



# Specialist Report

R323124\_App 2

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**Development**

Installation of a wastewater treatment system and construction of a helicopter landing area at Ballynatray House, Ballynatray Estate, Youghal, County Waterford.

**Type of Application**

Planning appeal

3<sup>rd</sup> Party

**Topic**

Review of Natura Impact Statement in view of potential impacts arising from helicopter activity on wintering birds and potential impacts arising from waste water treatment system on Blackwater River SAC and Blackwater Estuary SPA

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## 1.0 Introduction

### 1.1. Background

1.1.1. In a memo dated 03/09/2025, expert input from the Inspectorate Ecology and Environmental Team was requested in relation to the planning appeal case ACP-323124-25. The proposed development is at Ballynatray Demesne, Youghal, County Waterford and involves:

- the installation and operation of a new replacement wastewater treatment system with works and treated effluent outfall within the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code: 002170).
- installation of a helicopter landing pad within 300m of the Blackwater Estuary Special Protection Area (SPA) (Site Code: 004028)

1.1.2. As part of the planning application to Waterford County Council, the Development Applications Unit of the Department of Housing, Local Government and Heritage made a detailed submission (December 2024) on nature conservation and sought a Natura Impact Statement to address the following

- Detailed assessment of the impacts of the proposed wastewater treatment system on the Blackwater River (Cork/Waterford) SAC.
- Assessment of potential disturbance effects from helicopter flights on bird species listed for the adjoining Blackwater Estuary SPA. The DAU reference studies that show aircraft, including helicopters can have disturbance effects on bird species<sup>1</sup> including species for which this SPA is designated to protect (insert reference). The Department considered that such disturbance may constitute a likely significant effect on the European site which needs to be fully assessed to rule out any potential adverse effect on the integrity of the Blackwater Estuary SPA.

1.1.3. A Natura impact statement (NIS), including screening for Appropriate Assessment (AA) was prepared by Dr Gavin Fennessy and Marie Kearns of Ecology Ireland and

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<sup>1</sup> Goodship, N.M. and Furness, R.W. (MacArthur Green) 2022. Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283  
[NatureScot Research Report 1283 - Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species | NatureScot](https://www.naturescot.gov.uk/research-reports/nature-scot-research-report-1283-disturbance-distances-review-an-updated-literature-review-of-disturbance-distances-of-selected-bird-species/)

submitted as further information to Waterford County Council (April 2025). In screening the need for AA, likely significant effects on the qualifying interest bird species of Blackwater Estuary SPA are excluded (Section 3.1.2 Pages 22-25) from the proposed helicopter flight activity.

1.1.4. 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

1.1.5. In addition, regarding works and installation for a 20p/e wastewater treatment system (WWTS) the NIS concludes that the works are in a grassland habitat that is not a qualifying interest habitat (QI) and there is therefore no direct impact. Indirect impacts to both SAC and SPA may arise from construction related pollution and surface a water run-off and disturbance of QI species due to noise and this assessment is carried over into stage 2 to inform AA and mitigation measures proposed. No significant impact is precipitated in view of duration of works over (approx. 8 weeks for wastewater treatment system and 4 weeks for helipad). The screening report identified some likelihood of significant water quality mediated effects on the SAC from the operation of the upgraded wastewater treatment system but excluded likely significant impacts on the SPA in view of the conservation objectives of the site. Expert view was also sought in respect of reasonableness of this conclusion.

1.1.6. Two further queries are raised by the Planning Inspector in relation impacts on bats and the location of the wastewater treatment system. The specifics of the wastewater treatment system are addressed by the Inspectorate Environmental Scientist. On bats, the Planning Inspector queried if the methodology and conclusions in the ecological assessment adequate and reasonable in ruling out impact on bats.

## **1.2. Scope of report**

- 1.2.1. This report to the Planning Inspector and available to the Commission is a written record of my review and examination of the information in view of the questions raised by the planning Inspector.
- 1.2.2. In my capacity of Inspectorate Ecologist with over 20 years professional experience, I have the relevant expertise to provide a professional opinion as to the adequacy of the information for the Planning Inspector and for the Commission to undertake Appropriate Assessment (AA) for the proposed works.
- 1.2.3. I have reviewed and examined the following documents including relevant appendices and figures:
  - Natura Impact Statement (NIS)
  - Ecological Assessment report
  - Engineering Services report (March 2025)
  - Pollution prevention construction environmental management plan (April 2025)
- 1.2.4. The documents have been reviewed with respect to the following current best practice guidance:
  - EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
  - EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
  - CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.3

