



An
Coimisiún
Pleanála

Inspector's Report PL-500109-WX

Development

10 year planning permission for development of an Integrated Tourism Resort Complex. A Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) has been submitted with the application.

Location

Beak and Nemestown, Kilmore Quay, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20250962W

Applicant(s)

Robert Roche

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

First and Third Party Appeal

Appellant(s)

Robert Roche (First Party)

Third Parties

1. Andi McGarry and Lisa and Philippa Kinneen
2. Angela Hilbrecht

	3. Anthony Matthews
	4. Bernhard v. Patow
	5. Brendan O'Flaherty
	6. Conor & Anne Horgan
	7. Emilie Jost
	8. Helen and John Cousins
	9. John and Lorraine Smiley
	10. John and Margaret Nunn
	11. John Kennedy and Catherine Langan
	12. Lorraine Gunning
	13. Manfred Schulte-Austum
	14. Marian Doyle
	15. Rosemary Spelman
	16. Therese Maddock
	17. U Bohle
	18. Will & Catriona O'Flaherty
Observer(s)	1. Sean Maddock
	2. Liam O'Flaherty
	3. James McMahon
	4. Eve & James Rochford
	5. Bettina Bohle
	6. Kristin Hunfeld
	7. Margaret Phillips
	8. Ellen Power
	9. Ulrich Marggraf
	10. May Bates
	11. Mary Marggraf
Date of Site Inspection	24 th February 2026
Inspector	Ciara McGuinness

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1.0 Site Location and Description

- 1.1. The appeal site is located at Beak and Nemestown, to the northeast of Kilmore Quay, Co. Wexford. The site comprises an extensive area of land which extends from the shoreline near the harbour towards the northeast to the townland of Nemestown. The site is bound to the north, west and east by existing agricultural lands and residential properties and to the south by the coastal foreshore. The site is located adjacent to the village of Kilmore Quay and is accessed from Kilmore Road (R739) which runs along the northwest of the site. The R739 provides connection from Kilmore Quay to Kilmore village and the N25 Road (Rosslare to Wexford town). A number of village services, including the Garda Station, Saltees Coast Hotel, St Peter's Church, Stella Maris community hall, Kehoe's pub and restaurant are located along the R739 leading to the village centre at the harbour.
- 1.2. The existing land use is agricultural, currently in use for growing crops and tillage. The site also contains an existing farmstead with original house and stone buildings all in ruins. There is a drainage ditch on the eastern boundary of the site which drains to the Irish Sea. There is a water retention pond located at the southeastern boundary of the site. The gradient of the existing site rises from the R739 road level of 10.5m up to 12.0m in the centre of the site and then gradually falls southwards to 4.5m above the beach level at the southeast corner.
- 1.3. The Kilmore Quay Waste-Water Treatment Plant (WWTP) is located adjacent the eastern boundary of the site. The eastern boundary of the site is formed by a post and wire mesh fence associated with the WWTP. The southern boundary is open and there are extensive views towards the Saltee Islands to the southwest and St Patricks Bridge geological site (a stone causeway stretching from Kilmore Quay mainland towards Saltee Islands) to the south of the site. The northern part of the site is open without a defined boundary, while the western boundary is typically native hedgerow and other ornamental species.
- 1.4. The appeal site has a stated area of 20.3 hectares. The application site includes a section of public road along the R739.

2.0 Proposed Development

2.1. The proposed development is for an Integrated Tourism Resort which will comprise of a hotel, self-catering lodges, staff accommodation, events centre, leisure complex and various amenities.

2.2. The proposed development comprises of the following elements;

- **Hotel (33,762sqm)** – located centrally within the site (4 storeys over lower ground floor)
 - 205 no rooms - comprising 163 no. bedrooms, and 42. No. family suites (2 bedrooms per family suits no. suites).
 - Bar and lounge facilities
 - 2 no. restaurants
 - Event/conference centre facility (capacity of 400)
 - Spa/leisure complex with swimming pool
 - Back of house areas
- **55 no. family lodges (9,583sqm)** - located within 4 groupings within the site.
 - 2 x 8-beds, 2 x 6-bed, 21 x 4-bed and 30 x 3-bed lodges;
- **Staff accommodation (2,256sqm)** - located to the east of the site
 - 11 no. apartments providing 55 no. bedrooms in 6 no. 2-storey buildings.
- **Pavilion Restaurant (608sqm)**
 - Comprises 2 no. restaurants with a capacity of 120.
 - Standalone building located to the west of the hotel with sea views
 - Indoor and outdoor dining spaces at ground and first floor level.
- **Farmstead (1,467sqm)**
 - Comprises the refurbishment of the existing farm buildings on site
 - Reception-point for lodges,
 - Recreation management facilities,

- Resort shop, café/restaurant, arts/crafts spaces and office space

- **Recreational Activity Areas**

- Includes play facilities, crazy golf and padel courts.

- 2.3. Vehicular access to the development is from Kilmore Road (R739) at the northwest of the site. To facilitate connectivity from the proposed development to Kilmore Quay Village, a new section of footpath (c.85m) is required along the R739 from the Echo Beach junction to the existing Garda Station, where a new pedestrian crossing point is proposed to link with the existing footpath on the western side of the R739 at the junction with Ard na Ba. The applicant has noted that the link could be facilitated within the existing taken in charge network and that a letter of consent was not required from Wexford County Council for this planning application.
- 2.4. A new pedestrian access point to the R739 is proposed through the adjoining lands to the west of the site to connect into the rear of the Echo Beach estate. The applicant has also referred to the use of two existing mass paths; 1 from the southwest of the site to Kilmore Quay and one from the east of the site to Nemestown.
- 2.5. A total of 514 car parking spaces, 8 bus parking space and 175 cycle parking spaces are proposed across the site. The majority of car parking has been provided along the northeastern section of the site, with specific car parking also provided to serve the farmstead, lodges and pavilion restaurant. A drop off area is provided at the main entrance of the hotel. Cycle parking is proposed adjacent to all building typologies.
- 2.6. The applicant has agreed with Uisce Éireann to connect a wastewater flow, up to a maximum reserve capacity of 744 Population Equivalent (PE), from the proposed development to the WWTP. A 160mm diameter inlet pipe has been constructed by Uisce Éireann during the Phase 1 construction works of the WWTP to facilitate this connection. To access this reserve capacity, the Kilmore Quay WWTP would need to be upgraded to the Phase 2 design horizon which has been granted planning under the existing planning reference 2019/1633 (10-year permission). The upgrade works are required to be funded by the developer.
- 2.7. The proposed development will be served by 2 No. groundwater wells with a supplementary back-up mains supply from Uisce Eireann feeding into a drop tank to

prevent backflow into the mains water system. Engagement with Uisce Eireann has confirmed that the connection to the existing watermain is feasible subject to 1.6km of water network upgrades being undertaken which must be funded by the developer.

2.8. Surface water run-off will be collected from impermeable surfaces (roofs, roads, footpaths, etc.) via rainwater pipes, drainage channels, rain gardens, swales and a detention basins, which subsequently discharge via flow control devices to the existing open channel drain located on the southeastern boundary of the site, mimicking the existing green field run-off.

2.9. A 100m coastal buffer is provided along the southern boundary of the site, within which no building development is to occur, although a small path and a SUDs attenuation area/wetland habitat creation will be situated within this buffer zone.

2.10. The applicant has sought a 10-year permission. It is intended that the development will be completed as one phase.

2.11. The application is accompanied by the following;

- Environmental Impact Assessment Report (EIAR)
- Natura Impact Statement (NIS)
- Planning Context Report
- Architectural Design Statement
- Hydrogeological Assessment Report
- Site Specific Flood Risk Assessment
- Operational Waste Management Plan
- Outline Construction Environmental and Waste Management Plan
- Resource and Waste Management Plan
- Coastal Erosion Assessment
- CGI Booklet
- Verified Photomontages
- Civil Engineering Planning Report

- Landscape Report
- Climate Action and Energy Statement
- Lighting Report
- Utilities Report
- Tourism Impact Report
- Mobility Management Plan
- Stage 1 Road Safety Audit
- Traffic and Transport Assessment

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council issued notification of the decision to grant permission, subject to 33 no. conditions. The notable conditions of the decision can be summarised as follows:

- Condition 2 states that the permission is for a period of 5 years
- Condition 3 requires all mitigation measures in the EIAR and NIS to be carried out.
- Condition 4 requires a revised CEMP to be submitted and agreed.
- Condition 8 requires the developer to pay a contribution in respect of works, consisting of the provision or improvement of the public roads in the functional area of the Planning Authority.
- Condition 9 requires the developer to pay a contribution in respect of works, consisting of the provision or improvement of community facilities in the functional area of the Planning Authority.
- Conditions 10 requires the developer to pay a contribution towards the expenditure that is proposed to be incurred by the Local Authority in respect of specific works, consisting of the upgrading/improvement to existing public

footpaths specifically within Echo Beach Estate which are outside of the applicant's control.

- Condition 11 requires the developer to lodge a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the Planning Authority, for the amount of €600,000 to secure the satisfactory implementation of landscaping requirements, tree planting, provision of shelter belts.
- Condition 13 requires the applicant to provide details on extent of works proposed to construct a new footpath along the R739 from Echo Beach Estate Road to the Garda Station building, showing the design layout with clearly marked dimensions and material specification on plan.
- Condition 14 requires the applicant to submit a detailed layout plan specifically for roads, active travel, footpaths, cycle lanes and ramps etc.
- Condition 15 requires that the development shall be used for short term holiday rentals only and shall be retained in the ownership of the owner of the Tourism Resort Complex. Individual components of the development or any individual unit within it shall not be sold off separately.
- Condition 27 requires the applicant to engage the services of a suitably qualified archaeologist to carry out a fieldwork-based Archaeological Impact Assessment of the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report (dated 13/10/2025) notes that the scheme has been designed to take cognisance of its setting and it is considered that the design response reflects the sites proximity to Kilmore Quay. The resort is designed to integrate with the village while maintaining its unique character through adequate separation distance which will lessen the developments visual impact when viewed from the village .The design provides the necessary range and scale of accommodation to make the proposal economically viable and is designed to operate throughout the year providing a year round economic activity and further opportunities for non-resort

related business activities. A number of the submissions received have raised legitimate concerns regarding the potential for a negative impact on the unique character of Kilmore Quay and on the private residential homes adjacent to the proposed site. The planning authority consider that the development has been designed in such a manner that the integrity of Kilmore Quay will be maintained and significant negative impacts on the character of the village will be avoided. In addition, the proposed separation distance between existing homes and the proposed tourist resort will help to avoid loss of residential amenity.

Separate reports have been prepared by the Planner in relation to EIA and AA. The report in relation to EIA (dated 02/10/2025) considers that the EIAR is comprehensive and that there is no potential for adverse impacts on the receiving environment. The report in relation to AA (dated 02/10/2025) concludes that with mitigation measures in place, the project either alone or in combination with other plans or projects will not undermine the conservation objectives of any European Site.

I note that the reports which reference the referral from Department of Housing, Local Government and Heritage (summarised in Section 3.3 below), but I have not been able to identify any engagement with the issues raised, within any of the Planner's Report.

3.2.2. Other Technical Reports

Roads Department: Recommends Further Information. A number of items are requested including the following;

- provide a detailed layout plan for roads, active travel, footpaths, cycle lanes and ramps etc. in accordance with Roads Department requirements.
- to indicate which works (footpaths etc) outside of the red line boundary that are proposed to be constructed/completed
- provide details on the extent of works proposed to construct a new footpath along the R739 from Echo Beach Estate Road to the Garda Station building, show the design layout with clearly marked dimensions and material specifications on plan.

Disability Access Officer - DAC is required for all buildings.

Coastal Engineer – The development is located within a section of coastline that has had a number of coastal protection measures installed. The proposed development is set back 100m from the foreshore in accordance with Objective CZM35. No objection to the proposed development.

3.3. Prescribed Bodies

Uisce Eireann –

Water Connection – Feasible subject to upgrades. Approximately 1.6km of water network upgrades will be required to provide additional network capacity. UE does not currently have any plans to undertake these works, therefore the applicant will be required to fund these local network upgrades.

Wastewater Connection - Feasible subject to upgrades. In order to accommodate the proposed development it will be necessary to provide an upgrade of the existing Kilmore Quay WWTP to the Phase 2 future design horizon (granted under PI Ref 2019/1633). UE does not currently have any plans to undertake these works as part of their capital investment programme. Therefore, the applicant will be required to fund these upgrades.

GSI – recommends the use of various data sets available.

An Taisce – raises concerns in relation to residential receptors, traffic impact, coastal erosion risk, wastewater treatment, habitats directive, water framework directive and artificial lighting impacts.

Failte Ireland – recommends that permission be granted

Department of Housing, Local Government and Heritage (Development Applications Unit (DAU)) -

Archaeology

The Department recommends that a fieldwork-based Archaeological Impact Assessment (AIA), be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place. The AIA should be requested and submitted as Further Information.

Nature Conservation

Appropriate Assessment

There are significant concerns in relation to both the accuracy of the baseline information included in the Natura Impact Statement (NIS), which forms part of the basis for the Appropriate Assessment (AA), and also in relation to the completeness of the AA. This Department considers therefore that the information contained in the NIS is insufficient to support the conclusion that the proposed development will not adversely affect the integrity of any relevant European site

The conservation status of qualifying interest (QI) species and habitats and special conservation interest (SCI) Birds, as listed in the AA screening, in almost all cases does not correspond to the status in either the 2017 Article 17 Report (although this has been cited as the source for the species and habitats conservation status) or the Birds of Conservation Concern in Ireland listings (which have been referenced elsewhere in the NIS).

Sources for the local bird population data on which the AA is based appear to be limited to Site Synopses and the recent breeding/winter bird surveys carried out for the proposed development. IWeBS (Irish Wetland Bird Survey) data does not appear to have been consulted. The Ballyteigue Burrow Conservation Objectives Supporting Document, although cited in the NIS, does not appear to have been taken into account in assessing the significance of bird usage of the site.

The winter bird surveys, which are the only source of recent bird data considered, were limited to six visits over a three-month period, within a single winter season, while the breeding survey period ran from April to June (three visits). It would have been expected that the full “winter” survey period (September to March) covered in IWeBS would be used for this development, and that the post-breeding/autumn passage period (July to September) would have been considered in the survey design. This is a significant deficiency in the data, as the occurrence of a post-breeding tern roost at St Patrick’s Bridge adjacent to the proposed development site, for example, has been overlooked. This roost contains SCI tern species from the Lady’s Island Lake breeding colony, and it is noted that a significant proportion of Sandwich Terns move westwards from Lady’s Island Lake along the coastline after the breeding season. It would also have been expected that the bird surveys would span more than a single year, to produce a more robust dataset.

Disturbance to Qualifying interest species and habitats

Species with high and medium sensitivity to disturbance, including Bar-tailed Godwit (SCI for Ballyteigue Burrow SPA; disturbance distance up to 300m) have been recorded on or adjacent to the site. The proposed mitigation for the construction stage is an acoustic barrier, but no specifications or other details are provided in the NIS, other than that such barriers are available online.

The main mitigation proposed for recreational disturbance during the operational stage is the implementation of a 100 metre “buffer zone” between the proposed development and the shoreline. However, this zone will contain pathways running close to the shoreline (although not leading directly to the shoreline) and the southern boundary will not be defined, according to the landscaping plan.

The delay in timing for the proposed screening planting to mature sufficiently to be effective has not been addressed (noting that in winter its screening potential will be reduced by loss of foliage in deciduous species).

The issue of increased recreational use of nearby sites as a result of the proposed development, and associated risk of disturbance to SCI or QI species and habitats, has been poorly covered. The Saltee Islands SAC QI habitats adjacent to the shoreline (Intertidal reef community complex; Intertidal mudflats and sandflats and their associated community complexes) have not been considered at all, while the impact on QI habitats for Ballyteigue Burrow SAC (including Fixed Dunes, with a national conservation status of Bad-Deteriorating in the 2019 Article 17 report) has not been assessed as significant, since currently trampling is not considered to be the main threat. However, this does not take account of any projected future increase in recreational use of the site. The potential for increased recreational traffic to the Saltee Islands Special Protection Area (SPA) and consequent risk of increased disturbance to breeding seabirds as a result of the proposed development has not been addressed, nor has the increased potential for disturbance to Grey Seals as a result of more frequent boat traffic to the Saltee Islands.

While there is at the moment less recreational use of the shoreline area in winter, as mentioned in the NIS, there is significant potential for an increase in winter use from the current winter levels, if the proposed development remains open throughout the winter. The potential impacts on the availability of the beds of Eelgrass (*Zostera*)

adjacent to the shoreline here for foraging waterbirds, in the event of increased recreational use of the shoreline, should be addressed.

Collision Risk

The proposed design of the southern elevation represents a significant collision risk and is in marked contrast to the northern elevation. There appears to have been little attempt to incorporate specific design features on the southern elevation to minimise collision risk. No information has been provided on species specific flight paths in the vicinity of the proposed development. In addition to migration flights, there may include daily movements between the foraging and roosting areas as well as movements in response to the tidal cycle.

Lighting

The building height and design with extensive use of glass means that the cumulative effect on internal building lighting is likely to have equal or greater significance than external lighting in terms of its disorientating effect on seabirds. This cannot be mitigated by screening planting due to the height of the upper storeys and therefore mitigation in building design would have been expected. Proposed balcony lighting will exacerbate the issue.

Loss of ex situ foraging habitat

The proposed development will result in the loss of winter foraging habitat for SCIs of the Ballyteigue Burrow SPA. The SPA consists of dune habitats adjacent to the shoreline, as does Tacumshin Lake SPA further to the east, therefore the development site contains conveniently situated coastal fields for both SPAs, for winter foraging.

The proposed mitigation for habitat loss (creation/retention of a wetland area together with low mound landscaping), is unlikely to be attractive for winter foraging birds, which prefer an open aspect with a wider view to allow early detection of any threats. The proposed wetland area is in close proximity to the pathways and some buildings, and details are required of how access from the pathways and disturbance will be prevented.

Coastal Erosion

The photographic record in the Preliminary Coastal Erosion Assessment clearly shows an actively-eroding coastline adjacent to the southern boundary of the development site.

The predicted erosion line shown adjacent to the proposed development is for a five-year scenario (2030), so that this time period may have already elapsed by the time the development is operational. Therefore, expert longer-term erosion modelling is required. It is noted that the 2050 erosion line has been shown only to the east of the development site; however, this Department considers that the modelling for 2050 (at least) will need to include the proposed development itself, as well as further west towards Ballyteigue Burrow. The potential for progressive reduction of the 100 metre “buffer” zone between the development and the shoreline due to erosion will need to be addressed, as will the potential for accelerated coastal erosion of QI habitats at Ballyteigue which may be rendered less resilient due to pressure from an increased level of recreational use. The NIS should address these issues, taking longer-term modelled predictions into account.

Invasive Species

Measures discussed constitute a general discussion of approved methods and are not specific. An invasive species management plan is required to ensure the long-term effectiveness of proposed control measures.

Wastewater treatment plant capacity

Wexford County Council must be satisfied that the timescale for the proposed phased expansion of the Wastewater Treatment plant will be in keeping with its projected peak capacity loading as a result of the cumulative effect of the current development operating at its peak capacity, the general population usage during peak season and loadings from other proposed developments in the area.

3.4. Third Party Observations

61 no. third party observations were received in relation to the planning application. The concerns raised in the submissions are similar to those outlined in the appeal section below and primarily relate to the scale of development, impact on residential amenity, biodiversity, water infrastructure and traffic.

4.0 Planning History

PA Reg Ref 91/1213 – Permission refused for the erection of fifteen holiday homes with associated sewage treatment plant.

PA Reg Ref 2000/1472 – Permission refused for hotel development comprising function rooms, leisure centre, swimming pool, bar, restaurant, ancillary stores, staff facilities, 60 no. bedrooms, and reed bed effluent treatment system treatment and 4 no. corporate hospitality houses

Refusal Reason;

“Having regard to the scale and nature of the proposed development, and to its capacity to generate pedestrian and vehicular traffic, it is considered that the proposed development would be premature by reference to the existing deficiencies in the provision of water and sewerage facilities and in the existing road network, and the period within which the constraints involved may reasonably be expected to cease.”

PA Reg Ref 2019/1633 – Uisce Eireann application - Permission granted for a ten-year planning permission to construct a new wastewater treatment plant in Kilmore Quay in two phases. Phase 1 (a) wastewater treatment plant (WWTP) with a capacity of 850 population equivalent (Pe) at Nemestown; (b) 2 no. wastewater pumping stations (WWPS) at Crossfarnogue; (c) 8.5 kms of pipeline Irish Water intends to deliver this phase within 5 years. Phase 2 construction of modular expansion of the WWTP to provide a treatment capacity up to 1,900Pe. A Natura Impact Statement accompanies the planning application.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework First Revision 2025

The NPF has been revised and updated to take account of changes that have occurred since it was published in 2018. The latest research and modelling by the Economic and Social Research Institute (ESRI), forecasts substantial population growth over the next decade. The NPF now plans for a population of between 6.1 to

6.3 million people by 2040, and for approximately 50,000 units per annum over that period, to meet additional population growth over and above the original 2018 NPF projections.

The following policy is considered relevant;

National Policy Objective 30 - Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.

5.1.2. National Development Plan 2021-2030

The National Development Plan (NDP) sets out the level of investment which will underpin the National Planning Framework (NPF). It is estimated that an annual average of up to approximately 47,000 direct and 33,000 indirect construction jobs will be sustained by the investment over the course of the NDP.

The Plan notes that cultural and sporting infrastructure can make a significant contribution to place-making in rural areas while investment in rural economic development opportunities including through sustainable tourism, the audiovisual sector, and opportunities in Gaeltacht communities supported by Údarás na Gaeltachta will help to drive regional economies and the communities that contribute to them.

Strategic Investment Priorities include supporting and growing tourism in rural communities through investment in the Tourism Ireland Marketing Fund, as well as delivering enhanced amenity delivered through Tourism Product Development.

5.1.3. Climate Action and Low Carbon Development (Amendment) Act 2021

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050. An Coimisiún Pleanála is a relevant body for the purposes of the Climate Act. As a

result, the obligation of the Commission is to make all decisions in a manner that is consistent with the Climate Act.

5.1.4. Climate Action Plan, 2025

The Climate Action Plan was first published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2025 (CAP24) is the third annual update under the Climate Action and Low Carbon Development (Amendment) Act 2021. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

The Climate Action Plan notes that new Sectoral Adaptation Plans (SAPs) for 13 priority sectors, including for the tourism sector, are required to be completed by Q3 2025 in line with the new National Adaptation Framework by the relevant lead Government Departments and with support from relevant agencies.

