condition measures that have not been assessed.</p> <p>Similarly, the reference to SuDS principles is open to interpretation by the eventual contractor giving rise to uncertainty as to how these measures would be effective in preventing ingress of suspended solids to surface water and receiving QI habitats.</p>			

### **Disturbance of mobile species**

Ballyteige Burrow SAC does not list any mobile species (Annex II) in the conservation objectives and Grey Seal QI for Saltee islands SAC would not be significantly affected in view of its conservation objectives and scale of the proposed development.

In section 8.9 of the NIS, the author excludes ex-situ as an issue as 'no potential impacts arise'. However, there is no reference to wintering birds associated with Ballyteige SPA being present/absent within a potential zone of influence/ disturbance along the trail route for either construction phase or during the operational phase. Disturbance is listed as a potential impact mechanism, but it is not followed through in the assessment.

This is a lacuna in the overall assessment.

### **Spread of invasive species**

While identified as possible impact mechanism, the spread of invasive species was excluded from requiring detailed assessment in the NIS (Section 8.6). No invasive species were identified during the walk over survey and the introduction of invasive plants excluded as no soil would be imported.

### **Mitigation measures and conditions**

None provided for as excluded as a potential impact

### **In-combination effects**

in-combination effects have been considered in the NIS. A list of planning applications (all granted) in the zone of influence is presented in Table 11 but no assessment or conclusion regarding possible in combination effects is presented.

Figure 37 also presents planning permissions in the wider area, but no assessment is undertaken.

### **Findings and conclusions**

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

Despite the relatively modest scale of the proposed development, I am not satisfied that there has been adequate consideration of the ecological baseline and the assessment of impacts is incomplete in not considering disturbance impacts on wintering birds associated with the SPA or in an ex-situ capacity. I consider that assessment of potential impacts from the construction of the Forlorn Road car park in particular, is underestimated given the proximity to the drainage channel and the channels connection to marine waters of adjacent European Sites. I consider that the exclusion of potential significant effects on the Saltee islands SAC in screening stage of the NIS was incorrect given the proximity of reef habitat to the mouth of the drainage channel at Kilmore Quay.

I consider that the mitigation measures proposed for protection of water quality and silt management are very general and not specific to the protection of downstream European sites. In combination effects have not been adequately examined and Section 10 of the NIS conflates 'screening' with the integrity test.

Therefore, given these gaps in the overall assessment it is not possible to come to clear, precise and definitive findings regarding impacts on the integrity of European sites from this proposed development.

### **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 Ballyteige Burrow SAC, Ballyteige Burrow SPA and Saltee Islands SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V/ 177AE was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations I consider that there are gaps in the scientific information submitted and it is not possible to reach clear precise and definitive findings regarding the exclusion of adverse effects on the site integrity of Ballyteige Burrow SAC, Ballyteige Burrow SPA or Saltee Islands SAC.

My conclusion is based on the following:

- Inadequate baseline information
- Incomplete evaluation of potential impacts
- General and nonspecific mitigation measures related to prevention of water pollution – particularly at Forlorn car park