Appropriate Assessment comprising a

Remedial Screening Report and a Remedial Natura Impact Statement

regarding an application made to An Bord Pleanála for substitute consent for a camping/ camp site and all associated site works at Clonmines, Wellingtonbridge, Co Wexford.

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Report compiled for John Roche, Roches Campsite and Campervan Parking, Clonmines, Wellingtonbridge, Co Wexford.
— Report dated 24 January 2025 —

Report compiled by Jim Hurley

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SWC Promotions: promoting the natural heritage resource values of the South Wexford Coast.

— Summary of this report —

1. Application is made to An Bord Pleanála for substitute consent for a camping / camp site and all associated site works at Clonmines, Wellingtonbridge, Co Wexford.

2. A small part of the application site overlaps with the dual designated Bannow Bay Natura 2000 site and is in hydrological connection with it: Site Name: Bannow Bay Special Area of Conservation (SAC), Site Code: IE0000697, and Site Name: Bannow Bay Special Protection Area (SPA), Site Code: IE0004033. The designated Bannow Bay Natura 2000 site is, in turn, in downstream connection with the proposed Seas off Wexford Special Protection Area (SPA), Site Code: IE0004237 (for further information about the Natura 2000 network and Natura 2000 sites see Appendix 1 in Section 11 below).

3. The proposed development is not directly connected with the management of the Bannow Bay Natura 2000 site, or any other Natura 2000 site.

4. Mindful of the precautionary principle, it is considered that the proposed development has the potential, that is, a likelihood rather than a certainty, to impact negatively on a conservation objective, qualifying interest, and/or special conservation interest of the Bannow Bay Natura 2000 site (for further information about the precautionary principle see Appendix 3 in Section 11 below).

5. It is an objective of Wexford County Council to protect the integrity of Natura 2000 sites in its administrative area (for further information about objectives of Wexford County Council see Appendix 4 in Section 11 below).

6. All plans and projects which are not directly connected with or necessary to the management of a Natura 2000 site, but which either individually or in combination with other plans or projects, are likely to have a significant effect on a Natura 2000 site, require an assessment of these effects to determine if they will adversely affect the integrity of these sites (for further information about the assessment process see Appendix 2 in Section 11 below).

7. This report presents both a remedial screening and initial scrutiny and assessment of the likely impacts of the proposed developments on the qualifying interests and conservation objectives of the Bannow Bay Natura 2000 site and other adjacent sites, and a remedial Natura Impact Assessment (NIS).

8. Issues raised by An Bord Pleanála are addressed in Appendix 5.

9. Based on the information to hand, this report concludes that mindful of the nature, size, and scale of the proposed developments for both retention and completion, the conservation objectives of the impacted site, the mitigation measures proposed, and the precautionary principle, that the retention and completion of Roches Campsite and Caravan Parking, both alone and in-combination with other plans and projects, is, in itself, unlikely to adversely impact in a significant way the integrity of the Bannow Bay Natura 2000 site or any other Natura 2000 site, or any protected area or species as potentially adverse impacts that can be mitigated have been mitigated.

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Part 1: Remedial Screening Report

(Stage 1 of the Appropriate Assessment process)

1. INTRODUCTION

1.1. Background

1.1.1. The proposed developments constitute a project. Background to the project is set out in the 'Summary of this report' above.

1.1.2. The developer is John Roche, the applicant, owner of the application site, and manager of Roches Campsite and Campervan Parking, (https://www.rochescampsite.ie/) located at Clonmines, Wellingtonbridge, Co Wexford.

1.1.3. The project is not considered necessary for the management of any Natura 2000 site.

1.2. The project

1.2.1. The project is outlined in the 'Summary of this report' above and a full description is contained in Section 3 below.

1.3. Aim and purpose of the project

1.3.1. The aim of the application for substitute consent is to regularise the present unsatisfactory situation regarding the application site and planning legislation.

1.4. Need for this report

1.4.1. Appropriate Assessment is required to provide background information to inform decisions by the consent authority regarding whether the project would be likely to have a significant effect on any Natura 2000 site. A 'significant effect' is defined as *"An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment"* (EPA, 2022).

1.4.2. For further information regarding the legislative requirement, the Natura 2000 network, and the Appropriate Assessment process, and the Precautionary Principal, see the appendices at Section 11 below.

1.5. Terms of reference

1.5.1. Jim Hurley, SWC Promotions, was commissioned by John Roche, Roches Campsite and Campervan Parking, to compile this report.

1.5.2. This report is the result and outcome of that commission.

1.6. Statement of competence

1.6.1. Jim Hurley (B.Sc., UCD 1965; Zoology, Botany, Geology) is a naturalist and conservationist. He has been involved in environmental and ecological matters and their related planning issues for over forty years and has successfully compiled several reports for Appropriate Assessment, Environment Impact Assessment, and related planning matters.

2. METHODOLOGY

2.1. Legislative context

2.1.1. The legislative context regarding appropriate assessment is set out in Appendix 1 and Appendix 2 below (Section 11).

2.2. Procedure followed

2.2.1. The methodology followed in compiling this report comprised the conducting and completion of the following elements: a desk study, a site visit and site walkover, and compilation and production of this report.

2.2.2. A desk study was undertaken, and the following data and information sources were accessed and utilised.

- Data provided by both John Roche, the applicant, and Terry O'Leary, GE Ltd t/a O' Leary Consulting Engineers, the client's agent, used to inform this report included a site plan compiled by John Roche Architectural Services, together with details of the proposed development and other relevant reports.
- Electronic copies of planning files containing in Wexford County Council's online document and map-viewing facility at https://dms.wexfordcoco.ie/index.php.
- Standard Data Forms, site boundaries, site synopses, qualifying interests, and conservation objectives for impacted Natura 2000 sites were studied. The locations and boundaries of all Natura 2000 sites potentially impacted by the proposed development were identified from the NPWS Designations Viewer (https://experience.arcgis.com/experience/edf34d92e28040fd87d3d14f55d8d95f).
- Other online mapping reviewed included GeoHive maps, aerial photography, Geological Survey Ireland (GSI) (www.gsi.ie) and EPA maps (https://gis.epa.ie/EPAMaps/) for information on bedrock, soils, groundwater, aquifers, waterbodies, catchment areas, hydrological connections, flow paths, water quality, risk status, etc.
- Department of Housing, Local Government and Heritage Environmental Impact Assessment portal (https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1).
- National Planning Application Map viewer (https://www.myplan.ie/national-planning-application-map-viewer/).
- Records from the National Biodiversity Data Centre (https://biodiversityireland.ie/) for relevant grid squares.
- The information sources referenced below (Section 10).

2.2.3. The site of the proposed development and its environs were visited on 7 January 2025. A walkover baseline survey was conducted, and the ecological context of the application site and its environs was examined. The baseline ecological conditions within the application site and immediate surrounding areas were determined. A photographic record of baseline conditions was compiled. Habitats on site were recorded to Level 3 of the Fossitt hierarchical classification system (Fossitt, 2000).

2.2.4. This report was prepared and compiled in accordance with the requirements of the European Union Habitats Directive and European Commission and Irish methodological guidance, relevant objectives, and evolving case law. Guidance documents used to inform the assessment methodology are listed below (Section 10.2).

2.2.5. The level of detail provided in this report is proportionate to the scale and complexity of the project, the characteristics of the receiving environment, the importance of sites that are protected for their natural heritage resources, and the impacts that the project are likely to have on the integrity of Natura 2000 sites in their environs.

2.3. **Report structure**

2.3.1. The following stages in the Appropriate Assessment process are described:

a) **Stage 1** (Remedial Screening): an introduction (Section 1), the methodology followed (Section 2), the proposed development (Section 3), the receiving environment (Section 4), potentially impacted Natura 2000 sites (Section 5), potential impacts (Section 6), and impact screening (Section 7).

b) **Stage 2** (Remedial Natura Impact Statement): impact evaluation (Section 8), and conclusions, concluding statements and determinations (Section 9).

2.3.2. Literature references cited are listed (Section 10), and appendices are annexed (Section 11).

3. THE PROJECT

3.1. Description of the project

3.1.1. Substitute consent is sought for a camping / camp site and all associated site works at Clonmines, Wellingtonbridge, Co Wexford.

3.2. Location of the application site

3.2.1. The application site supports an unauthorised, campervan, caravan, and campsite located in the townland of Clonmines approximately 2.5km south-west of the settlement of Wellingtonbridge in south Co Wexford. The application site is located on a farm on sloping agricultural ground adjoining the shore of Bannow Bay. The application site is signposted at 'The Five Crossroads' (Figure 1, arrowed yellow), the first turn on the left off regional road R733 (locally "The New Line") after leaving Wellingtonbridge on the road south to the car ferry at Ballyhack. The access lane to the site is signposted off local secondary road L-8107 (Figure 1, arrowed yellow).

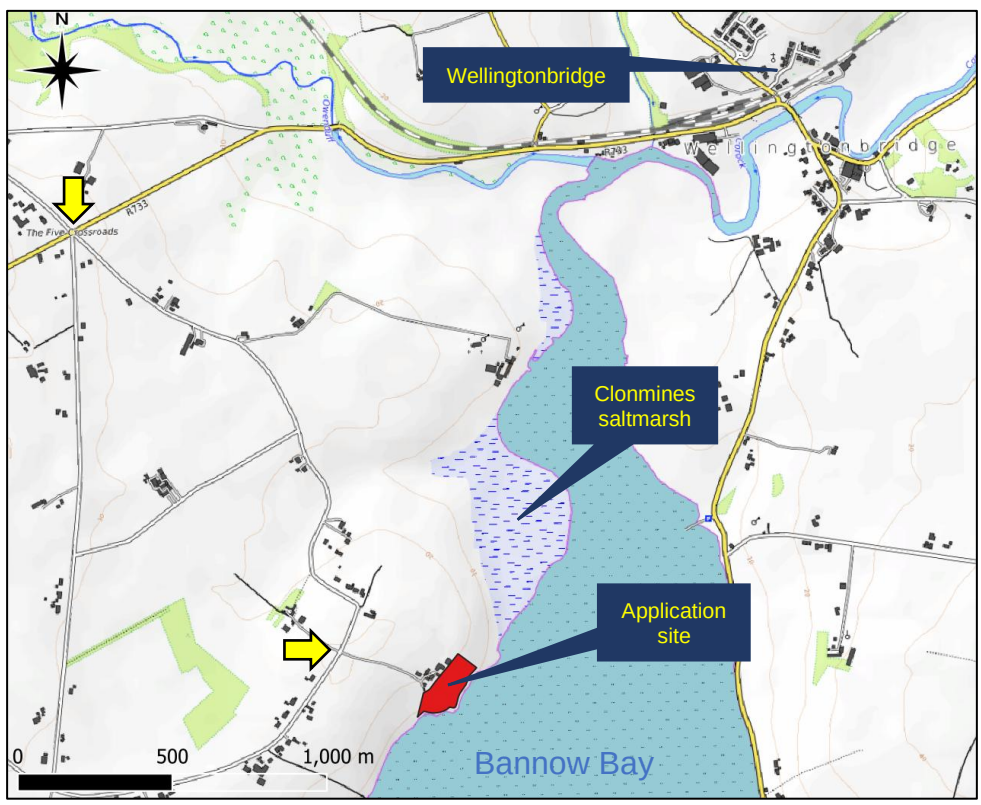


Figure 1. Location of the application site (red fill).

3.2.2. The setting is rural, and the site and its adjoining lands are owned and farmed, together with Margaret Roche, by the applicant. The site is accessed via a surfaced lane linking the local road and a farmyard, farm buildings, and a cluster of houses (Eircodes Y35 R9P9, Y35 T2X8, and Y35 X7K2).

Plate 1. Entrance to the application site (left) from the public road.

(Photo: Jim Hurley, 7 January 2025)

3.2.3. The application site (Figure 2) is a grass field with surrounding timber paling and hedgerows, adjoining a cluster of dwellings and agricultural buildings on its western side, Bannow Bay on its eastern side, and agricultural land on its northern and southern sides. The application site is orientated NNE to SSW, is roughly rectangular in shape, measures 77m by 155m approximately, has an area of 1.718ha, and falls from an elevation of 24m at its northern extremity to 10m approximately at its southern extremity with a slipway to Bannow Bay.

Figure 2. Application site (edged red) and site layout plan.

(Source: John Roche Architectural Services
Sheet No 11, dated 17/12/2024)

3.3. **Planning history and enforcement**

3.3.1. A review of online images shows that the application site and its environs originally held what appears to be a residence and a small number of adjoining outbuildings suggesting a probable farmhouse and farmyard. A lane ran from the public road to the buildings and continued downslope to the shore of Bannow Bay (Figure 3).

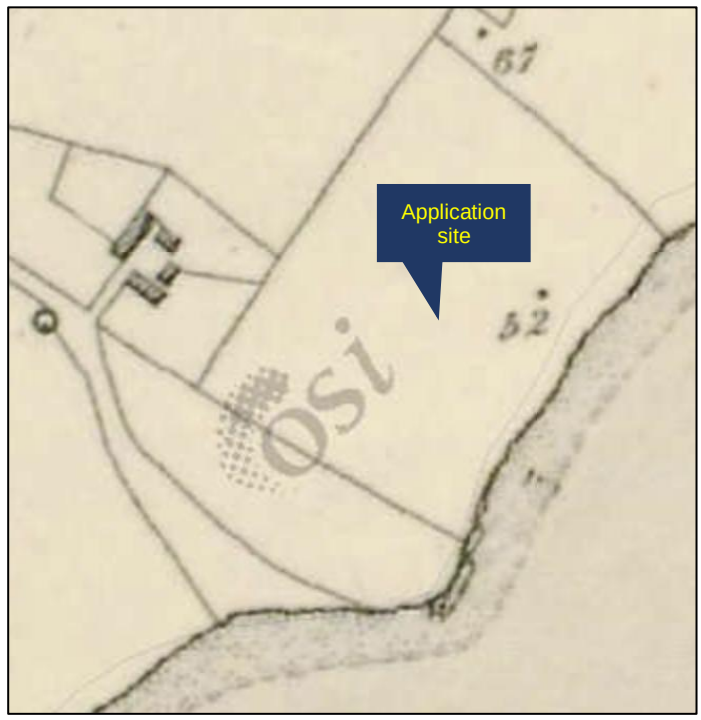


Figure 3. Early developments at the application site.

(Source: Six-inch colour Ordnance Survey sheet, 1829-1841 at https://maps.wexford.ie/imaps/)

3.3.2. John Roche, the applicant, is full freehold owner of the application site. The applicant believes that a traditional right of way to Bannow Bay exists via the lane shown in Figure 3. Three, possibly four, property folios refer to the application site (Figure 4) [numbers WX20616 (with application D2024 LR135795U pending), WX15917F, WX65737F, and possibly WX66954F]. While a right of way has been established by usage, no specific route is represented on the map in yellow by either Tailte Éireann or Land Registry Ireland, and no right of way is registered as a burden.