5.1.5. European Union Water Framework Directive 2000/60/EC (WFD)

The WFD was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

5.1.6. Section 28 Guidelines

Design Standards for New Apartments, Guidelines for Planning Authorities: 2025

It should be noted that the Design Standards for Apartments, Guidelines for Planning Authorities (2025) are applicable to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, that is from the 9th of July 2025. This applicant was submitted after this date.

The guidelines, hereafter referred to as the Apartment Guidelines, provide quantitative and qualitative standards for apartment development across a range of

thresholds depending on the number of units proposed and the site's context. It also sets out SPPRs to be adhered to across a range of parameters including unit mix, car parking and minimum floor areas.

Section 5.1 relates to Shared Accommodation/Co-living Developments and states the following;

“The shared accommodation/co-living format comprises professionally managed rental accommodation, where individual rooms are rented within a commercial development that includes access to shared or communal facilities and amenities. For clarity, these Guidelines do not apply to established forms of accommodation with a shared or communal element, including hotels, aparthotels, hostels, student accommodation or house or flat share arrangements.

When introducing the shared accommodation/co-living format the Urban Development and Building Heights Guidelines, issued in December 2018, stated that given the relatively new nature of this form of accommodation, the Department would monitor the emerging shared accommodation sector and may issue further additional technical updates to this document as appropriate. In this context it was determined in 2020 that there was a sufficient quantum of shared accommodation/co-living units either permitted or subject to consideration within the planning system, that may be built out to demonstrate and prove this concept, without impacting the housing system.

Accordingly, it is a Specific Planning Policy Requirement (SPPR) of these Guidelines that shared accommodation/co-living developments will not generally be permitted:-

Specific Planning Policy Requirement 7:

There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process.”

5.1.7. Other

The following national and regional policy, statutory guidelines, guidance and circulars are also relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Guidelines on the Information to be Contained in Environmental Impact Assessment Reports
- Our Rural Future: Rural Development Policy 2021-2025

5.2. Regional Policy

5.2.1. Regional Spatial and Economic Strategy for the Southern Region

The RSES provides a long-term regional level strategic planning and economic framework in support of the implementation of the National Planning Framework for the future physical, economic and social development of the Southern Region.

The following objectives are considered relevant;

RPO 50 Diversification It is an objective to further develop a diverse base of smart economic specialisms across the rural Region, including innovation and diversification in agriculture (agri-Tech, food and beverage), the marine (ports, fisheries and the wider blue economy potential), forestry, peatlands, renewable energy, tourism (leverage the opportunities from the Wild Atlantic Way, Ireland's Ancient East and Ireland's Hidden Heartlands brands), social enterprise, circular economy, knowledge economy, global business services, fin-tech, specialised engineering, heritage, arts and culture, design and craft industries as dynamic divers for the rural economy

RPO 53 Tourism It is an objective to:

- a. Enhance provision of tourism and leisure amenity to cater for increased population in the Region including recreation, entertainment, cultural, catering, accommodation, transport and water infrastructure inter alia;
- b. Promote activity tourism subject to subject to appropriate site selection and environmental assessment processes;
- c. Sustainably develop the road network and public transport services and facilities for improved visitor access, longer dwell times due to improved connectivity to ports and airports and tourism growth;
- d. Sustainably develop walking and cycling trails opening greater accessibility to the marine and countryside environment by sustainable modes and promote the sustainable designation and delivery of Greenway and Blueway Corridors.
- e. Facilitate appropriate tourism development and in particular a National Greenways, Blueways and Peatways Strategy, prioritising sustainable projects that achieve maximum impact and connectivity at national and regional level;
- f. Identify and map catchment areas concerning Culture, Heritage and Tourism of regional significance/scale. Such catchments should have the potential to deliver small-scale economic development and using wider local services such as Post Offices and local public transport.
- g. Support the relevant authorities in the development of specific monitoring protocols for visitor pressure to ensure that tourism activities are maintained within sustainable limits for the European sites in the Region.

RPO 54 Tourism and the Environment Development of new or enhanced tourism infrastructure and facilities should include an assessment of the environmental sensitivities of the area including an Environmental Impact Assessment (EIA); Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA) if required in order to avoid adverse impacts on the receiving environment. Where such tourism infrastructure or facilities are developed, the managing authority/agency should ensure that effective monitoring protocols are put in place to monitor and assess the ongoing effect of tourism on sensitive features with particular focus on natural, archaeological and built heritage assets

5.3. Local Policy

5.3.1. Wexford County Development Plan 2022-2028

Kilmore Quay is classed as a Level 3(b) Small Service Town/Strategic Settlement in the Core Strategy of The Wexford County Development Plan 2022-2028.

There is a strategic imperative to prioritise the development of these villages. Some of the settlements are important contributors to economic activity at sub-county level with existing large employers such as Kilmore Quay (marine, fisheries and tourism), Clonroche (agri foods) and Taghmon (food production and logistics). Some of the settlements, such as Wellingtonbridge, Kilmuckridge and Kilmore Quay, have potential to be regenerated through tourism related development. All of these settlements perform important functions including retail, commercial, education, residential, service and amenity functions for wide sub-county hinterlands. In general, these functions are far in excess of that required to support their own population.

The development approach for these strategic settlements includes to “Promote economic and enterprise development appropriate in scale to the settlements, such as expanding the potential of the marine economy and tourism in Kilmore Quay and developing the tourism potential of Kilmuckridge and Wellingtonbridge.”

In relation level 3(b) settlements it is stated that ‘The Council will vary the Plan to include settlement boundaries and specific objectives (and identify infill and regeneration sites) for these settlements within three years of the adoption of the County Development Plan or within one year of the adoption of the LAPs for Wexford Town, Enniscorthy Town and New Ross Town, whichever is the sooner.’

Objective CS22 also refers to the variation of the Development Plan to prepare boundaries and objectives for Level 3b settlements.

Tourism

- 5.3.2. **Section 7.6.3 Tourism in Coastal Areas** states ‘Building on Wexford’s coastal towns and villages, beachfront accommodation, increasingly developed blue and greenways, coastal drives and walks (such as the Slí Carman Coastal Walks), water and land-based sports activities, range of islands reachable on day trips, nature and wildlife reserves, food and drink offering and culture the renewed proposition should

be developed and promoted. Whilst Wexford's coastal offering should be developed and promoted so that a wide range of destinations and communities benefit, it will also be important to develop a number of leading lights within the experience offering with Courtown, Curracloe, Rosslare, Kilmore Quay and the Hook Peninsula receiving particular focus.'

Section 7.7.4 Integrated Resorts and Amenities is relevant to this development which states that the Council recognises that some forms of tourism development, due to their self-contained nature or scale, may require a location outside of existing settlements.

This policy states:

The Council recognises that some forms of tourism development, due to their self-contained nature or scale, may require a location outside of existing settlements, for example, golf courses. Such developments, and their requirement to locate outside of existing settlements, will be assessed on a case-by-case basis having regard to their scale, nature, site suitability and normal planning and environment criteria.

The Council will give consideration to the development of a limited number of integrated tourism/leisure/recreation complexes at appropriate locations in the county. It must be demonstrated that the development is dependent on an existing local resource or a unique site characteristic or an overriding need is demonstrated for the development at that location. The use must be designed to respect the character of the area and any existing natural or built heritage features on the site. The proposal must not detract from the overall character and quality of the site's setting.

An integrated tourism/leisure/recreation complex may include a number of following uses: hotel and associated facilities, health/spa/wellness facilities, restaurant/café, conference centre, golf course, equestrian centre, nature trails, walking trails, trekking courses, indoor/outdoor water facility, fishing facility, museums/art galleries and associated facilities. The development must have a critical mass of activities to ensure that it is a self-sufficient destination tourism facility and not be developed in a piecemeal manner.

Such a complex may also include a small amount of ancillary tourism accommodation and leisure retail. The complex must be a significant attraction in

itself to warrant/require tourist accommodation and leisure retail uses. These uses will be limited in the scale/quantum permissible and must be ancillary to and for use by facility. The tourist accommodation shall be used for tourism purposes only, shall not be allowed to be used as permanent residences, shall be available for short term letting only, shall be retained in single company ownership and shall not be sold off individually.

The development must be based on an integrated and comprehensive master plan and business plan and facilities and accommodation must be maintained in a single ownership. An overall planning application will be required for the entire complex with proposals, where appropriate, for:

- The preservation/conservation of natural amenities on the site,*
- The preservation/conservation of the heritage structures on the site,*
- The retention of the open nature of the lands,*
- Significant and appropriate landscaping of the site,*
- Physical linkages, including cycle ways and/or footpaths to the nearest settlement, and*
- A phasing agreement that the tourist attraction/facility is developed before or at the same time as any ancillary tourist accommodation or leisure retail.*

Objective TM45 - To facilitate the development of tourist related resorts and amenities in towns and villages, subject to compliance with normal planning and environmental criteria

Objective TM47 - To consider the development of new tourist related resorts and amenities and the development of a limited number of high quality integrated tourism/leisure/recreation complexes and resorts and amenities outside of existing settlements where it is demonstrated that the development is dependent on an existing local resource or a unique site characteristic or where an overriding need is demonstrated for the development at that location. The development must be in accordance with Section 7.7.4 and is subject to compliance with the Habitats Directive and normal planning and environmental criteria.

Section 7.7.5 Tourist Accommodation states that the provision of a variety of high-quality tourist accommodation is important for visitors and it will encourage a longer dwell time in the county. Tourist accommodation should be located within towns and villages in order to be in close proximity to services, public transport and amenities. The Council will therefore direct new tourist accommodation including hotels, guesthouses, hostels, B&Bs and holiday homes to towns and villages, save for the exceptions outlined in this section, Section 7.6.2 Rural Based Tourism and Objectives TM46 and TM47 in Section 7.7.4 Integrated Resorts and Amenities.

Objective TM01 - To protect and sustain the natural, built and cultural features that form the basis of the county's tourism industry including landscapes, historic buildings and structures, habitats, species and areas of natural heritage value and water quality.

Objective TM16: To facilitate the development of a variety of high-quality tourist accommodation within towns and villages, subject to compliance with Section 7.7.5 Tourist Accommodation and Chapter 4 Sustainable Housing, and normal planning and environmental criteria.

Objective TM22 - To prohibit tourism development that would significantly diminish the natural heritage, scenic and recreational amenity and economic value of the county's coastline and coastal areas.

Objective TM24: To ensure that tourism development in coastal areas is sensitively designed and considers views from scenic routes, paths and trails and from the popular sea transport routes.

Section 5.7.1 of Volume 2 of the County Development outlines the Development Management Standards for tourism.

It is noted that the following minimum requirements must be met:

- The development consists of a well-researched, justified and imaginative integrated project.
- The development does not contravene the landscape and coastal zone management objectives in the Plan.
- The development relates sympathetically to the scale and level of activity in the locality.

- The development will not result in a detrimental impact on road safety or the free flow of traffic and will not require improvements which would detract from the character of rural roads.
- The development will not have adverse impacts on sites of nature conservation value or archaeological importance or structures of architectural or historic interest.
- Any accommodation is of good design standard and sympathetic to the landscape in terms of its siting and materials.

Transport

Objective TS25 - The design of new developments, streets and street networks shall be in accordance with DMURS and the TII document 'Treatment of Transition Zones to Towns and Villages on National Roads' where relevant and shall recognise the importance of assigning higher priority to pedestrians and cyclists and ensure that they are fully permeable by pedestrians and cyclists. Where practical, new developments should integrate fully with existing roads and streets to facilitate permeability. Proposed modifications to existing roads and streets shall also have regard to these guidance documents. Scheme designs shall also have regard to the Permeability Best Practice Guide (NTA, 2015), other Government guidance and advice as may be updated, Chapter 5 of this Plan and the development management guidance in Volume 2.

Objective TS43 - To ensure that the public safety of all road users, including pedestrians and cyclists, has the highest priority in the design of development and vehicular access points and in the exercise of traffic management functions. Road Safety Impact Assessments, Road Safety Audits and other road safety reports shall be sought where appropriate to inform planning decisions.

Objective TS44 - To apply the principles, approaches and standards of DMURS and other Government Guidance and advice as may be updated, in the design and management of road and street networks and hierarchies in towns and villages.

Objective TS46 - To ensure that all developments are appropriately located having regard to the principles of sustainable development and the provision of an effective road network. A Traffic and Transport Assessment, prepared in accordance with the

relevant national guidelines for such shall be sought where appropriate to inform planning decisions.

Landscape

The site is located within a Coastal Landscape. Section 11.8 Landscape Sensitivity states that Coastal Landscapes '*have a High Sensitivity to change and a limited ability to absorb new development. Development proposed within these areas must be shown not to impinge in any significant way upon their character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the protection of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites.*'

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

Objective L07 - To ensure that, where a development will have a negative impact in the Upland, River Valley, Coastal, or Distinctive Landscape Character Unit, an overriding need is demonstrated for that particular development and ensure that careful consideration is given to site selection. The development should be appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape.

Coastal Management Zone

The proposed development site is located within a coastal management zone as outlined on Map 3 of Volume 1 Maps. The following objectives are considered relevant;

CZM01 To ensure the sustainable development of the county's coastal areas and the maritime area for the long term benefit of coastal communities and the economic well-being of these areas and the county whilst protecting and enhancing environmental quality and managing and restoring biodiversity.

CZM03 To maximise the economic development potential of the county's coastal and maritime areas subject to compliance with the objectives of the County Development Plan with regard to the location of economic development, the protection of the scenic amenity and views associated with coastal areas and the

maritime area which is crucial to the tourism industry, the protection of the amenity, livelihood and cultural well-being of coastal communities, the protection and restoration of coastal features, habitats and species, compliance with the Habitats Directive and normal planning and environmental criteria and the proper planning and sustainable development of these areas.

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

CZM35 Within established coastal settlements located on a soft shoreline and where there is an identified coastal erosion risk and where there are no coastal protection works in place and no such work is underway or planned by the Council, the Council will only consider the development of infill sites where the development is a minimum of 100m (or such greater distance as may be specified by the Planning Authority having regard to the data sources referred to in Objective CZM29) from the soft shoreline. In those circumstances the following applies:

- a) The development must not extend the length of the coastline that may require coastal protection works in the future.
- b) The applicant must objectively establish based on the best scientific information available at the time of the planning application that the likelihood of erosion at the location is minimal taking into account, inter alia, any potential impacts of the proposed development on erosion or deposition.
- c) The onus will be on the applicant to provide the evidence (including appropriate modelling which incorporates climate change) to demonstrate that the development will not be at risk over its lifetime. The Planning Authority will have regard to recent and historic trends and events and the data sources referred to in Objective CZM29 in assessing such applications.
- d) The applicant must also demonstrate that the proposed development will not pose a significant or potential threat to coastal habitats or features, and is compliant with the Habitats Directive.

Geological Site

St. Patrick's Bridge which adjoins the site is a recognised County Geological Site (CGS) and is recommended for Geological Natural Heritage Area (NHA). The following objective is considered relevant;

Objective NH06 To recognise the importance of recommended Geological Natural Heritage Areas, proposed Natural Heritage Areas and County Geological Sites and protect the character and integrity of these sites where appropriate. The Council will consult Geological Survey Ireland where a development is proposed that may impact on geological sites

5.3.3. Wexford Destination and Experience Development Plan

The Wexford Destination and Experience Development Plan is a five-year tourism strategy developed by Failte Ireland in partnership with Wexford County Council and local tourism stakeholders. The plan aims to strengthen Wexford's position as a year-round coastal destination, increase visitor spending, extend visitor stays and distribute tourism benefits across the county.

The plan outlines ambitious goals through six catalyst projects, each with multiple actions designed to unlock economic potential and enhance visitor experiences. The six catalyst projects are summarised as follows;

Wexford Visitor Attractions – expanding the Irish National Heritage Park to include a shoreside Viking Village

Wexford Town – developing a new approach to visitor orientation

Hook Head Peninsula – creating a masterplan to link wider tourism destinations and axis towns

Forth Mountain – developing outdoor facilities for biking and water sports

Greenways & The Outdoors – completing the New Ross to Waterford Greenway, feasibility studies for further links and a riverside trail in Enniscorthy

Coastal Activity Centres – new water sports facilities in Curracloe and marina development at Courtown

5.4. Natural Heritage Designations

Seas off Wexford SPA (004237) – c. 14m to the site

Saltee Islands SAC (000707) – c. 14m to the site

Saltee Islands SPA (004002) – c. 3.1km to the site

Ballyteige Burrow SAC (000696) – c. 670m to the site

Ballyteige Burrow SPA (004020) – c.1.9km to the site

5.5. EIA Screening

Schedule 5, Part 2 of the Planning and Development Regulations 2001, as amended and Section 172(1)(a) of the Planning and Development Act 2000, as amended provides that a mandatory Environmental Impact Assessment (EIA) is required for:

“10 Infrastructure Projects

(b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”

“12. Tourism and Leisure

(c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.”

Section 1.6 of the EIAR sets out that the area of the proposed development is 20.3 hectares and thus exceeds the threshold for mandatory EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of Wexford County Council to issue notification to grant planning permission for the proposed development was the subject of 18 no. third party appeals and a first party appeal against a condition no. 2 attached to the grant of permission. The grounds of appeal are outlined below.

Third Party

Third party appeals are summarised under the following headings;

Planning Authorities Assessment

- While the Planner's Report summarises the development, it does not provide an assessment of the proposed development.
- The Planning Authority have not had regard to or engaged with the submissions from prescribed bodies including that of the Department of Housing, Local Government and Heritage.
- Omissions and inconsistencies are noted in the Planner's Report, including in relation to the reference of a multi storey car park in Condition 21 which does not form part of the proposed development.

Scale and Character of the development

- The development is contrary to section 7.7.5 of the Development Plan which states that 'Tourism development shall be in keeping with the scale and character of the settlement'.
- The overall design is overbearing and fails to integrate with the village. The proposed development does not match the character of the working fishing village.
- The Failte Ireland letter notes that the average hotel size in Wexford is 57 rooms. The proposed development is many multiples of this average, highlighting how out of character it is with developments in the county.
- The resultant demographics of the area would transform Kilmore Quay into a mini-town. The proposed resort with 449 rooms and over 900 guests would more than double the population of Kilmore Quay.
- The proposed development will cause overlooking and loss of privacy to adjoining properties.

Water Supply

- The proposed development will place a substantial strain on the water supply to residents in Kilmore Quay.
- The applicant has ignored the existence of unregistered wells in the area.

- Groundwater testing is not adequate and fails to take account of climate change and seasonality.

Wastewater Treatment

- The proposed development would put a strain on the wastewater treatment network.
- The development may negatively impact connections for future developments for residents and local businesses in the village.
- WWTP calculations are conservative given the scale of the proposed development and have not had regard to the existing population increases during the summer months.

Water Framework Directive

- The construction and operational phase may cause a deterioration of water quality to ground water and surface.

Traffic

- The village is currently negatively impacted by traffic congestion and inadequate parking facilities, particularly during summer months.
- Construction traffic will impede residents and visitors and could lead to a deterioration of road surfaces and traffic.
- Public transport to Kilmore Quay is limited.
- The car dependent nature of the facility is contrary to Wexford County Councils Climate action plan.
- It is unrealistic to expect that guests would walk 20 minutes to the village in winter.
- TTA is inconsistent (407 vs 449 bedrooms) invalidating modelling.

Pedestrian/Cycle Access

- The highlighted access route described as a “mass path” does not exist nor did it exist historically. The proposed route is across private lands. There is no right of way or right of access across these lands. No landowner consent has been secured.

- The existing road and footpath infrastructure particularly through the Echo Beach estate, cannot accommodate the pedestrian and cycle movement generated by the proposed development.

Coastal Erosion/Management

- The proposed development would be built on an area identified as prone to erosion.
- The proposed development would exacerbate erosion as an increase in activity on shorelines is proven to contribute to erosion.
- The assessment was based on the Irish Coastal Protection Strategy Study which is considered out-dated.
- The proposed 100m buffer zone includes paths and therefore will not act as an undisturbed buffer.
- The Wexford Climate Action Plan identifies coastal erosion as a unique hazard, noting that erosion rates have accelerated in recent years due to several high wind events, storm surges and coastal flood events.
- The assessment does not have regard to climate impacts

Biodiversity/Appropriate Assessment

- A full ecological survey of the site does not appear to have been undertaken.
- Evidence of otter has been recorded at homes near the proposed development site
- Buzzards have been recorded in the vicinity of the site and are found at St Patricks Bridge.
- No static detector bat survey was undertaken.
- Excessive lighting, noise, run off, dust pollution and human activity will disrupt birds and other protected species.
- Mitigation measures in the NIS are vague and non-descriptive.
- Increase in tourists/walkers and resultant disturbance has not been adequately assessed.

Visual Impact

- The proposed development would dominate the skyline and visually overwhelm the existing low rise settlement pattern of Kilmore Quay.
- Kilmore Quays Landscape Character Unit is identified as a coastal landscape with a high sensitivity to change and a limited ability to absorb new developments.
- No photomontages from adjoining properties or from the sea have been provided.

Cultural Heritage

- The proposed development will conflict with the vernacular architecture and traditional built heritage of Kilmore Quay

Tourism

- The proposed development is not consistent with the Wexford Destination and Experience Development Plan, which requires sustainable developments and a suitable balance between environmental, economic and socio-cultural aspects.
- The potential impacts of over-tourism have not been addressed.

Management and Operation

- Inadequate details have been provided in relation to who will operate the proposed development.

Lack of community engagement

- One consultation event held in May 2025 is not sufficient for the scale of the proposed development.

Lack of Social Infrastructure

- Medical facilities in the area are under strain and are not accepting new patients.
- The local garda station is only part-time attended.

First Party

The first party appeal is summarised as follows;

- The inclusion of a condition limiting the duration to 5 years could jeopardise the development having regard to the need to comply with conditions, other consents, funder interactions, tendering and construction.
- As the application was accompanied by a mandatory EIAR and NIS it may not be possible for the Planning Authority to extend the duration of the permission in the future.
- New extension of duration provisions will come into effect under the Planning and Development Act 2024 under which the extension will be considered a 'material alteration' and would be subject to new environmental assessments, public consultation, right to appeal and assessment of consistency with the Development Plan in place at the time of the extension application. This process will potentially be burdensome and be subject to uncertainty.
- It is considered that the inclusion of the condition arises from a misunderstanding of some issues;
 - The grant of permission does not preclude grants of permission for other developments should policy support other forms of development.
 - Another application can be put into effect on the land, and if put into effect, the subject permission would be set aside.
 - If additional population is added to Kilmore Quay in accordance with the Compact Settlement Guidelines, residential expansion would occur sequentially from the village core on lands that are available, suitable and serviced.
- The development triggers the modular expansion of the WWTP to its phase 2 capacity of up to 1900 population equivalent under its existing 10-year permission, Ref 2019/633, granted on 9th March 2020.
- Without a planning permission that is viable, with adequate time to plan fund and construct the development, it is unlikely that, without separate agreement, an upgrade to the Kilmore Quay WWTP will occur because upgrade to Stage 2 is not in the UE budgetary plans at present.

