Inspector's Report

ACP-323124-25

Development	Removal of 2 no. existing wastewater treatment units and installation of 1 no. new wastewater treatment system, construction of a helicopter landing area & associated site works in grounds of a Protected Structure.
Location	Ballynatray House, Ballynatray Estate, Youghal, Co Waterford.
Planning Authority	Waterford County Council
Planning Authority Reg. Ref.	2460637
Applicant(s)	Christopher Nicholson
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	David Orr
Observer(s)	None
Date of Site Inspection	5th September 2025
Inspector	Suzanne Kehely

Contents

See also separate appended documents

R323124_App1 prepared by Emmet Smyth, Scientist, Inspectorate

R323124_App2 prepared by Maeve Flynn, Senior Ecologist, Inspectorate

1.0 Site Location and Description

1.1. The subject site of 0.123ha is part of the substantial grounds of Ballynatray Demesne as outlined in blue and located substantially on the western bank of the River Blackwater 5km from Youghal in Cork but within Co. Waterford. The Demesne comprises Ballynatray House, a private residence with stables and walled garden immediately to its west. There are also typical ancillary structures such as, gate lodges, coach house and boat house as observed and set in an expansive parkland setting which is actively farmed. There are three driveway entrances to the estate with the main entrance off a local road (L2004) some 3km from the N25 and this entrance was under repair works at time of inspection. The proposed development site comprises two separate development areas.

1.2. The first relates to a grassed lawn area on the southern side of the driveway to the principal estate house (described in the documentation as the House) and north of the wetlands as part of the Blackwater riverbank. This site is a linear strip connecting the western end of the House and attendant stable yard to the existing and proposed relocated wastewater treatment systems further west of the house.

1.3. The second site area is a small part of a field under grass and located 525m to the northeast of the House. The field has a gated entrance off the driveway/internal estate road network and is separated from this road by a mature hedgerow. The field is moderately elevated and rises above the river over which there are expansive views. There are extensive tree belts and woodland in the wider setting.

1.4. I inspected the site accompanied by the estate manager. Extensive work associated with the restoration of the House and ancillary structures was underway. I did not inspect any interiors. Photographs illustrate the site and context at time of inspection.

2.0 Proposed Development

2.1. The proposed development has two distinct elements comprising:

a) **A new 20PE wastewater treatment system** to replace two existing 10PE wastewater treatment systems, de-commissioning and removal of two existing wastewater treatment units and raised percolation areas installed in 1998 under planning ref. 96/725 and the installation of a new wastewater treatment

system. The new wastewater treatment unit will have similar treatment capacity to the combined treatment capacity of the existing systems and will serve the estate and ancillary accommodation. It will incorporate tertiary treatment to bring the treated effluent to the required standard for discharge to the adjoining wetland. The foul drainage from the accommodation will flow by gravity to the proposed new treatment system as shown on the Proposed Foul Drainage Layout drawing reference number 24023-100-P1. The location of the proposed treatment plant is not at risk of flooding. It will require a discharge license from WCC. A technical specification is provided with effluent discharge standards.

The construction elements of this involve:

i. Mobilise and install site fencing.

ii. Install temporary steel sheet piling to perimeter of excavation for new treatment plant.

iii. Excavate soil to required formation depth.

iv. De-water excavation via a hydrodynamic separator to remove sediment and floatables and discharge water to existing surface water drainage system.

v. Install GRP treatment and sand filter units.

vi. Pour concrete anti-flotation encasement of GRP units.

vii. Place stockpiled subsoil from the estate to raise ground levels at new units and install manhole and access chamber covers.

viii. Remove temporary steel sheet piling.

ix. Lay connecting drainage to, and from, new treatment unit.

x. Install new precast concrete headwall at outlet to reedbed.

xi. Commission new treatment plant.

xii. De-commission existing redundant treatment units and remove units and redundant drainage pipework. Fill excavations with stockpiled subsoil from the estate. All waste materials will be removed offsite in accordance with all relevant regulations.

b) **Construction of a helicopter landing area** and associated the site works. The landing area comprises 27.4m by 27.4m of grasscrete with a grasscrete

path (2.6m x 37.5m) connecting to the internal estate road to the South. The build-up will consist of 100mm deep grasscrete pavers over 15mm sand bedding on 350 millimetres hardcore with inset green and white landing lights. A 10m high wind indicator mast with one metred cubed deep concrete base is required. This is to the side of the helicopter landing area along the road edge. The NIS provides operational flight details in term of frequency (50 trips per annum) and flight routers away from the estuary..

2.2. The application details include:

- A site characterisation form
- An Architectural Heritage Impact Assessment by Consarc Conservation
- An Archaeological Desktop Assessment by Daniel Noonan archaeological consultant
- An ecological assessment by Gerry Tobin BSC.(ZOOLOGY) MA. Ecological Consultant
- An Engineering services report by David Kelly Partnership Consulting Engineers
- Pollution Prevention Construction Environmental Management Plan by David Kelly Partnership Consulting Engineers
- An NIS prepared by Ecology Ireland Wildlife Consultants Ltd.
- Letters of consent

2.3. Documentation submitted on 24th November 2025 to the Commission in response to a section 132 notice includes:

- A Water Framework Directive and Assimilative Capacity Assessment. This demonstrates that the proposed wastewater treatment plant will not deteriorate the waterbody status of the receiving waters.
- NIS- addendum: In this it is further confirmed that there are no pollutant linkages as a result of the proposed wastewater treatment system that could give rise to a water quality impact that would alter the habitat requirement of the adjacent SAC.
- A rationale for discharge to waters of treated effluent from proposed wastewater treatment system: This document explains the reason for discharging treated effluent of a new wastewater treatment system into surface waters rather than groundwater. It explains:

- The existing treatment arrangement with two wastewater treatment systems was installed in 1998 to serve the house and the stable yard and each has capacity of 8000 litres. Current systems discharge to percolation areas adjacent to a Reed bed with expected treated wastewater quality including BOD < 20mg/l and suspended solids < 30mg/l. The proposed arrangement is for a new treatment unit with tertiary treatment for higher quality effluent discharge to surface waters. It has a design capacity of 20 PE and will significantly improve effluent quality by achieving BOD < 10mg/l and suspended solids < 10mg/l. It is explained that the new system allows for higher treatment levels and ongoing monitoring with enhancing oversight compared to the percolation areas. Discharging to the reed bed facilitates additional natural treatment before reaching the River Blackwater.Overall, the proposed arrangement ensures a more controlled and higher quality discharge to receiving waters.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By Order dated 27th June 2025 the panning authority (PA) issued a notification of decision to Grant Permission subject to 8 conditions:

C1	Standard compliance – emphasising NIS mitigation and flight path in NIS as well as clarifying non-commercial use of helipad.
C2	CEMP with additional built heritage protection measures.
C3	Landscaping of kiosk to be agreed. Windsock Mast to be lowered when not in use.
C4	Wastewater treatment system to be in accordance with recommendation in the site characterisation form as updated and treated effluent to a percolation area. Indemnity and maintenance agreement also required.
C5	Disposal of septic tank

C6	Surface water discharge control
C7	Implementation of mitigation measures in AHIA
C8	Archaeological monitoring

3.2. Planning Authority Reports

3.2.1. Planning Reports: The initial report sets out the extensive planning history and makes reference to previous discussion for ancillary development, but no pre-planning meeting was held about this particular case. The assessment focuses on both natural and built heritage reports. In terms of the WWTS it is acknowledged that as this is a surface water discharge, a Section 4 Discharge Licence is required to be issued by WCCC before the proposed works can commence. A Discharge Licence cannot be issued until all required information regarding the receiving waters is fully known and properly understood and information is considered inadequate. Both internal and external (DAU) heritage reports have been referenced in the writing of the assessment. The helipad does not alter existing levels and when not in use will not be obvious. The site of same is c.500m north east of Ballynatray House and there is no visual linkage to same. The proposal will not impact on the character and setting of the Protected Structure.

3.2.2. The main issue arising was:

- the omission of a Natura Impact Statement to enable a full appropriate assessment as raised by the DAU.
- The applicant's EcIA which focused on the helipad works did not provide sufficient information.
- An EIA is not required
- The Water Framework Directive Assessment report briefly states classes of waterbodies within 1km and concludes that no high status objective waterbodies were found in this range.
- Further information was sought in respect of
    - Provision of an NIS

- More details on ecological impact
- operational Helipad details and impacts
- Clarity on flood data as included in the Engineering report and consideration of direct pathway to Natura site (Blackwater River)

3.2.3. In the report of 16th June 2025 this information was to the satisfaction of the planning authority in that having consulted the Heritage Officer referral response and the helipad noting location and field type where birds of interest are not regularly present, it is considered the development would not have an adverse impact on the integrity of the Blackwater SAC or the Blackwater Estuary, SPA. and permission was recommended.

3.2.4. Technical Reports

Conservation Officer: From a conservation perspective the proposal is acceptable. It is noted that:

- Waste Water Treatment Plant (WWTS) proposed to the west of Ballynatray House and directly south of the stable yard, will be located on the northern margin of the freshwater marsh between the mainland and Molana Abbey. While noting the proposed works are immediately adjacent to the stable yard and the house, it appears that provision of such will not have a visible or physical impact on the setting or vista of Ballynatray House Demesne.
- The helicopter landing area is proposed for a greenfield location and in an area elevated above the House. It is noted that the 10m mast can be lowered when not in use. There is an access road in situ at the moment. Some additional grasscrete surfaces will be provided. There is no direct line of sight between it and the House, and monuments such as Molana Abbey, owing to the intervening mature tree coverage. It is noted that archaeological mitigation in the form of monitoring of groundworks associated with the development of the helicopter landing area is recommended.

