S.37

File With

SECTION 131 FORM

Appeal No
PL-500109-WX

Defer Re O/H ☐

Having considered the contents of the submission dated/received **30/11/2025** from **Ulrich Marggraf** I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

No new issues raised

Section 131 not to be invoked at this stage ☑

Section 131 to be invoked — allow 2/4 weeks for reply ☐

Signed: Cathy Canetan
EO

Date: 17/12/25

Signed
SEO/SAO

Date

M

Please prepare BP .... — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks: BP

Signed
EO

Date

Signed
AA

Date

Observation

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.

Observation Details

Latest Appeal Lodged Date
03/11/2025

Last Date for Receipt of Observations
01/12/2025

Correspondence Details

Correspondence Type	Received From	Lodged On	Validity	Valid OH Req
Observation	Ulrich Marggraf	30/11/2025	Valid	No

Issue	Participant	Representative
Digital BP40 — English	Ulrich Marggraf	—

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

Comments
—

Filing

Attach to File ☐

Return to EO ☐

Signatures

Signed Cathy Carleton

Cathy Carleton, Executive Officer

Date 03/12/2025

Signed LM

Lauren Simone Murphy, Administrative Assistant

Date 4/12/25

Correspondence Coversheet

Payment ID: **FEE-PAY-000714**

An Coimisiún Pleanála

Section:	Processing
PA Name:	Wexford County Council

Submission Reference:	NPA-OBS-005756

Date:	30/11/2025
Name:	Ulrich Marggraf
Total:	€50.00

Attachments/Comment:	500109

Created By:	Lauren Simone Murphy
Channel:	Online

Wexford
Cathy

An Coimisiún Pleanála

Planning Appeal Online Observation

Online Reference
NPA-OBS-005756

Online Observation Details

Contact Name	Lodgement Date	Case Number / Description
Ulrich Marggraf	30/11/2025 16:23:19	500109

Payment Details

Payment Method	Cardholder Name	Payment Amount
Online Payment	Ulrich Marggraf	€50.00

Processing Section

S.131 Consideration Required

☑ Yes — See attached 131 Form ☐ N/A — Invalid

Signed Cathy Carleton **Date** 3/12/25

EO

Fee Refund Requisition

Please Arrange a Refund of Fee of € **Lodgement No** LDG—

Reason for Refund

Documents Returned to Observer ☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval ☐ Yes ☐ No

Signed **Date**

EO

Finance Section

Payment Reference ch_3SZDP9B1CW0EN5FC1FnTx9yA

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount €

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date **Date**

S.37

File With

SECTION 131 FORM

Appeal No

ABP—

Defer Re O/H

Having considered the contents of the submission dated/received .....

from ..... I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

.....

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked — allow 2/4 weeks for reply. ☐

Signed

EO

Date

Signed

SEO/SAO

Date

M

Please prepare BP ..... — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date

5 Quayside Apartments

Kilmore Quay

Co Wexford

Y35 F244

The Secretary

An Coimisiun Pleanala

64, Marborough Street

Dublin 1

D01 V902

28 November 2025

Dear Sir/Madam

Planning Application 20250962W

Integrated Tourism Resort Complex - Kilmore Quay, Co Wexford

Letter of Appeal regarding planning permission

I have many concerns about the proposed development as outlined below, and the negative impacts on the heritage village of Kilmore Quay and its residents. I respectively request that An Coimisiun Pleanala overturn the planning permission granted by Wexford County Council regarding the proposed development of the integrated tourism resort complex in Kilmore Quay, Co Wexford.

The proposed development is contrary to several policies and objectives of the Wexford County Development Plan, for example the protection of rural character and visual amenity, environmental protection and water management, sustainable tourism development and infrastructure capacity.