- The location of the development would not hinder compact and sequential residential development within the village envelope.

6.2. Applicant Response

The applicant submitted 3 no. separate responses to the third-party appeals as follows;

1. Response to Catriona and Will O’Flaherty,
2. Response to Brendan O’Flaherty, and
3. Response to all other appeals.

I note there was some overlap of topic/themes in the responses. I have summarised the key issues from each of the responses below;

- Extensive Preplanning discussions and consultations took place with the Planning Authority and other relevant bodies (Uisce Eireann, Failte Ireland and NPWS). Open and extensive public consultation also took place.
- The design of the lodges provides an appropriate transition to the adjoining residential development. Additional landscaping will also mitigate the impacts.
- There are no particular public realm viewpoints from the south. Nemestown beach is located below the beachside bank.
- The hotel is located at the lowest natural level, below the level of Kilmore Quay village.
- The view from the sea represents the only marked navigable channel available due to St Patricks bridge geological structure. The development will not be conspicuous from the sea.
- The Development Plan supports the spread of tourism infrastructure to coastal areas and settlements. Failte Ireland have indicated their support in a submission on file.
- Local footpath infrastructure will be upgraded to link to existing footpaths.
- Public consultation concluded in 2024 on measures proposed by WCC to make the central parts of Kilmore Quay Safer for pedestrians and cyclists.

- Wexford County Council identified the historic linkage between Nemestown to the east and Kilmore Quay village to the west, requiring that the historic mass path connectivity should be facilitated through the site. The request was facilitated by the applicant.
- The development does not incorporate proposals for any development on any land that is not owned by the applicant or consented to. The application includes consent from 1 private landowner.
- The exit at Echo Beach roadway is to a public roadway in the charge of Wexford County Council, which will be upgraded to accommodate cycle and pedestrian links. A specific contribution to works to improve the condition of Echo Beach roadway has been included as a condition by WCC and has been accepted by the applicant.
- Issues identified in the Road Safety Audit have been resolved.
- The vehicular access point is 1.1km from the heart of the village. There is no need for general or service traffic to enter the village.
- A response has been prepared by Meinhardt (appended to appeal response) which clarifies the construction and operational traffic measures that ensure the village centre is not overloaded or impacted by traffic generation. The construction of the Ard Na Ba link road has relieved village centre traffic and facilitated a traffic circuit to relieve traffic at the harbour/village centre.
- Traffic speed control, traffic calming, and safety measures, including works in the village are indicated in the Kimore Quay Village Traffic Management Plan (draft 2024) which has passed through public consultation, and which has been taken into account in the design and in response to traffic issues.
- The village has capacity to accommodate construction stage traffic as demonstrated by the offsite workouts carried out in the village as part of the Kimore Quay WWTP upgrade.
- Offsite works referred to in the Meinhardt Traffic and Access response refers to the works agreed with WCC area engineer to be carried out on lands in the control or ownership of WCC. No 3rd Party lands are involved in any proposed road or footpath improvements.

- Otters are likely to forage and commute in the wider area. No holts were found on site.
- There was no evidence of buzzard nesting at the site during surveys.
- The DAU is neither a decision maker or competent authority in relation to AA, NIS and EIAR assessments. The DAU observations are just observations and not findings.
- The conservation status listed is taken from the most recently updated official document for the relevant European sites, in this case their Standard Data Forms (available on the European Environmental Agency website).
- Operational phase recreational impacts are assessed as negative and permanent however not significant given the typically lower use of shore areas for recreational activities during winter months, during which the Ballyteige Burrow SPA hosts important populations of wintering birds. Tourists are not anticipated to significantly increase winter use of this area, and hence significant disturbance to wintering birds is not anticipated.
- The mitigation measure to contract an ECoW and engage an ornithologist, if necessary, will ensure no significant disturbance to bird species will occur.
- Buildings would be in excess of 100m from the shoreline. The environmental protection barrier will be located at the construction site and not the shore, and the most appropriate barrier can be selected at construction stage.
- The An Taisce submission was constructive, and the applicant is willing to follow recommendations therein.
- The site can accommodate suitable lighting in the interests of normal health and safety values while not affecting birds or bats. A condition to agree the tone, colour and warmth of lighting with WCC is invited.
- South facing glazing in large public and workplace settings would be tinted to reduce internal sun glare and solar heat gain. Tinting will reduce the 'see-through' risk for birds. Brises Soleil, if fitted, would also reduce the potential 'see-through' effect.

- A preliminary CEMP was prepared to address construction stage impacts. A standard condition may be applied requiring the agreement of the CEMP with WCC prior to commencement of development.
- While there is evidence of a soft coastal shoreline in County Wexford, this doesn't apply to this location. Regard should be had to the WCC Coastal Engineers Report, NPWS/GSI authorised publications and AIMU for the sub-sea fibre optic route to Kilmore Quay investigations (geological makeup). The combined information indicates that the immediate location is sheltered south of the subject site from progressive erosion by Saltee Islands offshore, St Patricks Bridge, Kilmore Quay Harbour and Marina works, and intertidal exposed folded metamorphic rock on the site shoreline.
- The boundary post and wire fence erected by the landowner in 1989 is still in place and no land has been lost to coastal erosion.
- Extensive engagement was undertaken with Uisce Eireann.
- The confirmation of feasibility outlines that a 1.6km upgrade of the water network would be required to support the development and that the cost of the works would be funded by the developer. The upgrade will improve water supply and pressure to Kilmore Quay generally in addition to supporting the proposed developed during times of reduced groundwater supply.
- As documented in the Civils Report, water supply will be from an onsite supply served by 2 no. proposed groundwater well with supplementary backup from the mains.
- With Phase 2 of the WWTP triggered by the proposed development, there will continue to be further capacity available for other developments in Kilmore Quay.
- Suggestions that groundwater testing should be carried out during the dry summer season overlooks that fact that the development can be supplemented from the Irish water connection.
- The majority of building foundations are expected to be above the groundwater table. There will be no overall change to regional groundwater flow paths within the aquifer. Where foundations or drainage infrastructure

have the potential to impede groundwater flow, standard design and construction measures will be implemented.

- The buffer zone is not an exclusions zone for people. The DAU is incorrect to suggest that a buffer of 200m should apply. It is not for the DUA to suggest or create policy.
- Policies in the Development Plan and other plans support long distance walking/cycling tourism and active travel routes. Gravel based, minimal intervention footpath is proposed. It should be noted that non-invasive pathways and trackways have been developed by the NPWS/OPW throughout mountain and boglands areas, which are also SAC/SPA.
- The combination of landscaping, green roofs, tinting of glazing, brises soleil, and features to prevent excess solar gain, will mean that the buildings are not see through and not a significant risk for bird strike.
- Nature based SUDS have been provided throughout the site to manage stormwater, including measures which provide both hydrological and ecological benefits.
- The DAU submission in relation to archaeology is noted and it is considered that this can be addressed by condition.
- There is no interaction between the development and St Patricks Bridge geological feature.
- The concept is a tourism destination resort. There are several of successful tourist destination resorts in coastal areas which do not overwhelm their location or locality, and which contribute significantly to the local economy including Kelly's Resort, Virginia Park Lodge, The Europe, Adare Manor, Castlemartyr, The Galgorm, Inchydoney and Parknasilla.
- A tourism report prepared by Jean O'Connell and Anthony O'Toole is appended to the response, and sets out the following
 - the demonstrated tourism need for the modern traveller
 - the scale, viability, local context and past small seasonal hotel closures
 - operators emerge after a grant of permission

- commitment to eco-tourism in the resort design and management.
- Planning permission relates to the land and is not tied to a single user or operator.
- There are no restrictions with regards to beach access in Kilmore Quay.

6.3. **Planning Authority Response**

None

6.4. **Observations**

11 no. observations were received by the Commission. The concerns raised in the submissions have already been raised in the third-party appeals and primarily relate to the scale of development, impact on residential amenity, biodiversity, water infrastructure and traffic.

6.5. **Further Responses**

Further responses were received from 16 no. third parties/observers. The main issues raised in the above further responses are covered in the Grounds of Appeal, in the submissions to the Planning Authority and in the previous observation submissions. The responses in general do not consider that the applicant's response has addressed their concerns.

It is considered that there is no new information in the further responses.

7.0 **Assessment**

- 7.1. Having regard to the requirements of the Planning and Development Act, 2000, as amended, the assessment of the proposed development is divided into three parts to include the planning assessment (section 8) environmental impact assessment (section 9) and appropriate assessment (section 10). Invariably there is a significant overlap in the assessments, and to avoid undue repetition where issues arise, they are addressed in the environmental impact assessment (EIA) and appropriate assessment (AA) sections.

8.0 Planning Assessment

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

- Scale and Nature of Development
- Pedestrian Connectivity
- Coastal Management Zone
- Other Issues
- First Party Appeal Against Condition

8.2. Scale and Nature of Development

A number of the appeals/submissions received have raised concerns regarding the potential of the proposed development to negatively impact on the unique character of Kilmore Quay. Concerns have also been raised in relation to over tourism noting the significant influx of visitors to the village in summer months.

Kilmore Quay is classed as a Level 3(b) Small Service Town/Strategic Settlement in the Wexford County Development Plan 2022-2028. I note that there are no settlement plans, boundaries or zonings for this level of settlement. I note Objective CS22 of the Plan outlines that it is an objective of the Council to vary the County Development Plan to prepare boundaries and objectives for Level 3b settlements, however this has not yet been done.

Kilmore Quay is considered a traditional coastal fishing village. The unique character of the village is evident with the working harbour/marina and the traditional thatched, white-washed cottages located in the village centre. The core strategy for the county indicates that Kilmore Quay has an existing estimated population allocation of 372 people. CSO figures (2022) for Kilmore Quay show that the Urban Area of Kilmore Quay (comprising of 2 no. small areas) has a total population of 447.

Section 7.6.3 of the Development Plan supports Tourism in Coastal Areas generally and states that it will *'be important to develop a number of leading lights within the experience offering with Courtown, Curracloe, Rosslare, Kilmore Quay and the Hook Peninsula receiving particular focus.'*

In terms of the nature of the development, the proposed development is more specifically described as an integrated tourism resort. Section 7.7.4 of the Development Plan sets out that *'An integrated tourism/leisure/recreation complex may include a number of following uses: hotel and associated facilities, health/spa/wellness facilities, restaurant/café, conference centre, golf course, equestrian centre, nature trails, walking trails, trekking courses, indoor/outdoor water facility, fishing facility, museums/art galleries and associated facilities. The development must have a critical mass of activities to ensure that it is a self-sufficient destination tourism facility and not be developed in a piecemeal manner.'*

I consider that the proposed development has a critical mass of activities to ensure that it is a self-sufficient tourism facility. Section 7.7.5 Tourist Accommodation notes that in general new tourist accommodation including hotels, guesthouses, hostels, B&Bs and holiday homes will be directed to towns and villages, **save for the exceptions** outlined in this section, Section 7.6.2 Rural Based Tourism and Objectives TM46 and TM47 in Section 7.7.4 Integrated Resorts and Amenities.

In this regard, Policy TM47 is relevant and specifically states the Council will *'consider the development of new tourist related resorts and amenities and the development of a limited number of high quality integrated tourism/leisure/recreation complexes and resorts and amenities outside of existing settlements where it is demonstrated that the development is dependent on an existing local resource or a unique site characteristic or where an overriding need is demonstrated for the development at that location.'*

I note the submitted Planning Report considers that the proposed development is dependent on the existing local resource of Kilmore Quay itself. The applicant contends that the proposed development is entirely dependent on its location adjacent to the coast and the activities of Kilmore Quay. It is also submitted that the scenic landscape, and distinct charm and appeal of Kilmore Quay make it the ideal setting for a resort of this nature. In my opinion, the proposed development is not

dependent on an existing local resource or unique site characteristic but rather seeks to capitalise on the unique scenic value of the area rather than being explicitly tied to this location. I note Objective TM22 seeks to *‘prohibit tourism development that would significantly diminish the natural heritage, scenic and recreational amenity and economic value of the county’s coastline and coastal areas’*. Many of the third parties and observers also highlight that the public enjoyment of Kilmore Quay results from the natural beauty of the environment and to permit a development of such scale would irreparably alter the character and visual amenity of the area. I note that the Development Management Standards for Tourism are set out in Section 5.7.1 of Volume 2 of the County Development Plan and require that any proposed development relates sympathetically the scale and level of activity in the locality. The proposal is considered substantial in its locational context. A total of 407 no. guest bedrooms are proposed to be provided throughout the resort, with a further 55 no. bedrooms provided for staff accommodation. The proposed development site has an area of 20 hectares. A development of this scale with associated visitor activity, traffic generation and associated infrastructure demands would undoubtedly affect the character of the adjoining fishing village. Having regard to the scale of the proposed development I am not satisfied that the proposed development would be sympathetic to the scale and level of activity in the locality.

Policy TM47 quite clearly states that the development of a limited number of integrated tourism resorts will be considered outside of existing settlements. As previously outlined, there is currently no settlement boundary for Kilmore Quay, however at present the site can be considered as adjoining the established village. The submitted Planning Report notes that the development is adjacent to Kilmore Quays core, and its siting allows potential future expansion of the village core towards the resort complex. In my opinion, I do not consider that the proposed development site can be regarded as being “outside” the existing settlement. Given the site location adjoining the established village environs, the proposed development if permitted would effectively increase the settlement size of Kilmore Quay by 20 hectares. I would raise concerns with regard to development of this scale and consequence, at this location, pending the preparation of an overall strategy for the proper planning and sustainable development of this settlement.

As outlined above, Policy TM47 allows for the development of a limited number of integrated tourism resorts outside of existing settlements. The proposed development clearly relies on its location proximate to Kilmore Quay. The proposed development would set an inappropriate precedent for similar developments. The subject site forms part of a sensitive coastal area of unique landscape and amenity value, and in my opinion, the development now proposed would fundamentally alter and have a detrimental impact on the character of Kilmore Quay. A full assessment of the Landscape and Visual Impact of the proposed development is set out in Section 9.16 below.

I note other Development Managements requirements set out in Section 5.7.1 of Volume 2 of the CDP include the development not resulting in a detrimental impact on road safety, not contravening the landscape and coastal management zone objectives in the Development Plan, and not having an adverse impact on archaeological importance. These requirements are dealt with in the relevant sections in my report below.

Having regard to the above, I consider that the proposed development would be contrary to Section 7.7.4, Objective TM22, Objective TM47 and Section 5.7.1 (Volume 2) of the Development Plan and I recommend that planning permission should also be refused on this basis.

8.3. Pedestrian Connectivity

- 8.3.1. A number of third parties have raised serious concerns regarding the lack of connectivity and permeability with adjacent lands. The site is within an approximate 15 to 20-minute walk or 5-minute cycle to Kilmore Quay amenities and facilities which include restaurants/cafes, shops, and walking trails etc. Notwithstanding that integrated resorts should be a critical mass in their own right, the proposed development proposal appears to rely heavily on its location proximate to Kilmore Quay. In relation to the existing connections to Kilmore Quay, I note that there are no formal footpaths or cycle infrastructure along the R739 (except for the short section within the village centre). The road is narrow with little or no verge and has a speed limit of 60kmh on approach to the village.

- 8.3.2. The applicant proposes to provide a new footpath along the R739 from Echo Beach Estate to the existing Garda Station, as well as a new pedestrian crossing to link with the existing footpath(65m) on the western side of the R379 at the junction with Ard na BA. The applicant has outlined that a joint site visit was conducted with Wexford County Council, where it was confirmed that the link could be facilitated within the existing taken in charge network and that a letter of consent was not required from Wexford County Council. I have several outstanding concerns in relation to any such approach. Firstly, I can find no detailed drawings of such works within the planning application pack. There is no evidence of an agreement with the planning authority and no letters of consent to include the lands within the application site or to carry out the works have been provided. I am not satisfied that the red line boundary covers the full extent of the works noting that a pedestrian crossing is also proposed to be provided. I note the internal report from the Roads Department recommended Further Information, requesting the applicant to provide, inter alia, a detailed layout plan for roads, active travel, footpaths, cycle lanes and ramps etc. and also to indicate which works (footpaths etc) outside of the red line boundary that they propose to construct/complete and to provide details on the extent of works proposed to construct a new footpath along the R739 from Echo Beach Estate Road to the Garda Station, showing the design layout with clearly marked dimensions and material specifications. No further Information request was issued, however the Planning Authority has requested this information by way of Condition 13 and 14 attached to the grant of permission.
- 8.3.3. The applicant is proposing that pedestrian connectivity to this new section of footpath be facilitated through the Echo Beach Estate. I note that a number of third parties living in this estate have raised concerns about the proposed linkages. No works have been proposed within the Echo Beach estate. I am not satisfied that the existing road and footpath infrastructure through the Echo Beach estate can accommodate the pedestrian and cycle movement generated by the proposed development. No evidence is provided to show how DMURS compliant footpaths, cycle lanes and raised tables could be retrofitted within the existing constraints of the long-established estate.
- 8.3.4. The applicant has also referred to the use of two existing/historic mass paths; one from the southwest of the site to Kilmore Quay and one from the east of the site to

Nemestown. However, from my site visit, there is no evidence of these paths being in current use and no explicit plans by the applicant to formalise their use. I note a number of third parties have highlighted that the access route described as a “mass path” does not exist nor did it exist historically. I consider that proposed mass paths are effectively just part of the internal network of paths within the site, with no connection outside of the site to tie into. I would also note that in order to provide a through access route, access across private lands would be required. There is no right of way or right of access across these lands and no landowner consent has been secured. However, I note the development is not dependent on such linkages.

- 8.3.5. I note the applicant has referred to a consultation stage for the Kilmore Quay Traffic Plan. I am not aware of any finalised traffic plan for the area. The Planning Authority in their assessment has not referred to any such plan or any such proposed measures. I note that the proposed layouts prepared for the consultation phase did not provide for a new footpath, cycle track or shared surface track along the R739 from Echo Beach to the Garda Station.
- 8.3.6. In terms of travel demands the Traffic and Transport Assessment notes that it is assumed that 40% of residents would undertake a day trip on a typical day. This equates to 198 one-way people trips. A 50/50 split of residents visiting Kilmore Quay and visiting further afield (eg. Wexford town) has been assumed, meaning that 99 residents are anticipated to visit Kilmore Quay on their day trip. These 99 residents visiting the village centre are anticipated to utilise walking and cycling infrastructure. In the absence of significant upgrading works to the R739, I consider that the proposed development would be premature, both in terms of transport sustainability due to an over-reliance on the private car, as well as traffic safety due to the absence of suitable proposals for traffic calming and the segregation of vulnerable road users. Additionally, as addressed above the proposed footpath connections are not indicated within the blue line boundary of the appeal site, and notwithstanding the absence of proposals to address this issue such works fall outside the site and could not be conditioned in the event of a grant of permission.
- 8.3.7. The proposed development fails to provide for appropriate connectivity and permeability with adjacent lands and the village. The proposed development would be contrary to Objective TS43 which seeks to ensure that the public safety of all road

users, including pedestrians and cyclists, has the highest priority in the design of development. I recommend that permission should be refused on this basis.

8.4. Coastal Management Zone

- 8.4.1. Third parties note that the proposed development and increase in tourism numbers would exacerbate erosion due to increased activity on the shoreline. Furthermore, it is considered that the submitted Coastal Erosion Assessment report is inadequate and based on outdated information.
- 8.4.2. Objective CMZ 35 (new developments within settlements with no coastal protection works) of the Development Plan states that within established coastal settlements located on a soft shoreline and where there is an identified coastal erosion risk and where there are no coastal protection works in place and no such work is underway or planned by the Council, the Council will only consider the development of infill sites where the development is a minimum of 100m from the soft shoreline. I note that Objective CMZ36 (new development outside of settlements) similarly seeks to protect soft shorelines, imposing an increased minimum distance of 250m from the proposed development to the soft shoreline. Section 12.5.4 of the CDP identifies a soft shoreline as a shoreline prone to erosion. The Development Plan notes that there is approximately 125 km of 'soft' shoreline along the county's coastline. I note Objective CMZ 30 also requires the careful consideration of development proposals in areas identified at risk of coastal erosion, which include 'Tacumshin to Kilmore Quay'. Although there is no defined settlement boundary for Kilmore Quay, the applicant and the planning authority have considered that the development falls within an established settlement and have applied objective CMZ35 (100m buffer). I consider this approach reasonable.
- 8.4.3. I note CMZ35 also states that the applicant must objectively establish based on the best scientific information available at the time of the planning application that the likelihood of erosion at the location is minimal. Furthermore, the onus will be on the applicant to provide the evidence (including appropriate modelling which incorporates climate change) to demonstrate that the development will not be at risk over its lifetime.

- 8.4.4. I have dealt with the issues of coastal erosion and the impacts of increased recreational pressure below.

Coastal Erosion

- 8.4.5. A Preliminary Coastal Erosion Assessment prepared by IE Consulting is submitted with the application. The preliminary assessment includes a desktop study of the location and a visual assessment of the site. The Irish Coastal Protection Strategy Study (ICPSS) was consulted, which predicts coastal erosion to 2030 and 2050 based on the erosion rates of the previous 30 years. Mapping for this location indicates a 'Medium Confidence' erosion potential line adjacent to the southern boundary of the proposed development site. A 2050 erosion potential line is mapped approximately 600m beyond the eastern boundary of the site.
- 8.4.6. The report notes that the site does not fall within a 0.1% AEP (1 in 1000 year) present day scenario, mid-range future climate change scenario, high-end future climate change scenario, or high-end + future climate change scenario. In particular, in these scenarios it is indicated that coastal flood waters are not predicted to overtop the crest level of the coastal foreshore embankment adjacent to the southern boundary of the site. In consideration of the 0.1% AEP (1 in 1000 year) High-end ++ future climate change scenario (i.e. 2.0m sea level rise), a minor area of the site adjacent to the south-eastern corner may be inundated, however the potential coastal flood depths in this scenario are not significant.
- 8.4.7. The results of the first party visual inspection survey have shown that the majority of the soft coastal foreshore at this location is densely vegetated and does not indicate any evidence of significant coastal erosion or accretion. There is some evidence of foreshore embankment face erosion and slippage at a number of localised points occurring along the west side of southern boundary, as illustrated in Figure 11,12,13,14,15, and 16.
- 8.4.8. I note that the Department of Housing, Local Government and Heritage consider that expert longer-term erosion modelling is required. It noted that the predicted erosion line shown adjacent to the proposed development is for a five-year scenario (2030), so that this time period may have already elapsed by the time the development is operational. It. It noted that the 2050 erosion line has been shown only to the east of the development site; however, the Department considers that the modelling for

2050 (at least) will need to include the proposed development itself, as well as further west towards Ballyteigue Burrow.