No objections raised. A condition is recommended to protect the upstanding structures during construction and in respect of landscaping kiosk and lowering windsock.

Heritage Officer:

- Notes concerns raised by DAU regarding Nature Conservation and the need for an NIS.

3.3. **Prescribed Bodies**

3.3.1. Department of Housing, Local Government and Heritage: In its submission to the planning authority the following points are made.

Archaeology : The site is noted to be located within the confines of Recorded Monument WA0037-005 house – 17th century, which is subject to statutory protection in the Record of Monuments and Places, in addition to being located in the environs of Recorded Monuments WA037-011001 Religious house – Augustinian canons, WA037-012 weir – fish, WA037-013 church and WA037-014 tower house. This Department concurs with the findings and recommended mitigation strategy outlined in the archaeological report. It is recommended that the following archaeological conditions be attached to any grant of planning permission to ensure the protection of the archaeological heritage. No objection subject to recommended conditions.

Nature Conservation: No assessment of the impact of the works on the habitats within the SAC. In addition to the potential direct impacts of the footprint of works, detailed description of how the required excavations will be carried out is absent from the report raising the potential for spill over into adjoining habitats through disposal of excavated material, movement of machinery etc. It appears to this Department that these works require full Appropriate Assessment before it could be concluded that they will not adversely affect the integrity of the Blackwater River (Cork/Waterford) SAC,

No further submission were made to the planning authority or to ACP.

3.3.2. An Taisce: In an email to ACP on 12th September 2025 An Taisce states its support of the thirty party regarding concerns about disturbance impact on an SAC and SPA. No elaboration is made.

3.4. **Third Party Observations**

A number of observations objecting to the helipad were submitted and considered by the planning authority. The issues are reiterated in the grounds of appeal and relate to noise and disturbance and impacts, particularly on wildlife.

4.0 Planning History

4.1. There is an extensive planning history for works on the estate. These are included in the PA planning report. Notably:

- PA ref 2460360 refers to permission for works to Ballynatray House to include demolitions of an 1980s single storey extension of 280sq.m. and construction of new extension of 43 sq.m., alterations to landscaping and garden walls and minor internal alterations.

5.0 Policy Context

5.1. **Development Plan - <u>Waterford County Development Plan 2022-2028 (CDP)</u>**

5.1.1. **Volume 1** - Specific objectives of note:

- BH 01 Record of Protected Structures
- BH 06 Architectural Heritage Impact Assessment
- BH 12 Settings and Vistas: It is the policy of the Council to ensure the protection of the settings and vistas of Protected Structures, and historic buildings within and adjacent to ACAs from any works which would result in the loss or damage to their special character.
- BH 18 Protecting our Demesnes: It is a policy of Council to:
  • Protect and promote the setting and visual amenity of historic gardens and designed landscapes.
  • Protect all elements of historic gardens and designed landscapes including structures, tree planting schemes, manmade features such as waterways, boundary features within the attendant grounds of Protected Structures.
  • Proposed development which have the potential to visually or physically impact on the character and/or the appearance of an historic designed landscape should

be justified through a Design Landscape Assessment /Architectural Heritage Impact Assessment.

- AH 01 National Monuments Act
- AH 04 Archaeological Impact Considerations
- BD 01 We will protect and conserve all sites designated or proposed for designation as sites of nature conservation value.
- BD 03, 04 and 05 refer to AA and European sites.
- ENV 04 Air and Energy – management of noise levels
- BD 13 prevent unnecessary noise and light disturbance to wildlife habitats

5.1.2. **Volume 2 - Noise and Amenity:** In terms of noise regulation this forms part of criteria in a number of development management objectives. For example, DM45 relates to home based economic activity in so far as it ancillary to the main residential use and in determining applications for such, consideration is given to:

- The type of business proposed;
- The nature and extent of the work;
- The proposed times of operation;
- Anticipated levels of traffic generated by the proposal, accessibility, and car-parking;
- The effects on the amenities of the adjoining occupiers particularly in relation to hours of work, noise and general disturbance;
- Members of the public in terms of numbers coming and going from the premises; at what times; car-parking/traffic/noise generated from visiting members of the public;
- Whether the proposals require deliveries to be received & how this will be dealt with; and,
- Arrangements for storage and collection of waste.

5.1.3. **Volume 2 - Noise and Pollution Control**: In terms of minimising excessive noise and adverse impacts on the environment DM 52 seeks to:

- To ensure that developments which are subject to the requirements of the Air Pollution Act 1987 and Air Pollution (Licensing of Industrial Plant) Regulations 1988 or any subsequent regulations meet appropriate emission standards and other relevant national and international standards.

- To seek to minimise noise and dust through the planning process by ensuring that the design of developments incorporate measures to prevent or mitigate the transmission of dust, noise and vibration, where appropriate.
- To ensure that appropriate mitigation measures to counter noise impact are implemented at all new developments to limit exposure to high noise areas.
- Ensure that traffic noise levels are considered as part of all new developments along National routes, major roads (as identified in the Council's Noise Action Plan6) and rail lines. This includes, but is not limited to, consulting with the current Noise Action Plan, Planning Advice Note on Noise, strategic noise maps and the EPA noise maps7, or any update thereof, as identification of areas that are within the subject criteria of the Regulations for noise exposure. Future developments are required to take account of designated quiet areas as in accordance with the Noise Action Plan. Any development near a designated quiet area will be subject to additional scrutiny so as to ensure that the quiet area is not impacted and may be prohibited in certain cases.
- New developments adjacent to major roads are required carry out a Noise Impact Assessment to ensure noise levels are compliant with thresholds in the Noise Action Plan or any relevant thresholds as may be specified by the Council.
- To ensure that lighting is carefully and sensitively designed as per Waterford City and County Council public lighting specifications8.
- To require that the design of external lighting minimises the incidence of light spillage or pollution into the surrounding environment.

5.2. **Volume 4 - Maps of the Waterford County Development Plan**

5.2.1. In the Natural Heritage Map the landscape and Seascape Character of the county is mapped. The subject site has a range of designations from 'Low Sensitive' to 'High Sensitive' to 'Most sensitive'. The helipad site is in a 'Low Sensitive' area, and the treatment plant is in a 'High Sensitive' area.

5.3. **Natural Heritage Designations**

- The proposed wastewater treatment system works are largely located within the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code: 002170).
- The proposed helicopter landing area is outside of any designated area the associated helicopter flights may have a significant disturbance effect on the adjoining Blackwater Estuary Special Protection Area (SPA) (Site Code: 004028)

6.0 **Water Framework Directive**

6.1. The European Union Water Framework Directive (WFD) aims to improve water quality and applies to all water bodies. Member States are required to achieve 'good' status in all waters and must ensure that status does not deteriorate.

6.2. The development site for the proposed wastewater treatment system is in grasslands alongside the western shore of the Blackwater River and is otherwise part of the wider attendant grounds which include tilled land. The hydrological connection is only through the surface water discharge with a consequent direct impact on this river waterbody, although percolation area suggests a pathway to groundwater.

6.3. No water quality concerns were raised by the planning authority.

6.4. Having regard to the report of the ACP Scientist, further information was needed to determine the assimilative capacity of the receiving waters to enable further assessment. The applicant was therefore requested to demonstrate that the receiving waters using Q95 flow and DWF (Dry Water Flow) have adequate assimilative capacity to accommodate the discharge at maximum discharge without having a detrimental impact on the existing condition of the waters.

6.5. In response to this, the applicant has submitted a Water framework Directive and Assimilative Capacity Assessment Report (AWN report) which demonstrates how the proposed development will not cause such deterioration to the waterbody's status. The report concludes that ' it has been assessed that it is unlikely that the proposed development will cause any significant deterioration or change on its waterbody status or prevent attainment or potential to achieve objective to meet the requirements and /or objectives in the RBMP 2022-2027.'

6.6. As part of the rationale for the development it is also explained in further information submitted to the commission that the new wastewater treatment unit will have a similar treatment to the combined treatment capacity of the existing systems and will serve the estate and ancillary accommodation. It will incorporate tertiary treatment (not included in the current treatment systems) to allow discharge to waters, ensuring the treated effluent to the required standard for discharge to the adjoining wetland. The new treatment system is based on the submerged aerated filtration process and has been chosen by the applicant for its robust, consistent treatment process to discharge within limit requirements and also for its ability to deal with variable flows and loads. The system is tested and certified to EN12566 Part 3.

6.7. The system is capable of treating effluent to a significantly higher quality (by a factor of 2-3) than that from the existing systems with following nutrient composition.

Biochemical Oxygen Demand <10 mg/l
Suspended Solids <10 mg/l
Ammonia NH4-N <3 mg/l
Total N <5 mg/l
Total P <2 mg/l

6.8. The submitted details were reviewed by the ACP scientist who is of the opinion that the submitted details more than adequately demonstrate the ability of the receiving water to accept the discharge and assimilate it without having a detrimental impact on the quality of the receiving waters.