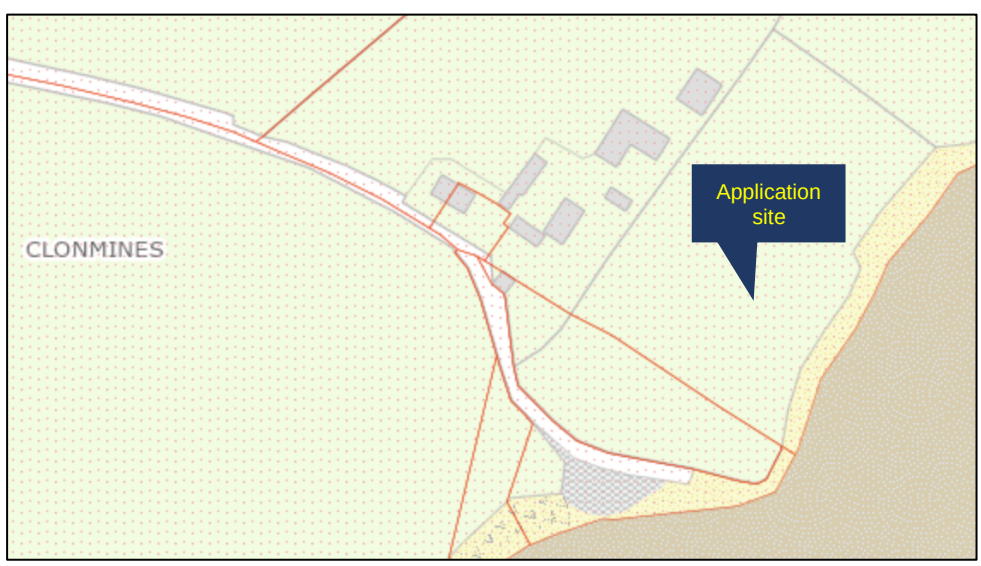


Figure 4. Property folios (edged red) at the application site.

(Source: https://www.landdirect.ie/pramap/)

3.3.3. The number of buildings around the farmyard increased over time but no significant development occurred at the application site in the period 1995-2012 (Figure 5).

Figure 5. Developments onsite, 1995-2012.

(Sources: Ordnance Survey Ireland aerial imagery 1995 (top left), 1996-2000 (top right), 2001-2005 (bottom left), and 2006-2012 (bottom right) at https://maps.wexford.ie/imaps/)

3.3.4. A clearer image from 2011 (Figure 6) shows the access lane to the foreshore partially vegetated and forking left and right leaving a central triangular island and another vegetated area on the south-western side.

Figure 6. Digital Globe aerial imagery 2011.

(Source: https://maps.wexford.ie/imaps/)

3.3.5. The vegetation on the shore was in place in 2018. The area was reclaimed and covered over with compacted filling in 2019. Vehicles can be seen in the field at the application site (Figure 7).

Figure 7. Developments onsite, 2019.

(Sources: Ordnance Survey Ireland aerial imagery 2013-2018 (left) and Wexford County Council Orthos image 2019 (right) at https://maps.wexford.ie/imaps/)

Figure 8. Enlarged and sharpened extract of part of Figure 7 left.

(Source: Ordnance Survey Ireland aerial imagery 2013-2018 at https://maps.wexford.ie/imaps/)

3.3.6. Figure 9 below shows the entrance to the application site in August 2019 with the public road in the foreground. The signage reads "*Camper Van Parking Roches*" and "*Self Catering Cottages by the Sea*" and "*Bed & Breakfast*" (Figure 10).

Figure 9. Access lane (left) to the application site.

(Source: Google Maps, image capture date August 2019)

Figure 10. Enlargement of Figure 9 to show August 2019 signage.

(Source: Google Maps, image capture date August 2019)

3.3.7. On 18 November 2020, on foot of a warning letter from the Planning Authority of Wexford County Council, John Roche, the applicant, applied to the planning authority for *"Permission for the retention of a communal use building which includes toilet facilities and the retention of a camper parking area and full planning permission for a new treatment plant and percolation area"* at Clonmines, Tintern (Application No.: 20201366 at https://dms.wexfordcoco.ie/index.php#). On 17 December 2020, the Planning Authority required the applicant to submit the following further information:-

> A complete organic and hydraulic breakdown of the camper parking area and toilet facilities for retention, taking into account the expected number of camper vans utilising the parking area.

3.3.8. The application for retention permission was subsequently withdrawn by the applicant's agent on 19 January 2021.

3.3.9. The campsite was a popular attraction in August 2021 (Figure 11).

Figure 11. Aerial image of the campsite, August 2021.

(Source: Tristan Murphy at www.pitchup.com)

3.3.10. The campsite was, and still is, advertised locally and online (for example, by the developers at https://www.rochescampsite.ie/, and Visit Wexford at https://www.visitwexford.ie/directory/roches-campsite-clonmines/). Advertised facilities in recent years included the following.

- Bed and breakfast accommodation, two self-catering holiday cottages (An Tigín and Carrig Dubh), and a glamping pod.
- Hardstanding serviced pitches for motor homes, camper vans, and caravans with access to electricity available for "*up to 30 campervans*" (Press item, 2021: https://www.independent.ie/irish-news/happy-campers-flock-to-wexford/40038989.html).
- A grassed campsite for tents with chemical toilets and grey water disposal facilities.
- A toilets/showers building that included a kitchen, washing area, and seating area with TV.
- The Bay View Coffee Dock, picnic tables both inside and outside, a barbeque, night time outdoor lighting, campfires, live music, and dancing. Weekly live music mid-March to the end of September. Midweek music during the summer. A wine bar. Food services and a take-away chip and hot food van.
- Ample car parking spaces. Free internet access. Bicycle hire. A dog-friendly setting. Local tourism information was made freely available.
- Birdwatching and angling. A board featured illustrations by Margaret Crews of the common birds and fish found at Bannow Bay.
- Horse riding available on site together with horse trekking and pony trekking along the shore of Bannow Bay. Stabling for those who wanted to bring their own horses.
- Water sports, especially kayaking, on Bannow Bay. Kayaks available on site or bring your own.
- A looped trail called the 'Shore Walk' running north from the campsite along the top of the cliff to the large saltmarsh with the option at low tide of returning along the shore of Bannow Bay.

3.3.11. The facility continued to operate to October 2021 when the Planning Authority of Wexford County Council required the promoters to either cease trading or to regularise the planning position regarding their facility.

3.3.12. On 10 December 2021, the applicant sought permission *"for retention of 2 no. agricultural storage buildings"* (Application No: 20211928). On 4 March 2022, the permission sought was granted subject to the following five conditions. (Source: https://dms.wexfordcoco.ie/index.php#).

CONDITIONS AND REASONS THEREFOR

1. This retention permission relates to the 2 structures as identified on the submitted plans (Shed A and Shed B) only.

   The structures for which retention permission is granted shall be used for dry agricultural storage only.

   Permission is not granted through this application for any other development or uses on the site or landholding.

   REASON:

   For the avoidance of doubt, to ensure the development accords with the permission and in the interests of protection of the environment.

2. Within 1 month of final grant of permission, all features and equipment which do not have a dry agricultural storage use (including toilets, sinks, washing facilities, seating and refrigeration facilities) shall be permanently removed from the structures.

   REASON:

   In the interests of protection of the environment.

3. Unless as otherwise agreed with the planning authority, the external walls of Shed A shall be painted a dark green colour.

   REASON:

   In the interests of visual amenity.

4. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of public roads in the functional area of the Planning Authority. The contribution shall be payable within 2 months of the date of the final grant of permission and the amount shall be one hundred and twenty one euro (€121.00) as stated in Appendix 1 of this document.

   REASON:

   In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 (as amended).

5. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of community facilities in the functional area of the Planning Authority. The contribution shall be payable within 2 months of the date of the final grant of permission and the amount shall be one hundred and twenty one euro (€121.00) as stated in Appendix 1 of this document.

   REASON:

   In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 (as amended).

END OF SCHEDULE

Figure 12. Conditions attached to P A Reg Ref No 20211928.

(Source: https://dms.wexfordcoco.ie/index.php#)

3.3.13. On 3 November 2022, application was made for *"Permission for the proposed development of lands to be used for a camper, caravan & campsite and for the change of use of 2 no. agricultural buildings; shed A to be changed to a communal use building which includes toilet facilities and shed B to be changed to a covered area for seating and refreshments and a new treatment plant & percolation area, also included is a Natura Impact Statement"* (Application No.: 20221465).

3.3.14. On 28 November 2022, by letter from the Planning Authority to the applicant, the application was deemed invalid on two grounds: (1) *"the information submitted in the planning application is substantially incorrect or substantial information has been omitted",* and (2) in accordance with Section34(12) of the Planning and Development Act 2000 (as amended), the Planning Authority advised that it could not consider the application for retention and returned the application suggesting that substitute consent needed to be sought from An Bord Pleanála, hence this present application. The Planning Authority also noted: *"There are two enforcement cases noted in relation to the unauthorised developments, Enf. 0158/2022 non-compliance with PP 20211928 and Enf. 0160/2020 unauthorised development of campervan camp site."*

3.3.15. On 6 December 2022, the Geological Survey of Ireland (GSI) made a submission regarding the application for planning permission. In its submission, the GSI noted that *"there is a CGS within the boundary of the proposed campsite development."* (A 'CGS' refers to a County Geological Site listed in the County Wexford Development Plan.)

3.3.16. In November 2023, an application for substitute consent was lodged to An Bord Pleanála in November 2023 (ABP-318529-23) but was deemed invalid due to providing no evidence that it was made as a consequence of either section 177B or 177D of the preconditions for its validity under Section 177E the Planning and Development Acts 2000 to 2023.

3.3.17. In January 2024, a further application for substitute consent was lodged to An Bord Pleanála (ABP-318820-24) but was deemed invalid due to the notices not complying with the requirements of 177E(2)(f) as prescribed under section 177N of the Act.

3.3.18. A Google image from 2024 shows the campsite facilities in place but the site largely unoccupied (Figure 13).

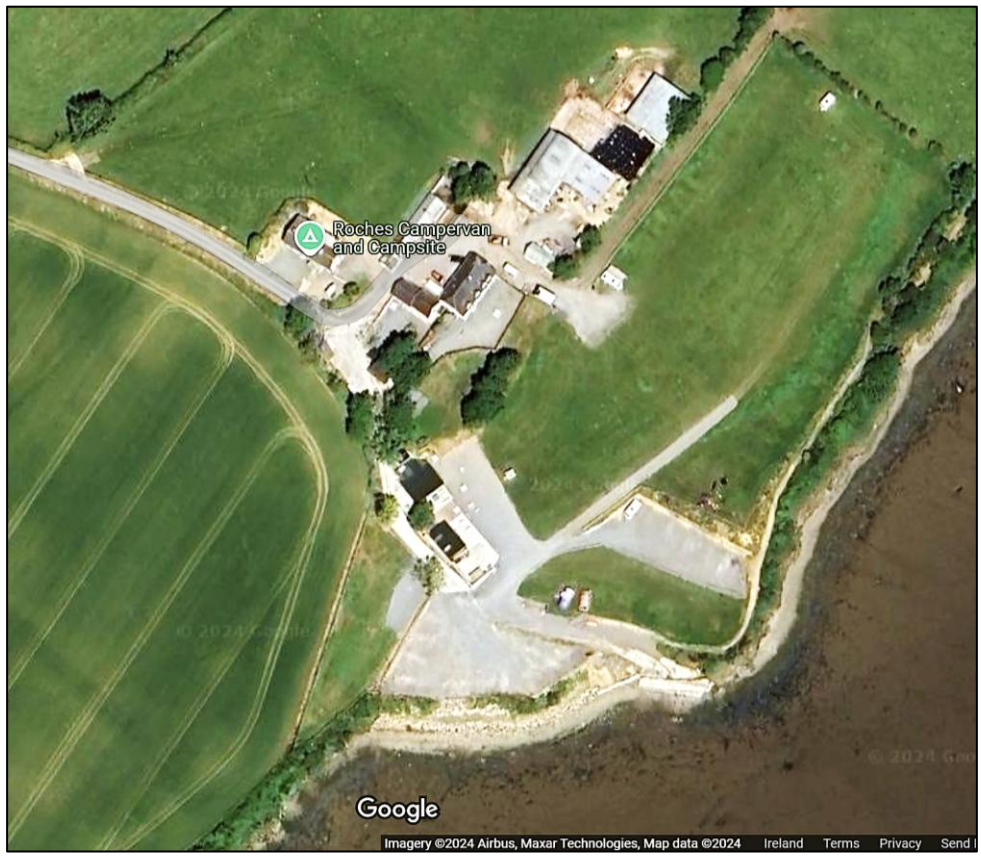


Figure 13. The vacant campsite in 2024.

(Source: https://www.google.com/maps/)

3.3.19. On 14 May 2024, John Roche applied to An Bord Pleanála for substitute consent consultation, specifically a *"Request to enter into pre-application consultation pursuant to section 177E(1A) of the Planning and Development Act 2000 (as amended)"* (Case reference: SI26.319723). That application is still flagged as "Live".

3.3.20. An Bord Pleanála's record of a meeting held on 20 August 2024 is set out below (Appendix 5 at Section 11.5).

3.3.21. In December 2024, the issue regarding planning permission was brought before the courts by Wexford County Council. Further consideration of the case was postponed until February 2025.

3.3.22. In summary, the three applications to date for planning permission for the application site are:-

- 20201366 of 18 November 2020 for permission for a campsite; subsequently withdrawn by the applicant on 19 January 2021 (3.3.7 and 3.3.8).
- 20211928 of 10 December 2021 *"for retention of 2 no. agricultural storage buildings"*. On 4 March 2022, the permission sought was granted subject to five conditions (3.3.12).
- 20221465 of 3 November 2022 for permission for a campsite; deemed invalid due to legislation (3.3.13 and 3.3.14).

3.4. Description of the application

3.4.1. The site layout plan (Figure 2) accompanying the application for substitute consent features the following eleven elements

- Proposed camper/caravan parking area.
- Proposed location for chemical waste disposal tank.
- Proposed camper parking area No 1.
- Proposed camper parking area No 2 (6 pitches).
- Proposed treatment plant.
- Proposed percolation area.
- Shed A: change of use.
- Shed B: change of use, plus refuse storage area.
- Unidentified structure.
- Proposed camper parking area No 3 (7 pitches).
- Slipway to bay and infilling.

3.4.2. For clarity and to minimise repetition, these eleven constituent elements are clustered under four headings (Table 1) and are addressed and described below via the section number links indicated together with all of their associated site works and services on site.

Headings and elements	Type of substitute consent required	Link to paragraph number
1. Parking Proposed camper/caravan parking area. Proposed camper parking area No 1. Proposed camper parking area No 2 (6 pitches). Proposed camper parking area No 3 (7 pitches).	Retention	3.5
2. Facilities and services Shed A: change of use. Shed B: change of use, plus refuse storage area. Unidentified structure.	Retention	3.6
3. Sewage treatment Proposed location for chemical waste disposal tank. Proposed treatment plant. Proposed percolation area.	Construction	3.7
4. Slipway Slipway to bay and infilling.	Retention	3.8

Table 1. The eleven elements of the application.