## **1.3. Expertise and technical content**

- 1.3.1. The NIS prepared in response to the Waterford County Council request for further information was prepared by Ecology Ireland Wildlife Consultants. Dr Fennessy is a highly qualified and experienced Ecologist with demonstrated expertise in ornithology and is a national expert in bird / aviation interactions. A statement of authority is also provided for Ecologist Marie Kearns. In granting planning

permission, Waterford County Council accepted the findings of the NIS and found that subject to the implementation of mitigation measures, the proposed development would not give rise to adverse impacts on the integrity of the River Blackwater SAC or the Blackwater Estuary SPA.

- 1.3.2. In the Applicant's response on the third-party appeal, the report prepared by Tom Phillips and Associates (22/08/2025) restates the conclusions of the NIS and confirms Dr Fennessy's competence and experience highlighting that he is a coauthor of IAA Guidance on Bird and Wildlife Strike Management at Aerodromes<sup>2</sup>(2021) and therefore well placed to assess the proposed development.
- 1.3.3. The initial ecology report (G. Tobin) submitted with the planning application was very narrow in focus and did not address implications for European sites and did not consider helicopter activity. Therefore, the Further Information request from the Department was entirely reasonable in that regard, taking a precautionary approach in view of the lack of any detail provided by the applicant.

## **2.0 Implications for European Sites**

### **2.1. Natura Impact Statement Review**

- 2.1.1. My review of the NIS does not comprise the AA Screening or AA but is aimed at providing the Planning Inspector and the Commission with a professional opinion in view of the questions posed by the Planning Inspector and in terms of the adequacy of the information provided to meet the tests for stage 1 screening and stage 2 AA.
- 2.1.2. I am satisfied that the NIS has been prepared in line with standard best practice and applies the source, pathway receptor model of impact prediction. The most recent conservation objectives have been considered, and the assessment is based on desk and field surveys. Field surveys at the site in February and March 2025 included general multidisciplinary survey for habitats and species and the use of trail cameras. No bird species listed as Special Conservation Interest for the SPA were recorded within or adjacent to either the works area for the helipad or the WWTS.

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<sup>2</sup> [https://www.iaa.ie/docs/default-source/publications/bird-wildlife-strike-management-at-aerodromes-issue-1---march-2021-final.pdf?sfvrsn=582818f3\\_4](https://www.iaa.ie/docs/default-source/publications/bird-wildlife-strike-management-at-aerodromes-issue-1---march-2021-final.pdf?sfvrsn=582818f3_4)

## 2.2. Construction of helipad and helicopter movements

2.2.1. The helicopter landing area (including helipad) is proposed to be installed within a field outside of the SAC and SPA boundaries and due to the size, scale and nature of the works required to construct, the finding that no likely significant effects will arise is not in doubt.

2.2.2. 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.

2.2.3. The eight wintering birds listed for the SPA are detailed in the table below with disturbance distances (where available) referenced in the NatureScot report by Goodship and Furness (2021) referenced in the Departments submission. It is likely that birds present either foraging or roosting within 100-300m will likely display some disturbance response to helicopter approach, landing/take-off, along a spectrum of reactions from increased alertness to taking flight. Such potential disturbance events will be short lived based on evidence from studies, meaning energetic costs to birds will not be significant and birds would be expected to return to foraging/ roosting behaviours. There are no obvious barriers to movements of birds around this area of the estuary and any birds temporarily disturbed have ample alternative habitat to utilise.

**Table 1 SCI bird species listed for the Blackwater Estuary SPA and sensitivity to disturbance (Goodship and Furness, 2021)**

SCI bird species	Likely sensitivity to disturbance (general)	Recommended Buffer zone in non-breeding season
Golden Plover	Medium	250-300m
Lapwing		

Dunlin	Medium	150-300m
Black-tailed Godwit	Medium	100-200m
Bar-tailed Godwit	Medium	200-300m
Curlew		
Redshank	Medium	200-300m
Wigeon	High	200-500m

2.2.4. Therefore, based on the information presented in the screening section of the NIS, I am 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.

2.2.5. The screening stage and more detailed assessment in the NIS only considers bird species listed for the SPA as AA is only concerned with implications in view of conservation objectives set for the SPA (and SAC). It should be noted that up to 43 waterbird species have been recorded within the SPA during wetland surveys as detailed in the Conservation Objectives Supporting Document (NPWS, 2012).