Background

Wexford County Council granted planning permission to the Resort Complex despite the numerous objections (in excess of 60) submitted to Wexford County Council. It is unclear if Wexford County Council adequately addressed the concerns in these objections. The decision appears to rely on the Meinhardt and DNV reports, which were commissioned by the Developer. These consultant reports include conclusions based on assumptions, and it is unclear if these assumptions and conclusions were independently verified or challenged by Wexford County Council. The reports also include suggested mitigation measures for negative impacts identified. This is notable given that objections submitted raised concerns about whether those measures can be reliably monitored or enforced, therefore the mitigating effects could, in reality, be negligible or zero. Government agencies such as An Taisce and the Housing Department have noted their concerns also on the reliance by Wexford County Council on information in the Developer's reports.

Scale and Character of the Development

The proposed development is approximately the size of 29 football pitches, is 6 storeys and could accommodate more than twice the population of the village. This seems completely in contraction to the Wexford County Development Plan (2022-2028) which states that "Tourism development shall be in keeping with the scale and character of the settlement". The local thatched cottages are on Wexford County Council's list of protected structures. The increased traffic vibration and pollution could have a negative impact on these historic buildings which are located roadside throughout the village.

The average hotel size in Co. Wexford is 57 rooms. The proposed development is many multiples the size of this average, therefore highlighting how out of character it is with developments in the count

Water Supply

The addition of over 440 bedrooms housing over 800 visitors, plus a leisure centre containing bar and 2 restaurants, function/conference centre facility with capacity for 400 people, spa/leisure complex with swimming pool, will place a substantial strain on the water supply to residents of Kilmore Quay.

The residents of Kilmore Quay were under a water conservation order for over 7 weeks during Summer 2025. All year round the water supply suffers capacity and quality issues and low pressure. There are often unscheduled disruptions to service for repair works caused by leaks in the network.

Waste Water Treatment Plant

The proposed 5 star hotel development is directly adjacent to a waste water treatment plant.

The pressure the development will put on the waste water system will impact the availability of planning permission that may be sought in the future by local residents and business owners.

The scale of this development, the sensitive coastal location and proximity to areas of special conservation should be seriously considered to ensure full compliance with Habitats and Water Framework obligations. Should appropriate independent assessment be performed to prove there will be no adverse effects on the integrity of any Natura 2000 site or deterioration of water bodies?

Traffic

The village is currently negatively impacted by traffic congestion and inadequate parking facilities, particularly during summer months. Concerns regarding the potential unsafe traffic conditions were raised by residents at the public consultation on 2 May 2025. The proposed development could make this a year round safety concern for all road users.

The planning documents indicate a construction period of at least 3 years. This is a prolonged period of HGV and other construction vehicles using the R739 to Kilmore Quay. This could lead to deterioration of road surfaces and traffic congestion. Has an independent assessment been performed on the impact of this traffic on other road users?

Chapter 13 of the Environmental Impact Assessment Report was prepared by Meinhardt. From my understanding page 37 of this report indicates that the main road through the village of Kilmore Quay to the harbour area was **NOT** considered in the study area. The report states that "*Only road links where traffic is anticipated to increase by more than 10% are included in the study area*". It also states that the data was collected in August 2024, as August represents a peak period. Therefore if the 10% increase threshold was applied to a quieter month would the data breach the 10% threshold and thereby bring the main road through the village into scope of the report? If so, would this result in a conclusion that is unfavourable to the Developer and that would show detrimental traffic impacts?

In addition, how does the author of the report determine that the traffic to the proposed hotel will increase by more than 10%, yet the traffic into the village and harbour area will **NOT** increase accordingly? Page 33 of the 292 page Meinhardt report states that "*In reality, residents visiting the village centre are anticipated to utilise the walking and cycling infrastructure provided*". Is this a realistic assumption on which to conclude such a vital point concerning road safety? See points above in relation to questions about the proposed pedestrian access through land that is not owned by the Developer.

The report acknowledges "limited pedestrian provision through the village". There are no footpaths from south of the existing Coast Hotel to the harbour and beach area, yet the report anticipates that hotel guests will walk through the village, not drive. Can such an assumption on the behaviour of thousands of future guests be made and reliably used to support such a conclusion?