6.9. In respect of the option proposed to discharge to waters it is considered compliant with the 2021 Code of Practice subject to a section 4 Local authority discharge licence to waters which will I consider provide an ongoing means of monitoring.

6.10. The Awn Report determines the assimilative capacity by reference to threshold values required to achieve ‘Good’ Status in River Waterbodies (SI 77/2019) and by measuring the baseline concentration upstream and downstream of the discharge point. (See Tables 5-4 and 5-5.) The quantitative effect is such that the proposed discharge flow for the proposed wastewater treatment plant is approximately 0.1 l/s (0.0001 m^3/s) according to the Engineering Services Report prepared by David Kelly

Partnership (DKP) in March 2025, which is negligible compared to the estimated Q95 flow of 16.12 m³/s.

6.11. The AWN analysis demonstrates that the loading from the proposed discharge will be orders of magnitude below the assimilative capacity of the receiving waterbody i.e. the Lower Blackwater M Estuary / Youghal Harbour transitional waterbody. The incremental increase in concentrations attributable to the proposed numerically discharge are described as negligible, at 0.00006 mg/l for BOD, 0.00002 mg/l for Ammonia as N, and 0.00001 mg/l for Orthophosphate as P. These imperceptible differences are orders of magnitude below the assimilative capacity of the receiving waterbody i.e. the Lower Blackwater M Estuary / Youghal Harbour transitional waterbody.

6.12. In further calculation of assimilative capacity versus Discharge Load it is further demonstrated that the proposed discharge will remain well within the assimilative capacity of the Lower Blackwater M Estuary / Youghal Harbour transitional waterbody

6.13. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

6.14. The reason for this conclusion is based on:

- The scale of works and nature of development and
- The calculation in the Awn Report demonstrating that the proposed discharge will remain well within the assimilative capacity of the Lower Blackwater M Estuary / Youghal Harbour transitional waterbody and therefore No exceedance of water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019 is expected.

6.15. 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. (Refer to Appendix 3 for screening matrix).

7.0 EIA Screening

7.1. The development is not a type listed under Schedule 5, Part 1 or Part 2 of the Planning and Development Regulations 2001 as amended. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (Refer to Appendix 1 for Preliminary Examination.)

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. The is one third party appeal and the grounds relate to proximity of the helipad to the River Blackwater and impacts on both residents and wildlife in that:

- The helicopters will have a high impact approaching, landing and taking off.
- The noise will be amplified by the valley which will reverberate sound over a considerable distance,
- The route is over Ardsallagh Woodlands with is designated for protections and directly opposite the stie,
- There is a high risk of disturbance to wildlife around site which is home to a large number of species of birds and mammals.
- The area is a nesting site for herons, egret, cormorant and birds of prey which nest high in trees and would be at risk from low flying craft. Other birds are listed as being sighted. It is hoped that they can avail of sheltered protection.
- The development is unwarranted in an area of such special interest and value.

8.2. Planning Authority Response

- No comment.

8.3. First Party Response

8.3.1. In a submission received on 27th May 2025, the agent for the applicant rebuts the grounds of appeal by way of detailed reference to the NIS preparation and findings and notably the contribution by an expert ecologist on birds/wildlife and aviation and strike management (Dr Fennessy – co-author of IAA Guidance on Bird and Wildlife Strike Managements at Aerodromes) and concludes with the following key points in the submission:

- The development is positive in so far as there are no issues with the proposed wastewater treatment plant having regard to the council's assessments and conclusion that the proposed system would result in a distinct improvement compared to existing septic tanks.
- The Conservation Officer for the planning authority raises no objection to either component in terms of impact on built heritage.
- The proposed helipad is outside the SAC and any other Nature 2000 designated area and the potential impact on same has been fully assessed in terms of the relevant qualifying interests.
- The QI species for the Blackwater SPA are only present for 6 months of the year and in very low numbers if any and the approved flight paths relating to the helipad use are directed away from the Estuary.
- The NIS concludes that there is no likelihood of significant disturbance effects on species of conservation interest associated with the Blackwater SPA and this is supported in the Heritages Officer conclusion that the that subject to implementation with the mitigation measures in section 4.2 (of the NIS) the proposed development will not give rise to adverse impacts on the integrity of the Blackwater SPA or SAC.
- Due to the scale and nature of the helipad and operations and distance between the site and neighbouring residential properties it is not considered to result in any unacceptable adverse impact on residential amenity due to noise and disturbance.

8.4. **Observations**

- None

9.0 Assessment

9.1. **Issues**

9.1.1. Having reviewed the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, the main issue of contention relates to the proposed helipad having regard to the impact of helicopter noise on the environment which includes a range of wildlife species and also impact on the residents of the area. While not a matter of dispute, I consider having regard to the protected status of the Demesne, impact on this setting is a relevant contextual consideration. Having regard to the provisions of the Water Framework Directive and the nature of the wastewater treatment works, a detailed assessment is also required. Accordingly, the main issues for assessment are:

- Impact on architectural heritage and landscape character
- Impact of helipad on wildlife
- Impact on residential amenity
- Water Quality
- Appropriate Assessment

9.2. **Expert Input**

9.2.1. As part of my assessment input was sought from both a senior ecologist (Dr Meave Flynn) and scientist (Emmett Smyth) and these reports are appended to the file in separate documents and should be read in conjunction with this report.

9.3. **Impact on architectural heritage and landscape character**

9.4. In terms of architectural heritage context, the proposal development is located in the demesne lands of Ballynatray House, a Protected Structure and the grounds are also included in the National Inventory of Architectural Heritage (Garden survey) as

summarised in Figure 1.4.1 of the applicant's Architectural Heritage Impact Assessment prepared by Consarc Conservation submitted with the planning application. This report also describes the main elements of the setting in section 2.2.3 and the proposed works in terms of impact on the built heritage.

9.4.1. In terms of landscape context, a portion of the estate along the riverbank is designated as 'Most Sensitive' in the CDP Landscape and Seascape Character Map with the remainder being a mix of 'High Sensitive' and 'Low sensitive'. A protected view of local significance exists from the East Bank of the river looking north. (Reference 26 - Ardsallagh)

9.4.2. The proposed wastewater treatment system relates to substantially subterranean work. It comprises a high-performance aerated filter packaged unit with associated tertiary sand filter and control kiosk, new pipework and manholes connecting to the house and stables with outfalls from these at the existing locations. The new unit will be south of the stables in the grassed planted area to the south of the access road. While the unit is underground, the kiosk will be one metre above ground with dimensions of 1.2m x 2.015m x 1m (h) which will be screened by existing planting and this is intended to be retained and notably works do not involve any intervention with original fabric. In the absence of any upstanding structures of any significance, in the context of the curtilage and landscaping setting of the House and ancillary structures or Demesne landscape setting as viewed for example from across the River, I concur with the applicant's description in the AHA of the impact as 'imperceptible' and that therefore there will be no adverse visible impact. I note the reports of both the Planning Authority's internal Heritage and Conservation Departments and the DAU and that any adverse impacts on the built heritage and setting are unlikely and that there are no objections raised. Accordingly, as the works relate to partly disturbed ground (for septic tanks) in a grassland habitat which will subject o modest relevelling and will be re-instated with grass sods, I am satisfied there is no discernible impact on the integrity of the demesne gardens as specifically included in the NIAH (site 603 Garden Survey) or attendant grounds as a consequence of the treatment plant development. Therefore, there will be no impact on the local landscape classed as High Sensitive where there is 'some capacity to absorb a limited range of appropriate new development' as described in the County Development Plan.

9.4.3. Similarly in respect of the helipad construction, the works relate to a small area that constitutes a fraction of a large grass field and removed from any upstanding features of conservation interest. While there is some localised alteration of the subsurface with hardcore to support the grasscrete surface, it is reasonable to conclude that there will be no discernible alteration in the landscape, either locally, or in the wider setting. I note the retractable mast and operational ground level lighting for intermittent use and sting inside a hedgerow as visual mitigation. This area is located in a low sensitive category in terms of the landscape character in the Waterford County Development Plan and where there is potential to absorb a wide range of new development (CDP), although this is moderated by the built heritage designations which require a more sensitive approach. In this context and given the nature of the existing grass crop use and the small grasscrete surface on a very small part of the field which will be retained in tillage use, I am satisfied that there will be no discernible alteration of the landscape in either the local or wider landscape character.

9.4.4. In terms of archaeological impact, given the relatively small and limited extent of works and as it is unlikely that any significant archaeological disturbance is likely to occur, this can be addressed by way of standard monitoring conditions and I note the DAU comments in this regard. Of note, the DAU concurs with the findings and recommended mitigation strategy in the submitted Archaeological Desktop Assessment (Daniel Noonan, 30th October 2024) as part of the planning application. It is recommended that particular archaeological conditions be attached to a grant of planning permission to ensure the protection of the archaeological heritage. This I note aligns with the OPR Practice Note PN03: Planning Conditions (October 2022) and was attached to the planning authority's decision. In the event of permission, I consider this should be attached with only minor adjustment in wording to reflect wording used by ACP while reflecting the requirements of the DAU.

9.4.5. Accordingly, I am satisfied that there is no basis to refuse permission on grounds of impact to the landscape character by reason of visual impact or impact on the integrity of the setting of Ballynatray House, a protected structure or the features identified in the NIAH or Site and Monuments Records.