3.5. **Parking**

3.5.1. Substitute consent is sought for retention of existing parking facilities onsite. This element of the site layout plan features four principal areas (Figure 14 ,yellow).

- Proposed camper/caravan parking area: the northern portion of the grass field,
- Proposed camper parking area No 1, a central, elevated, grassed area,
- Proposed camper parking area No 2 (6 pitches), a serviced shelf excavated into the sloping field immediately north of the slipway to the bay, and
- Proposed camper parking area No 3 (7 pitches), a serviced area with charging points at the southern extremity of the site.

The northern portion of the application site is accessed by vehicles via a newly constructed roadway (Figure 14, red). The southern portion of the application site is accessed by vehicles via the existing lane.

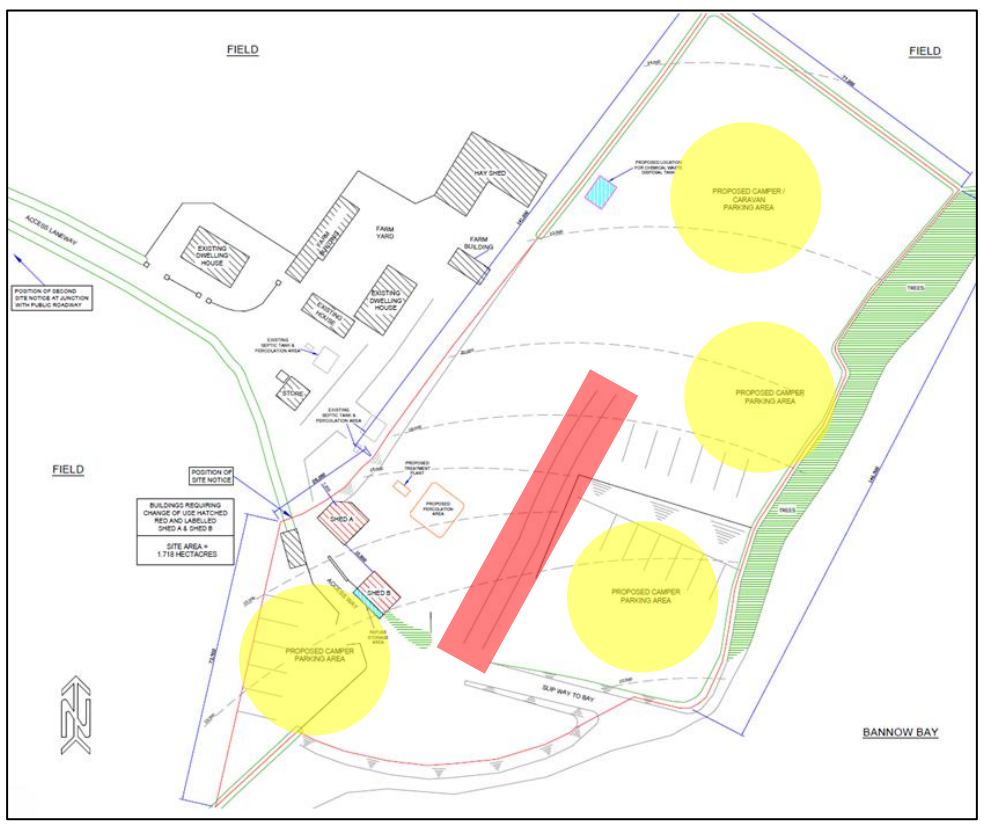


Figure 14. Parking and camping areas (yellow).

(Site layout plan source: John Roche Architectural Services Sheet No 11, dated 17/12/2024)

3.5.2. Neither the groundworks for the excavated shelf at 'Proposed camper parking area No 2 (6 pitches)', nor its associated access roadway (Figure 14, red) were the subject of any application for planning permission.

3.5.3. The northern portion of the application site is a sloping grass field with an excellent quality sward (Plate 2). The perimeter of the site is serviced with electricity access points attached to fencing posts (Plate 2, inset).

Plate 2. Northern portion of the application site.

(Photo: Jim Hurley, 7 January 2025)

3.5.4. To create a level surface for parking, a shelf was excavated into the sloping field to create 'Proposed camper parking area No 2 (6 pitches)' overlooking Bannow Bay (Plate 3). Both the parking area on the shelf and the campsite in the northern portion of the application site are accessed via a constructed roadway with a gravel surface (Plate 3, extreme left).

Plate 3. Proposed camper parking area No 2 (6 pitches) (right).

(Photo: Jim Hurley, 7 January 2025)

3.5.5. The section exposed by the excavation works to create ‘Proposed camper parking area No 2 (6 pitches)’ (Plate 3) shows that soil depth at the application site is shallow with underlying highly fractured, slatey bedrock (see paragraph 8.3.2) (Plate 4).

Plate 4. Soil section to bedrock at the application site.

(Photo: Jim Hurley, 7 January 2025)

3.5.6. ‘Proposed camper parking area No 3 (7 pitches)’ is at the extreme southern end of the application site (Plate 5). The applicant owns the field visible on the right.

Plate 5. Proposed camper parking area No 3 (7 pitches).

(Photo: Jim Hurley, 7 January 2025)

3.6. **Facilities and services**

3.6.1. Substitute consent is sought for retention of existing facilities and services at an existing camping / camp site and all associated site works at Clonmines, Wellingtonbridge, Co Wexford. This element of the site layout plan features facilities and services onsite providing for patrons as follows:

- existing Shed A,
- existing Shed B, and
- a structure not labelled on the site layout plan.

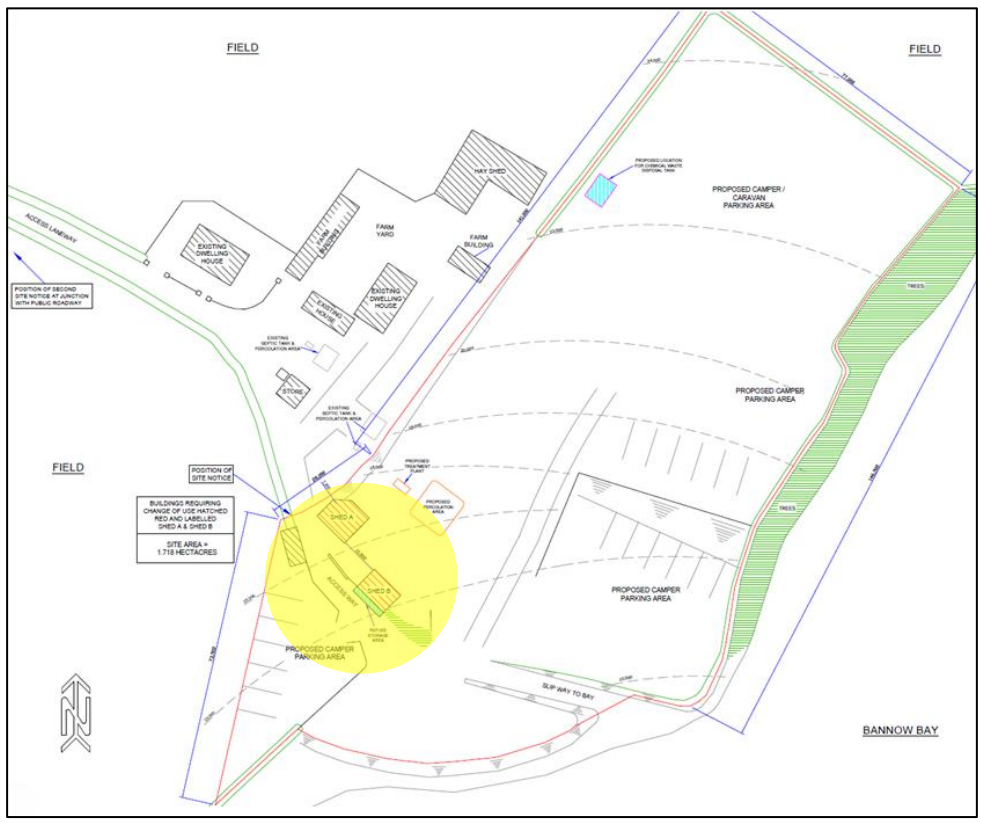


Figure 15. Facilities and services (yellow).

(Site layout plan source: John Roche Architectural Services Sheet No 11, dated 17/12/2024)

3.6.2. Shed A is a steel-framed building with walls that are a mixture of cast concrete below and metal sheeting above, a profiled metal, pent roof, and a concrete floor. Constructed on ground sloping steeply to the south-east, the building is approximately 10m long, 9m wide and 3.8m high. It has a floor area of 69.67m^2. The structure accommodates two bathrooms with showers. It was formerly used as a toilets/showers building and included a kitchen, washing area, and seating area with TV. On 4 March 2022, planning permission was granted by the Planning Authority of Wexford County Council, subject to five conditions, to retain Shed A as an "*agricultural storage building"* (Application No: 20211928). The five conditions referred to are listed at 3.3.12 above. Substitute consent is now sought to revert Shed A to the building's former function to service the proposed campsite.

3.6.3. Shed B is a rolled steel joist, agricultural building with waist-high cast concrete walls on three sides, a sloping concrete floor, and a profiled metal, pent roof. The north-eastern side is open. Constructed on ground sloping steeply to the south-east, the building is approximately 9m long, 6m wide and has a ridge height of 4.7m. It has a floor area of 51.28m^2. The structure was formerly used as The Bay View Coffee Dock, with picnic tables both inside and outside, a barbeque, food services, night time outdoor lighting, campfires, live music, and dancing. On 4 March 2022, planning permission was granted by the Planning Authority of Wexford County Council, subject to five conditions, to retain Shed B as an "*agricultural storage building"* (Application No: 20211928). The five conditions referred to are listed at 3.3.12 above. Substitute consent is now sought to revert Shed B to the building's former function to service the proposed campsite.

3.6.4. Adjoining Shed B there is an elevated area of made ground with cast-in-situ retaining concrete walls. The area functions as a food service area with a chip and hot food van and adjoining seating. The works involved were not the subject of any application for planning permission.

3.6.5. The building not labelled on the site layout plan is a former wine bar measuring 2m by 6m approximately and of metal cladding and timber decking construction. The structure is considered to be exempt from planning permission due to both its small size and its construction fabric.

3.6.6. The structures visible in Plate 6 from left to right are (1) the chipper and hot food van on an elevated area of made ground, (2) Shed B (with bunting), (3) the Wine Bar, and (4) Shed A.

Plate 6. Shed A, Shed B, and other structures.

(Photo: Jim Hurley, 7 January 2025)

3.7. **Sewage treatment**

3.7.1. Permission is sought for construction of sewage treatments at an existing camping / camp site and all associated site works at Clonmines, Wellingtonbridge, Co Wexford. This element of the site layout plan features a proposed chemical waste disposal tank (Figure 16, upper yellow circle), and a proposed treatment plant and its associated proposed percolation area (Figure 16, lower yellow circle).

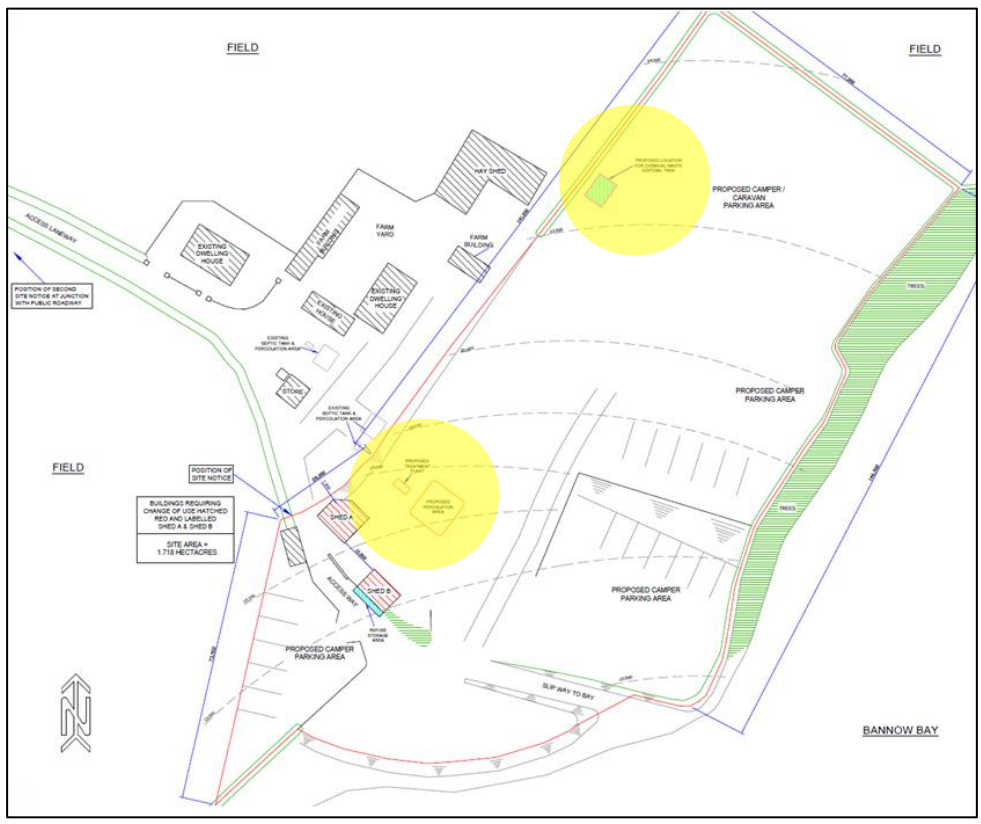


Figure 16. Sewage treatment (yellow).

(Site layout plan source: John Roche Architectural Services Sheet No 11, dated 17/12/2024)

3.7.2. The proposed treatment plant and its associated proposed percolation area are described in a separate 18-page Site Suitability Assessment (SSA) compiled by John Roche Architectural Services. That SSA was original submitted to the Planning Authority of Wexford County Council with planning application number 20201366 (link to paragraph 3.3.7 and https://dms.wexfordcoco.ie/application.php?q=20201366#) and now forms part of the present application to An Bord Pleanála for substitute consent. The SSA states that effluent from Shed A was formerly pumped to the septic tank serving the dwelling houses offsite but it is now proposed to upgrade by directing effluent to a proposed new purpose-built treatment plant onsite.

3.7.3. Ground conditions and soil permeability are both considered suitable for the proposed treatment plant and its associated proposed percolation area. Test results returned a T_{100} value of 10.94 (mins/25mm). The proposed new system is a packaged wastewater treatment system with polishing filter designed in accordance with the EPA code of practice. Site specific conditions require that a mechanical aeration system will be used to reduce the overall size of the percolation area.

3.7.4. It is proposed to install a 7,500l, packaged EN12566: Part 3 waste water treatment system complying with the National Irish Annex and supplied by Doran Concrete Products Ltd, New Ross, Co Wexford. That system will gravity feed to a distribution box and an accompanying standard percolation bed incorporating 110m^2 of percolation area with 45 linear meters of pre-drilled percolation piping using existing ground (Figure 17), to be constructed in accordance with EPA Guidelines. The resultant treated effluent will discharge to groundwater.

