3rd Party Appeal

Correspondence Coversheet

Case Number	Case Priority	Case Lodged On	Case EO	PA Reg. Reference
PL-500109-WX	Normal	21/10/2025	Cathy Carleton	20250962W

Case Details

Planning Authority
Wexford County Council

PA Reg. Reference
20250962W

Summary Description
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.

Site Location
Beak and Nemestown, Kilmore Quay, Co. Wexford.

Correspondence Details

Correspondence Type	Received From	Lodged On	Validity	Valid OH Req
3rd Party Appeal	Helen and John Cousins	30/10/2025	Valid	No

Issue	Participant	Representative
BP01M — English	Helen and John Cousins	—

Response Date Applicable	Number of Days Allowed	Keep Copy of Letter	Return Docs	Keep Envelope
■	28	■	☐	■

Comments
—

Filing

Attach to File ☐

Return to EO ☐

Signatures

Signed Cathy Carleton
Cathy Carleton, Executive Officer

Date 30/10/2025

Signed dm
Lauren Simone Murphy, Administrative Assistant

Date 6/11/25

Correspondence Coversheet

Payment ID: **FEE-PAY-000240**

An Coimisiún Pleanála

Section:	Processing
PA Name:	Wexford County Council

Submission Reference:	20250962W

Date:	30/10/2025
Name:	Helen Cousins and John Cousins
Total:	€220.00

Attachments/Comment:	—

Created By:	Pádraic Keane
Channel:	Registered Post

DOD: 6/10/25
LID: 3/11/25 ✓

Multiple

Name + address ✓

Ack ✓

AN COIMISIÚN PLE
LDG- ABP-
30 OCT 2025
Fee: € 220 Type:
Time: 9.15 By:

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

29 October 2025

RE: Planning Appeal — Kilmore Quay Integrated Tourism Resort, Wexford County Council Ref. 20250962W

Dear Sir / Madam,

We wish to lodge this appeal within the statutory time limits against the decision of Wexford County Council dated 6 October 2025 to grant permission for the Kilmore Quay Integrated Tourism Resort (Ref. 20250962W). We participated as observers in the original application process.

Kilmore Quay is a small fishing village with a population of 447 (Census 2022). Its low-rise character and scale are distinctive. The proposed development appears to be of a scale and intensity that may overwhelm existing character, infrastructure and services.

We enclose a cheque in the amount of €220 for the prescribed appeal fee and copies of Wexford County Council acknowledgements, dated 5 September 2025, confirming receipt of observations from both Helen Cousins and John Cousins on Planning Application Ref. 20250962W.

Our grounds of appeal are summarised below. Full details and supporting justification are set out in **Appendix A — Grounds of Appeal and Supporting Evidence**.

1. **Scale and Character**
   The height and massing of the hotel buildings appear inconsistent with Wexford County Development Plan (WCDP) Policy TM48 which requires development in keeping with settlement scale and character.

2. **Holiday Homes (TM50)**
   The 55 lodges are self-contained units with kitchens and living areas, and therefore appear to constitute holiday homes contrary to WCDP Policy TM50 which does not permit such ancillary tourist accommodation on or adjoining hotel sites.

3. **Prematurity Pending Infrastructure Upgrade**
   Water and wastewater upgrades required by Uisce Éireann (Irish Water) appear not to be committed, which suggests the permission may be premature pending necessary utility investment.

4. **Environmental Assessment Certainty**
   Elements of environmental mitigation, including lighting and wastewater detail, appear deferred to post-consent, which may not align with the requirement for certainty under Article 6(3) of the Habitats Directive and relevant Court of Justice of the European Union (CJEU) case law (People Over Wind; Holohan).

5. **Coastal Erosion and Flood Risk**
   Coastal erosion and flood risk assessment appears limited when considered against WCDP coastal policies CZM29 and CZM35, and national flood-risk guidelines.

6. **Pedestrian Safety and DMURS**
   A continuous 2.0-metre safe footpath to the village centre does not appear deliverable within public lands, raising pedestrian safety concerns under the Design Manual for Urban Roads and Streets (DMURS).