Page 45 of the Meinhardt report states that "A series of assumptions have been used to inform this assessment provided by the applicant, O'Connell Marketing and Meinhardt". Have the planning authorities challenged these assumptions to determine if they are reasonable and likely, noting the points above? The Environmental Impact Assessment Report, Part 2, page 231 states an anticipated increase of over 1,000 total **DAILY** 2 way vehicle trips. The Meinhardt report then concludes that proposed development traffic is *"not anticipated to have a significant operational effect on the local road network"*. For a village with less than 500 residents an addition of over 1,000 **DAILY** 2 way vehicle trips would be a significant and detrimental increase in traffic through this small historic village.

Condition 13 of the planning permission granted by Wexford County Council requires the applicant to provide details for constructing a footpath from Echo Beach to the Garda Station. However this is only 85m long and does not address the issue that for the rest of the road to the harbour and beach area there is no footpath. Is this condition effectively meaningless?

Access through Nemestown is also mentioned in the reports provided. The road in Nemestown is extremely narrow and not suitable for the increased traffic flow that would arise.

Coastal Erosion

There are serious concerns about coastal erosion in the area adjacent to the proposed development, and the devastating impact of this on the community has been reported in local and national press. A Senior Engineer with Wexford County Council, stated (as reported by RTE on Wednesday 10 April 2024) that "the average loss of coastline over the years was about half a metre per year, but in recent times this has increased significantly." He also advised RTE that "We can see the effects of climate change here in Wexford with the frequency of storms and the intensity of them, and we have specific objectives in our climate action plan to deal with both mitigation and adaptation".

Given the concerns noted above by Wexford County Council staff, have the planning authorities satisfied themselves regarding the real risk of coastal erosion and the impact the disturbance of land at the proposed development site will have on coastal erosion in the area? Run off water from the proposed development site will have a further negative impact.

The data used by IE Consultancy in their report "Preliminary Coastal Erosion Assessment" is from 2013. This is over a decade old. Considering the exponential increase of coastal erosion, as noted above by Wexford County Council, in the last decade with more frequent and severe storms and rising sea levels is this data still relevant? The EI consultancy report acknowledges there is evidence of foreshore embankment erosion and slippage at the proposed development site. The letter from An Taisce also states the site is identified as vulnerable to coastal erosion. Indeed Wexford County Council and the OPW have performed coastal armouring in the area only 2 kilometres from the proposed development site.

Special Area of Conservation / Special Protection Area

The following internationally designated sites are within 2km of the Proposed Development:

- Ballyteigue Burrow SAC (000696) (670m west);

- Ballyteigue Burrow SPA (004020) (1.9km west);

In addition the Saltee Islands SAC (000707) are close by. Any potential negative impact to these areas should be carefully assessed.

Environmental Impact

Environmental Impact Assessment Report page 17 states that "Provided all mitigation measures (and enhancements) are implemented in full and remain effective throughout the lifetime of the Proposed

Development, no significant residual negative effects on the local ecology or on any designated nature conservation sites are expected from the Proposed Development."

Who is responsible for putting these mitigation measures in place?

Who will monitor that "all mitigation measures" are being implemented in full and remain effective throughout the lifetime of the proposed development?

What penalties/redress are in place where such measures are not maintained?

Who is responsible in the event the proposed development fails?

Protected Species

The otter is protected in Ireland since Wildlife Act 1976. It is a criminal offence to damage or destroy the breeding or resting place of an otter. The otter is listed on Annex II and Annex IV of the EU Habitats Directive. The DNV EIAR Volume 1 Non Technical Summary Report page 15 states "no evidence of otter was recorded along the shore line...". However many residents whose family homes are in close proximity to the proposed development site have seen otters on many occasions on the shoreline here and have photographic evidence of this. For example, the below photo of otter pups clearly shows the Saltee Islands in the background and was taken near St Patrick's Bridge, directly adjacent to the proposed development site. The other 2 photos of otters were taken at homes at Y35 KC82 and Y35 HY99, meaning that the otters crossed the proposed development site when visiting those addresses.

Therefore the report commissioned by the Developer is questionable in stating there was no evidence of otters, when residents have photographic evidence to disprove this. It is unclear why the consultants hired by the Developer failed to identify evidence of otters and why such a significant error regarding this protected species could occur in the Developer's report, which was relied on by Wexford County Council when granting planning permission.