9.5. **Impact on residential amenity**

9.5.1. The concerns in this regard centre on the noise and disturbance as a consequence of the proposed helipad use. The proposed operational use is described in the NIS in response to the PA request for further information. This sets out the flight paths and frequency with an estimated 50 trips per annum as clarified in pages 22 and 23 of the NIS.

9.5.2. Details of the proposed flight frequency, aircraft involved and the typical flight paths were provided upon request. It is envisaged that there will be c. 50 flights per annum serving the proposed helicopter landing area. I understand this to be 50 helicopter landings. The aircraft that will chiefly be involved in movements to and from the landing area is the AgustaWestland AW139, a helicopter also stated to be used by the Irish Air Corps and to have a current CAA Noise Certificate with a rating of approach at 94.1 EPNdB, overflight noise at 90.7 EPNdB and take-off noise at 90.3 EPNdB. The helicopter will not be stationed or hangered at Ballynatray. Flights are anticipated to occur any time of day, but the landing area and lighting is designed to only be in operation when flights are anticipated and incorporate retractable windsock and controlled lighting. The currently agreed flight plans are illustrated in Plate 3.1, Plate 3.2 and Plate 3.3. The flight bearings and altitudes are illustrated and show that the approved routes are directed away from the estuary. At the stated arrival and departure altitudes (c. 1,000 feet) it is submitted that operations are unlikely to illicit a significant disturbance/displacement effect on birds occurring locally on the estuary.

9.5.3. The planning authority concluded that while concerns regarding noise and disturbance on the human population are noted, it is considered that the proposed helicopter landings amounting to circa 50 flights per annum would be acceptable from a human health perspective.

9.5.4. I note from the landholding map and flight path details (in the NIS) which provide co-ordinates and mapped approved routes, that the points of descension/ reaching ascension is not lower than 304m (1000feet) at approx 2.3km from the proposed landing area and that the routes substantially traverse the private lands of the applicant's holding on an approximate north-west/south-east axis. However, when I plotted the co-ordinates on the ACP ordnance survey map in GIS portal, the co-

ordinates location relative to the terrain and properties is marginally different to that presented in Plate3.1 by the pink line on the satellite image. By my estimation the co-ordinate points of 52º00.32'N/7º54.31'W is approx. 2.3km west of the helipad and corresponds to a cluster of dwellings in the approach path. The pink line route showing the approach route to the helipad as presented is preferable as it is just south of a cluster of dwellings. The southern western point (blue line) in the same Plate 3.1 corresponds to the woodland embankment along the Glendine River where there are no dwellings. A condition requiring adherence to the graphically depicted pink line route could I consider address this. Notably, the routes do not traverse the Blackwater River where such an expansive surface water body could amplify noise – a specific concern in the objections. Given the flight routes to and from the landing area across the Demesne and directed away from the estuary and that the helipad is c 280 m from the river bank and at a greater distance from properties across the river, (stated in the applicant's response to be 1km from the appellant) and that the helicopter operations and particularly the landing area are well buffered by the landholding and surrounding rural landscape within the demesne, the opportunity for impact on residential amenity is very limited.

9.5.5. I further note the reference in the NIS to research findings that disturbance manifested in alertness of some bird species at altitudes of up to 450m has been recorded for older aircraft. In this case, which uses more modern certified aircraft suggests that the 1000ft (300m) clearance for intermittent and infrequent use would not in my opinion be demonstrably intrusive for humans in a rural farmland setting where farm machinery and vehicles are part of the land and crop management.

9.5.6. Accordingly, I consider the conclusion of the planning authority to be reasonable in this regard and do not consider that the proposed development would give rise to serious injury to residential amenity and therefore does not constitute grounds for refusal of permission.

9.6. **Impact on wildlife**

9.6.1. The main grounds of appeal are on the basis of impact of the helicopter operations on the wildlife by reason of noise and disturbance and having regard to the environmental sensitivity of the woodlands and estuarine setting of the Blackwater

River - its ecological significance underlined by the designations and range of species in support.

9.6.2. For example, the helicopter route is criticised for being over Ardsallagh Woodlands (part of a special area of conservation) and directly opposite the site. The location of the route is submitted to be where there is a high risk of disturbance to wildlife given that it provides habitats for a large number of species of birds and mammals.

9.7. The appellant makes the case that the area is a nesting site for herons, egret, cormorant and birds of prey which nest high in trees and would therefore be at risk from low flying craft. The shoreline also supports a range of wading bird species and whooper swans in addition to otters, while other mammals such as red squirrels, foxes, deer, badgers and stoats. The site while small is described as an oasis for a range of species.

9.8. The application is supported by a range of technical reports which includes an EcIA and NIS and subsequently a water quality impact assessment data. The EcIA is narrow in focus and is based on site visits and published information whereas the NIS expands more on impacts on effects on sensitive bird species.

9.9. As part of my assessment the input of the ACP Senior Ecologist Dr Maeve Flynn was sought in terms of the robustness of the information submitted on biodiversity, impact on ecology and more particularly the impact of helicopter operations on the bird species that are QI for the Natura sites. This report dated 30/9/2025 is appended. In particular, it is noted by Dr. Flynn that the NIS had the benefit of input from Dr. Fennessy a highly qualified and experienced ecologist with demonstrated experience in ornithology and bird/aviation interactions. In respect of helicopter movements , Dr. Flynn notes that, by reference to published studies, such were examined for significant disturbance potential of SCI birds and that Dr Fennessy concluded that the timing, type of helicopter, arrival and departure altitude and agreed flight paths directed from the estuary may cause some localised and short-term disturbance but are unlikely to illicit a significant disturbance or displacement on birds occurring locally in the estuary. Dr. Flynn notes energic costs to birds will not be significant and birds would be expected to return to foraging /roosting behaviours. Also, there is no obvious barrier to birds for temporary alternative foraging or roosting areas.

9.9.1. Dr Flynn further notes that the Ecological Impact Assessment Report submitted initially to the PA is limited in focus and not in accordance with best practice. However, in terms of bats Dr Flynn states that as no hedgerow habitat, mature trees or relevant structures are to be removed, there will be no direct impact on bats. While bats have been recorded foraging, no assessment of disturbance is presented, it is considered in her professional opinion that it is likely that the short duration of sporadic noise caused by helicopter landing and take-off if at dusk/dawn, will result in temporary disturbance of foraging species. However, given bats highly mobile nature and the wide availability of similar habitat over the estate area, no significant effects would be expected by such disturbance. The reference to bat boxes is not therefore considered relevant and should be disregarded. (It is likely that the study formed part of preparation for other works involving structures on the Estate as part of a previous application.)

9.9.2. In terms of the species that may be disturbed, Dr Flynn expresses the view that the breeding birds are the most sensitive with birds on the nest being the most vulnerable. While no surveys for these species are presented, it is considered that given the localised temporary and infrequent nature of the helicopter activity, that the same rationale that informed the findings of no significant effects on wintering bird species can be reasonably applied to other species present on the site. In this regard I note the open and moderately elevated field setting of the helipad set back from the woodland area which is to be retained. I also note the plotted helicopter flight paths away from the shoreline and its adjacent wooded area which provides both shelter for woodland species and a buffer to the shore from the helipad site. Given this set back (and an approx. setback of 290m from the helipad to the shoreline) and recommended buffer a range for bird species sensitive to disturbance, being from 100m and up to 300m for five of the QI bird species and up to 200m-500m for the Wigeon (as listed by Dr. Flynn in Table 1 of her report), some buffer will be provided for all such species in the event of short lived and infrequent disturbance. Within this area there are no obvious barriers to movements of birds. I consider it reasonable to conclude that more vulnerable of species given the avian character and use of trees tops have ample opportunity to move to nearby alternative locations in the same or similar habitat in the event of disturbance.

9.9.3. In respect of potential indirect impacts of works and operations relating to the proposed wastewater treatment plant, as the works relate to part of an SAC this is addressed in the appropriate assessment. Indirect impact on wildlife through water quality is also addressed separately with the input of the ACP scientist. The works which will be carried out in accordance and Pollution Prevention Construction Environmental Management Plan include specific habitat protection measures, in addition to a comprehensive range of measures to protect the environment and terrestrial and aquatic species that foraging and inhabit the area and which contribute biodiversity. Such measures are further safeguarded by monitoring and environmental audit in the CEMP and most notably by the s.4 surface water discharge licensing parameters.

9.9.4. I consider, on balance, having regard to the limited nature of works and nature and frequency of the helipad use at a rate of what I understand to be 50 landings per annum in an expansive parkland setting that in overall terms, the proposed development does not pose a significant adverse risk to the protection of wildlife in the area. I consider a containment of use by condition is appropriate so as to prevent incremental intensification of use in the absence of assessment of impacts and in the interest of clarity. I do not consider impacts on wildlife to constitute reasonable ground for refusal.

9.10. **Water Quality**

9.10.1. The key issue in this case is the proximity of the WWTS to the river which is vulnerable as it classed as ‘at risk’. No water quality concerns were raised by the planning authority however the present condition of the receiving waters according to the EPA’s data is as follows:

> IE_SW_020_ 0100 Lower Blackwater M Estuary Youghal is a transitional water and the receiving waters for the proposed discharge and of moderate ecological status hence the status ‘at risk’. Present conditions indicate the waters to be at risk, with pressures attributed to agricultural activities impacting on nutrient and organic pollution and associated impact on ecology within the waters.