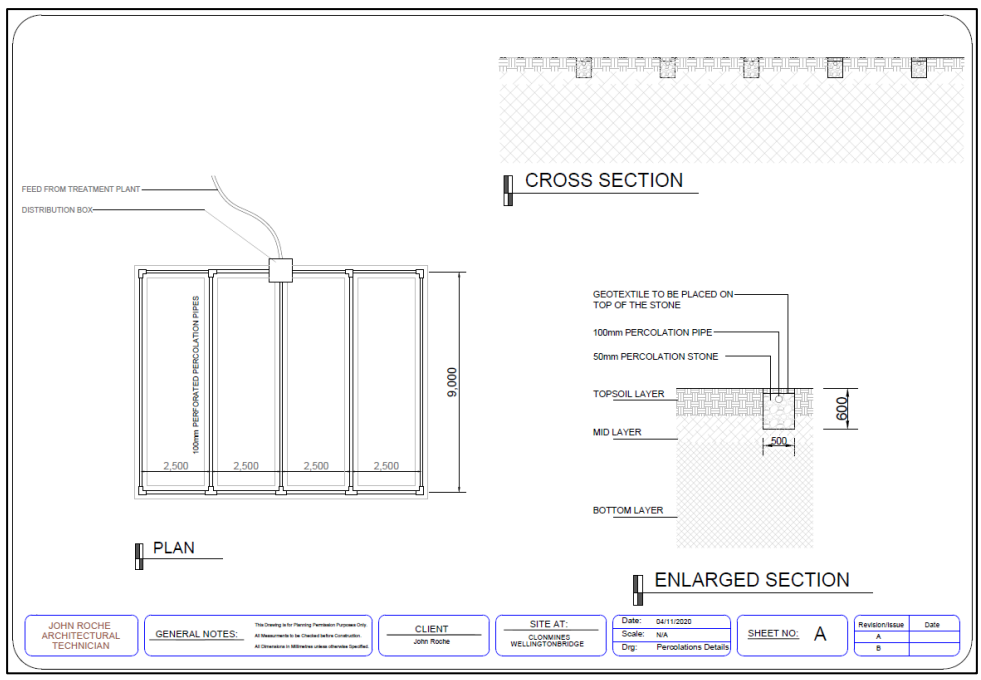


Figure 17. Details of the proposed percolation area.

(Source: 2020 Site Suitability Assessment, John Roche Architectural Services)

Plate 7. Indicative location (arrowed) of the proposed waste disposal tank.

(Photo: Jim Hurley, 7 January 2025)

3.7.5. Plate 8 shows the indicative location (arrowed red) of the proposed sewage treatment plant and its associated percolation area with the open communal socialising area fronting Shed A visible in the foreground.

Plate 8. Indicative location (arrowed) of the proposed treatment plant.

(Photo: Jim Hurley, 7 January 2025)

3.8. **Slipway and infilling**

3.8.1. Substitute consent is sought for retention of an existing slipway and infilled are at an existing camping / camp site and all associated site works at Clonmines, Wellingtonbridge, Co Wexford. This element of the site layout plan features an existing slipway and infilled ground with its associated coastal protection works (Figure 18, yellow circle).

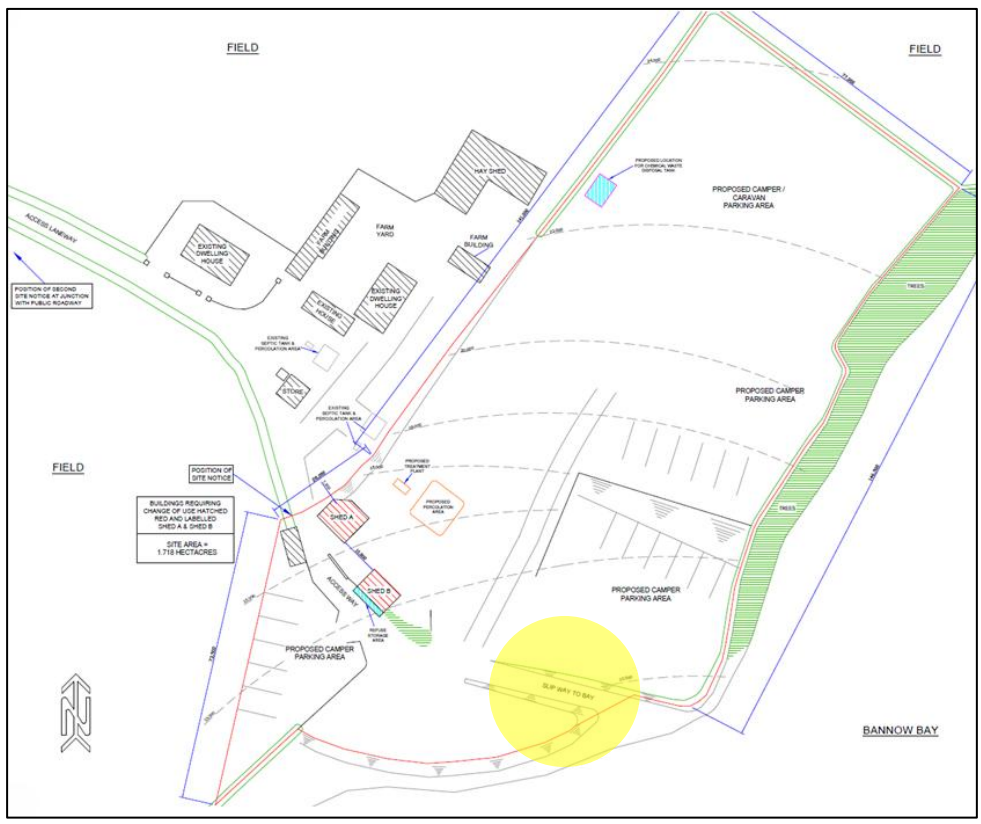


Figure 18. Slipway to Bannow Bay (yellow).

(Site layout plan source: John Roche Architectural Services Sheet No 11, dated 17/12/2024)

3.8.2. The filling used was rubble sourced from old buildings knocked down during developments at both the home farm and at an out farm owned by the applicant.

3.8.3. The slipway and its deck were constructed around 2019 (Figure 7) when the campsite opened suggesting that it was installed as a facility and attraction for use by those using the campsite.

3.8.4. Neither planning permission, a foreshore licence, or consent from the Minister regarding Activities Requiring Consent (ARCs) in the protected areas were sought for either the slipway, the land reclaimed from the foreshore, or their associated coastal protection works.

3.8.5. When the slipway was constructed it constituted as allurement and was, and still is, used by groups not connected with the campsite, such as the local (Fethard) station of the Royal National Lifeboat Institution (RNLI) (https://rnli.org/find-my-nearest/lifeboat-stations/fethard-lifeboat-station) and Wexford Sub-Aqua Club (https://www.divewexford.org/), to access the waters of Bannow Bay for practice and training purposes.

3.8.6. In Plate 9, the timber fencing visible on the skyline (centre) is the boundary of the application site. Part of the foreshore was infilled with recycled rubble from demolished farm building in an attempt to arrest coastal erosion. Plate 9 shows the mound of filling (centre) with its waterside toe armoured with rocks, recycled concrete, and a retaining wall of large stackable concrete blocks. The timber piling (left) suggests that a jetty is under construction. The wet mark on the slipway deck shows that the tide is ebbing. The image was captured at 11:47am on a calm day on 7 January 2025 one hour after local high water (10:48am. Source: https://www.tideschart.com/Ireland/Leinster/Wexford/Bannow-Bay/).

Plate 9. The slipway and armoured filling.

(Photo: Jim Hurley, 7 January 2025)

3.8.7. In summary, the activities associated with the application site are summarised as follows.

- **Investigation phase**. Engineering, planning, and other technical surveys and assessments of the site and its environs.
- **Construction phase**. The activities outlined above (3.7) regarding sewage treatment.
- **Operation phase**. Use of the campsite by the applicant to conduct a tourism business.
- **Decommission phase**. No activities planned.

4. THE RECEIVING ENVIRONMENT

4.1. Baseline description of the application site

4.1.1. **Location**. The location of the application site, access to it, and its shape, size, elevation, and orientation are shown and described above (Section 3) together with details and a description of the proposed works at that location.

4.1.2. **Land use**. The application site is in an agricultural area with a mix of pastures (Code 231; Figure 19, pale brown) and arable land (Code 211; Figure 19, pale yellow). The red colour in Figure 19 denotes the discontinuous urban fabric (Code 112) and artificial surfaces around the settlement of Wellingtonbridge. Bannow Bay is featured in the pale blue colour with a darker blue below Wellingtonbridge denoting coastal wetlands with intertidal flats (Code 423) and a different shade of blue above Wellingtonbridge denoting inland wetlands with inland marshes (Code 411).

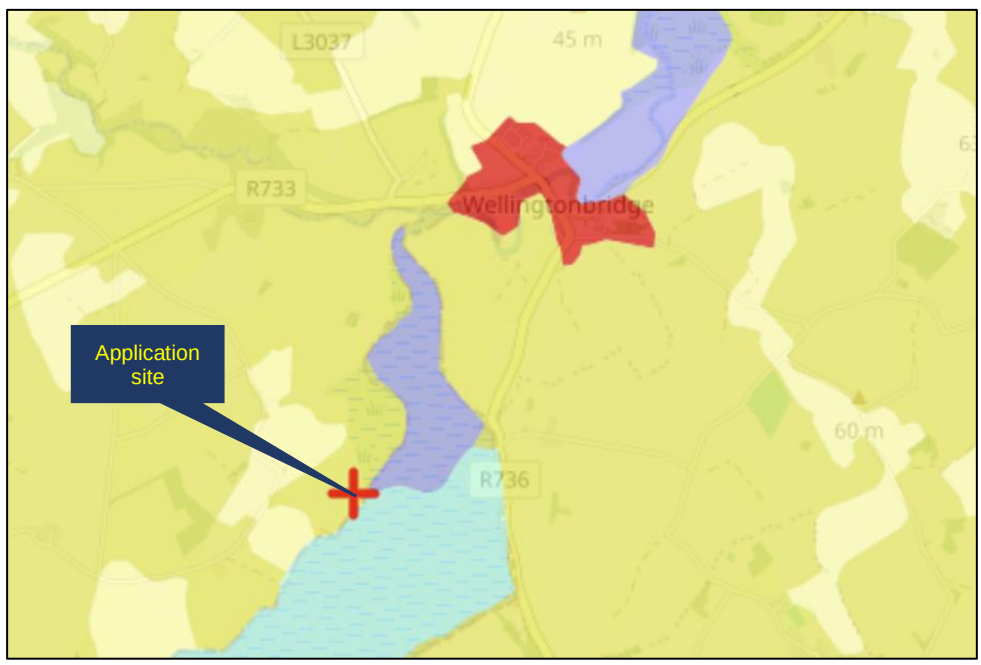


Figure 19. Corine 2018 land use categories.

(Source: https://gis.epa.ie/EPAMaps/default)

4.1.3. **Scientific interest**. The application site is not known to be of any particular scientific interest apart from the small portion that overlaps with the Bannow Bay Natura 2000 site.

4.1.4. The National Biodiversity Records Centre's dataset was interrogated for species recorded in a custom polygon drawn to contain the application site (Figure 20). The interrogation yielded no data of any species recorded within the user-defined polygon (Table 2).

Figure 20. Custom polygon containing the application site.

(Source: https://maps.biodiversityireland.ie/Map)

	A	B	C	D	E	F	G
1	Feature name	Species group	Species name	Record count	Date of last record	Title of dataset	Designation
2							
3							
4							
5							
6							
7							
8							
9							
10							

Table 2. Results of the species search within the user-defined polygon.

4.1.5. **Habitats**. The application site was visited on 7 January 2025. The site and its environs were walked, the ecological context of the proposed development was examined, and a photographic record was compiled. Habitats on site were recorded to Level 3 of the Fossitt hierarchical classification system (Fossitt, 2000).

Description of the application site. The application site is predominantly a grass field (GA1 Improved agricultural grassland) in a rural area. The field slopes downward from its north-west to its south-east extremity. In the recent past, it was used as a campsite but has reverted to pasture as part of a working dairy farm. When the campsite was in operation, the field was essentially an undisturbed grassland for at least five months of the year due to the seasonal nature of the tourism business.

On 7 January 2025, the western side of the application site was bordered by timber paling separating it from a farm track and walkway for dairy cows moving to and from the adjoining farmyard and agricultural buildings (Plate 7). The northern boundary of the site was marked by a field boundary with an inferior quality, gapped hedgerow (WL1) and some scattered small trees. The northern boundary has a wide gap into the adjoining pasture.

The eastern boundary of the application site was a fence line with some shrubby trees adjoined by an unsurfaced walking trail along the clifftop above Bannow Bay (Plate 10).

Plate 10. The eastern boundary of the application site.

(Photo: Jim Hurley, 7 January 2025)

The southern end of the sloping field featured made ground: an excavated shelf and other level surfaces. These works exposed an area of till (ED1: Exposed sand, gravel or till). The level surfaces featured either bare ground (ED2: Spoil and bare ground) or crushed stone finish. On the day of the site visit crushed stone was being delivered to dress the shelf with a fresh surface (Plate 11).

Plate 11. Crushed stone being delivered to surface the shelf.

(Photo: Jim Hurley, 7 January 2025)

Both the campsite and the shelf were accessed by constructed driveways, both concreted and compacted stone surfaces, and had three adjoining small structures (BL3: Buildings and artificial surfaces). In places the spoil and bare ground (ED2) of the compacted stone surfaces was highly disturbed and trafficked so colonising vegetation was unable to establish. Where spoil and bare ground was less disturbed, less heavily trafficked, and had a higher content of fine sediment, the surface was in the initial stages of being colonised by rank vegetation and agricultural weeds. The edges supported grassy verges (GS2).

The south-eastern extremity of the application site featured the upper (terrestrial) end of a concrete slipway to Bannow Bay (CC1: Sea walls, piers and jetties).

4.1.6. **Invasive aliens**. No plant species subject to restrictions under Regulation No 49 and No 50 of the *European Communities (Birds and Natural Habitats) Regulations 2011*, SI No 477 of 2011 (https://www.irishstatutebook.ie/eli/2011/si/477/), and listed in the Third Schedule of these Regulations, was recorded at the site of the proposed development during the walkover survey.

4.1.7. **Annex IV species**. Annex IV of the Habitats Directive lists *"Animal and plant species of Community interest in need of strict protection"* (consolidated Version 1.1, 2007 at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1992L0043:20070101:EN:PDF). The following species listed in Annex IV are found in Ireland and require strict protection

- All bats (nine resident species and at least one vagrant)
- All cetaceans (24 species of whales, dolphins and the Harbour Porpoise *Phocaena phocaena*)
- The Eurasian Otter *Lutra lutra*
- The Leatherback Turtle *Dermochelys coriacea*
- The Natterjack Toad *Epidalea calamita*
- The Kerry Slug *Geomalacus maculosus*
- The Killarney Fern *Trichomanes speciosum*
- The Slender Naiad *Najas flexilis*
- The Yellow Marsh Saxifrage *Saxifraga aizoides*

Of those species listed above, bats and the Eurasian Otter are considered likely to occur at or adjoining the application site.