In addition buzzards are fully protected in Ireland under the Wildlife Act, 1976, and the EU Birds Directive. Buzzards have been identified on the proposed development site also (see photograph below with St Patrick's Bridge in the background). Again, it is unclear why reference to this protected species which is present in the area was omitted from the Developer's report.

Heritage Impact

The proposed development is 6 storeys (including lower ground floor). The height is 18.54m. This construction will not blend in with the local area and is not in keeping with the characteristics of this low rise quaint fishing village. The visual impact of this from the village (Little Beach, Old Pier and East Pier) will be out of character with the surroundings.

Visual Impact

The Architectural Design Statement and EIAR Landscape Chapter 12 acknowledge the contrast between the new development and the traditional heritage built Kilmore Quay. The proposed development would dominate the skyline and visually overwhelm the existing low rise settlement pattern of Kilmore Quay, which is defined by modest vernacular buildings, thatched cottages and a small harbour village character. The overall size and height are incompatible with both the WCDP

settlement and the Principles of the Architectural Heritage Protection Guidelines for Planning horities (DAHG 2011).

The Wexford County Council County Development Plan (WCCCDP) highlights a number of key strategies including that it should "promote economic and enterprise development appropriate in scale to the settlement". As the proposed development could house more than twice the population of the village this is contradictory to the WCCCDP.

The increase of visitors, traffic and pedestrians to areas of special environmental concern could jeopardise these natural resources, such as the Special Area of Conservation and Special Protection Areas, the Saltee Islands and Ballyteigue Burrow.

Section 7.7.5 of the section re Tourist Accommodation states that "proposals for tourist accommodation in towns and villages must be proportionate in size, appropriate in scale, siting and design to its host settlement".

The proposed development does not align with the above and is contrary to the proper development and planning for Kilmore Quay.

Department of Housing Letter

Refer to the 8 page letter dated 22 September 2025 addressed to Wexford County Council from the Department of Housing, Local Government and Heritage. This letter refers to a number of observations and concerns regarding the development of the 20.3 hectares site including:

Archaeology: A fieldwork based AIA be prepared to assess the potential impact on archaeological remains in the area. Was this report prepared and submitted to the relevant planning authorities before the planning decision was made?

Nature Conservation: the letter notes the "*significant concerns*" in relation to the "*accuracy of the baseline information*" and significant insufficient nature of the Developers reports in concluding that the proposed development will not adversely affect the integrity of the European sites. The letter details that some points are poorly covered and some are not addressed at all. Some of the areas of concern include bird habitats. As an example of this curlews currently nest in the bank at the proposed development site. Curlews are protected in Ireland and are red-listed as a species of conservation concern, with an ongoing Government backed Curlew Conservation Program to prevent their population declining further. Residents adjacent to the site have recent photographs of curlews present on the proposed development site. Other concerns are disturbance to qualifying interest species and habitats, insufficient attempt to incorporate design features to reduce collision risk, lighting and the lack of realistic mitigation measures, coastal erosion and the waste water treatment plant capacity.

The letter from the Department of Housing, Local Government and Heritage outlines their concerns on the inaccurate information within the Developer's reports.

An Taisce Letter

Refer to the 4 page letter dated 8 September 2025 addressed to Wexford County Council from An Taisce, The National Trust for Ireland. This letter refers to a number of concerns and recommendations regarding the development of the 20.3 hectares site including:

Scale of the Development: Extensive local concern at the scale of the development in relation to the existing historic village.

Traffic Impact: instructing that a "rigorous" Traffic Assessment be conducted.

Coastal Erosion Risk: they state the proposed location is identified as a site vulnerable to coastal erosion.

Wastewater Treatment: the capacity of the wastewater treatment plant must be able to accommodate increased volumes.

Habitats Directive: notes that further assessment is required and inaccuracies in the planning documents stating that an area will not be subject to development, while in fact a new walking path will be created.

Water Framework Directive: further assessment is required under Article 4 of the Water Framework Directive (WFD) (2000/60/EC) to determine if the proposed development will cause a deterioration of the status of a surface or ground water body etc. particularly in the operational phase.