7. **Traffic and Operational Impacts**
   Traffic modelling appears to underestimate staff, servicing and event-related trips associated with a 449-bedroom resort, and therefore may understate impacts on road safety and road network capacity.

8. **Procedural Documentation Issues**
   There appear to be contradictions between planning conditions and submitted drawings. For example, Condition 22 refers to a multi-storey car park which does not appear in the lodged drawings.

9. **Fire Safety**
   No outline fire strategy appears to have been submitted, meaning life-safety and evacuation arrangements for a resort with over 1,000 potential occupants do not appear to have been fully considered at planning stage.

10. **Tourism Policy and Need**
    It appears that no robust tourism or market justification has been provided to demonstrate the need for a 449-bedroom, 5-star resort in a village of this scale. The proposal does not appear aligned with relevant tourism guidance which supports niche accommodation in appropriate locations.

Based on the above, **we respectfully request that An Coimisiún Pleanála overturn the decision of Wexford County Council**, as it appears that the proposal may not be consistent with proper planning and sustainable development.

Yours faithfully,

Helen Cousins
Tel: 086 3255665

John Cousins
Tel: 086 3554759

Address: Kilmore House, Ballask, Kilmore, Co. Wexford. Y35 XR83

Enclosures:

- Cheque enclosed (€220)
- Copies of WCC Acknowledgements dated 5 September 2025

Appendices:

- Appendix A — Grounds of Appeal and Supporting Evidence
- Appendix B — Document and Evidence Source List
- Appendix C — Accommodation Capacity Calculations

5 September 2025

Helen Cousins
Kilmore House
Ballask
Kilmore
Co. Wexford
Y35 XR83

ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE THAT WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME: **WEXFORD COUNTY COUNCIL**

PLANNING APPLICATION REF NO: **20250962W**

APPLICANT: **Robert Roche**

LOCATION: **Beak/Nemestown, Kilmore**

A submission/observation in writing has been received from **Helen Cousins** on 05 September 2025 in relation to the above planning application which was received by the Planning Authority on 05-Aug-2025.

The appropriate fee of €20.00 has been paid.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 (as amended) and will be taken into consideration by the Planning Authority in its determination of the planning application.

P.P Karen O'Connor

Staff Officer
Planning and Development

WEXFORD COUNTY COUNCIL

Planning Authority Stamp

5 September 2025

John Cousins
Kilmore House
Ballask
Kilmore
Co. Wexford
Y35 XR83

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P.P Karen O'Connor

Staff Officer
Planning and Development

WEXFORD COUNTY COUNCIL

Planning Authority Stamp

Appendix A -Grounds of Appeal and Supporting Evidence (Kilmore Quay Integrated Tourism Resort)

To: The Secretary, An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902
Re: Kilmore Quay Integrated Tourism Resort -WCC Ref. 20250962W -Appeal Submission

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1. Executive Summary

This appeal challenges Wexford County Council's decision dated **6 October 2025** to grant permission for a large-scale resort development in Kilmore Quay. The development includes a **449-bedroom 5★ hotel**, **55 lodges**, events centre (400-capacity), spa, bars, restaurants and extensive parking.

The proposal **appears inconsistent with proper planning and sustainable development**, and with multiple objectives in the **Wexford County Development Plan 2022–2028**, national guidance, and EU law. Key issues:

- **Material contravention** of TM48 (scale/character) and TM50 (holiday homes prohibited)
- **Prematurity** pending **uncommitted water and wastewater upgrades**
- **Deficiencies in EIA/AA** under the Habitats Directive and key CJEU (Court of Justice European Union) rulings
- **Failure to demonstrate safe pedestrian access** -DMURS non-compliance
- **Significant understatement** of staffing and traffic generation
- **Coastal erosion and flood risk** not robustly assessed
- **Procedural contradictions** (multi-storey car park condition, fire/accessibility deferral)

On this basis, it is respectfully submitted that the decision should be overturned.