9.10.2. The ACP scientist Emmet Smyth, having reviewed the documentation raised concerns in relation to these risks to receiving waters yet an absence of data on assimilative capacity. In this regard he noted the following:

- While noting the treatment performance of the plant operating at the highest level and the maximum volumes, proposed treated effluent will add 9g of Ammonia, 30g of suspended solids, 15g of Total nitrogen etc to the surface waters/marsh waters.
- The proposed treatment system as described will require a Section 4 discharge license to discharge to surface waters via existing marshlands to the Blackwater River SAC 002170.
- There are no details in the information submitted to the planning authority regarding the ability of the waters to assimilate the effluent as described above notwithstanding its proximity to Blackwater SAC and discharge to marshland on the banks of the Blackwater SAC and potential impacts.
- Given the direct discharge of treated effluent to waters under the proposed authorisation of a Section 4 Discharge licence this development proposal would need to, as a minimum, be at least screened for a Water Status Impact Assessment.
- Any proposal that could affect the water environment shall demonstrate that they will not cause a deterioration of the status of waterbody/s within their area and furthermore will not cause a deterioration of the status or inhibit the future achievement of good status.
- The site has brown earths and brown podzolics to the north of the site which would be excellent for groundwater discharge and would be sub threshold for licence requirement for a groundwater discharge given the maximum daily loading, hydraulic 20 PE X 150 = 3000 litres per day hydraulic and 1200g Biological load per day.

9.10.3. Further information was accordingly requested by a section 132 notice in respect of the assimilative capacity of the receiving waters to enable further assessment. A rationale was also requested for the proposed system discharging to surface water rather than groundwater.

9.10.4. In respect of water quality issues, the applicant was specifically requested to demonstrate that the receiving waters, using Q95 flow and DWF (Dry Water Flow)

have adequate assimilative capacity to accommodate the discharge at maximum discharge without having a detrimental impact on the existing condition of the waters. In response, the applicant submitted a Water framework Directive and Assimilative Capacity Assessment Report which demonstrates how the proposed development will not cause such deterioration to the waterbody's status. The report concludes that ' it has been assessed that it is unlikely that the proposed development will cause any significant deterioration or change on its waterbody status or prevent attainment or potential to achieve objective to meet the requirements and /or objectives in the RBMP 2022-2027.'

9.10.5. The basis for this is in terms of the overall effluent treatment system approach in that the new wastewater treatment unit will have a similar treatment capacity to the combined treatment capacity of the existing systems and will continue to serve the estate and ancillary accommodation but will be upgraded. The new treatment system will have a design capacity of 20 PE, equivalent to the combined capacity of the existing systems and is therefore comparable in terms of use of the current system and will not I consider result in any material increase in effluent discharge . The new system is described as a significant upgrade in that it will incorporate tertiary treatment which is not presently in the current treatment systems and this will allow discharge of treated effluent to the required standard to the adjoining wetland and waters. The new treatment system is described as being based on the submerged aerated filtration process, chosen for its robust, consistent treatment process to discharge limit requirements and its ability to deal with variable flows and loads. It is therefore I consider, a system appropriate for intermittent use which may be a scenario for this private residence. The system has I note been tested and certified to EN12566 Part 3.

9.10.6. It is stated that the treated effluent will be of a significantly higher quality (by a factor of 2-3) than that from the existing systems and this is accepted by the ACP scientist and the following nutrient composition is therefore reasonably achievable.

Biochemical Oxygen Demand <10 mg/l
Suspended Solids <10 mg/l
Ammonia NH4-N <3 mg/l
Total N <5 mg/l
Total P <2 mg/l

9.10.7. In terms of alternative siting, the applicant does not explain the rationale other than the reference to the existing connections and system. I note in the applicant's engineering report that the pipework is by gravity and in this regard, I note the steep incline of the road, moving east, beyond the front of the House. While not specifically mentioned, the well-drained lands to the north are elevated and would likely rely on a pumping system in addition to extensive new pipe work potentially through gardens and potentially involving considerably more disruptive works to the landscaped grounds which included in the NIAH and also within the curtilage of both the House and stables that are features of the Protected Structure. While this does not justify any pollution of the receiving waters, I consider that where the system is demonstrated to be capable of operating within effluent parameters there is no justifiable reason to seek its relocation.

9.11. It is further concluded that 'there are no pollutant linkages as a result of the proposed development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites located within the Lower Blackwater M Estuary /Youghal Harbour transitional waterbody.

9.12. The submitted details were reviewed by the ACP scientist who is of the opinion that the submitted details more than adequately demonstrate the ability of the receiving water to accept the discharge and assimilate it without having a detrimental impact on the quality of the receiving waters.

9.13. In respect of the option proposed to discharge to waters it is considered compliant with the 2021 Code of Practice subject to a section 4 Local authority discharge licence to waters which will therefore provide an ongoing means of monitoring through the licensing regime. I therefore consider a condition of general compliance with planning authority standards in accordance with the submitted details to be an appropriate condition in the event of a grant of permission.

9.14. In view of the foregoing and having regard to the conclusions of the WFD assessment, I consider it reasonable to conclude that there will be no deterioration in water quality or indirect impact on aquatic species as a consequence of the proposed development.

10.0 **AA Screening**

10.1.1. The proposed development has been considered in light of the assessment requirements S177U of the Planning and Development Act 2000 as amended. (See Appendix 2 of this report.)

10.1.2. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Estuary SPA (Site Code: 004028) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

10.1.3. In reaching this determination expert opinion was sought by the planning Inspector as to whether this is a reasonable conclusion having regard to the following:

- The bird species listed for the SPA,
- The nature and extent of helicopter flight and landings,
- Other information in the ecological assessment (separate report prepared by Gerard Tobin)
- Objections and concerns about noise and disturbance of bird species in quiet woodlands

10.1.4. Following an examination, analysis and evaluation of the NIS, all associated material submitted, further information submitted to the commission, and taking into account observations of the Department of Housing, Local Government and Heritage and the expert opinion of the ACP ecologist and also the scientist and also having regard to the standard of water quality as clarified in the applicant's assimilative capacity assessment submitted to ACP (in response to a section 132 Notice), I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Estuary SPA (Site Code: 004028) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of decommissioning and construction wors and operational elements having regard to the nature and scale of works which amount to an upgrade of the existing system, mitigation measures and impacts.

- The location of the WWTS in a habitat not listed for the Reiver Blackwater SAC.
- The nature of the QI features that are dependant on water quality in attainment of respective conservation objectives.
- Ex-situ disturbance of SCI bird species and Otter from construction related disturbance can been excluded due to the temporary and very localised nature of the works and timing of the works will avoid periods of high activity for these species.
- The proposed development will not affect the attainment of conservation objectives for the QI of either the SPA or SAC.
- Effectiveness of mitigation measures proposed adoption of CEM and specified operating parameters of the wastewater treatment system.
- Application of planning conditions to ensure implementation of mitigation measures.

NIS Addendum

10.1.5. The NIS addendum reflects the WFD assimilative capacity report and the findings of the NIS do not change and the conclusion of no adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC or Blackwater Estuary SPA remains valid. On this basis, and the absence of any material change in findings, circulation of further documentation was not warranted.

11.0 Recommendation

I recommend that the decision of the planning authority be upheld and that permission be granted for the proposed development based on the following reasons and considerations and subject to the conditions hereunder.

Reasons and Considerations

Having regard to the limited scale and nature of works, frequency and general routes of helicopter flights and ancillary nature of the proposed development in an expansive demesne landscape setting notwithstanding the location of the subject site within a scenic estuarine setting area of Waterford and in an area classed as a sensitive Landscape in the Waterford County Development Plan 2022-2028, it is considered that subject to conditions, the location and siting of the proposed

development within the attendant grounds of Ballynatrary House, would not unduly detract from the landscape character or setting of Ballynatray Demesne or significantly injure the residential amenities of the properties in vicinity, would not adversely impact on the visual amenities or landscape character of the area which includes a protected scenic route, would not give rise to pollution or pose a significant risk to the protection of the local ecology and would therefore be acceptable. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on and by An Coimisiun Pleanala on 24th November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2	The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented. Reason: To protect the integrity of European Sites.
3	(a) The use of the helicopter landing area shall be limited to private use associated with Ballynatray House and accommodate not more 50 landings in any calendar year and shall not be used for commercial purposes.

	(b) The helicopter landing approach shall be in accordance with the plotted route as delineated by the pink line in plate 3.1 of the NIS and flight ascending routes shall be submitted for written agreement with the planning authority prior to commencement of development. (c) The helicopter landing area shall not be rented, transferred or conveyed, save as part of the overall landholding. (d) No storage of helicopter or fuel storage shall be provided as part of this permission. Reason: In the interest of clarity and residential amenity and to prevent pollution and disturbance in the local environment.
4	(a) Prior to the commencement of works, landscaping details with regard to obscuring the 1m high control kiosk shall be submitted for the consideration and written agreement of the Planning Authority. (b)When not in use, 10m high windsock mast, shall be lowered. Reason: To ensure that the character and integrity of vistas and setting of the Ballynatray House, a Protected Structure is maintained
5	Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of environmental protection and public health.
6	The existing septic tank shall be decommissioned and de-sludged. The sludge from the septic tank shall be taken to licensed facility, by a licensed waste disposal operator. Once the new system is operational, the developer shall submit to the Planning Authority certification from a suitably qualified person that the existing septic tank has been safely and appropriately decommissioned. Reason: In the interest of public health and protection of the environment.