4.1.8. **Protected species**. Licences are required from the National Parks and Wildlife Service under the Wildlife Acts if there are impacts on protected species or their resting or breeding places (http://www.npws.ie/licences/disturbance/). The issue of licences does not arise in the present case as there are no known protected plant species, otter holts, badger setts or bat roosts at the application site.

5. POTENTIALLY IMPACTED SITES

5.1. Identification of Natura 2000 sites

5.1.1. Natura 2000 is a network of nature protection areas in the territory of the European Union. The network is made up of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) (for details see Appendix 1 in Section 11.1 below). The sensitive receptors of the Natura network located within concentric circles enclosing possible zones of impact with radius 5km, 10km, and 15km from the application site comprise two Natura 2000 sites (Table 3 and Figure 21).

Distance from the application site	Site Name	SPA Site Code	SAC Site Code
0-5km	Bannow Bay	IE0004033	IE0000697
	Seas off Wexford	IE0004237	-
5-10km	Ballyteige Burrow	IE0004020	IE0000696
	Keeragh Islands	IE0004118	-
	Hook Head	-	IE0000764
10-15km	Saltee Islands	-	IE0000707
	River Barrow and River Nore	-	IE0002162

Table 3. Natura 2000 sites in the zone of impact of the subject site.

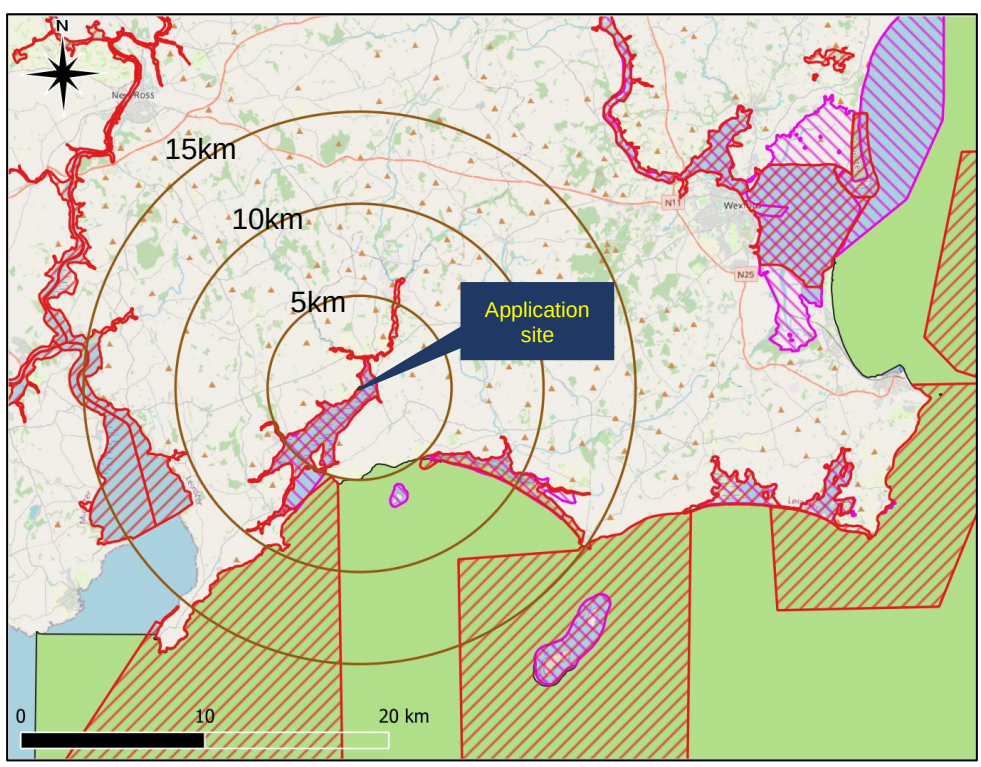


Figure 21. Natura 2000 sites within 5km, 10km, and 15km of the subject site.

5.1.2. It is considered that Natura 2000 sites further than 15km from the application site are unlikely to be subject to any appreciable effects that may arise from the application site and are therefore excluded from any further reference or assessment.

5.1.3. The only Natura 2000 site with a potential to be subject to effects arising from the application site is considered to be Bannow Bay featured (Figure 22) and described (paragraph 5.1.7) below.

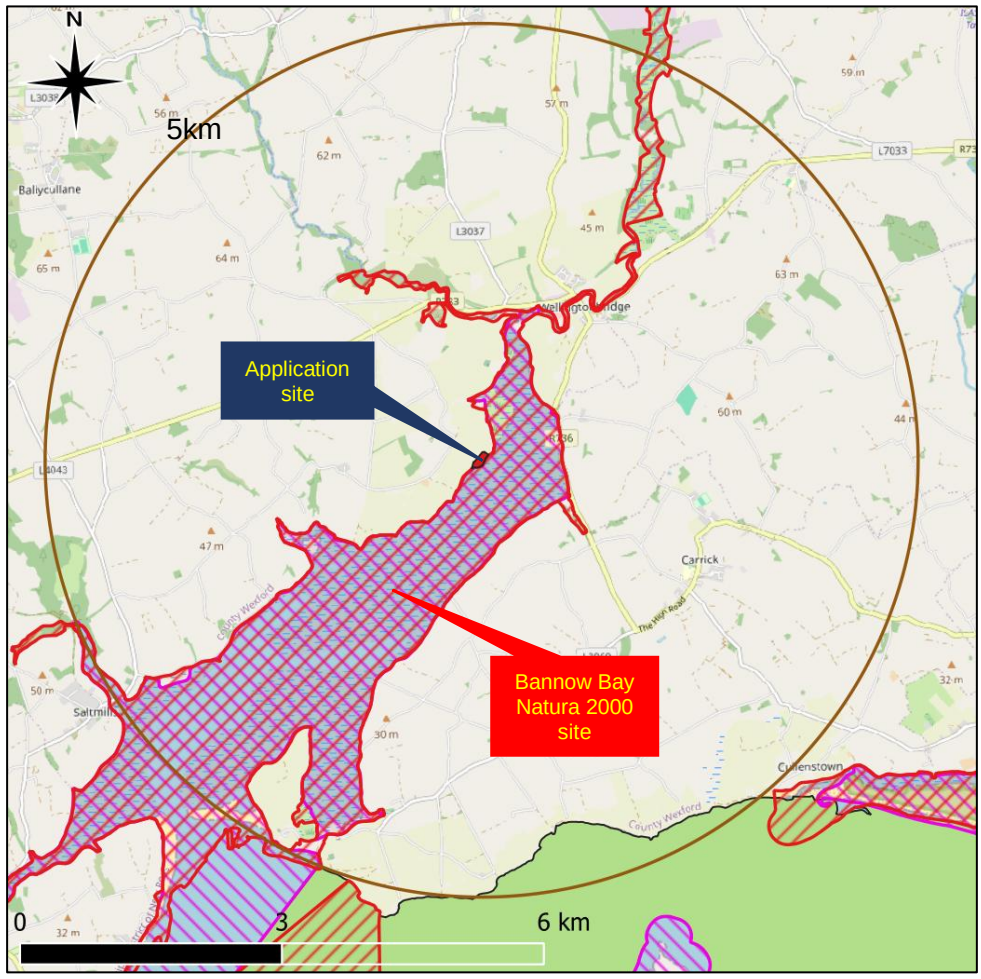


Figure 22. Potentially impacted Natura 2000 site.

5.1.4. The Bannow Bay Natura 2000 site is subject to two designations:

- Site Name: Bannow Bay Special Area of Conservation (SAC), Site Code: IE0000697, and
- Site Name: Bannow Bay Special Protection Area (SPA), Site Code: IE0004033.

5.1.5. While the SAC boundary is featured below (Figure 23); a similar tile for the SPA boundary has not yet been published.

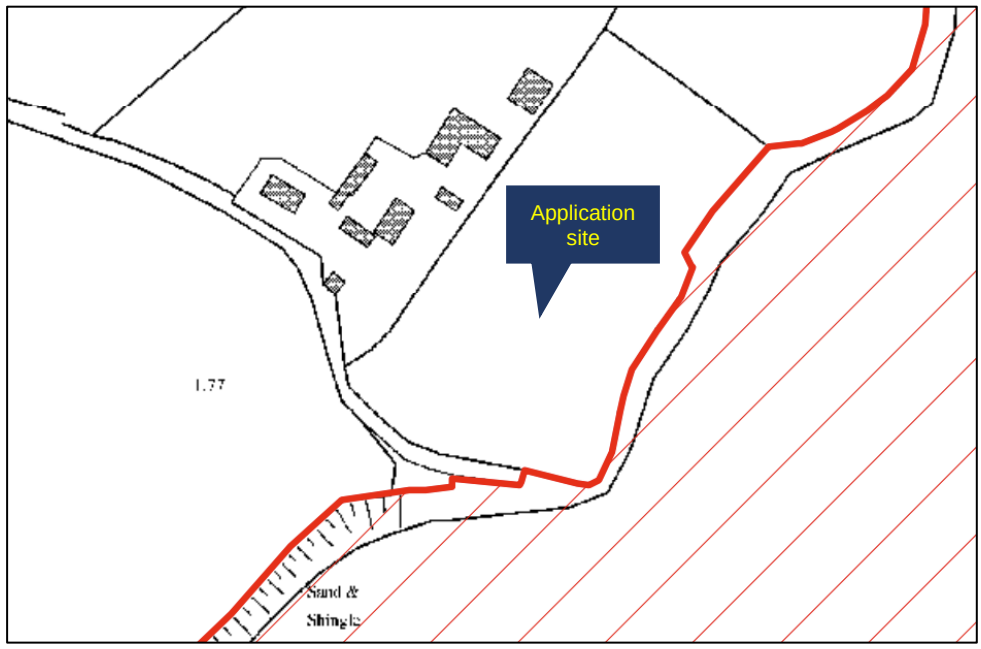


Figure 23. 1:5000 OSI tile showing the Bannow Bay SAC (edged red).

(Source: Extract of sheet 11 of 24 sheets at https://www.npws.ie/sites/default/files/protected-sites/statutory_instrument_maps/MAP000697.pdf)

5.1.6. Small parts of both the Bannow Bay SAC (Figure 24, red hatching) and the Bannow Bay SPA (Figure 24, magenta hatching) overlap with the southern extremity of the application site.

Figure 24. Overlap of the Natura 2000 site and the application site.

5.1.7. **Site description**. Bannow Bay Natura 2000 site is a coastal, water dependent, dual-designated site (SAC and SPA) centred on Bannow Bay, technically not a bay but a ria (an inlet formed by the partial submergence of a river valley). The SAC includes the lower reaches of both the Corock River and the Owenduff River, associated wetlands around the bay, and the sand dunes at the mouth of the bay (Figure 25, left). The SPA comprises the main body of the bay and extends southward to incorporate Fethard Bay (Figure 25, right).

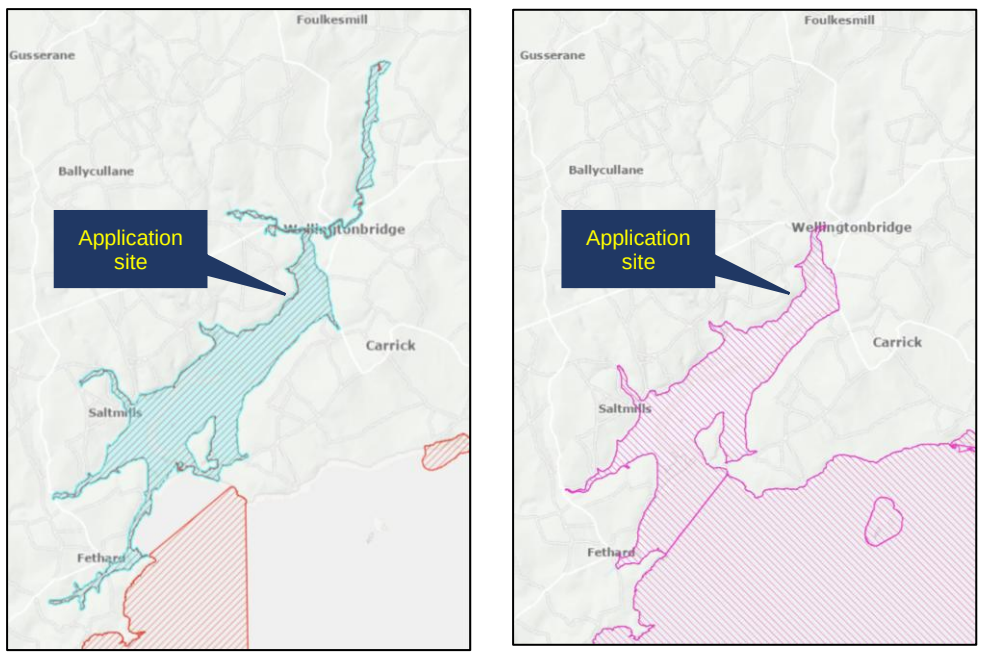


Figure 25. Bannow Bay SAC (left) and SPA (right).

(Source: https://experience.arcgis.com/)

5.1.8. The Special Area of Conservation is described in a four-page 'Site Synopsis', Version date: 01.04.2014 at https://www.npws.ie/protected-sites/sac/000697, while the Special Protection Area is described in a three-page 'Site Synopsis', Version date: 07.07.2014 at https://www.npws.ie/protected-sites/spa/004033.

5.1.9. The overriding conservation objective of Natura 2000 sites is the maintenance or restoration of the habitats and species that these sites are designated for.

5.1.10. The integrity of a Natura 2000 site is determined based on the conservation status of the qualifying interests of the site.

5.1.11. Conservation objectives provide the specific attributes and targets by which the maintenance of the favourable conservation condition of the qualifying interest of the Natura 2000 site is measured.

5.1.12. The qualifying interests of Bannow Bay SAC are the 11 habitats tabulated below together with the conservation objectives for the site (Table 4).

Potential impact site	Features of interest	Conservation objectives
Bannow Bay SAC (IE0000697)	1) Estuaries [1130] 2) Mudflats and sandflats not covered by seawater at low tide [1140] 3) Annual vegetation of drift lines [1210] 4) Perennial vegetation of stony banks [1220] 5) *Salicornia* and other annuals colonising mud and sand [1310] 6) Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] 7) Mediterranean salt meadows (*Juncetalia maritimi*) [1410] 8) Mediterranean and thermo-Atlantic halophilous scrubs (*Sarcocornetea fruticosi*) [1420] 9) Embryonic shifting dunes [2110] 10) Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120] 11) Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	**Generic**: To maintain or restore the favourable conservation condition of the habitats listed as Special Conservation Interests for the SAC. **Site specific**: Site specific conservation objectives are detailed in a 29-page report, Version 1.0, dated 09 July 2012 (https://www.npws.ie/protected-sites/sac/000697). However, site-specific conservation measures targeted at how these conservation objectives are to be achieved have not been published. Similarly, a management plan for Bannow Bay SAC is not yet available.

Table 4. Interests and objectives, Bannow Bay SAC (IE0000697).