Artificial Lighting Impact: the proposed development will cause artificial light pollution in this sensitive coastal area and An Taisce advises this should be closely considered by planning authorities. A cumulative assessment of light pollution should also be conducted.

An Taisce advises that the above points necessitate close consideration and further investigation by planning authorities.

DNV Report - EIAR Volume 1 Non Technical Summary - Mitigation Measures

The DNV report EIAR Volume 1 Non Technical Summary Report suggests a number of mitigation measures, however these seem to be suggestions and recommendations rather than mandatory measures. Do these go far enough to protect the important habitats, species and wildlife in the area? It appears the development is contrary to the proper planning and sustainable development of the area. It will increase the number of year round visitors to this ecologically sensitive location. The buildings would be highly obtrusive and visually incongruous with the existing low rise village and would detract from the architectural heritage and would seriously injure the visual amenities of the area. It could set an undesirable precedent for similar developments and would be contrary to the proper planning and sustainable development of the area.

The Developer's report includes "mitigation measures" and "recommendations". These are only effective if mandatory and policed. Otherwise is it reasonable to assume that these mitigation measures may not be applied consistently resulting in adverse impacts? In the event of commercial failure of the development who is responsible for ensuring these mitigation measures are implemented? The report includes conclusions in favour of the development based on these mitigations and recommendations. However if these recommendations are not in place then the issues regarding the proposed development remain.

Construction Phase

Environmental Impact Assessment Report page 13 notes that "The construction phase could also have likely negative effects in the form of air quality, dust, noise production, risk of contamination of water sources and increased number of construction-related vehicles utilising the road network." The construction phase is estimated to be 3 years. The residents in homes adjacent to the proposed development will be negatively impacted over this prolonged period.

Alternative Locations

The Environmental Impact Assessment Report page 6 states that "As the Proposed Development site is in the ownership of the Applicant, no alternative locations were considered by the Applicant for the purpose of this development." However this location will bring a large volume of traffic to the small heritage village of Kilmore Quay and could be a potential hazard to coastal erosion and biodoversity. The proposed development has over 440 rooms, which if fully occupied would be more than double the population of Kilmore Quay (447 per Census 2022).

Page 9 of the O'Connell Marketing Report states that the development will have "A 360-degree panoramic view of Kilmore Quay". The rooftop facilities, hotel windows and lodges overlook homes

and gardens in the adjacent area, compromising the privacy of residents and potentially impacting the natural light available in their homes.

Environmental Impact Assessment Report states that "Kilmore Quay is defined in the Wexford County Development Plan (WCDP) 2022 to 2028, as a Level 3b Strategic Settlement, stating that 'there is a strategic imperative to prioritise the development of these villages". There are currently 2 hotels (The Wooden House and Coast Hotel) in the village which have been either closed for business or used for purposes other than tourism over the last number of years. The rejuvenation of these hotels would be a more suitable and sustainable solution to assist development of the village.

Employment

Environmental Impact Assessment Report page 13 states that "During the operational phase approximately 150 jobs will be created having a positive impact, both directly and indirectly to the local economy and employment". If a hotel operator has not been appointed, is it reasonable to comment on the employment opportunities, given that a hotel operator may bring their own trained staff in from other locations? Staff accommodation is included in the development.

While perhaps not a direct planning point it is worth noting that during the construction phase the proposed development will utilise a number of builders and tradesmen which could be better employed in providing much needed housing.

Commercial Viability

This proposed development is being billed as a 5 star resort and planning permission is requested on that basis. The long term commercial viability of the very large 5 star resort should be considered given the immense and disproportionate scale of the proposed development compared to the size and character of the village.

The proposal does not specify a hotel operator and this lack of a major important player in the development should be addressed. Does this raise concerns about the future of the proposed development? Kilmore Quay already has 2 hotels which have been closed or used for non tourism purposes at various stages over the last 2 decades.

Summary

In my view, the proposed development is incompatible with local infrastructure capacity and disproportionate to the scale of this heritage village. I therefore submit this appeal against Wexford County Council's decision to grant permission for the development.

Yours sincerely

Ulrich Marggraf