8.4.9. I note the coastal engineers report which states that the site is located within a section of coastline that has a number of coastal protection measures installed, however no details are provided in this regard. It is further noted that from a sheltering perspective St. Patricks Bridge, Kilmore Quay Harbour and the Saltee Islands surround the shoreline adjoining the development. The coastal engineers report also noted that the long-term erosion rate is low historically, based on historical maps over a 30-year period. The coastal engineer has not objected or raised issue with the proposed development.

8.4.10. Having regard to the applicant's assessment and the coastal engineers report, I am satisfied that there is no evidence to indicate significant erosion potential at this location from marine processes, and while further longer-term modelling would ensure a robust assessment, I do not consider that the issue alone would warrant a reason for refusal. I have dealt with the issue of increased activity/recreational use below.

Increased Activity/Recreational Use

8.4.11. While the 100m buffer zone will be free from the development of buildings, it will contain proposed pathways running close to the shoreline (although not leading directly to the shoreline). The landscape plan also shows that the proposed development will have an open undefined boundary to the south. In this regard, I note that direct access to the beach will be easily accessible from the site. As outlined above, the photographic record in the Preliminary Coastal Erosion Assessment has clearly shown some sections of an actively eroding coastline at this location. The applicant has not provided any details on how shoreline access will be prevented/managed since the southern boundary will not be defined. I consider it likely that there would be considerable footfall through the site to the shore which could cause further embankment slippage. The Coastal Erosion Assessment does not address the pressures from increased levels of visitors/recreational use. In this regard, I am not satisfied that the submitted documentation has adequately identified the impacts of the proposed development on erosion or appropriate measures to mitigate the impacts of the development.

8.4.12. Having regard to the above, I consider that the proposed development does not accord with Objective CMZ35 set out in the Wexford County Development Plan 2022-2028, as the required 100m development buffer has not been complied with and potential impacts of the proposed development on erosion, in terms of the increased activity at the foreshore interface, have not been adequately addressed. I recommend that permission should be refused on this basis.

8.5. Other Issues

Lack of Social Infrastructure

- 8.5.1. A number of third parties have raised concerns relating to the lack of social infrastructure in Kilmore Quay to support the development noting the influx of people associated with the development. I note that the proposed development will largely be self-contained and will result in short term visitors to the area. I do not consider that such visitors would require a level of access to schools, education and healthcare, which would impact on existing residents of the area.
- 8.5.2. With regards to the staff accommodation, the development subject to this appeal provides for 11 no. apartments providing 55 no. bedrooms in 6 no. 2-storey buildings. The residents of each of the apartments all share the use of the kitchen/dining room and living room akin to a co-living arrangement. While I note that there is a general presumption against granting planning permission for shared accommodation/co-living developments I note that the Apartment Guidelines are explicit in that these guidelines do not apply to established forms of accommodation with a shared or communal elements, such as hotel or hostels, student accommodation, or house or flat share arrangements. I consider that the staff accommodation is ancillary to the hotel/lodge accommodation.
- 8.5.3. I consider it likely that the proposed accommodation will in general serve seasonal staff, hospitality students on work placement and more permanent staff prior to securing their own rental accommodation. A large common area, seating and games area for staff to socialise is provided within the development. An acceptable standard of accommodation is provided, and I do not consider that the staff accommodation would place a strain on existing services in the vicinity. In the event of a grant of permission a condition could be attached which requires that the proposed

development be used for short term staff accommodation purposes only for staff of the existing hotel and not be used as a permanent place of residence, by any person and that it is not used as tourist accommodation at any time.

8.6. First Party Appeal Against Condition

- 8.6.1. The first party appeal is submitted in relation to the attachment of condition 2 which states that the permission is for a period of 5 years. The applicant applied for a 10-year permission and considers that the inclusion of a condition limiting the duration to 5 years could jeopardise the development having regard to the need to comply with conditions, other consents, funder interactions, tendering and construction etc. Furthermore, the applicant considers that there will be an increased complexity extending the duration of the permission in the future having regard to the EIAR and NIS which accompanied the application and new extension of duration of provisions which will come into effect under the Planning and Development Act 2024.
- 8.6.2. I note the Planning Authority have not specifically addressed the request for a 10-year permission in their assessment. I would note for the record that I do not consider that there was sufficient rationale set out in the first party appeal or that there are any extenuating circumstances in this instance which would require a 10-year permission. Notwithstanding, and having regard to the other substantive issues raised above, it is my recommendation that the proposed development warrants a refusal of permission.

9.0 Environmental Impact Assessment

9.1. Statutory Provisions

Schedule 5, Part 2, Class 10 and Class 12, requires EIA for the following;

“10 Infrastructure Projects

(b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere

“12. Tourism and leisure

(c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.”

Section 1.6 of the EIAR sets out that the area of the proposed development is 20.3 hectares and thus exceeds the threshold for mandatory EIA.

9.2. EIA Structure

This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

- a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
- b. includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,

- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

9.3. Issues Raised in Respect of EIA

The third parties raised a number of concerns regarding the EIA. These are addressed under each of the relevant chapters. Issues raised generally in respect of EIA by parties to the appeal are:

- Impacts of the proposed development on biodiversity and material assets
- Construction related impacts in terms of noise, dust and vibration were also raised.

The third-party appeal has also raised concerns over the adequacy of the EIAR in relation to the following items;

- Lack of meaningful engagement.
- Queries in relation to adequacy of the baseline and effectiveness of mitigation and monitoring
- Cumulative list is not comprehensive.

9.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
<i>A description of the proposed development is contained in Chapter 2 of the EIAR including details on the location, site, design and size of the development. The description is adequate to enable a decision on EIA.</i>
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
<i>An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.</i>
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
<i>The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in Section 16 of the EIAR (Mitigation and Monitoring Measures) and outlined in the Construction Environmental & Management Plan.</i>
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).
<i>A description of the alternatives considered is contained in Chapter 2 of the EIAR. The alternatives considered include, 'do nothing' alternative location, layout and design. Alternative uses/processes were not considered due to the nature of the development. A number of site layout and alternative designs were considered during the iterative design process. The main reasons for opting for the current proposal were based on minimising environmental effects. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.</i>
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).
A description of the baseline environment and likely evolution in the absence of the development.
<i>A description of the baseline environment is included in each technical chapter of the EIAR. I am satisfied this is sufficient to enable the assessment of likely effects and to enable decision making.</i>
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
<i>The methodology employed in carrying out the EIA, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects. The applicant has indicated in the different chapters if difficulties have been encountered in compiling the information to carry out EIA.</i>
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

Chapter 14 of the EIAR assesses the impacts of the development in respect of the risk of major accidents or disasters. Specific risks have been identified in relation to the vulnerability of the project to flooding, road accidents, invasive species or fire. These risks are reasonable and are assessed in my report. I consider that the applicant's approach to major accidents and disasters is adequate and allows for a full and proper assessment.

Article 94 (c) A summary of the information in non-technical language.

This information has been submitted as a separate standalone document (Vol 1). I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.

Article 94 (d) Sources used for the description and the assessments used in the report

The sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter.

Article 94 (e) A list of the experts who contributed to the preparation of the report

A list of the various consultants who contributed to the report are set out in Tables 1-1 in Chapter 1 of the Report. Details of the relevant individual's expertise and qualifications which demonstrates their competence are set out within each of the chapters of the EIAR. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

9.5. Consultations

Third party submission on the application raised concerns that community consultation was not carried out.

I cannot find any reference within the EIAR in relation to the consultations entered into by the applicant, however I note from the application documentation, that an open-invitation public information event, held in the Stella Maris Hall, Kilmore Quay, on the evening of 2nd May 2025.

The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices.

Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development advance of decision making.

9.6. Compliance

Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to

comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

9.7. Examination of Alternatives

Article 5 (1) (d) of the 2014 EIA Directive requires:

“(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;”

Annex (IV) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

“2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for electing the chosen option, including a comparison of the environmental effects.”

The matter of alternatives is addressed in Section 2.7 of the EIAR.

Alternative Locations

As the proposed development site is in the ownership of the applicant, no alternative locations were considered.

The applicant considered the following elements in selection of the site for development;

- The site’s proximity to the core of Kilmore Quay village and its connection to mains water and wastewater treatment infrastructure
- The site is in close proximity to the surrounding local and regional road network, with vehicular access from the regional Kilmore Road (R739)
- The vehicular entrance to the north of the village ensures that visitor traffic will not negatively impact the village core.

- The site is suitably located to provide benefits to the existing population in Kilmore Quay in relation to employment, the community uses, public open spaces and local facilities and amenities

Alternative Uses

It is noted that if the proposed development is not advanced, the site will remain as arable agricultural land.

The assessment notes Kilmore Quays designation as a Level 3b settlement in the County Development Plan and the strategic imperative to prioritise the development of these villages. Targets outlined in the County Wexford Tourism Strategy 2019-2023 are also noted. Due to the nature of the current proposal for tourism use, it was not considered necessary to explore alternative uses for the proposed development.

Alternative Design and Layout

The design team for the Proposed Development have consulted with the relevant departments in Wexford County Council, with Uisce Eireann, with Failte Ireland and conducted a local public information event prior to the submission of this application. Feedback received was considered and integrated into the evolving design.

The Architectural Design Statement and Masterplan submitted provides a detailed account of the design evolution with regard to the siting of the hotel development. It is noted that these alternatives considered variations in building orientation, height, and access arrangements to optimise natural light, enhance privacy, and minimise visual impact on neighbouring properties. It is also stated that the design evolution was guided by planning policy and site context.

The final layout is considered to represent a high-quality design solution that maximises the development potential of this strategically located and underutilised site adjacent to Kilmore Quay.

Alternative Process

Having regard to the nature of the development and the existing surrounding land use, alternative processes have not been considered, as it is deemed unlikely that an alternative process, other than that being proposed, would result in less of an impact to the surrounding development.

Conclusion

I consider the requirements in terms of reasonable alternatives have been satisfactorily addressed and the reasoning for the preferred option explained. It indicates how the proposed design evolved and how it was adjusted to take into consideration environmental effects. I consider that the requirements in terms of reasonable alternatives have been satisfactorily addressed and the requirements of the EIA Directive in this regard have been met.

9.8. Assessment of Likely Significant Effects

9.8.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

9.8.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.

- Conclusion: Direct and indirect effects

9.9. Population and Human Health

Issues Raised

Issues raised within the appeal in respect of population and human health relate to the lack of social infrastructure in Kilmore Quay to support the development and the impact of the proposed development on residential amenity and health, associated with the loss of visual amenity, increase in noise, dust and traffic and impacts on water.

Environmental Impact Assessment Report

Chapter 4 addresses the impact on Population and Human Health and considers direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

Other matters which would have a direct bearing on population and human health such as water, air and climate, noise, traffic and landscape are addressed under the corresponding headings below. Invariably there is overlap and I recommend that they be read in tandem.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Baseline

The baseline environment is described in section 4.3 of the EIAR. This comprises a description of the receiving environment, with a focus on demography, economic activity, travel/commuting, human health and local amenity. The demographic profile of the Kilmore Electoral Division (ED) was examined utilising the CSO Census of Population Statistics dated 2022. The following points are noted

- The population of Kilmore ED is comparable to the demographic age profile of County Wexford and Ireland. No age category in the study area deviates from the average figures in Wexford or the Ireland by more or less than 2.5%.

However, the study area has a higher percentage of people aged 65 and over when compared with the average for Wexford and the State.

- The number of people at work in the study area is lower than the average for the State which aligns with the higher-than-average number of people who are retired and is supported by the number of people aged 65 years and over.
- There is a relatively high reliance on private car usage in the study area however more sustainable means of travel such as public transport (bus, minibus or coach) is the next most utilised mean of transport.
- Most people travel 45 minutes or less to work, school or college indicating that most people live and go to work, school or college within 45-minute drive time radius.

Section 4.3.9 of the EIAR identifies the principal potential sensitive receptors affected by the development proposal. These are:

- Population demographics
- Local Economy
- Local population -water quality
- Local population - air quality
- Local population – noise and vibration
- Local road network
- Local amenities (tourism sites and community infrastructure)

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Population and Human Health. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 1 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 1: Summary of Potential Effects

Project Phase	Potential Effects
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Do nothing	The site would remain a greenfield site and there would be no immediate effect on the existing population/economy.
Construction	Population: Approximately 75 employees for the external infrastructure and site development works for a period of 9 months, and approximately 50 employees for the building works for an average of 36 months, during construction, over a period of three years. Socio Economic: Employment creation will have a direct effect on the local economy but also an indirect effect through daily spending by employees in local businesses. Risk to human health in terms of water, air quality, noise and vibration, traffic and transport, general amenity and tourism, landscape and visual impact are assessed in respective chapters.
Operation	Population: The proposed development will provide an increase in employment opportunities, resulting in population retention in the local area and will provide an influx of new short- and long-term residents into the area, causing changes in population trends and density. Socia Economic: Direct employment of 150 people. Spinoff economic activity created for local retail and service providers. Risk to human health in terms of water, air quality, noise and vibration, traffic and transport, general amenity and tourism, landscape and visual impact are assessed in respective chapters.
Cumulative	Population: Cumulative schemes along with the proposed development will result in an increase in the number of people in the surrounding area through construction and

	operational employees, future residents, future tourists and service users. Socia Economic: The Proposed Development in combination with existing and approved developments will continue to support the local economy both directly and indirectly through job creation and continued support of existing businesses. Cumulative effects relating to hydrology (water quality), noise and vibration, air quality and climate and traffic and transport have been assessed in their respective chapters.
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Mitigation Measures

Mitigation measures against the potential effects from the proposed development which may impact on human health, or the local population are considered within the specific chapters for each topic which would have a bearing on population and human health (water quality, air quality, climate, noise and vibration, traffic and landscape and visual).

Residual Effects

It is considered that the proposed development will have a positive residual effect on population and socioeconomic aspects securing future employment and contributing positively to economic activity for residents living in the area.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 5 of the EIAR, all of the associated documentation and submissions on file in respect of health and population. I am satisfied that the applicant's understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on health and population, as a consequence of the development have been identified.

Some direct and indirect positive effects will arise with regard to socio economic effects. Direct jobs will be created by the proposed development at construction and

operation phase. Indirect jobs will also be created through the increased use of local retail and service providers.

I acknowledge that the construction stage has the potential to impact on the local community, particularly regarding noise, dust impacts and traffic impacts. I have dealt with these matters in the following sections, but I consider that the impacts would generally be short-term in duration, and I am satisfied that the proposed mitigation measures are acceptable.

Parties to the appeal have raised issues relative to the topic of population and human health including the lack of adequate community-based infrastructure, services and public transport in the area and with regards to residential amenity impacts during construction. Construction impacts will be assessed for each individual chapter in the proceeding sections of this report. I note that the proposed development will largely result in short term visitors to the area. I do not consider that such visitors would require a level of access to schools, education and healthcare, which would impact on existing residents of the area. Further assessment in this regard is set out Section 8.5 above. As outlined in the documents it is anticipated that guests will travel by car and while the proposed development will cause additional traffic, it is considered that there is existing capacity within the road network and effects are not considered significant. This is discussed further in Section 9.20 below. Overall, I am satisfied that the proposed development is acceptable and will not negatively impact on social/community infrastructure and services.

Conclusion: Direct and Indirect Effects

Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to population and human health can be managed and mitigated by the measures which form part of the proposed scheme, specified mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of population and human health.

9.10. Biodiversity

Issues Raised

The third parties raised concerns that the increased human activity will disrupt birds and other protected species. A number of third parties have submitted photographic evidence of otter in the area.

A submission was received from the Department of Housing, Local Government and Heritage which is outlined in detail in Section 3.3 above.

Environmental Impact Assessment Report

Chapter 5 addresses the impact on Biodiversity and considers any direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The assessment methodology included a desktop study of available data. The following surveys were also carried out:

- Habitat Walkover – Dec 2023, updated June 2024
- Bat Survey work – 3 surveys conducted in June, August and September 2024
- Breeding Bird Survey - 3 survey visits (monthly) between April and June 2024
- Wintering Bird Surveys – 6 survey visits (bimonthly) between Dec 2024 and Feb 2025

The EIAR makes no reference to any particular difficulties that were encountered in the preparation of this chapter of the EIAR.

A Natura Impact Statement Appropriate (including Appropriate Assessment Screening Report) was submitted as a standalone document. To avoid any repetition the potential impact on the European sites is addressed in Section 10 below and Appendices 2 and 3.

Baseline

Habitats: The majority of the site consists of arable crop (BC4), with some Hedgerow (WL1) located along the field boundaries and on approach to the existing farmstead on the lands. A wet drainage ditch (FW4) runs along the eastern boundary of the site discharging to the sea. A pond (FL8) is recorded to the east of the site within a grass verge area (GS2). Some immature and stunted tree growth was noted at the site boundaries, with a patch of alder sp. (*Alnus* sp.) and New Zealand broadleaf

(*Griselinia littoralis*) along the western boundary of the Site, and a line of Cypress trees (*Cupressus* sp.) to the west of the Site, near the pond.

Invasive Species: Two low-impact invasive non-native plant species were recorded in the middle of the cluster of buildings at the Site, namely, Montbretia (*Crocodymia x crocosmiiflora*) and New Zealand flax (*Phormium tenax*).

Bats: No roosting bats were recorded at the site, however, small numbers of foraging and commuting bats were recorded at the site. The bats recorded are the three most common species in Ireland, common pipistrelle, soprano pipistrelle and Leisler's bat, which are widespread throughout the country.

Birds: During the site walkover on the 5th of December 2023, 17 no. confirmed species of birds were recorded at the Site (Refer to Table 5-13 of EIAR). Of these, four are red-listed, five are amber-listed and the remaining species are green-listed. One of the species, herring gull (*Larus argentatus*), corresponds with the SCI species for which nearby Ballyteigue Burrow SPA (004002) is designated, while bar-tailed godwit and black-tailed godwit which were also recorded are SCI species of nearby Saltee Islands SPA.

During the breeding bird surveys, 36 no. species were recorded at site with four red listed species recorded, namely, curlew (*Numenius Arquata*), stock dove (*Columba oenas*), meadow pipit (*Anthus pratensis*), snipe (*Gallinago gallinago*). (Shown in Table 5-14 of the EIAR).

The results of the wintering bird surveys undertaken at the site and along the shoreline to the south of the site are summarised in Table 5-15 of the EIAR. The greatest number and variety of species were recorded on the final survey on the 7th of February 2025. Oystercatcher, cormorant, redshank and a variety of different gull species were all recorded regularly along the shoreline in small groups across the six wintering bird surveys. Gull species were also regularly recorded using the southern bounds of the site where water pools had formed and were regularly recorded flying overhead. While some of the below listed species may overlap with nearby SCIs of SPAs, the EIAR states that the number of birds present does not meet the criteria to be classed as being of international, national or county importance, and are considered to be of importance in the locality (NRA, 2009b).

Mammals: There was no evidence indicating that the Site is regularly used by protected mammals such as badger (*Meles meles*) or otter (*Lutra lutra*), although rabbit (*Oryctolagus cuniculus*) burrows were noted as being commonly occurring along ditches at the site. While no evidence of otter was noted, this species has been recorded in the 2km grid squares that encompass the site (NBDC) and its presence cannot be precluded.

Amphibians: No observations of amphibians within the site. The pond habitat is unvegetated and is raised with steeply sloping edges. Similarly, the wet drainage ditch along the eastern bounds of the site has a flow that would be unsuitable to support amphibians and steeply sloping edges.

Reptiles: There is one previous record of common lizard (*Zootoca vivipara*) within the S90R 2km grid square (2020). The species is widespread throughout Ireland and is unlikely to be observed during surveys. As such, a precautionary approach is adopted, and it is presumed that common lizard is present at the site.

Invertebrates: No evidence of the invasive invertebrates was noted at the site. The site does not hold any watercourses capable of supporting crustaceous species.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Biodiversity. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 2 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 2: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	The site would continue to be used as farmland. Human disturbance would comprise farm machinery and would remain at lower levels than if the hotel development went ahead.
Construction	Loss of hedgerow/treeline Deterioration in water quality at pond/drainage ditches

	Spread of invasive species Bats - light-related disturbance and loss of foraging and commuting habitat to be removed to facilitate the Proposed Development, and potential for injury/death during any tree removal. Breeding birds – disturbance, loss of nesting habitat, should vegetation removal occur in breeding season nests could be directly lost, potentially leading to the death of adults, chicks or eggs, Winter Birds – disturbance, loss of foraging habitat within the Site Small Terrestrial Mammals – direct mortality during vegetation clearance or entrapment within construction materials, visual and noise disturbance
Operation	Spread of invasive species Bats - Lighting causing disturbance Breeding Birds - disturbance from increased artificial lighting Wintering Birds: Light disturbance, Human noise, Visual disturbance, collision risk Small terrestrial Mammals - Noise, increase in light, and potential physical disturbance
Cumulative	No significant effects envisioned.

Mitigation Measures

Mitigation measures are set out in Section 5.5.3 (Construction Phase Mitigation) and Section 5.5.4 (Operational Phase Mitigation) of the EIAR. It is noted that a Construction Environmental Management Plan (CEMP) has been prepared as part of this planning application and will be updated by the main contractor. Avoidance measures in the design to protect habitats include the provisions of a 100m coastal

buffer along the southern boundary of the site, within which no building development is to occur, and the absence of any direct connection between the site and the beach. Construction phase mitigation include inter alia, surface water protection measures, silt and sediment control, dust suppression and prevention measures, root protection zones.

Operational measures include a lighting strategy and invasive species management plan.

Ecological enhancement measures are also noted including construction of wetland, hedgerow management, pollinator habitat creation, reptile hibernacula, hedgehog highways, swift boxes and bat boxes.

Residual Effects

The EIAR considers that subject to adherence to appropriate mitigation measures, design standards and construction and operational management plans, it is considered that any residual effects from the proposed development are not significant in terms Biodiversity.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 5 of the EIAR, all of the associated documentation and submissions on file in respect of biodiversity. I am not satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is adequate and that the key impacts in respect of likely effects on biodiversity, as a consequence of the development have been identified.

