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 **12/01/2026** from **Manfred Schulte-Austum** 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 Carleton
EO

Date 21/1/26

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

Response

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
Response	Manfred Schulte-Austum	12/01/2026	Valid	No

Issue	Participant	Representative
BP23 — English	Manfred Schulte-Austum	—

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

Comments
—

Filing

Attach to File
☐

Return to EO
☑ Cathy

Signatures

Signed
Cathy Carleton
Cathy Carleton, Executive Officer

Date
14/01/2026

Signed
pp Simone Murphy
Lauren Simone Murphy, Administrative Assistant

Date
15/1/26

The Secretary
An Coimisiun Pleanala
64, Marborough Street
Dublin 1
D01 V902
8 January 2026

AN COIMISIÚN PLEANÁLA
LDG- _____
ACP- _____
12 JAN 2026
Fee: € _____ Type: _____
Time: 0:15 By: Post

Case Number PL-500109-WX
Reference Number 20250962W

A Chara,

Please find my response in relation to the submission dated 01.12.2025 received from SCA Planning:

This observation is submitted in response to the developer's reply to third-party appeals. While that reply is extensive, it does not resolve a number of fundamental deficiencies that go to the heart of proper planning and sustainable development. These deficiencies relate to access feasibility, water and wastewater capacity, reliance on non-existent access routes, climate and coastal risk, and legal shortcomings in the Appropriate Assessment process. Collectively, they render the development unsound in principle and incapable of being remedied by condition.

1. Scale of Development and Settlement Capacity

The proposed development, accommodating up to approximately 800 guests, is grossly disproportionate to the scale and infrastructural capacity of Kilmore Quay, which has a permanent population of 447 persons (CSO 2022). Even at partial occupancy, the development would introduce a transient population equivalent to or exceeding that of the existing village.

Comparisons drawn by the developer with large destination resorts such as Adare Manor, Castlemartyr, The Europe or Parknasilla are misplaced. Those developments are served by national road networks, robust regional water and wastewater infrastructure, and established labour markets. Kilmore Quay is not. The proposal therefore represents an unsustainable quantum of development in a small coastal settlement, contrary to section 34 of the Planning and Development Act 2000 and the core objectives of the Wexford County Development Plan 2022–2028.

In **ABP-317447-23**, the Board refused planning permission for an *integrated tourism and recreational development* consisting of a lodge with guest facilities, access road and associated works. The Inspector identified multiple substantive concerns, including:

- Uncertainty over impacts on the integrity of a European protected site (Magherabeg Dunes SAC);
- Material contravention of the county development plan in terms of coastal zone management;
- The proposed development would be prejudicial to public health because the site was unsuitable for an on-site wastewater treatment system, and "inadequate information with respect to the quality/quantity of the proposed well supply" had been submitted.

2. Roads, Access and DMURS – Lack of Feasibility

Wexford County Council has imposed conditions requiring DMURS-compliant footpaths, cycle lanes, raised tables and pedestrian priority. However, the physical dimensions of the existing road network, particularly within Echo Beach Estate, which is relied upon as a key pedestrian and cycle link make compliance physically impossible.

Measured carriageway widths of approximately 4.9–5.3 metres, footpaths narrowing to 1.12–1.48 metres, and multiple pinch points created by walls and access piers mean that the required 2-metre footpaths and cycle facilities cannot be delivered without land acquisition or demolition works that are neither proposed nor assessed. The application drawings themselves show a disconnect in the red-line boundary between the development lands, Echo Beach Estate and the R739, confirming that a critical section of the access route has not been designed.

It is well established in Irish planning law that core access and road safety infrastructure must be demonstrably feasible at application stage. Conditions cannot cure a fundamental design impossibility.

In **ABP-321407-24**, the Inspector recommended refusal of a rural development because the access arrangements were unsatisfactory and did not comply with applicable standards.

3. Traffic Impact and Construction Effects

The development will generate significant traffic between Kilmore Quay, Wexford Town, the N11/M11 motorway and Rosslare Europort. Staff commuting, deliveries, events and year-round operation undermine claims that impacts will be limited or seasonal. No robust assessment of staff travel demand has been provided.