7	(a)The developer shall engage a suitably qualified (license eligible) archaeologist to monitor (licensed under the National Monuments Acts 1930-2014) all site clearance works and groundworks associated with the development. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. (b)Should archaeological remains be identified during the course of archaeological monitoring all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with National Monuments Services, regarding appropriate mitigation. (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. (d) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer. Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
8	The mitigation measures contained in the submitted Architectural Heritage Impact Assessment shall be implemented in full. Reason: To protect the integrity a Protected Structure and its setting.
9	(a) The construction management and pollution prevention measures contained in the submitted Construction Environmental Management Plan shall be implemented in full.

	(b) The Construction Environmental Management Plan shall ensure adequate protection of the boundary walls, bridge, piers and gateways within the Demesne used during the transport of material to and from the site by construction traffic. Reason: In the interests of environmental protection, heritage protection, proper planning and sustainable development.

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

Suzanne Kehely

Senior Planning Inspector

14th January 2026

12.0 **Appendices**

12.1. **Appendix 1 - Form 1 - EIA Pre-Screening [EIAR not submitted]**

An Bord Pleanála Case Reference		**ABP- 323124-25**	
Proposed Development Summary		Removal of 2 no. existing wastewater treatment units and installation of 1 no. new wastewater treatment system (wwts), construction of a helicopter landing area & associated site works in grounds of a Protected Structure.	
Development Address		Ballynatray Estate, Youghal, Co Waterford.	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes X — Proceed to Q2 No
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			Proceed to Q3.
No	X	The helipad does not include an airfield or runway nor does it involve aircraft storage or related fuel storage. Accordingly, it is not a class under 10(d) of schedule 5 Part 2. As the wwts caters for a maximum capacity of PE20, it does not fall under the category of waste water treatment plant with a capacity exceeding 150,000 population equivalent in class 13 of Schedule 5 Part 1, having regard to the scale and purpose and that the landholding it serves is not an urban	**No Screening required**

		agglomeration within the meaning of Article 2 (6) of Directive 91/271/EEC.	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? N/A			
yes			
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? N/A			
Yes			
5. Has Schedule 7A information been submitted?			
No	x	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____ Date: 14th January 2026

12.2. Appendix 2 – Screening/Appropriate Assessment

12.2.1. SCREENING STAGE

Screening for Appropriate Assessment **Test for likely significant effects**	
Step 1: Description of the project and local site characteristics	
Brief description of project	Removal of 2 no. existing wastewater treatment units and installation of 1 no. new wastewater treatment system (wwts) (PE20), construction of a helicopter landing area & associated site works in grounds of a Protected Structure.
Brief description of development site characteristics and potential impact mechanisms	Lands within the estate are characterised by parkland demesne, with the proposed treatment plant works in amenity grassland (GA2) and the helipad is part of a large area under arable crop (BC1) agricultural management. Section 3 of the NIS sets out mechanism for potential impacts and I concur generally. <u>Wastewater Treatment System</u> The proposed development site is located within the Blackwater River SAC and the proposed WWTS is in close proximity to the River Blackwater to which the proposed treated effluent will discharge. The removal of the existing system will involve earthworks as described in section 2 of this report. The soil excavation in the event of inadequate mitigation could, through run-off, have a significant effect on these waters during construction and also at operational stage <u>Helipad</u> In respect of the helipad there is no hydrological connection in the absence of a drainage system and nature of works and its remoteness from the river. The proposed development as described has the potential to give rise to significant source impacts, given nature and location of the

	development and considering the ecological connections such a via the wastewater treatment system and associated works into the river basin and estuarine waters and having regard to location with the Rover Blackwater SAC. The operational helipad use also has potential to cause disturbance to QI bird species in addition to indirect impacts arising from water quality degradation.
Screening report	**Yes (pages 1-29 of NIS)**
Natura Impact Statement	**Yes**
Relevant submissions	Applicant • WFD and Assimilative Capacity Assessment. • Pollution Prevention Construction Environmental Management Plan • The application includes an AA screening report and NIS with input by Dr Fennessy an ecologist with expertise in ornithology and aviation interaction. DAU: Nature Conservation • Report recommending an NIS (no further submissions). This is based on the proposed modification of the wastewater treatment system may have potential adverse effects on the SAC which needs to be appropriately assessed, limitation of the ECIA and that no apparent assessment of the impact of the works on the habitats within the SAC has been undertaken. In addition to the potential direct impacts of the footprint of works, detailed description of how the required excavations will be carried out is absent from the report raising the potential for spillover into adjoining habitats through disposal of excavated material, movement of machinery etc. It appears to this Department that these works require full Appropriate Assessment before it could be concluded that they will not adversely affect the integrity of the Blackwater River (Cork/Waterford) SAC, and at this screening stage, based on the information provided to date, likely significant effects on the European site cannot be ruled out.

	• The proposed helicopter landing area is outside of any designated area and does not in itself contain any habitats of conservation concern; however, the purpose of the development is to facilitate helicopter flights and these may have a significant disturbance effect on the adjoining Blackwater Estuary Special Protection Area (SPA) (Site Code: 004028) and its qualifying interests. Planning Authority: • Planning reports and Heritage report: No other issues raised.

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

European Site (code)	**Qualifying interests Link to conservation objectives (NPWS, date)** Those mapped by NPWS close to development site are in bold**.**	**Distance from proposed develop-ment**	**Ecological connections[1]**	**Consider further in screening[2] Y/N**
Blackwater River (Cork/ Waterford) SAC (Site Code: 002170)	• **Estuaries** [1130] • **Mudflats and sandflats not covered by seawater at low tide** [1140] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • **Atlantic salt meadows** (Glauco-Puccinellietalia maritimae) [1330] (opposite side of river) • Mediterranean salt meadows (Juncetalia maritimi) [1410]	WWTS - 0km Helipad – c. 180m	**Yes** WWTS •Development area overlaps Site. •The existing and proposed WWTS discharges to Blackwater river providing a hydrological pathway to these waters and water quality dependent habitats and species.	**Y**

	• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Alosa fallax fallax (Twaite Shad) [1103] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] • Vandenboschia speciosa (Killarney Fern) [6985] For conservation objectives see CO002170.pdf		•Location of foraging species <u>Helipad</u> •Location of mobile foraging species	

Blackwater Estuary SPA (Site Code: 004028)	• Golden Plover (Pluvialis apricaria) [A140] • Lapwing (Vanellus vanellus) [A142] • Dunlin (Calidris alpina) [A149] • Black-tailed Godwit (Limosa limosa) [A156] • Bar-tailed Godwit (Limosa lapponica) [A157] • Curlew (Numenius arquata) [A160] • Redshank (Tringa totanus) [A162] • Wigeon (Mareca penelope) [A855] • Wetland and Waterbirds [A999] • For conservation objectives see CO004028.pdf	WWTS c.180m Helipad c.290m	WWTS-(decommission and installation of new system) • discharges to these waters providing a hydrological pathway to these waters and water quality waterbird species. Helipad Construction Disturbance and displacement Helipad operations • Disturbance and bird strike to bird species • Displacement of foraging /breeding species	**Y** **Y** **N**

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

The wwts is located in the Blackwater River SAC and treated effluent discharges to same and close to the SPA downstream and therefore its replacement is the main source of likely effects.

Likely effect in view of conservation objectives

- Disturbance and displacement of qualifying interests (QI) for the SAC and SPA during decommissioning and construction works
- Changes in water quality and feeding resource in the adjacent SAC and SPA resulting in the reduction in species density and also downstream contamination for nutrient release. This is as a consequence of decommissioning of existing treatment system, construction works for new system and effluent output.
- Indirect habitat loss or deterioration from the effects of run-off discharge to the aquatic environment.

With respect to disturbance of bird species and notably the waterbird SCI species listed for the Blackwater Estuary SPA, significant effects are unlikely as there will be no significant decrease in the range, timing or intensity of use of areas used by the wintering birds in the SPA as a result of the proposed helicopter flights in and out of the helipad. See Dr. Maeve Flynn's review (see separate report attached – R323124_App2) in which she expresses the view that in respect of the helipad that based on the information presented in the screening section of the NIS, she is satisfied that it is reasonable to conclude that the conservation objective to maintain the favourable conservation condition of the waterbird SCI species listed for the Blackwater Estuary SPA will not be undermined as there will be no significant decrease in the range, timing or intensity of use of areas used by the wintering birds in the SPA as a result of the proposed helicopter flights in and out of Ballynatray House.

Otherwise, having regard to the submitted details, the Department of Housing, Local Government and Heritage's National Planning Application database and NPWS Portal and Waterford County Council's planning register, I consider that the proposed development may result in effects that could contribute by itself and concur generally with the applicant's findings that impacts could be significant in the absence of mitigation measures.