(Source: https://www.npws.ie/protected-sites/sac/000697)

5.1.13. The qualifying interests of Bannow Bay SPA are the 13 named species of wild birds together with 'Wetland and Waterbirds' in general tabulated below together with the conservation objectives for the site (Table 5).

Potential impact site	Qualifying interests	Conservation objectives
Bannow Bay SPA (IE0004033)	1) Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] 2) Shelduck (*Tadorna tadorna*) [A048] 3) Pintail (*Anas acuta*) [A054] 4) Oystercatcher (*Haematopus ostralegus*) [A130] 5) Golden Plover (*Pluvialis apricaria*) [A140] 6) Grey Plover (*Pluvialis squatarola*) [A141] 7) Lapwing (*Vanellus vanellus*) [A142] 8) Knot (*Calidris canutus*) [A143] 9) Dunlin (*Calidris alpina*) [A149] 10) Black-tailed Godwit (*Limosa limosa*) [A156] 11) Bar-tailed Godwit (*Limosa lapponica*) [A157] 12) Curlew (*Numenius arquata*) [A160] 13) Redshank (*Tringa totanus*) [A162] 14) Wetland and Waterbirds [A999]	**Generic**: To maintain or restore the favourable conservation condition of the species listed as the Qualifying Interests of the SPA. **Site specific**: Site specific conservation objectives are detailed in a 21-page report, Version 1.0, dated 17 May 2012 (https://www.npws.ie/protected-sites/spa/004033). However, site-specific conservation measures targeted at how these conservation objectives are to be achieved have not been published. Similarly, a management plan for Bannow Bay SAC is not yet available.

Table 5. Interests and objectives, Bannow Bay SPA (IE0004033).

(Source: https://www.npws.ie/protected-sites/spa/004033)

5.2. Identification of other designations

5.2.1. **Ramsar site**. Bannow Bay is a Ramsar site. Named after the city of Ramsar in Iran, where the Convention was signed in 1971, and also known by its short name: the 'Convention on Wetlands', the Ramsar 'Convention on Wetlands of International Importance especially as Waterfowl Habitat', is an international treaty for the conservation and sustainable use of wetlands (https://www.ramsar.org/about-the-convention-on-wetlands-0).

5.2.2. The Convention's mission is *"the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world."*

5.2.3. The Convention on Wetlands is the intergovernmental treaty that provides the framework for the conservation and wise use of wetlands and their resources.

5.2.4. Bannow Bay was designated Ramsar site number 840 by the Irish government on 11 June 1996. (Figure 26).

Figure 26. Ramsar site No 840.

(Source: Irish Ramsar Wetlands Committee at http://irishwetlands.ie/irish-sites/)

5.2.5. **Marine Protected Area (MPA)**. As yet, there are no designated Marine Protected Areas (MPAs) in Ireland as enabling legislation has not been enacted.

On 5 August 2022, the government approved the 'General Scheme to Provide for Marine Protected Areas' and on 16 December 2022, the government published the 'General Scheme of the Marine Protected Areas Bill 2022'. However, since then, no progress has been reported regarding any advancement of the Bill.

Meanwhile, on 3 June 2011, Ireland transposed the European Union's 2008 Marine Strategy Framework Directive (MSFD) into domestic legislation via the European Communities (Marine Strategy Framework) Regulations 2011 (SI No 249 of 2011) (https://www.irishstatutebook.ie/eli/2011/si/249/made/en/print). These regulations state that, as areas subject to "*spatial protection measures*" and as designated protected areas, existing marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are Marine Protected Areas (MPAs) in effect even though they are not formally recognised as such in law [Article 12, paragraphs 7(a) and 7(b)].

(7) A spatial protection measure referred to in paragraph (6) includes—

(a) special areas of conservation pursuant to the Habitats Directive,

(b) special protection areas pursuant to the Birds Directive, and

(c) marine protected areas as agreed by the Community, or such other marine protected areas as may be agreed by any Minister of the Government pursuant to an international or regional agreement to which the State is a party.

(Source: SI No 249 of 2011, Article 12, paragraphs 7)

Therefore, since Bannow Bay is a SAC and a SPA of marine character and influence, it would, consequently, appear to qualify as a *de facto* MPA.

5.2.6. **County Geological Site (CGS)**. The application site adjoins one of the 42 sites rated of geological or of geomorphological importance in Co Wexford (yellow stars in Figure 27). Bannow Bay is a County Geological Site; recommended for Geological Natural Heritage Areas designation. The geomorphological features of the site *"make Bannow Bay a textbook locality for the recognition of coastal depositional features … and the geodiversity of an active sedimentation system should be highlighted in promotion of this."* (Meehan *et al*, 2019, individual site report for Bannow Bay).

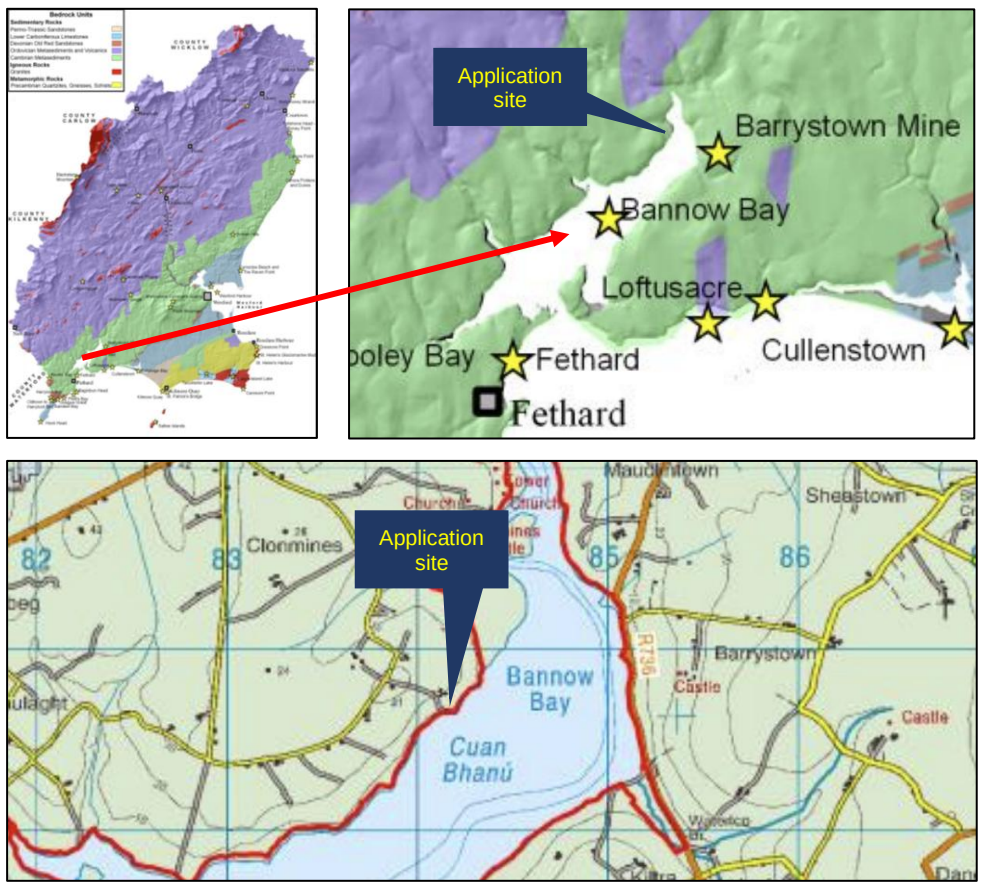


Figure 27. Geological heritage sites in Co Wexford (starred, above right).

(Meehan, *et al*, 2019 page 58 at https://www.gsi.ie/en-ie/publications/Pages/The-Geological-Heritage-of-Wexford.aspx) above, and individual site report for Bannow Bay, below).

5.2.7. **Shellfish production area**. Bannow Bay is a Class B shellfish production area for the cultivation of both the non-native Pacific Oyster (*Crassostrea gigas*), originally native to Japan, and the Manila Clam (*Ruditapes philippinarum*), native to the coasts of the Indian, Philippines and Pacific Oceans (Sources: https://dafm-maps.marine.ie/aquaculture-viewer/ and https://www.sfpa.ie/What-We-Do/Molluscan-Shellfish/Classified-Areas).

Five shellfish farmers are licenced to operate at 13 sites at Bannow Bay (Figure 28, yellow fill. Source: Marine Institute database).

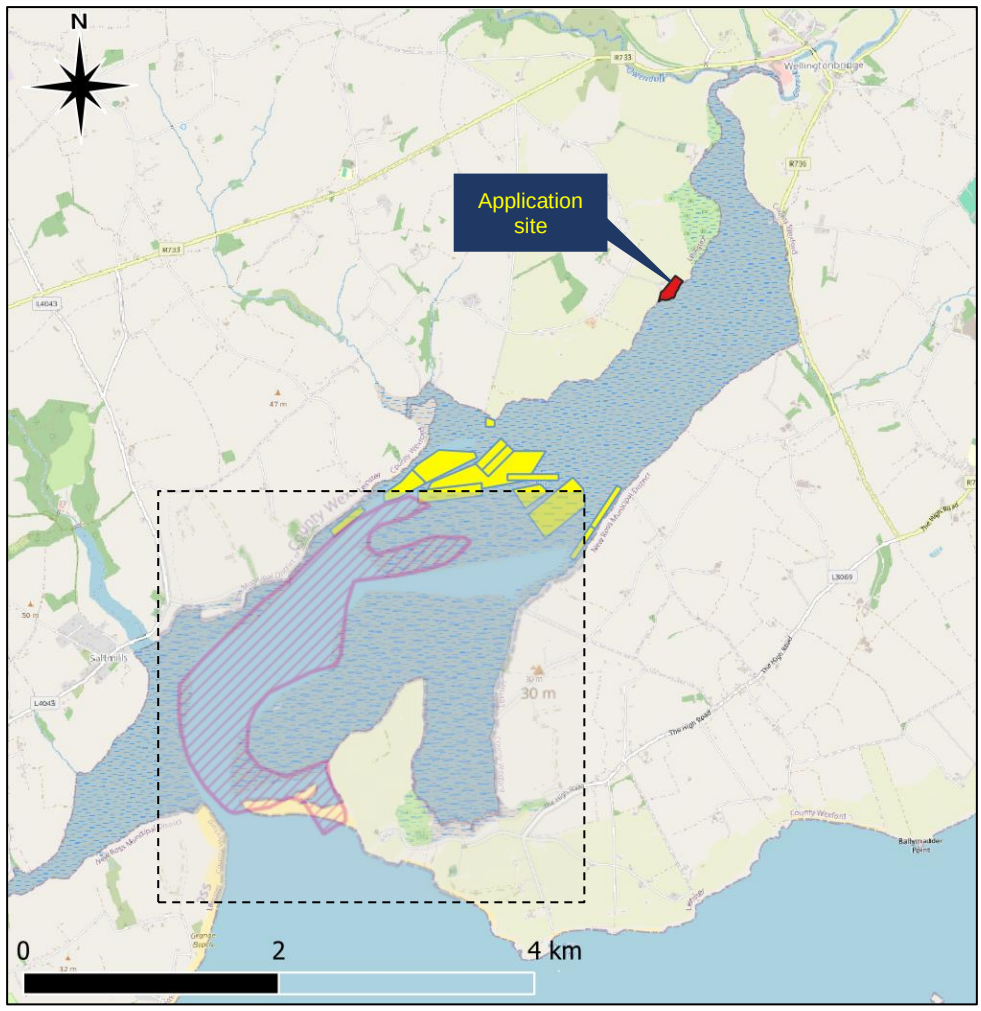


Figure 28. Shellfish aquaculture sites (yellow).

All of the licenced shellfish sites at Bannow Bay are outside of the 'Shellfish Area' designated as the protected area at Bannow Bay (Figure 28, 50% transparency overlay edged with a dashed line) (Source: https://gis.epa.ie/EPAMaps/Water Protected Areas / Shellfish Areas).

5.2.8. The 13 aquaculture sites are identified (Figure 29) and tabulated (Table 6) below.

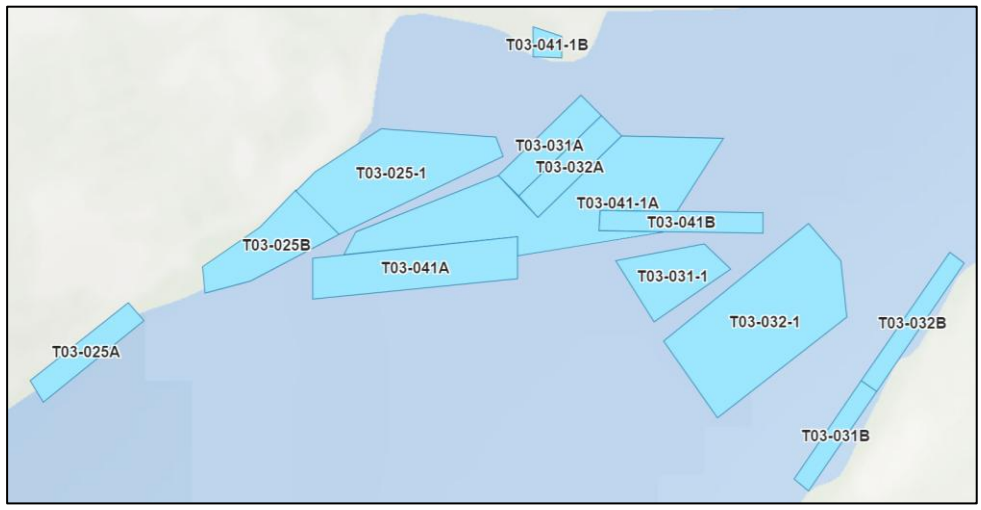


Figure 29. Aquaculture site identification codes at Bannow Bay

(Source: https://dafm-maps.marine.ie/aquaculture-viewer/)

Licence name	Sites occupied	No
Hookhead Shellfish Ltd	T03-025A, T03-025B and T03-025-1	3
Eugene Fitzpatrick	T03-41A and T03-41B, T03-041-1A and T03-041-1B	4
Bannow Island Shellfish Ltd	T03-31A, T03-32A, and T03-31B	2
Sean Ffrench Bannow Island Shellfish Ltd	T03-031-1	1
Special Bannow Bay Shellfish Ltd	T03-032-1 and T03-32B	3
	Total number of sites =	**13**

Table 6. Licenced shellfish farmers at Bannow Bay.

(Source: https://dafm-maps.marine.ie/aquaculture-viewer/)

6. POTENTIAL IMPACTS

6.1. Impact identification and prediction

6.1.1. This section considers the likely effects and impacts of the proposed development described above (Section 3) by identifying the individual elements of the development likely to give rise to adverse impacts either directly, indirectly, short-term or long-term, alone, cumulative and/or in combination with other plans or projects, taking account of the construction, operation and decommissioning phases involved in both timescale and extent. The three parameters within the Source-Pathway-Receptor (S-P-R) conceptual model are considered, and the extent of the zone of impact and influence is identified and quantified.

6.1.2. Whether the proposed development has the potential to have significant impacts on any Natura 2000 site is evaluated via several significance indicator questions in order to lay down a *de minimis* threshold (Figure 30, after EC, 2001).