The imposition of a development contribution of €144,885 for public road works is an acknowledgement that the development will overburden local roads. Given the very limited access routes to Kilmore Quay, construction-phase road works would unavoidably disrupt residents' access to healthcare, employment and essential services like the daily deliveries of meals on wheels. This has not been adequately addressed in any Construction Traffic Management Plan.

In ABP 312227-21 a glamping site was refused because of concerns about increased road traffic volumes in an area without adequate roads infrastructure, despite arguments about alternative access. This concerned a development comprising of only 6 pods with a combined capacity of 18 residents.

4. Reliance on Non-Existent or Private Access ("Mass Path")

The proposal relies on pedestrian connectivity described as a "mass path". Landowners have confirmed that no such path exists, that no prescriptive or customary right of way applies, and that the lands concerned are in registered private ownership.

A development cannot rely on access over third-party lands without a legal right to do so. This undermines the access, sustainability and active travel strategy and creates a fundamental internal inconsistency in the application.

5. Water Supply – Precaution Not Applied

The developer asserts that the proposed groundwater abstraction will improve water supply availability in Kilmore Quay. This assertion is contradicted by uncontested evidence of existing outages, prolonged low pressure and operational difficulties for the fishing fleet.

The proposed abstraction of approximately 241 m³/day equates to the demand of over 600 households and exceeds existing village demand. The hydrogeological assessment relies on a short-duration pumping test, includes no drought or climate stress testing, and acknowledges that long-term saline intrusion cannot be ruled out.

Under Article 4 of the Water Framework Directive, section 177AE of the Planning and Development Act, and the Climate Action and Low Carbon Development Act 2021, the precautionary principle applies. The dismissal of climate-driven reductions in recharge as "highly uncertain" is inconsistent with these obligations and with Chapter 12 of the Wexford County Development Plan, which requires coastal development to be future-proofed.

6. Wastewater Capacity – Material Deficiency

While water supply is addressed in detail, wastewater capacity is not. No updated evidence has been provided demonstrating that the Kilmore Quay wastewater treatment plant can accommodate peak resort flows or cumulative seasonal loading.

This omission is particularly serious in a sensitive coastal environment and raises concerns under Article 6(3) of the Habitats Directive, as well as conflict with Objective TM53 of the Wexford County Development Plan. The absence of a robust cumulative wastewater assessment is a material deficiency that cannot be addressed by condition.

In ABP-309753-21, the Board *refused planning permission* for a development where the primary reason was inadequate wastewater infrastructure. The Inspector concluded that the proposed development would be premature due to a deficiency in public sewerage facilities and that discharging into an inadequate system would be *prejudicial to public health.*

7. Appropriate Assessment – Legal Certainty Not Achieved

The AA/NIS relies on mitigation measures introduced at Stage 2 that are frequently vague, lack binding technical detail, and depend on future implementation and monitoring. EU case law, including *People Over Wind*, *Sweetman* and *Holohan*, requires that the competent authority be satisfied beyond reasonable scientific doubt that no adverse effects on site integrity will occur.

Tourism developments have been refused where no compelling evidence was provided that significant environmental effects could be excluded, as in ABP-317447-23.

Cumulative effects arising from lighting, traffic, recreational pressure and climate change have not been robustly assessed. In addition, planning conditions requiring implementation of mitigation "within timescales listed in the EIAR and NIS" create legal uncertainty where such timescales are not clearly defined.

8. Lighting and Cumulative Disturbance

Conditions requiring public lighting along upgraded roads will introduce additional light sources into a sensitive coastal environment. The approach taken in the EIAR and NIS normalises existing lighting rather than assessing cumulative impact, contrary to Article 6(3) of the Habitats Directive and NPWS Appropriate Assessment guidance.

9. Internal Inconsistency – Multi-Storey Car Park

A condition refers to electric vehicle charging infrastructure within a multi-storey car park yet no such structure forms part of the planning application, drawings, EIAR or traffic assessments. This constitutes a material alteration by condition and further undermines the integrity of the environmental assessments.

Conclusion

The issues identified above are not matters of detail or refinement. They demonstrate that the proposed development is over-scaled for its location, that critical infrastructure constraints have not been resolved, that water and wastewater risks have been underestimated, and that the legal requirements of EU environmental law and the Wexford County Development Plan have not been met. These deficiencies cannot be remedied by condition. Therefore I ask ACP to refuse planning permission.

Manfred Schulte-Austum

The Beak Y35Y1E8

Kilmore Quay