Parties to the appeal/application have raise a number of issues in respect of biodiversity which I have summarised above. The Department of Housing, Local Government and Heritage via the Development Applications Unit (DUA) have outlined numerous concerns in relation to the proposed development and the documentation submitted. The submission is summarised in detail in Section 3.3 above. I note that the appellant has not provided any additional or new information in their response to the appeal but have noted that DAU is neither a decision maker or competent authority in relation to AA, NIS and EIAR assessments. With regards to the Planning Authority's report, I cannot identify any explicit assessment of the

issues raised by the DAU, which conversely, I find to be material to the assessment of the application/appeal case.

Based on the documentation submitted, I am of the view that insufficient ecological desk and field surveys have been undertaken to inform an assessment of potential impacts on biodiversity including protected species. I would note that this also applies to the baseline information that is required to inform the NIS, and this is discussed separately below in the Section 10 and Appendix 2 & 3.

A walkover survey was conducted on the 5th December 2023 and updated in June 2024 as reported in the EIA/NIS. A systematic search for signs of badgers was also conducted on 5th of December 2023, with any further incidental observations of evidence of badgers recorded whenever on site. I note a number of third parties have submitted photographic evidence of otter in the area, however there was no field study evidence indicating the site is used by otters or other protected mammals such as badgers.

In terms of bat surveys, a preliminary daytime roost inspection was undertaken on 5th December 2023. a. Three emergence surveys were conducted at the site, focused on the cluster of four derelict buildings on the 7th of June 2024, the 17th of August 2024 and the 3rd of September 2024. Transect surveys were also undertaken on the same dates as the emergence surveys. In total, three bat species were recorded foraging and commuting within and adjacent to the site including Leisler's bat (*Nyctalus leisleri*), soprano pipistrelle (*Pipistrellus pygmaeus*) and common pipistrelle (*Pipistrellus pipistrellus*) with bat activity deemed as low. However, I note that no long sampling periods or use of automated/static detectors were employed. Furthermore, the use of Night Vision Aids (NVAs), which now considered standard best practice for bat activity surveys, were not availed of. I consider that this represents a gap in the data collected, to inform the assessment.

Of particular concern is the limited bird survey details provided given the proximity of the site to the SPA designated for wintering birds. The winter bird surveys, which are the only source of recent bird data considered, were limited to six visits over a three-month period, within a single winter season, while the breeding survey period ran from April to June (three visits). The submission from the DAU considers that a full "winter" survey period covered in IWeBS should be used for this development, i.e.,

September to March, and that the post-breeding/autumn passage period (July to September) should have also been considered in the survey design. The submission also notes a significant deficiency in the data, with the occurrence of a post-breeding tern roost at St Patrick's Bridge adjacent to the proposed development site being overlooked. This roost contains SCI tern species from the Lady's Island Lake breeding colony. A significant proportion of Sandwich Terns move westwards from Lady's Island Lake along the coastline after the breeding season.

Concerns were also raised by the DAU in relation to the desktop study, noting that IWeBS (Irish Wetland Bird Survey) data does not appear to have been consulted and the Ballyteigue Burrow Conservation Objectives Supporting Document, although cited in the NIS, does not appear to have been taken into account in assessing the significance of bird usage of the site.

I consider the insufficient ecological desk and field surveys to be a serious lacuna in the EIAR. I would note that details on the whole with regards to survey methodology are limited. Based on the information submitted, in particular the lack of information provided within the EIAR, with respect to the baseline environment, a full assessment of the significant direct, indirect and cumulative impacts cannot be provided.

Additionally, I would also have concerns about the mitigation measures proposed. The 100m coastal buffer along the southern boundary of the Site will contain pathways. Access will not be restricted and the boundary to be beach will be undefined. I have discussed this further in Section 8.4 above. I note that the DAU have also raised concerns about the identified mitigation measures being too general and non-specific. No details are provided in relation to the acoustic barrier. Measures to reduce the impact of lighting and collision risk are considered inadequate.

Further assessment in relation to the above issues specifically in the context of Appropriate Assessment is set out in Section 10, Appendix 1 and Appendix 2.

Conclusion: Direct and Indirect Effects

I have considered this first party appeals and observation made in relation to Biodiversity and specifically the submission from the DAU. I am not satisfied that the EIAR has adequately described the baseline situation. There are omissions in data and deficiencies in the ecological desk and field surveys conducted. As such I

consider that there is an inadequate assessment of proposed development on biodiversity. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

9.11. Land and Soils

Issues Raised

No specific concerns have been raised by the third parties or the planning authority regarding the impact of the development on land and soils.

Examination of the EIAR

Context

Chapter 6 addresses the impact on Land and Soils and considers any direct or indirect effects on these resources arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Baseline

Land: The site is currently in use for agricultural/horticulture. The site levels vary from 4mAOD to a maximum of 14mAOD, with the lowest point being the top of the coastal embankment along the southern boundary.

Soils: The Geological Survey of Ireland (GSI) have categorised the soil type at the majority of the site as deep well-drained mineral (Mainly acidic) classified as Acid Brown Earths, Brown Podzolics, derived from mainly non-calcareous parent materials (IFS Soil Code: AminDW). A narrow band of soils beneath the southeastern boundary of the site has been mapped by the GSI as shallow well-drained mineral (Mainly acidic) classified as Lithosols, Regosols, derived from mainly non-calcareous parent materials (IFS Soil Code: AminSW).

The site is relatively undisturbed other than for works associated with its agricultural use. Historical development at the site is limited to the now derelict farmstead buildings. The soil classifications are therefore as per the original characterisation.

Geology: The subsoil or quaternary sediments beneath the majority of the site are mapped by the GSI as ‘till derived from metamorphic rocks’. A small portion of the subsoil southeast of the site is classified as ‘gravels derived from Cambrian sandstones and shales’. The bedrock beneath the site is mapped by the GSI as the Kilmore Quay Group (New Code: PRKMQG), described as Banded quartzo-feldspathic paragneisses. No bedrock outcrops are mapped within the site boundary.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Land and Soils. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 3 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 3: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain undeveloped. The potential for future development remains, and the types of construction and operational impacts may still occur under a different development proposal.
Construction	The loss of productive agricultural lands. Excavation and removal of soil and subsoil. Potential pollution/contamination of soil and subsoil.
Operation	No significant effects envisioned.
Cumulative	No significant effects envisioned.

Mitigation

Mitigation measures to avoid, reduce or offset any potential adverse impacts on land, and soils are outlined in Section 6.6 of the EIAR. Many of the mitigation measures

are embedded in the design and based on current best practice guidelines. Mitigation measures during the construction phases include control and management of earthworks, control and management of soils, subsoils and stockpiles, management and control procedures for the exportation of surplus soils and subsoils, management and control procedures for the importation of aggregates and materials, control and handling procedures for cementitious materials, control and handling procedures for fuel and hazardous materials, and an emergency response action plan.

It is concluded that there will be no likely significant impacts on the receiving land, soil, or geological environment during the operational phase. Therefore, it is considered that there is no requirement for mitigation measures for the operational phase.

Residual Effects

Subject to adherence to appropriate mitigation measures, design standards and management plans, the EIAR considered that any residual effects from the proposed development are not significant in terms of land and soils, other than the unavoidable land take required for the development.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 7 of the EIAR and all the associated documents on file in respect of Land and Soils. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation in Section 6.6 of the EIAR to reduce any potential effects within the site.

Land: The Proposed Development will require approximately 20.3Ha of land, transitioning its use from agricultural to commercial. The development will involve an unavoidable land take, leading to what is described in the EIAR as a 'negative', 'significant', and 'permanent' impact on land and soil, particularly when assessed in the context of surrounding land uses and zoning objectives. This is considered significant in the context of the EIA Directive.

Soils and Subsoils: The proposed development will result in the removal of soils and subsoils permanently from their current location to facilitate the construction of the

proposed buildings and associated infrastructure. The EIAR does not indicate the volumes or depth of excavation required. It is intended to reuse suitable excavated soil and subsoil for landscaping and engineering use. However, it is anticipated that there may be a requirement for the removal of surplus and unsuitable material offsite. The construction phase of the proposed development will also require the importation of aggregates. Contract and procurement procedures will ensure that the importation of aggregates to the proposed development is sourced from reputable authorised suppliers operating in a sustainable manner and in accordance with the necessary statutory consents. I am satisfied that the impact on soils and subsoils, subject to appropriate mitigation, would be not significant.

Geology: It is anticipated that there will be no requirement for the excavation of bedrock during the construction phase of the Proposed Development. Therefore, I am satisfied that the proposed development would not result in significant effects on the geology of the area.

Conclusion

I have considered all of the written submissions, and any specific points made in relation to land, soils and geology as well as the submitted application documentation. Having regard to the above, I am satisfied that impacts predicted to arise in relation to land and soils, other than the land take itself, would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures, monitoring and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of land and soil.

9.12. Hydrology and Hydrogeology

Issues Raised

The third parties raised a number of concerns in relation to water. These are summarised as follows:

- The proposed development will place a substantial strain on the water supply and wastewater capacity within Kilmore Quay.
- The existence of unregistered wells in the area has not been assessed.

- Groundwater testing is not adequate and fails to take account of climate change and seasonality.

Examination of the EIAR

Context

Chapter 7 addresses the impact on Water and considers any direct or indirect effects on this resource arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

A Hydrogeological Assessment Report is submitted as a standalone report.

Baseline

Groundwater: The site is underlain by the Bridgetown groundwater body (EU Code: IE_SE_G_022). The bedrock aquifer underlying the site is classified as a Poor Aquifer, which is generally unproductive except for local zones. A small area to the southeast of the site, has also been classified as the Kilmore Quay gravel body which is a Locally Important gravel aquifer. The GSI has assigned a groundwater vulnerability rating of 'Low' (L) for the groundwater beneath the majority of the site and 'High' (H) for the groundwater beneath a small area in the southeast of the site.

Ground investigations included the installation of 3 No. groundwater monitoring wells and hydrogeological testing at an existing water supply well on site and the newly installed groundwater monitoring wells. The location of the newly installed groundwater monitoring wells (BH1, BH2 and BH3) and the existing production well (water supply well) (PW1) are presented in Figure 7-7 of the EIAR.

The groundwater level at PW1 ranged between 2.37mOD (10th October 2024) and 4.13mOD (8th October 2024). The groundwater levels at the newly installed groundwater monitoring wells ranged from 4.08mOD (16th October 2024) to 4.66mOD (8th October 2024) at BH1, from 4.61mOD (7th October 2024) to 4.77mOD (8th October 2024) at BH2, from 6.38mOD (16th October 2024) to 6.59mOD (8th October 2024) at BH3.

Surface Water The site is located within the Ballyteigue-Bannow Catchment (Catchment I.D.: 13), the Kisha_SC_010 Sub-catchment (Sub-catchment I.D.: 13_14) and the Ballyteigue_Burrow_010 River Sub-Basin (River Code: IE_SE_13B330460).

The nearest surface waterbody to the site is the Eastern Celtic Sea coastal waterbody (EU Code: IE_SE_050_0000) located adjacent to the southern boundary of the site.

A drainage channel was identified along the southeastern boundary of the site. The drainage channel, which was observed to contain standing water at the time of inspection, is connected to the Irish Sea.

Flood Risk: The site is located in Flood Zone C, indicating a low probability of flooding. A site-specific flood risk assessment was conducted for the site. The results of the flood risk assessment indicated that there is no significant flood risk to the site.

Water Supply: The site is located in an area serviced by mains water supply. There is a 100mm diameter watermain located to the north of the site within the R739 road.

No registered groundwater wells are recorded within a 2km radius of the site by the GSI. The closest Public Water Supply (Fardystown PWS) is located approximately 10km northeast of the site.

It is noted that the existing groundwater supply well (PW1) identified at the site is not listed on the GSI database (GSI, 2025). As documented in the Hydrogeological Assessment Report, the estimated transmissivity of the existing supply well (PW1) using the pumping data and recovery data from the site investigation undertaken, is between 44.9m²/day and 80.16m²/day. Furthermore, a yield of approximately 9.7m³/hour (232.8m³/day) was determined to be the sustainable yield for the existing supply well. The average daily supply demand for the proposed development is 241m³/day (approximately 10m³ /hr).

Wastewater: Treated foul water from the Kilmore Quay WWTP (EPA Licence No. D0232-01) will ultimately discharge to the Irish Sea (i.e., the Eastern Celtic Sea coastal waterbody).

Water Framework Directive (WFD): Section 7.7 of the EIAR provides a WFD assessment and conclusion. The WFD status for river, groundwater, and coastal

water bodies that have a potential hydraulic connection to the subject site as recorded by the EPA are outlined in Table 7-4 of the EIAR. Further details in relation to the WFD are provided in the assessment sections below.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Water. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 4 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 4: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain undeveloped. The potential for future development remains, and the types of construction and operational impacts may still occur under a different development proposal.
Construction	Flow regime - there may be a requirement for localised dewatering or sump pumping on a temporary basis during the excavations. There may be a requirement for an onsite groundwater supply for the construction phase. Water Quality – risk of sedimentation, pollution or contamination (storage of fuels, oils, chemicals, use of concrete, etc).
Operation	Flow Regime – water supply is proposed from an onsite supply served by 2 no. groundwater wells Water Quality - risk of pollution/contamination.
Cumulative	No significant effects envisioned.

Mitigation

Mitigation measures to avoid, reduce or offset any potential adverse impacts on water are outlined in Section 7.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines including the implementation of a project specific CEMP during the construction phase and the

incorporation of SuDS in the design of the proposed development. Notable measures during the construction and operational phases include:

Construction Phase

- All water leaving the site during construction will be desilted using standard techniques (e.g., settlement ponds, silt busters, silt socks etc.). Where required, local silt traps will be established onsite
- Appointment of an Ecological Clerk of Works
- All new sewers will be inspected by CCTV survey post construction
- Fuelling and lubrication of equipment will be carried out in a designated area
- Any diesel, fuel or hydraulic oils stored onsite will be stored in designated areas, these areas will be bunded and located away from surface water drainage and features
- Measures for handling of concrete including the proper planning of major concrete pours and the provision of a dedicated concrete washout area.
- The provision of emergency spill kits for dealing with accidental spills.
- Management Plans for stockpiling of material
- The management of wastewater from welfare facilities during the construction through discharge to the public network by way of a temporary connection or through temporary storage and tankering off site to a licensed facility for treatment.

Operational Phase

- Implementation of a groundwater source protection plan.
- Ongoing regular operational maintenance of drainage and SuDS measures

Residual Effects

Subject to adherence to appropriate mitigation measures, design standards and management plans, the EIAR considered that any residual effects from the proposed development are not significant in terms of water.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 7 of the EIAR and all the associated documents, and submissions on file in respect of Water. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures in Section 7.6 of the EIAR to reduce any potential effects within the site.

Waste Water & Water Supply:

The third parties consider that the proposed development will place a substantial strain on the water supply and wastewater capacity within Kilmore Quay.

The proposed development will be served by 2 no. groundwater wells. The proposal to extract 10m³/hr, 241m³/day of groundwater has been the subject of a Groundwater Feasibility Study. The report found a suitable yield, recovery, no noticeable drawdown and a Zone of Contribution (ZOC) covering an area of 433,110.32m². There are no identified public or private groundwater abstraction wells recorded within the ZOC. Third parties contend that the existence of unregistered wells in the area has not been assessed, however, no evidence of the existence of unregistered wells has been provided. As the proposed groundwater abstraction exceeds 25m³/day, the abstraction is required to be registered with the EPA in accordance with the Water Environment (Abstractions and Associated Impoundments) Act 2022 and its associated Regulations 2024.

I note it is also proposed to provide a supplementary back-up mains supply from Uisce Éireann feeding into a drop tank to prevent backflow into the mains water system. The pre-connection enquiry sought a connection from Uisce Éireann to supply the full water demand for the development (assuming failure of pump system). A Confirmation of Feasibility (COF) was received from Uisce Éireann confirming that the connection to the existing watermain was feasible subject to 1.6km of water network upgrades being undertaken which must be funded by the developer. The applicant has agreed to this requirement.

In terms of wastewater, the Applicant has an agreement with Uisce Éireann to connect wastewater from the proposed development, up to a maximum of 744 population equivalent (PE), to the Kilmore Quay WWTP. It is understood that a 160mm inlet pipe was installed during Phase 1 of the Kilmore Quay WWTP to

support this. The UÉ Confirmation of Feasibility confirms the connection is feasible, contingent on the WWTP being upgraded to its Phase 2 design granted under the extant permission PL Ref 2019/1633. In agreement with UE, these works will be funded by the Applicant. The applicant/developer has not objected to this requirement.

Uisce Éireann has confirmed that the public networks have sufficient capacity to accommodate the demand from the proposed development and I have no outstanding concerns in this regard.

Drainage: Surface water from the Proposed Development will be managed in through the provision of Sustainable Drainage Systems (SuDS) measures, to treat and attenuate water prior to discharging to ground and offsite to the Irish Sea (i.e., the Eastern Celtic Sea coastal waterbody) via the existing open channel drain located on the southeastern boundary of the site, mimicking the existing greenfield runoff. Modelling has indicated that collected stormwater can be infiltrated to the ground up to the 1 in 10-year storm event. Events greater than the 1 in 10-year storm event will discharge to the existing open channel to the southeast corner of the site. Ongoing regular operational monitoring and maintenance of drainage and the SuDS measures will be incorporated into the overall management strategy for the proposed development.

Flooding: I noted at the time of my site visit that ground conditions were wet underfoot, with some ponding evident, however this was after a prolonged period of heavy rain. The Irish Sea forms the southern boundary of the proposed development site, only separated by the width of the coastal embankment, however, the site is elevated above sea level at >4mOD. A Site-Specific Flood Risk Assessment was submitted with the application. The subject site is located in Flood Zone C and there are no reported incidents of flooding at the site. Any residual risk is mitigated by measures embedded in the design. It is noted that the proposed FFL of the development is significantly above predicted flood levels and account for climate change and inherent modelling uncertainty. Based on the information before, I am satisfied that the site is not at significant risk of flooding, nor will the proposal lead to flooding elsewhere.

Water Framework Directive:

An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the River Basin Management Plan 2022–2027.

The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include Eastern Celtic Sea (Coastal Waterbody) and Bridgetown (Ground Waterbody), currently classified as ‘high’ and ‘good’ respectively under the River Basin Management Plan. EPA mapping has assigned a groundwater vulnerability rating of ‘Low’ (L) for the groundwater beneath the majority of the site and ‘High’ (H) for the groundwater beneath a small area in the southeast of the site.

Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of a Construction Environmental Management Plan (CEMP).

The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

Conclusion

I have considered all of the written submissions made in relation to water as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures, monitoring and through

suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of water.

9.13. **Air Quality**

Issues Raised

No specific concerns have been raised by the third parties or the planning authority regarding the impact of the development on air quality. Construction related impacts including from dust were raised by some third parties.

Examination of the EIAR

Context

Chapter 8(A) addresses the impact on Air Quality and considers any direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Baseline

Given the location of the site within the Kilmore Quay area, over 100 human sensitive receptors were identified within a 250m buffer from the site boundary. These sensitive receptors are both residential and industrial properties. Ecological receptors are considered where they are identified as being within 50m of the site boundary and routes used by construction traffic associated with the development to a distance of 250m from the site entrance. The Saltee Islands Special Area of Conservation (SAC) is located directly south of the site.

The EIAR considers that the site is located in Zone C 'Other cities and large towns' as defined by the Framework Directive on Air Quality (1996/62/EC), however I would consider that the site falls under Zone D 'Rural Ireland'.

The meteorological station at Johnstown Castle, Co. Wexford is located approximately 13.5km northeast of the site. For the purposes of the assessment, weather data collected here is considered similar to that which is experienced in the

area of the site. The weather in the area of the site is generally dominated by cool oceanic air masses, with cool winters, mild humid summers, and a lack of temperature extremes.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Air Quality. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 5 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 5: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Ambient air quality at the site will remain as per the baseline and will change in accordance with trends within the wider area (including influences from potential new developments in the surrounding area, changes in road traffic etc). Under the Do-Nothing Scenario, construction works associated with the proposed development will not take place. Effects from increased traffic volumes and associated emissions from the Proposed Development will also not occur.
Construction	Generation of dust during construction activities with effects on human health and ecology Traffic emissions
Operation	No significant effects -detailed air quality assessment has been scoped out as none of the road links affected by the proposed development satisfy the TII scoping assessment criteria.
Cumulative	No significant effects envisioned.

Mitigation

Mitigation measures to avoid, reduce or offset any potential adverse impacts on air quality are outlined in Section 8.6 of the EIAR. Many of the mitigation measures are

embedded in the design and based on current best practice guidelines. Notable measures during the construction phase include:

Construction Phase –

- Develop and implement a Dust Management Plan (DMP), the final dust management plan will form part of the overall construction management plan which will formally be prepared and submitted to Wexford County Council post grant of planning permission.
- Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the Wexford County Council when asked.
- Install a wheel wash system for vehicles entering and leaving the site and adopt water suppression measures.
- Erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site
- Ensure all vehicles switch off engines when stationary

Operational phase air quality impact is considered negligible and therefore no site-specific mitigation measures are proposed.

Residual Effects

Subject to adherence to appropriate mitigation measures, the EIAR considered that any residual effects from the proposed development are not significant in terms of air quality.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 8(A) of the EIAR and all of the associated documentation, and submissions on file in respect of air quality. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential risks, impacts and provides a suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts on air quality.

Consistent with the EIAR, I would accept that the main air impacts at construction stage will be restricted to dust emissions and that this would not be significant when

the proposed mitigation measures are implemented. I note a construction phase dust assessment has been carried out in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction (2024). I am satisfied that the construction mitigation measures will prevent nuisance dust causing adverse impacts at any sensitive receptors, and that emissions from construction machinery would not be significant.

Regarding construction and operational traffic-related emissions, the increase in traffic volume would be significantly less than the additional 1000 Light Duty Vehicles to the Annual Average Daily Traffic required to trigger an air quality assessment (TII guidance - Air Quality Assessment of Specified Infrastructure Projects – PE-ENV-01106 (TII, 2022)). A detailed air quality assessment has therefore been scoped out. I am satisfied that the anticipated traffic increase is not likely to produce a significant adverse effect on air quality in the local environment.

Conclusion

I have considered all of the written submissions, and any specific points made in relation to air quality as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the design of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of air quality.