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2. Policy and Legal Framework

- **Planning and Development Act 2000 (as amended)**
- **Planning and Development Regulations 2001–2023**, **Articles 17–23** (application particulars)
- **EU Habitats Directive 92/43/EEC - Article 6(3)**
- **EU EIA Directive 2014/52/EU**
- **Design Manual for Urban Roads and Streets (DMURS)**
- **Flood Risk Management Guidelines, 2009**

- **Wexford County Development Plan 2022–2028** - incl. **TM48, TM50, CZM29, CZM35**
- **Note:** ACP will source all original WCC files (confirmed via ACP call 24 Oct 2025). Exhibits referenced are included in the WCC record.

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3. Appeal Grounds

3.1 Scale and Settlement Character - WCDP Objective TM48

- Kilmore Quay population (**447**, Census 2022)
- Resort capacity ~**1,008 persons** (hotel + lodges)
- Hotel blocks are effectively **4–6 storeys**; dominant massing in a **low-rise** fishing village
- Design and scale **not in keeping** with the character mandated in **TM48**

Conclusion: Clear **scale conflict** - disproportionate on multiple metrics. TM48 is reproduced in full at 3.2 below

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3.2 Lodges = Holiday Homes - Material Contravention of TM50

Lodge plans show:

- **Kitchens, living/dining rooms**, independent access
- Units marketed as **"holiday homes"** in the Architectural Design Statement

Objective **TM50**:

"**To give consideration to the development of a hotel facility in a rural area** where it is demonstrated that the hotel 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 respect and enhance its rural location, the existing natural or built features on the site and its landscape setting
and is subject to compliance with normal planning and environmental criteria. **The development of ancillary tourist accommodation including holiday homes on or adjoining the site will not be permitted.**"

Conclusion: Lodges are **self-catering dwellings → material contravention.**

3.3 Premature Pending Water / Wastewater Infrastructure

Uisce Éireann confirms:

- **WWTP** upgrade and **1.6km water main extension** required
- **Not committed** in capital programme

WCC **refused** a **smaller** local accommodation extension in **April 2025** for infrastructure reasons. *(Ref. 20250179)*

Conclusion: Decision **premature - uncertain service capacity**.

3.4 AA/EIA Deficient - Mitigation Deferred (CJEU Law)

AA and EIAR:

- Defer mitigation (lighting controls, wastewater details, construction impacts)
- Rely on **future** detail to confirm no significant effects

CJEU:

- **People Over Wind (C-323/17)** - mitigation cannot be used at AA **screening**
- **Holohan (C-461/17)** - AA must provide **complete, precise and definitive** findings

Conclusion: AA/EIA **do not meet** Habitats Directive certainty requirements.

3.5 Coastal Erosion & Flood Risk - Non-Compliance with CZM Policies

No robust site-specific **dynamic modelling** of erosion and sea level rise.
Coastal Engineer **raised concerns**.

Relevant policies:

- **CZM29/CZM35** - precautionary management of coastal risk

Conclusion: Coastal vulnerability inadequately addressed → **policy conflict**.

3.6 Access & Pedestrian Safety - DMURS Failure

Traffic and Transport Assessment (TTA) and Mobility Management Plan (MMMP) assume:

- **A future Echo Beach link**, which is through an agricultural field
- Provision of 85 m of new footpath, ending at the Garda Station, is sufficient to provide safe access into the village

Continuous **2m-wide** path **cannot** be delivered in any direction within **public lands from the proposed hotel to the centre of the village**. It would not be possible to deliver a footpath to the centre of the village, particularly at the pinch-point between **St Peter's Church and Kehoe's Pub,** along the main street through the village core to the marina.
WCC Roads Engineer acknowledges **off-site dependency not secured**.

Conclusion: Unsafe pedestrian provision → **Article 22** deficiency.

3.7 Transport Assessment - Underestimated Impacts

TTA:

- Uses **inappropriate TRICS data**, which is unsuitable for luxury 5★ resort / event functions
- **No seasonal/event peaks**
- **0% HGV** flows in some scenarios
- Underestimates **staff** volume → low trip generation

Conclusion: Operational impacts misrepresented - junction capacity & safety **not reliable**.