Screening Matrix

Site Name	**Possibility of significant effects alone in view of the conservation objectives of the site.**	
	Impacts	**Effects**
Blackwater River (Cork/Waterford) SAC (Site Code: 002170)	Direct pathway to SAC: • Release of effluent during decommissioning • Release of silt and sediment during site works • Release of construction related compounds including hydrocarbons to surface water • Increased effluent loading and discharge	<u>Decommissioning and construction phase</u>; Decline in water quality • potential damage to riparian and river habitats associated with inadvertent effluent spill or spillages of hydrocarbons and/or other chemicals during; • potential damage to the habitats and freshwater

		qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives • Potential disturbance risks to Otter, a qualifying interest species for the SAC, which could be associated with increased noise, additional human activity at both construction <u>Operational</u> potential damage to aquatic habitats and qualifying interest species dependent on water quality
	Likelihood of significant effects from proposed development (alone): **Yes**	
	Impacts	**Effects**
Blackwater Estuary SPA (Site Code: 004028).	<u>WWTS</u> Indirect Pathway to SPA: As above <u>Helipad</u> Loss of foraging habitat for ex-situ species	• Disturbance to mobile species during construction • A decline in water quality would undermine the conservation objectives set for qualifying interests
	Likelihood of significant effects from proposed development (alone): **Yes**	

[1] Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

[2]if no connections: N
Step 4 Conclusion
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 European Sites. 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 and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species. **Screening Determination** 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 likely significant effects on Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Estuary SPA (Site Code: 004028). 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.

12.2.2 ASSESSMENT STAGE

Appropriate Assessment and AA Determination
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 of the implications of the proposed development of a new wastewater treatment system and construction of a helicopter landing area & associated site works in view of the relevant conservation objectives of Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Estuary SPA (Site Code: 004028) based on scientific information provided by the applicant and considering expert opinion set out in DAU submissions on nature conservation. The information relied upon includes the following: • Natura Impact Statement submitted as further information to Waterford County Council (April 2025) and which was prepared by ecologists, Dr Gavin Fennessy and Marie Kearns of Ecology Ireland Wildlife Consultants Ltd. (Ecology Ireland) which includes a range of sources in section 1.2.2. • WFD and Assimilative Capacity Assessment Report and NIS addendum confirming pollution control through effluent treatment/protection of water quality and re-affirming NIS conclusions in this regard. • Pollution Prevention - Construction Environmental Management Plan • Submission made by the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage. • Expert inputs of ACP ecologist (Maeve Flynn) and scientist (Emmet Smyth) as separately appended.

In screening the need for AA, likely significant effects from the proposed helicopter flight activity on the qualifying interests (bird species) of Blackwater Estuary SPA, are excluded. (Section 3.1.2 Pages 22-25). In examining the effects of helicopter movements which could potentially cause significant disturbance of SCI bird species Dr Fenessy considered the timing (50 flights /year) type of helicopter, arrival and departure altitudes and agreed flightpaths which are directed away from the Estuary. Published studies are referred to which support the finding that while some localised and short-term disturbance may occur during helicopter movements, they are unlikely to illicit a significant disturbance or displacement effect to birds occurring locally in the Estuary. In Considering the reasonableness of this Dr. Flynn notes the foraging range of the SPA QI species by reference to DAU referenced studies and limited nature of disturbance event to the QI species.

I note Dr.Flynn's reference to the methodology and adequacy of the NIS and 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

An NIS was sought by the DAU but this body made no further submission on this document to either the planning authority or the Commission.
The third-party objections relate to the impact generally on wildlife with an emphasis on a range of bird species and disturbances. An Tasice has made a brief statement of support.

BLACKWATER RIVER (CORK/WATERFORD) SAC (SITE CODE: 002170)
AND BLACKWATER ESTUARY SPA (SITE CODE: 004028)

The NIS does not detail QI features as no habitats directly affected. (While works are within the SAC they are in grassland habitat that is not a QI and so there is no direct impact.) Indirect effects can be dealt with effectively by general pollution measures as is indicated in Dr.Flynn's report.

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

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

Qualifying Interest features likely to be affected	**Conservation Objectives** For SAC see CO002170.pdf For SPA see CO004028.pdf	**Potential adverse effects**	**Mitigation measures (summary)** Section 4.2 of the NIS
SAC Habitats as mapped by NPWS in vicinity of site/ wwts discharge point: • Estuaries, • Sandy mud community complex and mudflats and sandflats not covered by seawater at low tide. • Atlantic Salt Meadows opposite /south of the side of river /point of discharge • A semi natural wood land and east of the development	Maintain / restore favourable conservation condition	<u>Decommissioning and construction phase</u>; • Damage to QI habitats unlikely due to buffering by reedbed from nearest QI habitats • potential damage to riparian and river habitats associated with inadvertent effluent spill or spillages of hydrocarbons and/or other chemicals during; • potential damage to the habitats and qualifying interest species dependent on water quality - an impact of sufficient magnitude could undermine the sites conservation objectives <u>Operational</u> • potential damage to aquatic habitats	Best practice pollution control measures. Application of industry standard controls. CEMP Supervision by project foreman Restoration of grassland by reinstatement of sods.

stie along the shoreline. • Intertidal estuarine not a QI			
SAC Water quality dependant habitats and species _____ **SAC Species** Sea lamprey, River Lamprey, Killarney Ferm are upstream of site in Map 10 in Conservation objectives document. **Ex-situ wetland species** _____ **SPA Habitat** Wetlands	Maintain / restore favourable conservation condition _____ Maintain favourable conservation condition of the wetland habitat in Blackwater Estuary SPA as a resource	<u>Decommissioning and construction phase</u>; • potential damage to the habitats and qualifying interest species dependent on water quality - an impact of sufficient magnitude could undermine the sites conservation objectives • Potential disturbance risks to Otter, a qualifying interest species for the SAC, which <u>Operational</u> potential damage to aquatic habitats and qualifying interest species dependent on water quality.	

	for the regularly occurring migratory waterbirds that utilise it. This is defined by the target area which should be stable other than natural variation.		
SPA Species		<u>Decommissioning and construction phase</u>; • potential damage to the wetland habitats and qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives <u>Construction</u> • Potential disturbance risks to Mobile QI species for the SPA, which could be associated with increased construction noise and activity.	Measures as above to protect water quality and avoid disturbance through timing
The above table is based on the documentation and information provided on the file and on the NPWS portal. I am satisfied that the submitted NIS has identified the relevant issues. In particular, I note the potential effects relating to the preparation/decommission and construction works for the wwts and potential for polluting waters which may indirectly			

undermine the achievement of favourable conservation condition of the relevant QI habitats ad species that are dependent on water quality.

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

Indirect impact on habitats and species that are QI features is the source of adverse effects in view of conservation to maintain /restore the conservation for such habitats and species. Indirect effects from water quality related impacts during construction are considered in the NIS in a general sense with standard mitigation measures that have been included in a pollution prevention measures in the CEMP (construction environmental management plan) which includes for environmental supervision of measures. Dr. Flynn is satisfied that these measures are standard, implementable and will be effective in their aims of preventing ingress of pollutants into the river Blackwater. She notes that the NIS does not detail individual QI features for the SAC as no habitats are directly affected, and indirect effects can be dealt with effectively by general pollution prevention measures. Given the small scale and localised nature of the proposal with buffering reedbed habitat between the nearest QI habitats of Estuary and Mudflats and sandflats not covered by seawater at low tide, she is satisfied that the conservation objectives to maintain these habitats will not be undermined by the proposal.

Dr. Flynn notes that the NIS does not specifically address the outputs of the WWTS post tertiary treatment but that indirect impacts can be ruled out due to design of system and parameters. She acknowledged this may be subject to review having regard to concerns expressed by Emmet Smyth (R323124_App1) in understanding the assimilative capacity of the receiving waters in the context of the WFD consideration. However, following the submitted details on the assimilative capacity and rationale for the proposed system and his opinion as expressed in his email of 4th December 2025 (attached in file) that the information more than adequately demonstrates the ability of the receiving waters to accept the discharge and assimilate it without having a detrimental impact on the quality of the waters, the NIS findings were further clarified and re-affirmed by reference to this data in an addendum to her satisfaction. The WFD and Assimilative Capacity Assessment (section 8) confirms that ‘there are no pollutant linkages as a result of the proposed development which could result in a water quality impact which could alter the habitat requirements of

the Natura 2000 sites located within the Lower Blackwater M Estuary /Youghal Harbour transitional waterbody. Dr. Flynn states that having reviewed the information in the addendum to the NIS (Ecology Ireland, November 2025), she is satisfied that it confirms the specifications and functioning of the proposed WWTS and that no additional assessment is presented in this addendum.

(i) Water quality degradation

Given the location of the existing and proposed wwts partly within the SAC and that the treated effluent discharges to same and a short distance upstream of the SPA, there is potential for negative impacts at construction stage and operational stage through mobilisation of sediments and pollutants during decommissioning of the old system, installation of new system and if it was operationally inundated.