Question	Answer
Is the application directly connected with, or necessary to, the nature conservation management of any Natura 2000 site or protected area?	No.
Is the application site in, overlapping, or adjacent to a Natura 2000 site?	Yes, the application site is adjacent to, and a part of it overlaps with a small part of the Bannow Bay Natura 2000 site.
Will advancement of the application result in the loss, reduction, alteration, or fragmentation of habitat from any Natura 2000 site, make any protected habitat more vulnerable to change or less resilient to external change (e.g. to flooding, fire or drought)?	Yes. Advancement of the application will result in the loss of habitat from the overlap area with the Bannow Bay Natura 2000 site.
Will advancement of the application result in the loss, reduction, displacement and/or disturbance of any protected species or key species that the sites have been selected for, or change either directly or indirectly the ecological community, population size, characteristics or reproductive success of a protected species (e.g. lighting close to a bat roost entrance)?	Possibly. Disturbance of protected species of wild birds may occur.
Is there a clear pathway of interaction between the application site and any protected area?	Yes, the site is in hydrological connection with Bannow Bay.
Will there be any significant emissions to air, water or land from the application site likely to change the physical/chemical quality of the environment in a way which may cause the deterioration of habitats (e.g. applying lime to an acidic soil), or change the key indicators of conservation value such as deterioration in the quality and/or quantity of water and/or other resources that sustain Natura 2000 sites?	Possibly. No emissions are planned but there is a potential for accidental spillages.

Figure 30.Tests for potential significant impacts.

6.1.3. The answers given above (Figure 30) indicate that the application site may have the potential to impact on a protected Natura 2000 site.

6.1.4. In general, the reasons for designating Natura 2000 sites and for having conservation objectives for them are *"to contribute to enabling the natural habitat types and the species present on the site to be maintained or, where appropriate, restored at a favourable conservation status"* (https://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note_EN.pdf).

6.1.5. Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the near future, and
- the conservation status of its typical species is favourable.

6.1.6. The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the near future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

6.2. **S-P-R modelling**

6.2.1. The three parameters within the Source-Pathway-Receptor (S-P-R) conceptual model (Figure 31) are

- **Source**: the cause of any potential impact,
- **Pathway**: how the source may reach what is affected, and
- **Receptor**: what is affected and how the effect relates to the conservation objectives of the Natura 2000 site.

Figure 31. The S-P-R model.

6.3. Explanation of likely effects

6.3.1. Section 6.1 above has established that the proposed development has the potential to give rise to adverse impacts either directly, indirectly, short-term or long-term, alone, cumulative and/or in combination with other plans or projects, taking account of the construction, operation and decommissioning phases involved in both timescale and extent.

6.3.2. Further to the foregoing, the sources of potential impact of the application site on the Bannow Bay Natura 2000 site are considered to be threefold (Table 7).

Impact	Sources
Habitats	Loss of, and/or damage to, designated habitats.
Species	Disturbance of designated wild birds.
Water pollution	Possible pollution from a poorly designed, constructed, maintained, or malfunctioning wastewater treatment plant resulting in pollutants entering surface waters or groundwater draining to a Natura 2000 site and a deterioration in the quality of the waters at Bannow Bay that sustain that site and the species it supports.

Table 7. Possible impacts from the proposed development.

6.3.3. These potential impacts are assessed below with regard to standard indicators of significance of effects from proposed plans, projects and developments on Natura 2000 sites.

6.4. Impact significance

6.4.1. Impacts are considered significant if the risk of they actually occurring cannot be ruled out, and if that risk is likely to undermine the conservation objectives of any Natura 2000 site either alone or in-combination with other plans and projects.

6.4.2. The application site is certain to have a direct effect on the Bannow Bay site in that part of it overlaps with that Natura 2000 site resulting in the loss and fragmentation of a habitat. However, while that habitat is not one that the Bannow Bay Special Area of Conservation (SAC) has been selected for, it adjoins a habitat that is a qualifying interest of the SAC, namely ‘Mudflats and sandflats not covered by seawater at low tide’ [1140].

6.4.3. Indirect impacts that are considered to have a potential to have an effect on either the eleven habitats that the Bannow Bay SAC has been selected and designated for (Table 4), or the thirteen named species of wild birds that the Bannow Bay SPA has been selected and designated for together with wetland and waterbirds in general (Table 5). These potential indirect impacts are tabulated below (Table 8).

Potential indirect impact on	Sources	Zone of influence	Significance
Habitats	Infilling and/or inappropriate use	c50m	Physical damage to mudflats cannot be ruled out.
Species	Disturbance of wild birds.	c150m	Noise arising from both construction work and on-going maintenance and from increased human activity arising from advancement of the proposed development cannot be ruled out.
Water quality	Poorly designed, constructed, maintained, or malfunctioning wastewater treatment system resulting in pollutants entering surface waters or groundwater draining to a Natura 2000 site.	c300m	Deterioration in the water quality that sustains the wetland site at Bannow Bay from the accidental discharge of deleterious matter cannot be ruled out.

Table 8. Significance of impacts.

6.5. The zone of impact and influence

6.5.1. The zone of impact and influence for a project is the geographical area over which ecological features may be affected by changes as a result of advancement of a development and associated activities.

6.5.2. Further to both impact identification and prediction, and S-P-R modelling, the zone of impact and influence identified is the immediate environs of the application site extending outwards and downstream with diminishing impact to a maximum distance considered to be less than 500m (Figure 32).

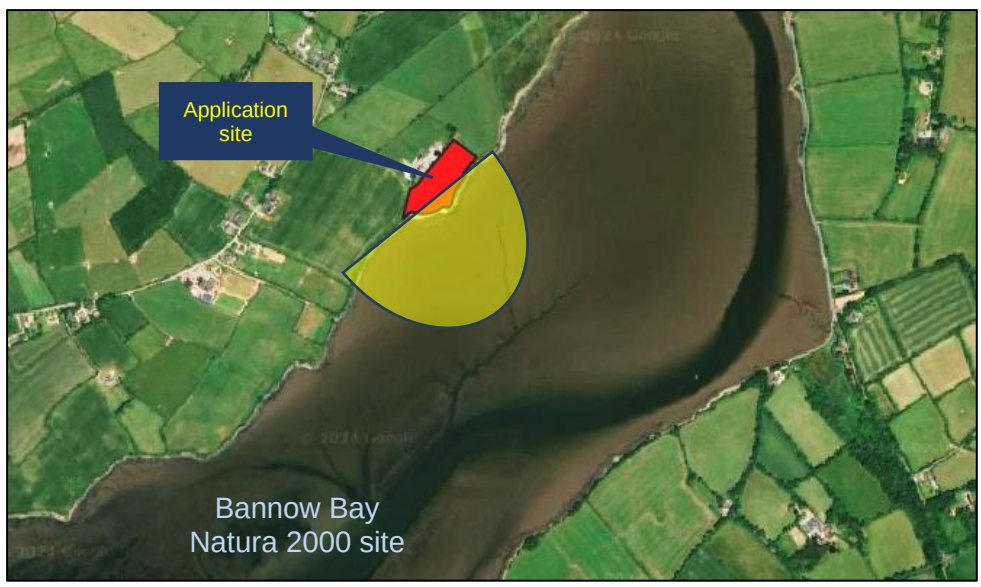


Figure 32. Indicative footprint of zone of possible impact (yellow fill).

6.5.3. The Bannow Bay SAC, Site code IE0000697, and the Bannow Bay SPA, Site code IE0004033 are described below together with their qualifying interests and conservation objectives, based on data extracted from the relevant National Parks and Wildlife Service's webpages at http://www.npws.ie/protected-sites.

6.5.4. It is not considered likely that Natura 2000 sites more distant than 500m from the subject site could suffer adverse effects from the proposed development by virtue of separation distance and the dilution factor arising from both river flow and tidal flushing. Natura 2000 sites more distant than 500m from the subject site are therefore no longer considered.

7. IMPACT SCREENING

7.1. Screening matrix

7.1.1. The first step in the assessment process is screening; the second step is appropriate assessment. *"The triggers for appropriate assessment are based on a 'likelihood' (read as 'possibility') of a potential significant effect occurring and not on certainty. This test is based on the precautionary principle."* (OPR, 2021 page 7).

7.1.2. It is considered that a certainty exists that loss of habitat will occur from the Bannow Bay Natura 2000 site, and that a likelihood (read as 'possibility') exists of both disturbance occurring of wild birds that are qualifying interests of the site, and pollution from runoff of deleterious matter from the application site entering surface drains and/or groundwater with subsequent onward flow to the adjoining bay resulting in a deterioration in the quality of the waters that sustain the Bannow Bay Natura 2000 site and the biodiversity it supports.

7.1.3. Bearing in mind the size, nature and scale of the project, the sensitivity of the receiving environment, the outcome of potential impact identification and/or prediction, S-P-R modelling, and the identification of both the zone of impact and influence, and potentially impacted Natura 2000 sites, all Natura 2000 sites within a radius of 15km of the site of the project are screened in the following table (Table 9) to determine if the project has any potential to impact on the conservation objectives of these sites via the source-pathway-receptor risk assessment conceptual modelling tool.

Distance from the application site	Site Name	SPA Site Code	SAC Site Code	Potential impact on the conservation objectives of the Natura 2000 sites	Screen in or out
0-5km	Bannow Bay	IE0004033	IE0000697	Adverse impacts are considered to be certain/likely.	In
	Seas off Wexford	IE0004237	-	Adverse impacts are considered to be unlikely due to the separation distance. The zone of impact and influence of possible adverse impacts is considered to extend for no more than 500m from the application site (paragraph 6.5.2 and Figure 32).	Out
5-10km	Ballyteige Burrow	IE0004020	IE0000696		
	Keeragh Islands	IE0004118	-		
	Hook Head	-	IE0000764		
10-15km	Saltee Islands	-	IE0000707		
	River Barrow and River Nore	-	IE0002162		

Table 9. Screening matrix.

7.2. Screening conclusion, determination, and statement

7.2.1. The proposed development is not directly connected to, or necessary for, the management of any Natura 2000 site.

7.2.2. In accordance with Article 6(3) of the Habitats Directive and Part 5 of the Birds and Natural Habitats Regulations, relevant case law, established best practice, and the precautionary principle, this screening report concludes, based on objective information, that the development has the potential to adversely affect the integrity of the Bannow Bay Natura 2000 site.

7.2.3. In reaching the conclusion of the screening assessment, no account was taken of any project-specific mitigation measures intended to avoid or reduce any potentially harmful effects of the project on any Natura 2000 site.

7.2.4. Appropriate Assessment and the submission of a Natura Impact Statement (NIS) is therefore required considering that the triggers for appropriate assessment are based on both a certainty and a likelihood.

7.2.5. While access to more data is always highly desirable, it is considered that sufficient information is available to carry put an assessment of the significant effects likely to arise from the proposed development. Any insufficiency of information is compensated for by the application of the precautionary principle.

Part 2: Remedial Natura Impact Statement

(Stage 2 of the Appropriate Assessment process)

8. IMPACT EVALUATION

8.1. Overview

8.1.1. Since the proposed development is considered to have the potential to have adverse impacts on the Bannow Bay Natura 2000 site due to (1) loss of habitat, (2) possible disturbance of wild birds, and (3) possible pollution resulting in a deterioration in the quality of the waters at Bannow Bay that sustain that site and the species it supports, and since these impacts cannot be mitigated in the absence of project-specific measures, the project must proceed to Stage 2 of the Appropriate Assessment process, that is, Natura Impact Assessment for Bannow Bay Natura 2000 site.

8.1.2. This section evaluates the potential adverse impacts identified above against the conservation objectives of the Bannow Bay Natura 2000 site, the only site considered to be in the application site's zone of impact and influence.

8.1.3. Since Bannow Bay is a tidal site, specific questions detailed in guidance regarding 'Marine Natura Impact Statements in Irish Special Areas of Conservation' (NPWS, 2012c) that need to be considered when conducting a screening assessment of likely effects are outlined below (Table 10). A precautionary approach is regarded as fundamental, and, in cases of uncertainty, it should be assumed the effects could be significant.

Question	Response
Is it likely that the potential ecological effects associated with the operation/activity alone or in combination with other operations/activities might have a significant adverse impact on an Annex I habitat for which the Special Area of Conservation is designated?	Yes, it is likely.
Is it likely that the potential ecological effects associated with the operation/activity alone or in combination with other operations/activities might have a significant adverse impact on the habitat of an Annex II species for which the Special Area of Conservation is designated?	Yes, it is likely when 'likely' is interpreted to mean 'possible' (OPR, 2021 page 7).
Is it likely that the potential ecological effects associated with the operation/activity alone or in combination with other operations/activities might have a significant adverse impact on an Annex II species for which the Special Area of Conservation is designated?	Yes, it is likely when 'likely' is interpreted to mean 'possible' (OPR, 2021 page 7).

Table 10. Assessment of potential impacts on marine sites.

8.2. **Potentially adverse effects**

8.2.1. **Management of Natura 2000 sites**. The application site is not directly connected with or necessary to the management of Natura 2000 sites.

8.2.2. **The sensitive receptors**. It has been established that the only sensitive receptor of the Natura 2000 network located in the zone of impact and influence is Bannow Bay Natura 2000 site. Elements of the application site are identified and assessed for their potential to cause likely significant effects on the site.

8.2.3. **Impact significance**. Impacts are considered significant if the risk of them actually occurring cannot be ruled out.

8.2.4. **Direct versus indirect**. Potential impacts on the Bannow Bay Natura 2000 site are considered to be partially direct but mainly indirect as most of the proposed development is located outside that site.

8.2.5. **Direct impacts**. Part of the slipway, its associated land reclaimed from the foreshore, and coastal protection works overlap with both Bannow Bay Special Area of Conservation (SAC) (Figure 17, upward diagonal red lines) and Bannow Bay Special Protection Area (SPA) (Figure 17, downward diagonal magenta lines) that comprise the Bannow Bay Natura 2000 site.

Figure 33. Overlap of the application site and the Natura 2000 site.

The direct impacts arising from the overlap of the application site and the Bannow Bay Natura 2000 site are

- the loss of a small area of habitat that the Bannow Bay SAC has been designated to protect; notified as a candidate SAC in 1999 (https://www.npws.ie/sites/default/files/files/SAC%20quick%20reference%20table(1).pdf), conservation objectives 2012, statutory instrument 2018 (Source: https://www.irishstatutebook.ie/eli/2018/si/420/made/en), and possible habitat damage due to use of the foreshore for recreation, pony trekking, etc., and
- disturbance and the loss of areas used for feeding , roosting, etc., by named species of wild bird that the Bannow Bay SPA has been designated to protect since 2011 (Source: https://www.irishstatutebook.ie/eli/2011/si/592/made/en/print).

8.2.6. **ARCs**. The following activities are 'activities requiring consent' (ARCs) at Bannow Bay requiring the consent of the Minister under Schedule 4 of statutory instrument No 592/2011, and Schedule 4 of statutory instrument No 420/2018 (Table 11).