3.8 Procedural Contradictions & Deferrals

- **WCC Planning Condition 22** requires **multi-storey car park - none** in drawings
- **The Building Regulations (Part M Amendment) Regulations 2022 require that adequate provision shall be made for people to access and use a building,** its facilities and its environs (Requirement M1). The accompanying Technical Guidance Document M (Access and Use) sets out mandatory accessibility standards for new buildings. In this case, universal access compliance appears to have been deferred without submission of an Outline Access Strategy or relevant technical detail, **which may mean the planning authority did not have sufficient information to assess accessibility and inclusive use.**
- **Appears to be** only **Stage 1 RSA** on file → no Designer Response / Stage 2 follow-up

Conclusion: Authority **did not** have complete particulars prior to decision.

3.9 Lack of Tourism Need / Disproportionate to Village

No evidence-based demand analysis for:

- **5★ market**
- **449 hotel rooms + 55 self-catering units** in rural village

TM 50 states "…**the development of a hotel facility in a rural area** where it is demonstrated that the hotel 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 Environmental Impact Assessment Report (EIAR) appears to scope alternatives solely on the basis of site ownership. Article 5(1)(d) of Directive 2014/52/EU requires that an EIAR include a description of reasonable alternatives studied and the environmental reasons for the option chosen. For a 5-star resort of this scale in a small coastal settlement, a plan-led appraisal of reasonable alternatives — in terms of both location and scale — would

ordinarily be expected to demonstrate that the selected option represents the least-impacting and proportionate solution. In the absence of such assessment**, it appears that the EIAR may not fully meet the expectation for a transparent alternatives examination set out in the EIA Directive.**

No credible market analysis or tourism demand evidence has been presented to justify a hotel and resort of this scale in Kilmore Quay. The application does not identify a unique selling point, niche market, or unmet tourism need that would support a 5-star, 449-bedroom resort in a village of 447 residents. This appears contrary to the Failte Ireland Wexford Destination and Experience Development Plan (2025–2030), which emphasises small-scale, distinctive tourism experiences in rural coastal areas.

The National Planning Framework (NPF), formally approved by Government under Project Ireland 2040, contains Objective 63, which seeks that tourism development in rural towns and villages enhances local distinctiveness and supports existing settlement function. The scale of this proposal appears to exceed that objective.

Failte Ireland Wexford Destination and Experience Development Plan **(DEDP) 2025 – 2030** supports **niche** rural accommodation but this is not niche.

This application is **not niche** - it would **overwhelm** local character and services.

Failte Ireland defines "niche accommodation" through its Welcome Standard, which recognizes and provides standards for non-traditional and unique properties like glamping, pods, yurts, and shepherd huts that don't fit into existing frameworks. The proposed 449-bedroom, 1,008-person resort does not align with this meaning.

Fáilte Ireland's Report of 8 September 2025 (on file) appears to cite the DEDP's objective for "niche visitor accommodation" and the Wexford County Development Plan policies TM48 and TM50 as strategic context for tourism development. However, these policies appear to rely on accommodation that is proportionate to the host settlement and excludes holiday homes on resort sites. **The submission therefore appears to rely on strategic policies that are themselves inconsistent with the scale and nature of the proposal. Job creation is referenced, however employment gain is not a standalone justification for development where it appears contrary to core policy objectives.**

3.10 WCC Roads Engineer Report Confirms Safety/Access Issues

Roads Engineer Report states:

- **Off-site** works **not included**
- **Land control not demonstrated**
- **Construction** impacts significant

Conclusion: Confirms **unresolved** safety and access issues. DMURS specifies a minimum 2.0m footpath width for two-way safe pedestrian flow, and the proposed new 85 m stretch of

footpath is not that wide, and in any event, does not constitute a continuous path to the centre of the village, (see section 3.6 here).