Mitigation measures and conditions

- CEMP focusing on road maintenance on traffic management to minimise dust dispersion
- Regulation of vehicle machinery movement and parking
- Site compound management
- Bunded area for refuelling
- Control of concrete waste
- Use of sump and silt trap to prevent silt laden water entering surface water system or reed bed.
- Flushing of redundant pipes into tanks to be decommissioned
- Surface water management through construction of sand filter and use of return valve and watertight manhole cover to remove risk of inundation
- Biosecurity measures - dry conditions near river edge
- Stockpile management away from drains and sloping ground
- Environmental audit
- S.4 licence notwithstanding subthreshold scale (20PE) to discharge unlicensed to groundwater - the system is one that requires a licence and therefore provides an additional safeguard for monitoring quality

(ii) Disturbance of mobile species

Ex-situ disturbance of highly mobile species QI which may forage outside Site and within the development area

Disturbance of species due to construction noise in the construction phase. Helicopter movement at operational phase has been screened out,

Loss of grassland foraging area within SAC. The helipad is located in a transient and variable habitat as part of crop management by harvesting and ploughing and unlikely to be a high resource value

Otter is restricted and crepuscular and is unlikely to be disturbed with normal construction methods

Mitigation measures and conditions

Restoration of grassland with sods in the wwts site

Temporary and short-term construction to be timed outside winter period - April to September

Construction times so that there is no significant population

(iii) Spread of invasive species

Not identified as an issue however moving of soil/importing soil and material and use of mobile plant and machinery, the construction phase may bring invasive species to a riverbank setting.

Mitigation measures and conditions Project ecologist, 'toolbox talk' for identification of invasive species in addition to range of 'housekeeping measure for plant and machinery, stockpiling.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS and associated assimilative capacity assessment which clarifies the cumulative context and impact on water quality while taking account of the wwts. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and in addition to the improved WWTS operating parameters together with mitigation measures at construction and operational stages to prevent ingress of silt laden surface water or pollutants via the WWTS. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of on the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Estuary SPA (Site Code: 004028). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Estuary SPA (Site Code: 004028) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted, further information submitted to the commission, and taking into account observations of the Department of Housing, Local Government and Heritage and the expert

opinion of the ACP ecologist and also the scientist and also having regard to the standard of water quality as clarified in the applicant's assimilative capacity assessment submitted to ACP (in response to a section 132 Notice), I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Estuary SPA (Site Code: 004028) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of decommissioning and construction wors and operational elements having regard to the nature and scale of works which amount to an upgrade of the existing system, mitigation measures and impacts.
- The location of the WWTS in a habitat not listed for the Reiver Blackwater SAC.
- The nature of the QI features that are dependent on water quality in attainment of respective conservation objectives.
- Ex-situ disturbance of SCI bird species and Otter from construction related disturbance can been excluded due to the temporary and very localised nature of the works and timing of the works will avoid periods of high activity for these species.
- The proposed development will not affect the attainment of conservation objectives for the QI of either the SPA or SAC.
- Effectiveness of mitigation measures proposed adoption of CEM and specified operating parameters of the wastewater treatment system.
- Application of planning conditions to ensure implementation of mitigation measures.

12.3 APPENDIX 3 - WFD IMPACT ASSESSMENT

STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	**ABP- 323124-25**	**Townland, address**	Ballynatray Estate, Youghal, Waterford
Description of project		Removal of 2 no. existing wastewater treatment units and installation of 1 no. new wastewater treatment system, construction of a helicopter landing area & associated site works in grounds of a Protected Structure.	
Brief site description, relevant to WFD Screening		The development site comprises two plots within an extensive rural landholding as part of a Demesne. The relevant site in terms of water quality relates to a small grassed area close the River Black water and east of the main House and south of the stable yard adjacent to and elevated above a c.12 ha reedbed (see foul drainage layout drawing 24023-200-C1 DKP June 2025. The nearest surface waterbody is the Lower Blackwater M Estuary /Youghal Harbour transitional water body (European Code: IE_SW_020_0100) which borders the estate to the south and east. The Glendine river waterbody is 800m west of the proposed development site joining the Glendine Estuary transitional waterbody (European Code: IE_SW_020_0400) approx.	

	800m southwest of the proposed development site and discharge location. The Haorrowhill_010 River lies along the northeastern boundary of the estate approx. 1.4km away and discharges to the lower Blackwater Estuary approx. 1.6km north east of the proposed development. There is no hydrological connection between the Glendine (Blackwater) or the Harrowhill _010 and the proposed development site. There are two treatment plants approx. 40m and 110m east of the proposed treatment plant scheduled for decommissioning.
Proposed surface water details	Existing system. The site is underlain by permeable ground conditions, which will be maintained, and no increase in surface water runoff is expected
Proposed water supply source & available capacity	Private Well existing. A new connection to the Uisce Éireann network is planned, with a peak potable water demand of 2.0 l/s. No groundwater abstraction or bulk chemical/fuel storage is proposed.
Proposed wastewater treatment system & available capacity, other issues	The proposed development will consist of the de-commissioning and removal of two existing wastewater treatment units and raised percolation areas installed in 1998 under planning ref. 96/725 and the installation of a new wastewater treatment system. The new wastewater treatment unit will have similar treatment capacity to the combined treatment capacity of the existing systems and will serve the estate and ancillary accommodation. It will incorporate tertiary treatment to bring the treated

	effluent to the required standard for discharge to the adjoining wetland. The new treatment system will have a design capacity of 20PE. It is based on the Submerged Aerated Filtration process chosen for its robust, consistent treatment process to discharge limit requirements and its ability to deal with variable flows and loads. The system is tested and certified to EN 12566 Part 3 (see appended certification). It will comprise a WCS Environmental Engineering HiPAF Packaged Treatment Plant with a VSF01 Tertiary Sand Filter. Treated effluent will discharge to the adjoining wetland via a sampling manhole as shown on the Proposed Foul Drainage Layout Plan, drawing reference number 24023-100-P1. Discharge rate of 0.10litre/s will enter reedbed where natural attenuation will occur. The proposed treatment system will require a S.4 license from Waterford City and County Council for discharge surface waters.
Others Matters	The location of the proposed treatment plant is not at risk of flooding. It is not located within a Flood Risk zone A Site-Specific Flood Risk Assessment has been carried out (copy appended). It is proposed to raise ground levels at the location of the treatment plant by approx. 600mm to 4.0mOD and to fit sealed manhole covers to the access points on the treatment plant and on any connected manholes with a cover level below 4.0m OD. In addition, a nonreturn valve will be fitted to the outlet to protect against surface water

	inflow to the system in the unlikely event of water level in the wetland exceeding the outlet level. The flood mitigation strategy has been developed in consultation with the project ecologist and is reflected in the Natura Impact Statement.

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
Surface waterbody/ transitional waters on or close to site –	0km borders site	Lower Blackwater M Estuary /Youghal Harbour transitional water body (European Code: IE_SW_020_0100)	Moderate	At risk	Agricultural pressures	Discharge point is >160m east of transitional waterbody to the east. Indirect impact
Groundwater	Underlying site and	Glenville - European code IE_SW_G_037	Good	Not at risk	Anthropogenic pressures	none. Limited scale and absence of activities

	discharge location				nutrient loading.	affecting groundwater recharge or quality => negligible impact See page 7 of AWN report.
River/estuary transitional	Approx. 825m to west of proposed discharge point	Part of Glendine catchment, Code IE_SW_02_0400	Good	Not at risk		none.
Coastal	7.7km linear 9.3km downstream southeast	Youghal Bay Coastal waterbody European code IE_SW_020_0000		Not at risk		
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. See table 6-1 of WFD Assimilative Capacity Assessment						

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.	Dust dispersion, silt/ sediment, hydrocarbon release during earthworks Stockpiling of soil close to river	Lower Blackwater M Estuary /Youghal Harbour transitional water body (European Code: IE_SW_020_0100)	Potential for hydrological pathway / indirect impact Run-off	Surface water pollution minimal, if any	None other than standard construction practices.	No	Screened out

OPERATIONAL PHASE								
2.	WWTS reliant on S4 licence - discharge of treated effluent to surface waters. Soiled water contaminating run-off discharge to drain	Lower Blackwater M Estuary /Youghal Harbour transitional water body (European Code: IE_SW_020_0100)	wwts Potential for hydrological pathway and indirect impact via surface water run-off	Wwts designed to improve tertiary treatment of effluent Other safeguards for fuel storage and management will protect form localised impacts.		yes	Screened in [See determination within Section 6 of report].	
DECOMMISSIONING PHASE								

5.	Removal of septic tanks and pipework	Lower Blackwater M Estuary /Youghal Harbour transitional water body (European Code: IE_SW_020_0100)	Potential for hydrological pathway / indirect impact	Managed system for flushing of pipework and containment of residual effluent	None other than standard waste disposal and site works practices in line with CEMP	No	N/A

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives					
Surface Water					
Development/ Activity	**Objective 1:Surface Water** **Prevent deterioration of the status of all bodies of surface water**	**Objective 2:Surface Water** **Protect, enhance and restore all bodies of surface**	**Objective 3:Surface Water** **Protect and enhance all**	**Objective 4: Surface Water** **Progressively reduce pollution from priority**	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if**

		water with aim of achieving good status	**artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status**	**substances and cease or phase out emission, discharges and losses of priority substances**	**answer is no, a development cannot proceed without a derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	**Describe mitigation required to meet objective 4:**	
Foul effluent discharge	WWTS upgrade: System designed with tertiary treatment, flow rate to reedbed, additional filtration with additional polishing through	As for objective 1	N/A	NA	No – See section 6.0 in main body of this report for

from WWTS	sedimentation, absorption and nutrient uptake by vegetation reducing residual concentration before hydraulic connectivity with the Lr Black Water estuary and associated Natura Sites. Additional safeguards: dedicated sampling manhole for effluent verification Monitor operation with alarm system and monitor , fail safe shutdown and performance standards for treated effluent Compliance with Discharge License limits				reasoned conclusion