9.14. Climate

Issues Raised

The third parties raised a query in relation to the proposed development with respect to the Climate Action Plan 2024 in regard to car dependent nature of the development.

Examination of the EIAR

Context

Chapter 8(B) addresses the impact on climate and considers any direct or indirect effects on these resources arising from the proposed development. The chapter

outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that difficulties were encountered during the quantification of materials at the design stage in order to assess the embodied construction carbon. The exact volumes of materials, location of waste disposal sites, sourcing of products and technical specification for materials are finalised during the detailed design phase and by the appointed contractor. Throughout the assessment, efforts have been made to provide the most likely scenario for the embodied carbon assessment.

The methodology in the chapter outlines 2 no. assessments undertaken – a greenhouse gas assessment (GHGA) and a climate change risk assessment (CCRA).

A Climate Action and Energy Statement and a Building Life Cycle Assessment Report are included as standalone reports with the planning application.

Baseline

Meteorological baseline data is provided in Chapter 8(A) Air quality.

In 2023, Ireland's GHG emissions are estimated to be 58.82 million tonnes carbon dioxide equivalent (Mt CO₂eq), which is 6.1% lower (or 3.79 Mt CO₂eq) than emissions in 2022 (62.26 Mt CO₂eq) and follows a 3.0% decrease in emissions reported for 2022. Emissions are 3.3% below the historical 1990 baseline for the first time in 33 years.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Climate. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 6 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application

Table 6: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
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Do Nothing	If the proposed development does not proceed, the site will remain as per the baseline and will change in accordance with trends within Ireland's Greenhouse Gas performance and climate changes (including influences from potential new developments in the surrounding area, changes in road traffic etc). The potential for impacts on climate from GHG emissions generated during construction or associated with the operation of the proposed facility would not occur.
Construction	Greenhouse gas emissions associated with production stage (embodied carbon), transport to site, site operations/construction activities, ongoing material replacement and refurbishment.
Operation	GHG emissions from the operational stage arise from heating, domestic hot water, and lighting. Increased traffic volumes by private vehicle to site Potential current and future climate risks.
Cumulative	By considering the potential for the proposed development to affect Ireland's ability to meet its national carbon reduction target, the assessment approach is considered to be inherently cumulative.

Mitigation

Mitigation measures to avoid, reduce or offset any potential adverse impacts on climate are outlined in Section 8.10 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines. Notable measures during the construction and operational phases include:

Construction Phase

- Use energy-efficient machinery and equipment on-site. Regular maintenance and proper operation can also help reduce fuel consumption and emissions
- Ensure that sustainability and carbon specifically is incorporated into site team talks, construction and reporting targets.

- Implement a robust waste management plan to reduce, reuse, and recycle construction waste.

Operational Phase

- The development will be in compliance with the requirements of the Near Zero Energy Building (NZEB) Standards.
- A renewable energy rating (RER) of 20% will be achieved to comply with Part L (2021) of the NZEB regulations.
- A Building Energy Rating (BER) of A2/A3 is being targeted.

Residual Effects

Subject to adherence to appropriate mitigation measures the EIAR considered that any residual effects from the proposed development are not significant in terms of climate.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 10 of the EIAR and all of the associated documentation and submissions on file in respect of Climate. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential risks, impacts and provides a suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts on climate.

Climate impacts are evaluated at a national level, considering national targets and sectoral emission ceilings. The total embodied carbon for the construction phase, including the maintenance and replacement of materials throughout the development's lifetime, has been calculated at 40,767 tonnes of carbon dioxide equivalent. The estimated total Green House Gas emissions amount to 0.0007% of Ireland's total Green House Gas emissions in 2023 and 0.0012% of Ireland's non-Emissions Trading Scheme 2030 emissions target. Specifically, emissions from transport-related activities account for 0.0069% of the 2030 Transport budget, construction waste emissions represent 0.0412% of the waste budget, and industry-related emissions comprise 0.0103% of the 2030 Industry budget.

Operational GHG emissions have been compared against the carbon budget for the industry sector in 2030, against Ireland's total GHG emissions in 2023 and against Ireland's EU 2030 target of a 30% reduction in non-ETS sector emissions based on 2005 levels (33 Mt CO₂e) (set out in Regulation EU 2018/842 of the European Parliament and of the Council). The estimated total operational GHG emissions, are equivalent to 0.00187% of Ireland's total GHG emissions in 2023 and 0.0003% of Ireland's non-ETS 2030 emissions target. The total GHG emissions associated with industry-related activities are 0.0275% of the 2030 residential budget. I am satisfied that the assessment undertaken is robust and considers the energy demands of the proposed development.

The submitted Climate Action and Energy Statement outlines how the overall energy considerations of the proposed development have been inherently addressed. I am satisfied that the design has proposed the appropriate options for energy efficiency and for the generation of renewable energy on site. I also note that the assessment considers all transport emissions associated with the operation of the proposed development.

With regard to unplanned events, I am satisfied that a flood risk assessment has demonstrated that the site is not at risk of flooding and suitable drainage proposals will be included. Other extreme weather events have been satisfactorily addressed by the proposed mitigation measures.

I am satisfied that the project design and mitigation proposed is adequate and addresses the impact of climate change on the proposed development, and I agree with the conclusions of the EIAR that the vulnerability of the proposed development to climate change is not significant.

Conclusion

I have considered all of the written submissions, and any specific points made in relation to climate as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of climate.

9.15. Noise and Vibration

Issues Raised

Construction related impacts including from dust were raised by some third parties.

Examination of the EIAR

Context

Chapter 11 addresses the impact from Noise and Vibration and considers any direct or indirect effects on this resource arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Baseline

The closest noise receptors are the residential dwelling with a line of sight to the proposed development. The residential receptors have been grouped into 8 noise sensitive locations for the purposes of assessment and are shown in Figure 9-4 of the EIAR.

The area has not been identified as a Quiet Area using the screening process set out in the EPA's noise guidance document (NG4). Therefore the "areas of low background noise" criteria are not applicable for the project.

A baseline noise survey was undertaken as part of the noise assessment prepared for the EIAR. Unattended measurements were taken from 10:45hrs on the 22nd of August 2024 to 13:28hrs on 29th of August 2024. Attended measurements were taken for durations of 15 – 60 minutes in locations A1, A2, L1 and L2 (as shown on Fig 9-4 of the EIAR) on the 22nd of August 2024 and 29th of August 2024.

The baseline monitoring campaign concluded the existing environment is influenced by wind on foliage, boats in the distance, birdsong and traffic on R739. Based on both the attended and unattended noise measurements, the most dominant noise source in the area is road traffic noise emissions from the R739.

Potential Effects

The EIAR identifies the potential for a range of environmental effects from Noise and Vibration. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 7: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The prevailing noise environment at the closest noise and vibration sensitive locations will remain in line with those measured during the baseline study.
Construction	<u>Noise</u> Plant and equipment used for site preparation and construction. Construction traffic on the public road network. <u>Vibration</u> Vibration is expected to be generated during the substructure stage where activities such as piling and earthworks are likely to occur.
Operation	<u>Noise</u> Noise sources include plant and equipment, operation of the padel court and crazy golf, breakout noise from the event spaces and leisure centre, noise from leisure centre outdoor seating and events centre outdoor patio, traffic movements, car parking and external/public amenity spaces; however effects are not considered significant.
Cumulative	The baseline assessment and modelling is inclusive of other existing activity in the area. I consider that any noise from the adjoining wastewater treatment plant would be included within the baseline. The EIAR identified a sand and gravel quarry and a windfarm in excess of 4km from the site. Given the significant distance, no cumulative effects are anticipated.

	No significant effects envisioned.
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Mitigation

Mitigation measures to avoid, reduce or offset any potential adverse impacts from noise and vibration are outlined in Section 9.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines. Construction phase mitigation includes selection of quiet plant and equipment, noise control at source of the noise, noise screening/barriers and public liaison. The predicted results of the operational noise assessment, indicate that there is no significant noise impact on the surrounding sensitive receptors, therefore no mitigation measures are required to control operational noise levels. There are no predicted vibration sources or impacts during the operational phase, therefore, mitigation measures are not required to control operational phase vibrations.

Residual Effects

Subject to adherence to appropriate mitigation measures, design standards and management plans, the EIAR considered that any residual effects from the proposed development are not significant in terms of noise and vibration.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 9 of the EIAR and all of the associated documentation and submissions on file in respect of noise and vibration. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential risks, impacts and provides a suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts on surrounding sensitive noise and vibration receptors.

Noise

Modelling was undertaken to assess the effects of noise associated with the construction phase of the proposed development. Noise limits outlined in BS5228-1:2009+A1 2014 Code of practice for noise and vibration control on construction and open sites have been adopted as the criteria for the project. The lower threshold limit of 65dB is applied for Daytime and Saturdays. The prediction methodology in BS 5228 has been used to calculate the noise level over a typical day for each of the

main construction stages. For the construction phase the cumulative noise impact was assessed based on a worst-case scenario i.e. all sites in construction at the same time (hotel, lodges, restaurant, etc). Table 9-11 of the EIAR summarises the predicted noise levels without mitigation for the construction stage at each of the 8 designated noise sensitive locations (NSL). The cumulative noise impact from the construction activities without mitigation was predicted to comply with the project criteria.

Noise from construction vehicles is based on figures and information provided by Meinhardt, Traffic Consultants, which indicate there will be a peak of 6 two-way heavy construction vehicles per hour. A 10-hour construction day is assumed in line with BS 5228, resulting in a maximum of 60 vehicles which equates to 30 outward vehicles. Based on the existing traffic figures on the surrounding road network, the traffic levels will not increase by more than 25% which would equate to an increase of 1dB in traffic noise levels. The impact predicted is considered negligible using the IEMA IOA Chart on Magnitude, Significance and Effect (Figure 9-3 of the EIAR).

For the operational phase the main sources of noise are the additional traffic on the roads surrounding the development, noise from activities on the site such as padel courts, crazy golf, events centre, leisure centre, external amenity spaces, car parking and the plant and equipment. The noise levels from the operations of the development have been predicted based on the measured noise levels from similar developments. Specifications for the plant and equipment are not yet available, therefore the approach has been taken to determine suitable operational noise emissions limits. NG4 recommends a daytime criterion of (07:00hrs – 19:00hrs) 55dB LAr,T and nighttime criterion of (23:00hrs – 07:00hrs) 45dB LAr,T, in areas of low background noise, which is considered relevant to the proposed development. The predicted results of the operational noise assessment, indicate there is no significant noise impact on the surrounding sensitive receptors, therefore no mitigation measures are required to control operational noise levels

Operational traffic and car parking has been assessed separately. The additional traffic generated during the Do-Something scenarios is predicted to lead to an increase of 3dB at some sensitive receptors along Ard na Ba Road. This is categorised as a minor effect as per Table 9.7 of the EIAR, with an increase of 3 decibel being the lower level of human hearing perception. I am satisfied that there

will be no significant impact on surrounding sensitive receptors from noise emitted by traffic.

Vibration

Some vibration may be generated during the substructure stage where activities such as piling and earthworks are likely to occur. It is not anticipated that the vibration will have a negative impact on the sensitive receptors, however precautionary vibration monitoring has been recommended during the construction period to ensure any potential vibration impact is controlled. Vibration limits for the construction phase have been set in accordance with BS 5228 for the development for the purposes of monitoring the vibration impact. There are no predicted vibration sources during the operational phase.

Conclusion

Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to noise and vibration would be minimal and can be managed and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, monitoring and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of noise and vibration.

9.16. Landscape and Visual Impact

Issues

The third parties raised a number of concerns in regard to Landscape and Visual Impact. These are summarised as follows:

- The proposed development would dominate the skyline and visually overwhelm the existing low rise settlement pattern of Kilmore Quay.
- Kilmore Quays Landscape Character Unit is identified as a coastal landscape with a high sensitivity to change and a limited ability to absorb new developments.

Environmental Impact Assessment Report

Chapter 10 of the EIAR comprises a Landscape and Visual Impact Assessment (LVIA). The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

A standalone booklet of verified photomontages prepared by digital dimensions is submitted, containing 20 no. viewpoints (VPs) providing a comparison of the existing view and the proposed view with established mitigation at year 7.

I am satisfied that the applicants submitted photomontages provide a reasonable representation of how the proposed development would appear to allow for a full assessment of the potential impact.

Baseline

The landscape study area is described relative flat with a mixture of village settlements, rural housing, agricultural and associated agricultural built development. It is noted that fishing infrastructure is evident in Kilmore quay with the associated working harbour and industrial buildings.

While not noted in the baseline assessment I would consider that the coastal area and beach area in Kilmore Quay contribute significantly to the character of the area.

The landform within the main development site varies between 4mAOD to a maximum of 14mAOD, with the lowest point being the top of the coastal embankment along the southern boundary.

The site is located within Coastal Landscape Character Unit. The description of this character unit is as follows;

“The south coast also has long beaches and dune systems. Views to the Saltee and Keeragh Islands draw the eye in this landscape. There are a number of distinctive features within this unit including Lady’s Island and Tacumshin Lakes, the Inish and Ballyteige Slobs, Carnsore Point, Ballyteigue Burrow and Bannow Bay. The Hook Peninsula has a variety of interesting and distinctive landscapes. The coastal areas of Wexford experience greater pressure for tourism and residential development and

are very sensitive to development and require protection both in their own right and for the services and economic benefits they bring”

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Landscape and Visual Impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 8 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 8: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	In the event that the development does not proceed it is likely that the subject site would be developed in the future in line with planning. If the site is left in its current state, it will be likely continued to be maintained in its current manner and hence a neutral impact will persist on the existing landscape.
Construction	Numerous large, brightly coloured earth moving equipment, construction machinery, cranes operating on the site and construction site offices/facilities, security lighting and fencing etc Change in colour and form of topography due to the excavation, removal and storage of soils Removal of agricultural arable and grass land Removal of hedgerows Creation of areas of hard surfaces (car parks, paths, roads)

	Planting of 1396m of native hedgerow, 949 trees, pollinator friendly planting, wildflower seeding, amenity grass seeding, and low-level ground mounding
Operation	The most notable landscape impacts will result from the mass of the proposed development. It is considered that at first the proposed development might be regarded by the public as notable. It can be expected overtime to gradually diminish and will be perceived as part of the background with time.
Cumulative	Given the close proximity of the lands to the established settlement of Kilmore Quay and the implementation of Development Plan Standards, no significant effects are envisioned.

Mitigation Measures

Section 10.6 of the EIAR sets out mitigation measures. The main mitigation measures have been incorporated into the layout of the site and design of the proposed buildings and landscaping. By responding to the site topography, modulation of the main building, façade articulation and suitable landscaping for a coastal situation, the building is considered to be absorbed into the surrounding landscape. The set back of the larger buildings from the site boundaries mitigates the impact on local adjoining residents. As the proposed landscaping matures the significant landscape features in themselves will counterbalance the development.

Residual Effects

It is considered that the proposed development of the site will have a residual moderate/minor local impact on the landscape and visual character of its environs, which will reduce rapidly with distance to impacts which are minor, neutral and long term impacts.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 10 and all the associated documents including the separate booklet of photomontages

and submissions on file in respect of landscape and visual impact. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on the surrounding landscape and visual amenity of the area. I am also satisfied that an appropriate range of visual receptors has been considered.

The site is an exposed coastal site, highly visible from a number of vantage points including along the R379 on approach to Kilmore Quay and from Kilmore Quay beach. I consider that the proposed development, which includes a four-storey (over lower ground floor) hotel structure, has the potential to be highly visible within the landscape.

I acknowledge that the proposed hotel would be the most visible element of the proposed development when viewed from near and distant viewpoints. I consider that height (4 storeys) and massing at this location to be substantial given the exposed nature of the landscape. The glazed elements of the hotel elevation facing the coast would be particularly visible at night. Aside from the hotel structure itself, the remaining elements of the proposed accommodation offerings and visitor services are all low rise in height and would not be unduly visible in distant views. Notwithstanding the mitigation measures put forward, including the landscape plan, the overall development would be visible in varying degrees from various vantage points in the immediate vicinity including the main road on approach to Kilmore Quay and also from the adjoining beach. The scale, massing and nature of the proposed development cannot be considered to be consistent with the existing characteristics of the surrounding area.

It is noted that the highest pre-mitigation impact of Negative Moderate-Minor is experienced at VP1 to the southwest of the site at St Patricks Bridge due to the clear elevated view of the proposed development. The EIAR does not provide specific post mitigation characterisation of effects for each viewpoint but rather notes that the proposed development of the site will have a residual 'Moderate-Minor' local impact on the landscape and visual character of its environs. While I do acknowledge that the visual impact would dissipate over distance, I am not satisfied that the operational stage visual/landscape impacts as presented would be limited to that of 'Moderate-Minor' at worst. Given the location of the site in a coastal location and the

openness of the site, of which users of the beach and most houses and views from the nearby local road (L3068) will have clear visibility of the of the proposed development, the impact of the proposal will be pronounced and, in my opinion, significant.

With due regard to these impacts, the resulting negative impact this development would have on the valuable tourism industry in this area derived from the area's natural amenities should not be underestimated. The effects on tourism and the tourism product have been noted by many in submissions to the Planning Authority/Commission. Tourism, along with the marine economy the fishing industry, is perhaps the area's most important industry. Tourism in the area largely centres on the visual qualities of the natural, coastal landscape along with the unique streetscape of the village area, with a series of traditional thatched cottages. The proposed development seriously detracts from the landscape and visual qualities of this area and results in the tourism product being eroded particularly along the Coastline which is demonstrated in VP 1 and VP 2.

I note that the Development Plan does not designate any specific scenic routes or protected views, but rather states that such routes may fall into a number of categories including *'through Uplands, Coastal, River Valleys and Distinctive Landscapes'*. Other scenic views may include *'views to the sea and views towards land from the sea and rivers in locations which may host tourism or amenity/journeys arrivals by boat'*. Section 3.5 of the EIAR discusses the Local Planning Policy Context, and Section 10.3.2 notes that the site falls within a Coastal Landscape Character Unit, however no specific reference is made to the Landscape Policy and Objectives in the context of the proposed development. Section 11.8 of the Development Plan 'Landscape Sensitivity' states that Coastal Landscapes *'have a High Sensitivity to change and a limited ability to absorb new development. Development proposed within these areas must be shown not to impinge in any significant way upon their character, integrity or uniformity when viewed from the surroundings'*. I note in particular Objective L06 and L07 which are not referenced in the EIAR but seek *'to ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units'* and *'To ensure that, where a development will have a negative impact in the Upland, River Valley, Coastal, or Distinctive*

Landscape Character Unit, an overriding need is demonstrated for that particular development and ensure that careful consideration is given to site selection’.

Having regard to the overall scale of development proposed, together with the increased height and elevational treatment of the proposed hotel element, I consider that the proposed development would be visually intrusive at this location and would significantly detract from the character of this sensitive coastal environment. No overriding need for the development at this location has been provided for by the applicant. I therefore would consider that the proposal would not be in compliance with Objective L06 and L07 of the Plan. I consider that the proposal would impact on the character, integrity, distinctiveness and scenic value of this visually sensitive landscape. I accept the need to achieve a certain scale in order for such proposals to be viable and I also accept the importance of tourism to the economy of the area. Notwithstanding this, I would recommend that permission should not be granted for a development of the scale proposed. Given its locational context, the site is particularly sensitive to development, and it is considered that the proposed development will significantly detract from the landscape and unique character of Kilmore Quay.

Conclusions: Direct and Indirect

I have examined all of the information before me in relation to landscape and visual amenity. I have serious concerns regarding the scale of the overall development and the subsequent impacts on the visual amenity and landscape character at this location. Notwithstanding the measures put forward to minimise the impact of the proposal including extensive planting and low-rise nature of many of the proposed accommodation units, I consider that the impacts of the proposal would be negative, significant, adverse and long-term in duration. Having regard to the examination of the environmental information provided in respect of landscape and visual, in particular in Chapter 10 of the EIAR and associated photomontage booklet it is considered that after the application of mitigation measures that it is reasonable to conclude that the proposed development will result in a significant impact and that significant adverse impacts will arise for sensitive receptors from the operations within the development site in relation to landscape and visual.

9.17. Archaeology and Cultural Heritage

Issues Raised

A number of third parties consider that the proposed development will conflict with the vernacular architecture and traditional built heritage of Kilmore Quay.

The submission from the Department of Housing, Local Government and Heritage recommended that a fieldwork-based Archaeological Impact Assessment (including Archaeological Geophysical Survey and Archaeological Text Excavation) be carried out as Further Information.

Environmental Impact Assessment Report

Chapter 11 addresses the impact on archaeological, architectural and cultural heritage of the site. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The assessment methodology was based on a paper and digital survey, followed by a field inspection.

Baseline

There are no known archaeological, architectural or cultural features within the site. A ruinous 18th century farm complex that does not have statutory protection, is located within the development site.

There are eight recorded archaeological sites within the surrounding 1km wide study area and of these the closest to the development site is a later medieval tower house complex in the townland of Ballyteige consisting of a tower house (RMP WX052-018001-), a bawn wall (RMP WX052-018002-), a gateway (RMP WX052-018003-) and a well (RMP WX052-018004-).

There is one building (Beak Cottage; NIAH No 15621008) listed in the National Inventory of Architectural Heritage that adjoins the development site. I note the EIAR (Section 11.3.9) states that the proposed development provides for the refurbishment, renovation and reuse of Beak Cottage. However, from my review of

the wider application this does not appear to be the case, with Beak Cottage falling outside the development site boundary.

There are 15 other entries recorded on the NIAH building survey within 1km of the site, with 13 of the entries are also contained within the Record of Protected Structures for the county.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Cultural Heritage. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 9: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	Architectural Heritage assets on site will continue to deteriorate and will eventually be unrecoverable The area will remain in its current state. Unrecovered archaeological resources will remain undisturbed.
Construction	The proposed refurbishment, renovation and reuse of the early modern farm complex will result in a direct positive impact. Risks to any previously unrecorded archaeological remains that may exist within the proposed development area.
Operation	The proposed refurbishment, renovation and reuse of Beak Cottage and farm complex will return the buildings to functionality and will ensure its continued use for the future resulting in a positive direct impact on the architectural heritage.
Cumulative	No significant effects envisioned.

Mitigation Measures

Mitigation measures are provided in Section 11.6 of the EIAR and include the preservation by record of existing structures on site to be refurbished. A post planning archaeological geophysical survey will be undertaken. The survey will be followed by targeted test trenching to be carried out at the location of any proposed subsurface groundworks for new buildings, service routes, and other infrastructure.

It is stated that the proposed refurbishment and renovation of Beak Cottage will be *‘undertaken by conservation professionals, under the guidance of a Conservation Grade II Architect’*.