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4. Staffing Benchmarks -Traffic & Housing Implications

Typical luxury hotel **Employees per Room (EPR)**:

- **~1.5+ per room**

449 rooms → **>670 staff**, not **115–200** as stated
→ **More traffic, more housing demand, more servicing**
→ Worsens **transport and sustainability** problems

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5. Fire Safety Particulars Missing

Fire Safety and Building Control (Part B and Part M Context)
Given the scale, height and complexity of the proposed buildings -including a 449-bed hotel with multiple blocks, 55 self-contained holiday homes, an events centre and an overall maximum occupancy exceeding 1,000 persons -it would be expected that an **Outline Fire Strategy** be provided at planning stage in order to demonstrate that the design can reasonably achieve compliance with **Building Control regulations (Part B – Fire Safety, and Part M – Access and Use)**. No such document appears to be included in the application file. This suggests that the **planning authority may not have had sufficient information to fully consider evacuation, fire-fighting access and inclusive safety arrangements during both daytime and night-time operation.**

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6. Conclusion

This permission appears:

- Inconsistent with **WCDP** objectives (TM48, TM50, CZM29/CZM35)
- Premature under **Planning Act s.34(2)(a)**
- Non-compliant with DMURS
- At odds with **EU law** (Habitats Directive, CJEU rulings)
- Unsupported by infrastructure & safety evidence

Appeal seems warranted to protect proper planning and sustainable development.

Case Law Notes

C-323/17 People Over Wind

Mitigation **cannot** be used to avoid triggering AA.

C-461/17 Holohan

AA must:

- remove **reasonable scientific doubt**
- evaluate **all components** affecting conservation objectives
- **not defer** mitigation

CJEU Case Law References are from Public Legal Sources

End of Appendix A

Appendix B - Planning Application Record Source List

This appendix lists documents referenced in Appendix A. All documents in this list are held on the Wexford County Council planning file for Application Ref. 20250962W and would be made available to An Coimisiún Pleanála upon request.

Ref	Description	Source
B1	WCC Planning Decision and Conditions	WCC Planning File
B2	Planning Application Drawings, including Lodge Plans	WCC Planning File
B3	Architectural Design Statement	WCC Planning File
B4	Traffic and Transport Assessment (TTA)	WCC Planning File
B5	Framework Mobility Management Plan (MMMP)	WCC Planning File
B6	Failte Ireland Report	WCC Planning File
B7	WCC Roads Engineer Report	WCC Planning File
B8	Environmental Impact Assessment Report (EIAR)	WCC Planning File
B9	Natura Impact Statement and Appropriate Assessment	WCC Planning File
B10	Uisce Éireann Utility Information	WCC Planning File
B11	Lighting Report (Coastal/SPA Context)	WCC Planning File
B12	Coastal Erosion and Flood Risk Reports	WCC Planning File

End of Appendix B

APPENDIX C

Total Guest Capacity — Accommodation Breakdown Derived from Application Data

AREA	ACCOMMODATION DESCRIPTION	Number of Units	Bedrooms Per Lodge / suite	No Of Bedrooms	Min No. Accommodated - 2 Per Room
HOTEL					
	Bedrooms	163	1	163	326
	Family Suites	42	2	84	168
	Bedrooms total - hotel			**247**	
	Number of "Sleepers" -		hotel		494
LODGES *(SELF CATERING HOLIDAY HOMES)*					
	Eight bedroom lodge	2	8	16	
	Six bedroom lodge	2	6	12	
	Four bedroom lodge	21	4	84	
	Eight bedroom lodge	30	3	90	
	Bedrooms total - lodges	*55*		**202**	
	Number accommodated -		lodges		404
	GUEST BEDROOMS TOTAL			**449**	
	Number accommodated -		Guests; Hotel + Lodges		898
STAFF QUARTERS					
	Bedrooms total - staff	55	1	**55**	
	Number accommodated -		Staff		110
	STAFF ROOMS TOTAL			**55**	
TOTAL NUMBER OF BEDROOMS - GUESTS + STAFF				**504**	
TOTAL NUMBER ACCOMMODATED - GUESTS + STAFF					**1,008**

NOTE RE ESTIMATED NUMBER OF PEOPLE ACCOMMODATED

Number of people accommodated has been estimated at 2 per bedroom, although in some cases it will be more than that, e.g. family share rooms

End of Appendix C