### **2.3. Waste water treatment system**

2.3.1. As outlined in section 1.1 of this report, in screening the proposed development for likely significant effects, Ecology Ireland determined that in the absence of mitigation measures the proposed works involved in the construction of the wastewater treatment system (WWTS) and operation of the system have the potential to result in significant effects on the Blackwater River SAC.

2.3.2. I am satisfied that the impact mechanisms brought forward for detailed assessment in the NIS (i.e. to inform AA) are only related to water quality mediated impacts that require mitigation measures to manage soils, surface water and potential polluting emissions. The location for the WWTS is in habitat not listed for the SAC and this

was confirmed by the Planning Inspectors site visit. Ex-situ disturbance of SCI bird species and Otter from construction related disturbance can be 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.

- 2.3.3. Indirect effects from water quality related impacts during construction are considered in a general sense with standard mitigation measures that have been included in a Pollution prevention construction environmental management plan which includes for environmental supervision of measures. I am satisfied that these measures are standard, implementable and will be effective in their aims of preventing ingress of pollutants into the river Blackwater.
- 2.3.4. The NIS doesn't 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, I am satisfied that the conservation objectives to maintain these habitats will not be undermined by the proposal.
- 2.3.5. The NIS does not specifically address the outputs of the WWTS post tertiary treatment. The potential for indirect habitat deterioration from the operation phase are not ruled out in the screening stage – See NIS Section 3.1.2 *some likelihood of both construction and operation phase significant effects arising in the absence of environmental controls*. On page 22 under the heading operational phase, some likelihood of significant water quality mediated effects is identified if the WWTS were to be inappropriately sized or located such that inadequately treated effluent was discharged. This section goes on to consider that even in the unlikely event of a discharge of inadequately treated effluent, the combined effect of the added treatment by the natural reed bed area and dilution and dispersal effects of any residual effluent by the tidal estuary would be unlikely to lead to any significant effects.
- 2.3.6. While not made explicit in the NIS, the assessment appears to accept the parameters specified in the technical specifications of the proposed system which through design, size, location (including flood risk assessment) is unlikely to

discharge inadequately treated effluent into the SAC and SPA as no additional operation phase mitigation or controls are specified in the NIS.

2.3.7. This approach is reasonable if the WWTS and percolation area selected is appropriate to the environment.

## **3.0 Biodiversity**

### **3.1. Ecological Assessment Report**

3.1.1. The Ecological assessment report prepared is very narrow in focus, considering only the installation of the helipad and habitats and species in the vicinity of that area. No habitat map is provided, and it is unclear the extent of the area covered by ecological survey. Overall, the report does not conform with standard best practice Ecological Impact Assessment (EIA) approaches, and I would advise that it cannot be relied upon in order to come to any conclusions of impacts on biodiversity (outside of the covered in the NIS) from the proposed works.

3.1.2. The Planning inspector queried if the methodology and conclusions in the ecological assessment are adequate and reasonable in ruling out impact on bats. As no hedgerow habitat, mature trees or other structures of importance for commuting or roosting bats are to be removed to install the helipad, there will be no direct impact on bats. Three species of bats were recorded foraging in the area which is the least number of species to be expected given the parkland habitat and the presence farm buildings and Ballynatray house itself which could provide likely suitable areas for roosting bats. No assessment of disturbance is presented for any species. It is likely that the short duration of sporadic noise caused by helicopter landings and take-off will result in temporary disturbance of any bats foraging in the area at that time (if at periods of dusk/dawn) however, given bats highly mobile nature and the wide availability of similar habitat over the estate area no significant effects would be expected.

3.1.3. The ecology report suggests the installation of 3 x bat boxes close to the helipad area, however, no reason is given for this and given the potential for disturbance, however infrequent, I do not consider that this is an appropriate location and that suggested mitigation measure should be disregarded.

3.1.4. In terms of other species that may be disturbed by Helicopter activity, breeding birds are considered the most sensitive with birds on the nest most vulnerable. The area around the landing pad approach and take off is likely to be the most affected by noise and disturbance. No information is provided on breeding birds at the site no breeding bird surveys were undertaken. However, given the localised, temporary and infrequent nature of the likely helicopter activity I consider that the same rationale that informed the findings of no significant effects on wintering birds can be applied to other bird species present at the site.

Signed



Maeve Flynn

Senior Ecologist (Inspectorate)

30/09/2025