Residual Effects

The EIAR considers that even after implementing mitigation measures, such as pre-construction surveys and test trenching, there remains a small possibility that archaeological materials could be uncovered during the operational phase. These discoveries might result in the need for further archaeological work, potentially affecting the timeline and operation of the resort.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 13 and all the associated documents and submissions on file in respect of cultural heritage and archaeology.

I am not satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on cultural heritage and archaeology.

The EIAR notes that *‘the proposed development includes for the refurbishment, renovation and reuse of Beak Cottage’*. Furthermore, it is stated that *‘The development will result in a direct slight impact an Architectural Heritage Asset; Beak Cottage, a building that is contained in the NIAH.’* The NIAH description of Beak Cottage describes the building as a *‘Detached three-bay single-storey marine villa, rebuilt 1870, on a rectangular plan. Occupied, 1901. Vacant, 1911. Renovated...’*

I note from my review of the documents and drawings submitted with this application, that while ruinous Beak farmstead on site is to be refurbished and reused, Beak Cottage itself which is subject of the NIAH designation does not fall within the

development site (red line boundary) and does not form part of the proposed development. Beak Cottage is not shown within the blue line boundary, is located on a separate folio (WX65573F) with defined treeline/hedgerow boundaries, distinct from the development site.

I note that there are no known archaeological or cultural heritage features within or within close proximity to the appeal site. The ruinous buildings on site have no particular historical or architectural merit and will be preserved by record. However, the submission from the Department of Housing, Local Government and Heritage requested that Archaeological Impact Assessment including Archaeological Geophysical Survey and Archaeological Text Excavation be carried out as Further Information. I note that the Planning Authority, did not seek further information and have addressed the issue by requiring the information by way of condition. I am satisfied that in the event of a grant of permission this could be addressed by condition.

Conclusion: Direct and Indirect

I have considered all of the written submissions, and any specific points made in relation to Cultural Heritage as well as the submitted application documentation. I note also the submission of the Department of Housing Local, Government and Heritage which recommends that a fieldwork-based archaeological assessment, in the form of geophysical survey and archaeological testing (licensed under the National Monuments Acts 1930-2014), should be conducted at the site. I consider that in the event of a grant permission this could be dealt with by way of condition. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of cultural heritage.

9.18. Materials Assets: Waste and Utilities

Issues Raised

Third parties raised concerns regarding capacity of ESB network to cater for proposed development.

Environmental Impact Assessment Report

Chapter 12 deals with Material Assets including electrical, gas, information and communication technologies, water and wastewater infrastructure and waste management. I have dealt with matters of water and wastewater in a preceding section, and I refer the Commission to same.

The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Baseline

There is currently no onsite consumption of electricity. There are no identified gas network utilities within the proposed development site boundary or surrounding areas. There is no telecoms infrastructure within the proposed development site. The site currently has no waste management requirements.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Cultural Heritage. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 10 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 10: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	The site would remain as per the baseline. Impacts from increased use of material assets and waste from the Proposed Development would not occur.
Construction	Electricity: Temporary electricity supply will be arranged, and generators may be used if necessary. A temporary suspension of the network locally to facilitate the connection works may be required during the construction phase, and an additional temporary

	suspension will also occur when power is provided to the site of the Proposed Development. Waste: Waste arising during the construction phase will comprise soil and stone materials associated with the excavation works. The total estimated volume of construction and demolition waste to be generated is c.5,087m³.
Operation	Electricity: The proposed development is likely to increase demand to the existing supply on the electricity network. Waste: Requirement to accommodate storage for a volume of 44,730L. The Operational Waste Management Plan (OWMP) for the Proposed contains full details of the types and quantities of waste that may arise at the Proposed Development.
Cumulative	No significant effects envisioned.

Mitigation Measures

Mitigation measures are provided in Section 12.6 of the EIAR. Measures include the implementation of a Resource and Waste Management Plan (RWMP) and a Construction Environmental Management Plan (CEMP) to manage waste and prevent pollution. The Health and Safety Authority's "Code of Practice for Avoiding Danger from Underground Services" will be followed during construction and excavation activities and all underground and overhead utilities and public services will be identified and protected during the construction phase. During operation, the Operational Waste Management Plan will ensure proper waste segregation and storage, with oversight by the management company to ensure compliance with regulations.

Residual Effects

Subject to adherence to appropriate mitigation measures, the EIAR considered that any residual effects from the proposed development are not significant in terms of air quality.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 12 and all the associated documents and submissions on file in respect of Material Assets. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on Material Assets.

The majority of waste arising during the construction phase will comprise soil and stone materials associated with the excavation works required for foundations and connections to utilities and services. The implementation of the Resource and Waste Management Plan will promote recycling, reuse and recovery of waste and diversion from landfill wherever possible. A CEMP will also be in effect for the duration of the construction work. I am satisfied that subject to the implementation of the mitigation measures, the potential effect of construction waste is not significant.

During the operational phase, waste will be generated from the residents, guests and users of the proposed development. All waste would be collected by licensed contractors and transported to permitted facilities. The implementation of the Operational Waste Management Plan will work to ensure that waste is managed in accordance with the waste hierarchy. I am satisfied that subject to the implementation of mitigation measures the potential effect of operational waste is not significant.

I am satisfied that there would be no unacceptable impacts on other services such as electricity, and telecommunications, subject to agreement with the relevant service providers. I have no information before me to believe that existing infrastructure referenced above does not have capacity to cater for the proposed development.

Conclusion: Direct and Indirect

I have examined all of the information before me in relation to material assets. Having regard to the examination of environmental information provided in respect of

material assets, it is considered that after the application of mitigation and monitoring measures that it is reasonable to conclude that the proposed development will not result in a significant impact and that significant adverse impact will not arise for sensitive receptors from the operations within the development site in relation to material assets.

9.19. Material Assets – Roads and Traffic

Issues Raised

A number of third parties raised concerns that the proposed development will negatively impact upon traffic safety in the area and result significant additional traffic movements on local roads.

Environmental Impact Assessment Report

Chapter 13 addresses the impact on traffic and considers any direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered during this chapter.

The following appendices are attached to Chapter 14:

A standalone Traffic and Transport Assessment was submitted with the application.

Baseline

Access to the proposed development will be via the existing R739 road. The R739 is a single carriageway road, approximately 6.3m wide. The R739 provides connection from Kilmore Quay to Kilmore village and the N25 (Rosslare to Wexford town). There are no formal footways along the R739, except for a short section within the village centre. Kilmore Quay is serviced by the 390 bus route (Kilmore Quay-Wexford) which runs every 2 hours.

An automatic traffic count was undertaken for 1 week in August 2024 (13th-19th) at the approximate location of the proposed development access. Junction Turning Count data was collected on 13th August over a 24 hour period at the following locations;

- 1) R379 between the Chapel and proposed development site
- 2) Ard Na Ba
- 3) L3056 in proximity to Ard Na Ba

The results of the traffic counts are presented in Table 13-3 of the EIAR and demonstrate that all road links are currently operating well within an anticipated two-way carrying capacity of 5,000 Annual Average Daily Traffic (AADT), based on TII Rural Link Road Design Standards. August was chosen for the survey timings as it represents the likely operational peak period of the Proposed Development.

Average Daily Traffic (ADT) flows at road links within the study have been extracted from the traffic data. These road link locations are shown in Figure 13-4 and described as follows:

- 1) Link 1 - R739 at the Proposed Development site access.
- 2) Link 2 - R739 between Chapel and the Proposed Development site access.
- 3) Link 3 -Ard Na Ba.
- 4) Link 4- L3056 in proximity to Ard Na Ba.

Potential Effects

The EIAR identifies the potential for a range of environmental effects from traffic. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 11 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 11: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	The 'Do Nothing' scenario has had regard to background traffic growth. Anticipated ADT at each road link within the study area for the Do-Nothing Scenario is shown Table 13-4.

Construction	Construction period approx. 36 months (peak period for 3 months) - 60 no. two way trips accessing the site on a daily basis. 80% (48 no.) would be HGVs.
Operation	Estimated Total Daily External Vehicle Trips (resident check in/out, visitor special event, visitor food and beverage, visitor spa, staff, servicing) – 1,034
Cumulative	The baseline traffic counts capture the existing traffic levels. Scoping with WCC has not identified the requirement to include for any committed development. No significant effects envisioned.

Mitigation Measures

Mitigation measures are provided in Section 13.7 of the EIAR and include the implementation of a Construction Traffic Management Plan (CTMP) during the construction phase and a Mobility Management Plan (MMP) during the operational phase.

Residual Effects

The EIAR considered that any residual effects from the construction and normal operational phases of the proposed development are not significant in terms of traffic.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 14 and all the associated documents and submissions on file in respect of Traffic and Transportation. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on the surrounding area in terms of traffic.

It is anticipated that all construction traffic would travel to and from the site via the R739 from the north and that this would avoid impacting on the L3056, Ard Na Ba and Kilmore Quay village centre. In this regard, identified road Link 1 and Link 2 would be used by construction traffic. The overall effect of construction traffic (for the

year 2028) on baseline traffic is approximately 2% at Link 1 and 2, while the percentage impact on HGVs is 27% and 30% respectively at Link 1 and 2. The EIAR considers that the construction of the proposed development would have an overall low effect on the existing environment which has low to medium sensitivity. As such, the degree of effect significance is considered as Moderate.

In terms of the operational phase, Table 13-12 shows the percentage change in ADT in the study area under the Do-Something scenario for opening year (2031) and design year (2046). A maximum increase of 52% is experienced at Ard Na Ba (Link 3) and a maximum HGV percentage impact of 8% on the R739 in proximity to the junction with Chapel (Link 2). I note that the anticipated increase in traffic can be accommodated by the carrying capacity of the road link. The EIAR considers that the operation of the proposed development would have an overall medium effect on the existing environment which has low to medium sensitivity. As such, the degree of effect significance can be considered Moderate.

The EIAR further outlines that as the maximum degree of significance anticipated is moderate, no mitigation is required. Notwithstanding it is proposed that detailed Construction Traffic Management Plan (CTMP) and Mobility Management Plan (MMP) are implemented for the construction and operational phase respectively.

While I note the concerns of third parties, I consider that the information before me indicates that the proposal would not lead to the creation of a traffic hazard or obstruction of road users. The existing road infrastructure has capacity to deal with a development of the nature and scale proposed. Construction traffic will be dealt with by means of a Construction Traffic Management Plan. I am satisfied that the information provided is evidence based and robust and that traffic generated by the proposed development during the construction and operational phase of the development would not have a significant effect on the capacity of surrounding road network. I have dealt with the issue of pedestrian connectivity separately in Section 8.3 above.

Conclusion: Direct and Indirect Effects

I have considered all of the written submissions, and any specific points made in relation to traffic as well as the submitted application documentation. Having regard the available capacity on the surrounding road network, I am satisfied that the

potential for effects on traffic during the construction and operational phases can be avoided, managed and mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of traffic.

9.20. Risk Management

9.20.1. Chapter 14 sets out the assessment of the vulnerability of the Proposed Development to risks of major accidents and/or disasters. No issues have been raised by any party to the appeal/application in respect of major accidents and disasters. The site does not fall within the consultation distance of any Seveso site. The assessment has considered the potential for fire, invasive species and disruption to Cultural, Archaeological and Architectural Heritage from a consolidated list of national hazards based on a Department of Defence 'National Risk Assessment for Ireland 2020 guidance. Invasive species and cultural heritage effects are dealt with in the preceding sections. Emergency Response Plans will be put in place in advance of activities commencing on site. The proposed development is within Flood Zone C and is not considered at risk of flooding. Overall, I am satisfied that given the nature of the proposed development, and the mitigation measures proposed, together with the low probability of a major accident/ natural disaster, it is not likely that significant effects on the environment would arise in this regard. There are no cumulative impacts that would combine to result in significant residual environmental impacts.

9.21. Interactions

Chapter 15 of the EIAR addresses interaction of impacts with a matrix provided in Table 15-1. Chapter 15 provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions in relation to all matters

with the exception of Biodiversity, Landscape and Visual Impact, and Archaeology Cultural Heritage.

I consider that, based on the information before me, I cannot be satisfied that effects arising on Biodiversity, Landscape and Visual Impact, and Archaeology Cultural Heritage cannot be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures or suitable conditions.

9.22. Reasoned Conclusions on the Significant Effects

Having regard to the examination of environmental information provided in respect of the proposed development, in particular the EIAR and the supplementary information provided by the applicant, the submissions from the planning authority, prescribed bodies and third parties in the course of the application/appeal, it is considered that the main significant, direct, indirect and cumulative effects on the environment, with the implementation of proposed mitigation measures are:

- Potential impacts arising on population and human health as a result of noise/vibration, dust, and traffic, which would be encountered during the construction and operational phase and would be mitigated by the implementation of the measures set out in the EIAR and the Construction Environmental Management Plan.
- There is an inadequate assessment of potential impacts on biodiversity and in particular on the wintering birds arising from the proposed works, due to an insufficient baseline assessment. It is considered that the ecological desk and field surveys undertaken to inform an assessment are insufficient. Adverse impacts in terms of biodiversity can therefore not be eliminated.
- Negative effects on surface water and ground water as a result of accidental spillage of hydrocarbons, increased sedimentation etc. and any other contaminants entering the drainage system can be adequately mitigated by measures outlined in the application. The proposed development will not impede the ability of surface waters to achieve good or high status with regard to the Water Framework Directive, and no further assessment is required.

- Significant adverse landscape and visual impacts arising from the siting and scale and of the proposed development, would have a dominant and obtrusive impact on visually and environmentally sensitive landscapes, and would impact on the amenity of the area. The incongruity with the landscape and adverse visual impact would not be mitigated by design, or by landscaping proposed.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have not been satisfactorily identified, described and assessed in relation to Biodiversity. I consider that they would require or justify refusing permission for the proposed development, as they could not be overcome without substantial amendments to the proposed development.

Furthermore, the proposed development would have unacceptable landscape and visual impacts that cannot be mitigated against to an acceptable level in this context and the proposed development should therefore be refused.

10.0 Appropriate Assessment

10.1. AA Screening

Refer to Appendix 2 of this report for AA Screening Assessment. It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Saltee Islands SAC, Seas off Wexford SPA, Ballyteige Burrow SAC, Ballyteige Burrow SPA, Saltee Islands SPA, Tacumshin Lake SPA or Ladys Island Lake SPA from effects associated with water pollution, human disturbance, collision risk, displacement and invasive species potentially resulting in decreased habitat quality and disturbance of species listed for these sites. An appropriate assessment is required on the basis of the possible effects of the project 'alone'.

10.2. AA Determination

- 10.2.1. Refer to Appendix 3 of this report for AA Determination. Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that there are gaps in the scientific information submitted and it

is not possible to reach clear precise and definitive findings regarding the exclusion of adverse effects on the site integrity of Saltee Islands SAC (000707), Seas off Wexford SPA (004237), Ballyteige Burrow SAC (000696), Ballyteige Burrow SPA (004020), Saltee Islands SPA (004002), Tacumshin Lake SPA (004092), Lady's Island Lake SPA (004009)

My conclusion is based on the following:

- Inadequate baseline information
- Incomplete evaluation of potential impacts alone and in combination with other plans and projects
- General and non-specific nature of identified mitigation measures

11.0 Water Directive Framework

Refer to Section 9.12 above for Water Framework Directive Assessment. I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. Having considered the nature, scale and location of the project, and with particular regard to the mitigation measures proposed within the EIAR and detailed in the NIS, I am satisfied there is no conceivable risk to any surface and/or ground waterbodies and that the development would not prevent the achievement of the future status objectives of any water body during construction and operation stages.

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

12.0 Recommendation

- 12.1. Having regard to the above, it is recommended that permission be refused for the following reasons and considerations.

13.0 Reasons and Considerations

1. Section 7.7.4 (Integrated Resorts and Amenities) and Objective TM47 of the Wexford County Development Plan allows for a limited number of Integrated Tourism Resorts where it is demonstrated that the development is dependent on an existing local resource or a unique site characteristic, or an overriding need is demonstrated for the development at that location. It is also stated that the use must be designed to respect the character of the area. The requirement to demonstrate a need to locate the proposed development in this unique, scenic location has not been justified. Furthermore, having regard to its overall scale, located in an exposed, visually sensitive coastal area adjoining the existing settlements, the proposed development is not considered to be respectful of the character of the area. As such it is considered that the proposed development would fundamentally diminish the character of this coastal rural site, and the wider Kilmore Quay Area and that the proposed development would not be in compliance with TM22 or Section 5.7.1 (Development Management Standards for tourism) of Volume 2 of the County Development Plan in relation to sympathetically relating to the scale and level of activity in the locality. The proposed development, if permitted, would set an undesirable precedent for further similar development at such locations. Having regard to the above, I consider that the proposed development would be contrary to Section 7.7.4, Objective TM22, Objective TM47 and Section 5.7.1 (Volume 2) of the Development Plan and is therefore considered to be contrary to the proper planning and sustainable development of the area.
2. The proposed development does not provide satisfactorily or sufficiently detailed proposals for connectivity to the wider pedestrian and cycle network, this would pose an increased risk to the safety of pedestrians and other road users, and in addition, would lead to unsustainable travel and mobility

patterns. The intensification of use which would be generated by the proposed development, in particular, people walking and cycling to and the proposed to the village, would endanger public safety by reason of traffic hazard and the obstruction of road users. The proposed development would be contrary to Objective TS43. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development is situated in an area that is identified in the Wexford County Development Plan 2022-2028 (Objective CZM30) as being at risk of coastal erosion. It is the policy of the Planning Authority, as set out in the Development Plan, in coastal areas where there is an identified coastal erosion risk, to only consider the development of sites where the development is a minimum of 100m from the shoreline (Objective CMZ35). Having regard to the proposed footpaths within 100m of the shoreline, and undefined boundary with the coastal area, it is not considered that this buffer has been satisfactorily complied with, nor has the increased footfall through the site to the foreshore been adequately considered. It is, therefore, considered that the proposed development does not accord with Objective CMZ35 set out in the Wexford County Development Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. Objective L06 of the Wexford County Development Plan 2022-2028 seeks to ensure that developments are not unduly visually obtrusive in the landscape, in particular, in the Coastal Landscape Character Units. Furthermore, Objective L07 seeks to ensure that, where a development will have a negative impact in the Coastal Landscape Character Unit, an overriding need is demonstrated for that particular development. Having regard to the overall scale of the development proposed, together with the increased height and elevational treatment of the proposed hotel element, I consider that the proposed development would constitute a visually intrusive feature at this location and would significantly detract from the character of this sensitive coastal environment. It is considered that the proposed development would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape and would set an undesirable

precedent for other such prominently located development in the vicinity, where the need for such a proposal has not been justified sufficiently. Having regard to the above, the proposed development is considered to contravene the Objectives L06 & L07 of the Wexford County Development Plan 2022-2028 and would be inconsistent with the proper planning and sustainable development of the area.

5. It is considered that the Environmental Impact Assessment Report, together with the documentation submitted with the application, does not identify or describe adequately the direct, indirect, and cumulative effects of the proposed development on the environment with regards to Biodiversity. Based on the documentation submitted, it is considered that insufficient ecological surveys have been undertaken to inform an assessment of potential impacts on biodiversity and protected species. The Coimisiún is not satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.
6. The Commission is not satisfied, having regard to the precautionary principle, that there is reasonable scientific certainty that the proposed development would not adversely affect the integrity of European Sites in the vicinity in the light of the conservation objectives and qualifying interests for which these sites were designated. It is considered that inadequate surveys and investigations have been carried out in relation to breeding/winter birds, that there is an incomplete evaluation of impacts, and that mitigation measures are inadequate and non-specific. It is, therefore, not possible to reach clear, precise and definitive findings regarding the exclusion of adverse effects on the site integrity of Saltee Islands SAC (000707), Seas off Wexford SPA (004237), Ballyteige Burrow SAC (000696), Ballyteige Burrow SPA (004020), Saltee Islands SPA (004002), Tacumshin Lake SPA (004092), Lady's Island Lake SPA (004009).

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.

Ciara McGuinness

7th July 2026

Appendix 1 - List of response received on foot of section 131 notice from An Coimisiún Pleanála

- James McMahon
- John Kennedy
- Manfred Schulte-Austum
- Ellen Power
- Rosemary Spelman
- U Bohle
- Will and Catriona O'Flaherty
- Brendan O'Flaherty
- John and Lorraine Smiley
- Sean Maddock
- Anthony Matthews
- Therese Maddock
- Bernhard V. Patow
- Lorraine Gunning
- Conor and Anne Horgan
- Kristin Hunfeld

Appendix 2 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development relates to a 10-year planning permission for development of an Integrated Tourism Resort Complex at Beak and Nemestown, Kilmore Quay, Co. Wexford. The development will consist of a central hotel, ranging in height from 1 to 4-storeys over a lower ground floor and provides 163 no. bedrooms, 42 no. family suites, bar and restaurants, function/conference center facility, spa/leisure complex, 55 no. large family friendly tourist lodges, pavilion restaurant, hotel staff accommodation and external sports, recreation and play facilities provided throughout the site.
Brief description of development characteristics and potential mechanisms of site and impact	The majority of the site consists of arable crop (BC4) habitat. Some areas of the site are bound by fenceline only, while others are hedgerow (WL1), treeline (WL2) or scrub (WS1). A raised pond (FL8) with steeply sloping edges is located to the east of the site. A cluster of derelict farm buildings are located within the site. Kilmore Quay beach is located just south of the site. There is an existing stream / wet drain on the eastern boundary of the site which runs in a southerly direction and discharges directly to the sea. During the Operational Phase, foul water from the site will be treated at the Kilmore Quay Wastewater Treatment Plant (WWTP) located to the east of the site, prior to discharge in the East Irish Sea to the south. In order to accommodate the proposed development loading via the provided WWTP inlet pipe (constructed as part of phase 1 WWTP construction to facilitate future connection from these development lands), it will be necessary to provide an upgrade of the existing Kilmore Quay WWTP to phase 2 future design horizon (granted under the existing planning reference 2019/1633). The applicant will be required to fund these upgrades. In order to connect to the mains water supply 1.6km of water network upgrades will be required to provide additional network capacity. The applicant will be required to fund these upgrades. The applicant is also seeking to drill two private wells to provide water supply in addition to the public water connection. Two low-impact invasive non-native plant species were recorded in the middle of the cluster of buildings at the site,

	namely, Montbretia (Crocasmia x crocosmiiflora) and New Zealand flax (Phormium tenax). Potential impact mechanisms include: direct/ indirect impacts from: • Construction related pollution and increased sedimentation via surface water discharge to adjacent drainage channel and marine waters, • Disturbance to QI species / SCI species from construction /operational noise/light / increased human disturbance and displacement • Spread of invasive plant species
Screening report	Yes, prepared by DNV
Natura Impact Statement	Yes, prepared by DNV
Relevant submissions	Third party appeals regarding impact on European sites and protected species. The Department of Housing, Local Government and Heritage made observations via DAU raising numerous concerns. A detailed summary of the observation is provided in Section 3.3 of my report above.

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

The screening report identified 7 sites considered under the source, pathway, receptor (SPR) method, however only 5 of the seven were identified to have a SPR link of note. These were Saltee Islands SAC (000707), Seas off Wexford SPA (004237), Ballyteige Burrow SAC (000696), Ballyteige Burrow SPA (004020), Saltee Islands SPA (004002). Tacumshine Lake SAC (000709) and Tacumshin Lake SPA (004092) were not brought forward for further screening.

I consider that the assessment may underestimate the potential impact reach of connections. The DAU submission has noted a significant deficiency in the data, as the occurrence of a post-breeding tern roost at St Patrick's Bridge adjacent to the proposed development site has been overlooked. This roost contains SCI tern species from the Lady's Island Lake SPA (004009) breeding colony. It is noted that a significant proportion of Sandwich Terns move westwards from Lady's Island Lake along the coastline after the breeding season.

I note that the applicant's assessment has not brought Tacumshin Lake SPA forward for further screening. The DAU submission considers that the proposed development will result in the loss of winter foraging habitat for SCIs of the Ballyteigue Burrow SPA. The Ballyteigue Burrow SPA consists of dune habitats adjacent to the shoreline, as does Tacumshin Lake SPA further to the east of the site. Therefore, the proposed development site contains conveniently situated coastal fields for both SPAs, for winter foraging.

I have therefore included Lady's Island SPA (004009) in the table below and considered both it and Tamcumshin Lake SPA (004092) further in screening.

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further screening³ Y/N
Saltee Islands SAC (000707)	5 x coastal and marine habitats including mudflats, reefs, vegetated sea cliffs Grey Seal	14m	Yes hydrological and air / land pathways	Yes
Seas off Wexford SPA (004237)	20 x seabird species	14m	Yes hydrological and air / land pathways	Yes
Ballyteige Burrow SAC (000696)	12 x Coastal and 2x marine habitats including estuaries, coastal lagoons, salt meadows, Sand Dune habitats	670m	Yes hydrological and air / land pathways	Yes
Ballyteige Burrow SPA (004020)	Wintering birds x 7 species Wetland habitat	1.9km	Yes hydrological and air / land pathways	Yes
Saltee Islands SPA (004002)	10 x seabird species	3.1km	Yes air / land pathways	Yes
Tacumshin Lake SAC (000709)	5 x coastal habitats including coastal lagoons and sand dune habitats	4.2km	No No hydrological or hydrogeological pathways, and the separation distance precludes air / land	No
Tacumshin Lake SPA (004092)	Wintering birds x 14 species Wetland habitat	5.2km	Yes Air pathway	Yes
Lady's Island Lake SPA (004009)	Seabird birds x 6 species	10.5km	Yes Air pathway	Yes

	Wetland and Waterbirds			
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
AA Screening matrix				
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
Qualifying interests				
	Impacts	Effects		
Site 1: Saltee Islands SAC (000707) Mudflats and sandflats not covered by seawater at low tide, Large shallow inlets and bays, Reefs, Vegetated sea cliffs of the Atlantic and Baltic coasts, Submerged or partially submerged sea caves, Grey Seal	Direct: None Indirect: Deterioration of Water Quality Spread of invasive species	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 There is the potential for significant effects in the event of unmonitored spread of invasive species during Operation.		
	Likelihood of significant effects from proposed development (alone): Yes			
	Impacts	Effects		
Site 2: Seas off Wexford SPA (004237) Red-throated Diver, Fulmar, Manx Shearwater, Gannet, Cormorant, Shag, Common Scoter, Mediterranean Gull, Black-headed Gull, Lesser Black-backed Gull, Herring Gull, Kittiwake, Roseate Tern, Common Tern, Arctic Tern, Guillemot, Razorbill, Puffin, Sandwich Tern, Little Tern	Direct: None Indirect: Ex-situ habitat loss Deterioration of Water Quality Spread of invasive species Noise, Visual and Light disturbance Collision Risk	Ex-situ disturbance if QI species occur in significant numbers adjacent to the development (i.e. outside of the SPA) during construction/ operational phase There is the potential for significant effects in the event of uncontrolled spread of invasive species in a southerly direction off-site. A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability. There is the potential for noise, visual and light-related disturbance leading to significant		

		adverse effects on the SCI species during the Construction and Operational Phase. Physical appearance of building may lead to collision risks resulting in significant adverse effects on the SCI species during the Operational Phase.
	Likelihood of significant effects from proposed development (alone): Yes	
	Impacts	Effects
Site 3: Ballyteige Burrow SAC (000696) Estuaries, Mudflats and sandflats not covered by seawater at low tide, Coastal lagoons Annual vegetation of drift lines, Perennial vegetation of stony banks, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Mediterranean and thermo-Atlantic halophilous scrubs, Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Atlantic decalcified fixed dunes, Humid dune slacks	Direct: None Indirect: Deterioration of Water Quality	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
	Likelihood of significant effects from proposed development (alone): Yes	
	Impacts	Effects

Site 4: Ballyteige Burrow SPA (004020) Light-bellied Brent Goose, Shelduck, Golden Plover, Grey Plover, Lapwing, Black-tailed Godwit, Bar-tailed Godwit, Wetland and Waterbirds	Direct: none Indirect: Ex-situ habitat loss Deterioration of Water Quality Noise and visual disturbance Collision Risk	Ex-situ disturbance if QI species occur in significant numbers adjacent to the development (i.e. outside of the SPA) during construction/ operational phase (over winter months). In the absence of mitigation there is the potential for significant adverse effects during Construction as a result of water quality deterioration. Fish prey can be affected by deteriorations in water quality. There is the potential for noise and visual disturbance during construction, leading to potential significant effects on some of the waterbird species of Ballyteige Burrow SPA Physical appearance of building may lead to collision risks resulting in significant adverse effects on the SCI species during the Operational Phase.
	Likelihood of significant effects from proposed development (alone): Yes	
	Impacts	Effects
Site 5: Saltee Islands SPA (004002) Fulmar, Gannet, Cormorant, Shag, Lesser Black-backed Gull, Herring Gull, Kittiwake, Guillemot, Razorbill, Puffin,	Direct: No direct impact Indirect: Ex-situ habitat loss Light Disturbance Collision Risk	Ex-situ disturbance if QI species occur in significant numbers adjacent to the development (i.e. outside of the SPA) during construction/ operational phase. There is the potential for light-related disturbance leading to significant adverse effects on the SCI species during the Construction and Operational Phase Physical appearance of building may lead to collision risks resulting in significant adverse effects on the SCI species during the Operational Phase.

	Likelihood of significant effects from proposed development (alone): Yes	
	Impacts	Effects
Site 6: Tacumshin Lake SPA (004092) Little Grebe, Bewick's Swan, Whooper Swan, Teal, Pintail, Tufted Duck, Coot, Golden Plover, Grey Plover, Lapwing, Black-tailed Godwit, Wigeon, Shoveler, Gadwall, Wetlands.	Direct: No direct impact Indirect: Ex-situ habitat loss Light Disturbance Collision Risk	Not assessed in AA Screening. I consider that there is potential for significant effects stemming from ex-situ habitat loss for SCI species as a result of the Proposed Development.
	Likelihood of significant effects from proposed development (alone): Yes	
	Impacts	Effects
Site 7: Lady's Island SPA (004009) Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, Sandwich Tern, Gadwall, Wetlands	Direct: No direct impact Indirect: Noise, light and visual disturbance	Not assessed in AA Screening. I consider that there is potential for significant effects stemming from noise, light and visual disturbance for SCI species as a result of the Proposed Development.
	Likelihood of significant effects from proposed development (alone): Yes	
Further Commentary		
In contrast to the information in the submitted AA Screening Report, I have included Lady's Island SPA (004009) in the table above and considered both it and Tamcumshin Lake SPA (004092) further in screening. Ex-situ displacement and collision risks are not identified by the applicant in Screening Stage as giving rise to significant effects, however I have included them in the table above. I am not satisfied that all aspects of the project which could result in significant effects are considered and assessed in the submitted AA Screening Report having regard to the DAU submission.		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Significant effects cannot be excluded		

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Saltee Islands SAC, Seas off Wexford SPA, Ballyteige Burrow SAC, Ballyteige Burrow SPA, Saltee Islands SPA, Tacumshin Lake SPA or Ladys Island Lake SPA from effects associated with water pollution, human disturbance, collision risk, displacement and invasive species potentially resulting in decreased habitat quality and disturbance of species listed for these sites. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Appendix 3 – AA Determination

Appropriate Assessment

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 in view of the relevant conservation objectives of Saltee Islands SAC, Seas off Wexford SPA, Ballyteige Burrow SAC, Ballyteige Burrow SPA or Saltee Islands SPA based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by DNV
- Conservation objectives for the European Sites and supporting documents from NPWS.ie
- Submissions from prescribed bodies

I am not satisfied that the information provided is adequate to allow for Appropriate Assessment. I am not 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

A summary of key issues related to AA raised by the Department of Housing, Heritage and Government-DAU- in their submission is outlined in Section 3.3 of my report above.

NAME OF SAC/ SPA (SITE CODE):

Saltee Islands SAC (000707)

Seas off Wexford SPA (004237)

Ballyteige Burrow SAC (000696)

Ballyteige Burrow SPA (004020)

Saltee Islands SPA (004002)

Tacumshin Lake SPA (004092)

Lady's Island Lake SPA (004009)

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

(i) Water quality degradation (construction and operation)

(ii) Disturbance of mobile species

(iii) Spread of invasive species

Note; Ex-situ displacement and collision risk not identified by applicant in Screening Stage as giving rise to significant adverse effects.

See Table 8 NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
Saltee Islands SAC (000707)			
Mudflats and sandflats not covered by seawater at low tide	Maintain Favourable Conservation Condition Targets and attributes not identified in NIS	Deterioration of water quality within this habitat resulting from surface water runoff during Construction. Spread of invasive species off-site and into this habitat during Construction.	Mitigation 2: Surface Water Protection Mitigation 3: Silt and Sediment Control Mitigation 8: Biosecurity Mitigation 9: Removal of Invasive Flora Mitigation 11: Invasive Species Management Embedded mitigation in the form of a 100m coastal vegetated buffer along the southern bounds of the Site.
Reefs	Maintain Favourable Conservation Condition Targets and attributes not identified in NIS	Deterioration of water quality within this habitat resulting from surface water runoff during Construction.	Mitigation 2: Surface Water Protection Mitigation 3: Silt and Sediment Control Embedded mitigation in the form of a 100m coastal vegetated buffer along the southern bounds of the Site
Seas off Wexford SPA (004237)			
Fulmar, Cormorant, Little Tern, Puffin	Restore Favourable Conservation Condition	Potential for significant adverse effects on SCI species during the Construction and	Mitigation 2: Surface Water Protection Mitigation 3: Silt and Sediment Control

	Targets and attributes not identified in NIS	Operational Phase as a result of artificial lighting which may disorient seabirds in flight. Potential for surface water runoff during Construction to impact upon prey availability No examination of potential ex-situ effects (disturbance) or collision risk effects	Mitigation 6: SCI Bird-friendly Construction Phase Lighting Mitigation 10: SCI Bird-friendly Operational Phase Lighting
Manx Shearwater, Gannet, Mediterranean Gull, Herring Gull, Sandwich Tern, Roseate Tern, Common Tern, Arctic Tern, Guillemot, Razorbill	Maintain Favourable Conservation Condition Targets and attributes not identified in NIS	Potential for significant adverse effects on SCI species during the Construction and Operational Phase as a result of artificial lighting which may disorient seabirds in flight. Potential for surface water runoff during Construction to impact upon prey availability No examination of potential ex-situ effects (disturbance) or collision risk effects.	Mitigation 2: Surface Water Protection Mitigation 3: Silt and Sediment Control Mitigation 6: SCI Bird-friendly Construction Phase Lighting Mitigation 10: SCI Bird-friendly Operational Phase Lighting
Ballyteige Burrow SAC (000696)			
Mudflats and sandflats not covered by seawater at low tide, Salicornia	Maintain Favourable Conservation Condition	Deterioration of water quality within this	Mitigation 2: Surface Water Protection Mitigation 3: Silt and Sediment Control

and other annuals colonising mud and sand, Mediterranean salt meadows	Targets and attributes not identified in NIS	habitat resulting from surface water runoff during Construction.	Embedded mitigation in the form of a 100m coastal vegetated buffer along the southern bounds of the Site
Atlantic salt meadows, Mediterranean and thermo-Atlantic halophilous scrubs	Restore Favourable Conservation Condition Targets and attributes not identified in NIS	Deterioration of water quality within this habitat resulting from surface water runoff during Construction.	Mitigation 2: Surface Water Protection Mitigation 3: Silt and Sediment Control Embedded mitigation in the form of a 100m coastal vegetated buffer along the southern bounds of the Site
Ballyteige Burrow SPA (004020)			
Light-bellied Brent Goose, Shelduck, Grey Plover, Golden Plover, Lapwing, Black tailed Godwit, Bar tailed Godwit, wetland and water birds	Maintain favourable conservation condition Targets and attributes not identified in NIS	Potential for surface water runoff during Construction to impact upon prey Availability. Deterioration of water during construction could impact upon habitat quality of the wetlands inhabited by SCI waterbirds. Potential for some noise-related disturbance during the Construction Phase No examination of potential ex-situ effects (disturbance) or collision risk effects.	Mitigation 2: Surface Water Protection Mitigation 3: Silt and Sediment Control Mitigation 4: Noise Suppression Mitigation 5: Acoustic and Visual Barriers Mitigation 7: Vegetation Clearance Embedded mitigation in the form of a 100m coastal vegetated buffer along the southern bounds of the Site.
Saltee Islands SPA (004002)			
Fulmar, Gannet, Cormorant, Shag, Lesser Black-backed	Maintain favourable conservation condition	Potential for significant adverse effects on SCI	Mitigation 2: Surface Water Protection

Gull, Kittiwake, Herring Gull, Guillemot, Razorbill, puffin,	Targets and attributes not identified in NIS	species during the Construction and Operational Phase as a result of artificial lighting which may disorient seabirds in flight. Potential for surface water runoff during Construction to impact upon prey Availability. No examination of potential ex-situ effects (disturbance) or collision risk effects.	Mitigation 3: Silt and Sediment Control Mitigation 6: SCI Bird-friendly Construction Phase Lighting Mitigation 10: SCI Bird-friendly Operational Phase Lighting Embedded mitigation in the form of a 100m coastal vegetated buffer along the southern bounds of the Site
Tacumshin Lake SPA			
Little Grebe, Whooper Swan, Teal, Black-tailed Godwit, Wetland and waterbirds.	Maintain favourable conservation condition	No examination of potential effects	
Bewick's Swan, Wigeon, Gadwall, Pintail, Shoveler, Tufted Duck, Coot, Golden Plover, Grey Plover, Lapwin.	Restore Favourable Conservation Condition	No examination of potential effects	
Lady's Island Lake SPA (004009)			
Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, Sandwich Tern,	Maintain favourable conservation condition	No examination of potential effects	

Gadwall, Wetland and waterbirds.			
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The above table is based on the documentation and information provided on the file, and my own assessment. I am not satisfied that all relevant sites have been identified or that an appropriate zone of influence has been defined noting the potential pathways to Tacumshin Lake SPA and Ladys Island Lake SPA. I am not satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS. I note the information provided did not consider that ex-situ displacement or collision risk effects would have the potential for significant effects on the Qualifying Interests of the relevant European sites. I have addressed the exclusion of these potential significant effects in further detail below. Furthermore, the submitted NIS has not identified the relevant attributes and targets of the Qualifying Interests.

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

Examples:

(i) Water quality degradation

There is a hydrological pathway between the Proposed Development and Saltee Islands SAC, Ballyteige Burrow SAC, Seas off Wexford SPA and Ballyteige Burrow SPA via the unmapped stream / wet drain that runs along the eastern boundary of the Site and southward, before discharging into the sea. There is the potential for deterioration of water quality to impact on habitat (mudflats and sandflats - Saltee islands SAC, Ballyteige Burrow SAC) and on prey availability for SCI waterbirds and seabirds (Seas off Wexford SPA, Ballyteige Burrow SPA).

Mitigation measures and conditions

Mitigation measures are outlined under the following headings; Mitigation 2: Surface Water Protection and Mitigation 3: Silt and Sediment Control. I am satisfied that a suitably comprehensive range of mitigation measures are outlined under each of the respective headings. The measures relate to the construction and operational stages, and I am satisfied that they will ensure that any emissions to surface water will not affect the downstream water quality.

(ii) Disturbance of mobile species

I note the submission from the DAU which considers that the source of bird data is limited. Irish wetland Bird Survey data was not consulted. The winter bird survey was limited to six visits over a 3-month period. The DUA considers that a full winter period (September to March) and the post-breeding autumn passage period (July to September) would have been considered in the survey design.

The DAU has also noted a significant deficiency in the data with the omission of a known post-breeding tern roost at St Patrick's Bridge adjacent to the proposed development site. This roost contains SCI tern species from the Lady's Island Lake breeding colony. It is noted that a significant proportion of Sandwich Terns move westwards from Lady's Island Lake along the coastline after the breeding season. This has not been considered in the NIS.

Ex-Situ Habitat Loss

The proposed development will result in the loss of winter foraging habitat for SCIs of the Ballyteigue Burrow SPA. The exclusion of potential significant effects on the Tacumshin Lake SPA in screening stage of the NIS is considered incorrect given the proposed development site contains conveniently situated coastal fields for winter foraging between Ballyteigue Burrow SPA and Tacumshin SPA.

Recreational Pressure

The DAU also consider that the issue of increased recreational use as a result of the proposed development has not been appropriately considered.

The Saltee Islands SAC QI habitats adjacent to the shoreline (Intertidal reef community complex; Intertidal mudflats and sandflats and their associated community complexes) have not been considered at all.

The DAU also notes that the impact on QI habitats for Ballyteigue Burrow SAC (including Fixed Dunes, with a national conservation status of Bad-Deteriorating in the 2019 Article 17 report) has not been assessed as significant, since currently trampling is not considered to be the main threat. However, this does not take account of any projected future increase in recreational use of the site.

The potential impacts on the availability of the beds of Eelgrass (*Zostera*) adjacent to the shoreline here for foraging waterbirds, in the event of increased recreational use of the shoreline, has not been addressed.

Collision Risk

The AA Screening/NIS does not consider that there will be a likely significant effect on any European Site from Collision Impacts. The DAU submission notes that the CGI's of the southern elevation of the main hotel block appear to contradict the description provided by the applicant with regards to the use of visual heterogeneity in the building ensuring the lack of large expanses of glass. It considers that the proposed design of the southern elevation represents a significant collision risk and is in marked contrast with the northern elevation

No information has been provided on species-specific flight paths in the vicinity of the proposed development. In addition to migration flights, these may include daily

movements between foraging and roosting areas as well as movements in response to the tidal cycle and are likely to be at a lower height than long distance migration flights. Local flight route data should be an important component of species-specific and site-specific collision risk modelling.

Lighting

The extensive use of glass on the southern elevation, means that the cumulative effect of internal building lighting is likely to have equal if not greater significance than external lighting in terms of its disorientating effect on seabirds. Balcony lighting will further exacerbate the issue.

The above issues are considered a significant lacuna in the overall assessment.

Mitigation measures and conditions

The main mitigation for recreational disturbance is embedded mitigation in the form of a 100m coastal vegetated buffer along the southern bounds of the Site. However, this area will contain pathways, be readily accessible to patrons of the hotel. The boundary will not be defined and access to the beach will be unimpeded.

The proposed mitigation for the construction stage includes an acoustic barrier. No specifications or other details are provided other than to say the barrier should be opaque and is readily available online. The specific type of barrier and its location have not been specified in the NIS.

Attempts to incorporate specific design features on the southern elevation to minimise the collision risk are limited and are considered insufficient.

Screen planting to mitigate the impacts of light is considered inadequate due to the height of the upper storeys. The potential disorientation of seabirds has not been adequately mitigated.

(iii) Spread of invasive species

There is the potential for invasive species (montbretia and New Zealand flax) to spread within or off-Site in the absence of mitigation measures and given the close proximity of the Site to Saltee Islands SAC and Seas off Wexford SPA (c. 14m south). This could compromise the quality of QI habitats or the habitats utilised by SCI species.

Mitigation measures and conditions

Measures discussed constitute a general discussion of approved methods and are not specific. An invasive species management plan is required to ensure the long-term effectiveness of proposed control measures. I note that this could be provided by way of condition.

In-combination effects

I am not satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has not demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures. Therefore, the potential for in-combination effects cannot be ruled out.

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 not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. I am not satisfied that there has been adequate consideration of the ecological baseline and the assessment of impacts is incomplete in not considering disturbance impacts on wintering birds associated with the SPAs or in an ex-situ capacity. I consider that assessment of potential impacts is underestimated. I consider that the exclusion of potential significant effects on the Tacumshin Lake SPA and the omission of Lady's Lake SPA in screening stage of the NIS was incorrect given the site contains conveniently situated coastal fields for winter foraging and the pathways that exist between the SPA and the site.

I consider that the mitigation proposed for species disturbance and invasive species are inadequate or are too general and not specific to the proposed development.

In combination effects have not been adequately examined.

Reasonable scientific doubt

I am not satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

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

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Saltee Islands SAC (000707), Seas off Wexford SPA (004237), Ballyteige Burrow SAC (000696), Ballyteige Burrow SPA (004020), Saltee Islands SPA (004002), Tacumshin Lake SPA (004092), Lady's Island Lake SPA

(004009) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V / 177AE was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that there are gaps in the scientific information submitted and it is not possible to reach clear precise and definitive findings regarding the exclusion of adverse effects on the site integrity of Saltee Islands SAC (000707), Seas off Wexford SPA (004237), Ballyteige Burrow SAC (000696), Ballyteige Burrow SPA (004020), Saltee Islands SPA (004002), Tacumshin Lake SPA (004092), Lady's Island Lake SPA (004009)

My conclusion is based on the following:

- Inadequate baseline information
- Incomplete evaluation of potential impacts alone and in combination with other plans and projects
- General and nonspecific nature of identified mitigation measures