Code	Description
ARC 01	Reclamation, including infilling.
ARC 03	Blasting, drilling, dredging or otherwise removing or disturbing fossils, rock, minerals, mud, sand, gravel or other sediment.
ARC 05	Cutting, uprooting or otherwise removing plants. [Consent is not required for harvesting of cultivated crops, or for grazing or mowing.]
ARC 06	Introduction, or re-introduction, of plants or animals not found in the area. [Consent is not required for the planting of crops on established reseeded grassland or cultivated land.]
ARC 08	Undertaking scientific research involving the collection and removal of biological material.
ARC 09	Construction or alteration of tracks, paths, roads, bridges, culverts or access routes.
ARC 10	Construction, removal or alteration of fences, stone walls, hedgerows, banks or any field boundary other than temporary electric fencing. [Consent is not required for normal maintenance.]
ARC 11	Digging, ploughing, harrowing or otherwise disturbing soil or substrate. [Consent is not required for these activities on established reseeded grassland or cultivated land provided it is greater than 50m from a river, stream, floodplain, wetland, lake, turlough or pond.]
ARC 12	Applying inorganic or organic fertiliser, including slurry and farmyard manure. [Consent is not required for these activities on established reseeded grassland or cultivated land provided it is greater than 20m from a river, stream or floodplain; or greater than 50m from a wetland, lake, turlough or pond.]
ARC 13	Applying lime. [Consent is not required for this activity on established reseeded grassland or cultivated land provided it is greater than 20m from a river, stream or floodplain; or greater than 50m from a wetland, lake, turlough or pond.]
ARC 14	Storage, burial, disposal or recovery of any materials. [Consent is not required for these activities on established reseeded grassland or cultivated land provided it is greater than 20m from a river, stream or floodplain; or greater than 50m from a wetland, lake, turlough or pond.]
ARC 15	Burning, topping, clearing scrub or rough vegetation or reseeding. [Consent is not required for these activities on established reseeded grassland or cultivated land provided it is greater than 20m from a river, stream or floodplain; or greater than 50m from a wetland, lake, turlough or pond.]

… / continued

ARC 18	Application of pesticides, including herbicides. [Consent is not required for these activities on established reseeded grassland or cultivated land provided it is greater than 20m from a river, stream or floodplain; or greater than 50m from a wetland, lake, turlough or pond.]
ARC 19	Supplementary feeding of livestock. [Consent is not required for this activity on established reseeded grassland or cultivated land provided it is greater than 20m from a river, stream or floodplain; or greater than 50m from a wetland, lake, turlough or pond.]
ARC 20	Significant changes in livestock density (including introduction of grazing), changes in livestock type or grazing season, other than on established reseeded grassland. [Consent is not required for changes of less than 20% in livestock density unless notice has been given that a lower percentage is applicable to a particular site.]
ARC 24	Works on, or alterations to, the banks, bed or flow of a drain, watercourse or waterbody.
ARC 25	Drainage works including digging, deepening, widening or blocking a drain, watercourse or waterbody.
ARC 29	Planting of trees or multi-annual bioenergy crops.
ARC 31	Developing or consenting to the development or operation of commercial recreational/visitor facilities or organised recreational activities.
ARC 33	Using or permitting the use of land for car parking where it may damage the vegetation, soil or substrate.
ARC 36	Harvesting marine invertebrate species in intertidal areas.
ARC 37	Driving mechanically propelled vehicles in intertidal areas, except over prescribed access routes.

Table 11. Activities requiring consent relevant to Bannow Bay Natura 2000 site.

(Source: https://www.irishstatutebook.ie/eli/2018/si/420/made/en)

8.2.7. **Indirect impacts**. Indirect impacts that may arise on the Bannow Bay SAC/SPA from the application site are tabulated below (Table 12).

Impact	Sources	Path	Receptor	Significance for the receptor
Species disturbance	Noise and activities	Air	Named species that the site has been selected and designated for together with wetland birds in general.	Disturbance of designated wild birds resulting in the loss of feeding and roosting necessary to maintain a healthy population.
Water pollution	Possible pollution from a poorly designed, constructed, maintained, or malfunctioning wastewater treatment plant resulting in pollutants entering surface waters and/or groundwater draining to a Natura 2000 site and a deterioration in the quality of the waters at Bannow Bay that sustain that site and the species it supports.	Water	Habitats and species that the site has been selected and designated for.	Deterioration of water quality and substrates in the Natura 2000 site, resulting in adverse impacts on habitats and species that are qualifying interests of the Bannow Bay SAC, and with knock-on adverse impacts, via food chains and food webs.

Table 12. Significance of indirect impacts.

8.2.8. **Impact assessment**. The significance of a risk is assessed and evaluated against the conservation objectives of the impacted Natura 2000 site. Conservation objectives are, in turn, defined by attributes and corresponding targets. Impacts are regarded significant if the risk they pose is likely to undermine the conservation objectives of any Natura 2000 site either alone or in-combination with other plans and projects. In the present case, the risks are possible but not certain.

8.2.9. **Conservation objectives**. The conservation objectives for the water-dependent qualifying interests of the part of the Bannow Bay SAC/SPA that occurs in the zone of influence is to maintain the favourable condition of each listed habitat and species. These objectives are defined by attributes [https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000697.pdf (22 pages) and https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004033.pdf (19 pages)].

8.3. **Existing baseline conditions**

8.3.1. Existing baseline conditions in the zone of impact and influence are described below.

8.3.2. **Bedrock geology**. Bedrock underlying the application site is a faulted unit of Cambrian greywacke, slate, and quartzite (Figure 34, purple) (Source: https://dcenr.maps.arcgis.com/apps/MapSeries/index.html?appid=a30af518e87a4c0ab2fbde2aaac3c228). Bedrock is exposed at the application site in excavations (Plate 4), and it outcrops on the foreshore adjoining the site (Figure 34, hatched areas).

Figure 34. Bedrock geology map, 100km.

8.3.3. **Quaternary sediments**. The application site in underlaid with sediments derived from Lower Palaeozoic shales deposited during the last ice age (Code: TLPS). A band of thick sediment runs through the site (Figure 35, purple); otherwise, the sediment is thinner, and the underlying bedrock is closer to the surface.

Figure 35. Quaternary sediments map.

(Source: https://dcenr.maps.arcgis.com/apps/MapSeries/index.html?appid=a30af518e87a4c0ab2fbde2aaac3c228)

8.3.4. **Soils and subsoils**. Soil at the application site (Figure 36, red cross) is derived from the shaley parent material. The soil is clayey-textured, deep, well-drained, fine loam with siliceous stones and is classified in the Clonroche association (Association Unit: 1100a) of the SIS National Soils classification.

Figure 36. Soil map at the application site (red cross).

(Source: https://gis.epa.ie/EPAMaps/default Land & Soil)

8.3.5. **Hydrology**. The application site is part of the Ballyteigue-Bannow catchment (District Code: IESE; WFD ID Code: 13) and the Curraghmore subcatchment (WFD Id: 13_3. Name: CURRAGHMORE_SC_010) (Source: https://gis.epa.ie/EPAMaps/AAGeoTool / Catchments).

8.3.6. **Drainage**. The application site slopes southward from 24mODM to 10mODM approximately. There are no open land drains or surface waters. Drainage is downslope to Bannow Bay.

8.3.7. **Hydrogeology**. There are no watercourses at the application site (Source: https://gis.epa.ie/EPAMaps/Water Water Features). Rainwater and runoff from the application site drain directly to Bannow Bay. The Water Framework Directive (WFD) water quality status of the bay, a coastal waterbody (European Code IE_SE_090_0000), was *"Unassigned"* for the monitoring period 2010-2015, was rated "*Moderate*" for both of the monitoring periods 2013-2018 and 2016-2021, and was rated "*At risk*" of not achieving good water quality status (Source: https://gis.epa.ie/EPAMaps/Water Status & Risk). The status of the adjoining Celtic Sea was rated "*High*" and "*Not at risk*" (Figure 37, blue). Data are gathered at several 'national water monitoring stations' in and around the bay (Figure 37 inset; brown triangles = coastal monitoring stations, green triangles = river monitoring stations, and blue triangles = transitional monitoring stations).

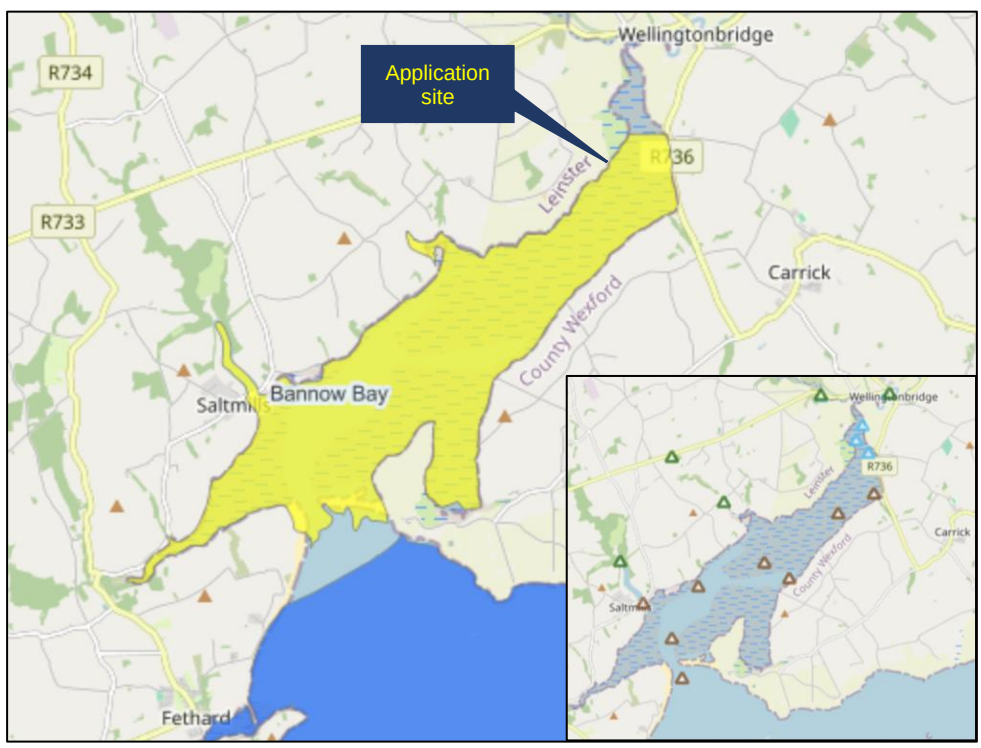


Figure 37. Water quality status: "High" (blue) and "Moderate" (yellow).

(Source: https://gis.epa.ie/EPAMaps/Water Status & Risk)

8.3.8. **Aquifer**. The underlying rock unit is described as a "*Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones*" (AquiferCode: Pl) (https://gis.epa.ie/EPAMaps/Water / Water, Land & Soil / Hydrogeology / GSI Bedrock Aquifer).

8.3.9. **Aquifer vulnerability**. The EPA risk tool rates GSI vulnerability ("*the ease with which groundwater may be contaminated by human activities*") on the four point scale: low (green), moderate (yellow), high (brown), extreme (red) with a purple colour indicating areas where the bedrock is near the surface. While aquifer vulnerability onsite is rated 'Extreme' (red) (Figure 38), the aquifer is rated to be of '*Poor*' status and importance (https://gis.epa.ie/EPAMaps/Water Water, Land & Soil / Hydrogeology / GSI Vulnerability).

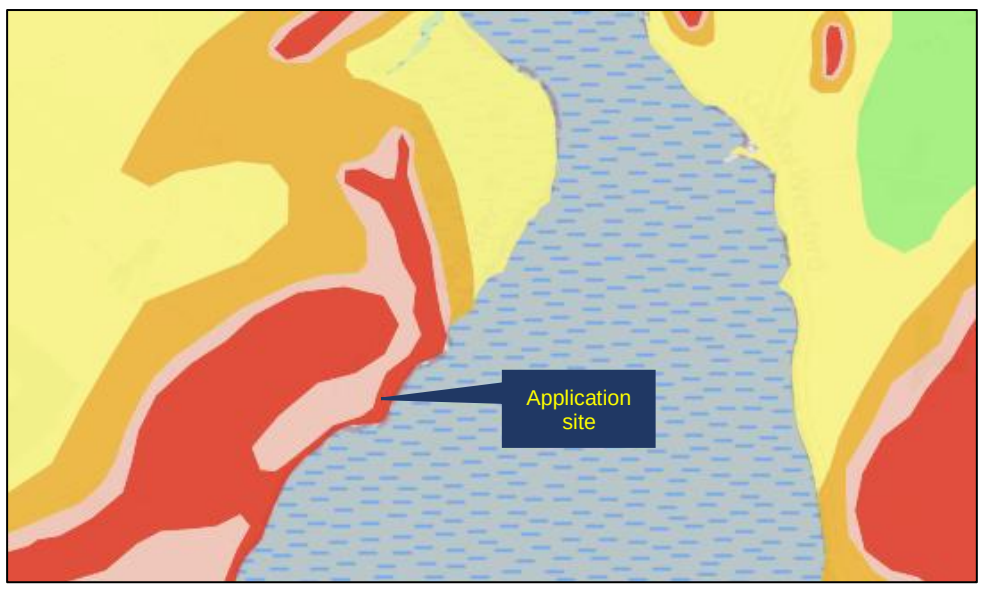


Figure 38. Bedrock aquifer GSI vulnerability ratings.

(Source: https://gis.epa.ie/EPAMaps/)

8.3.10. **Groundwater**. The application site is underlaid by the Fethard groundwater body (WFD Code: IE_SE_G_065). (https://gis.epa.ie/EPAMaps/Water). Water, Land & Soil / Water Features / Ground Waterbodies.

8.3.11. **Groundwater status and risk**. The Water Framework Directive status of the groundwater was rated '*Good*' for both the period 2010-2015 and the period 2013-2018 and its risk status was rated '*Review'* for both the 2nd Cycle and the 3rd Cycle of these reporting periods (https://gis.epa.ie/EPAMaps/Water Status & Risk).

8.3.12. **Flood risk**. Flooding at the subject site is not considered to represent a significant risk as the sloping application site is at an elevation of 10m rising to 24m (https://www.floodinfo.ie/map/floodmaps/).

8.4. **Assessment of impacts**

8.4.1. The Bannow Bay Natura 2000 site has been identified as the only site in the Natura 2000 network that is in the predicted zone of impact and influence (paragraph 6.5).

8.4.2. Impacts arising from the application likely to affect the Natura 2000 network are both direct and indirect.

8.4.3. Direct impacts arising from the application site are identified above (paragraph 8.2.5) and are assessed as certain.

8.4.4. Indirect impacts that may arise from the application site are identified above (paragraph 8.2.7) and are assessed as possible.

8.4.5. EU guidance on Appropriate Assessment states that: "*In carrying out the necessary assessments, it is important to apply the precautionary principle and the focus of the assessment should be on objectively demonstrating, with supporting evidence, that there will be no adverse effects on the integrity of the Natura 2000 site. Where this is not the case adverse effects must be assumed.*" (EC, 2001 page 28).

8.4.6. 'Qualifying interests' are the features that a Natura 2000 site has been selected and/or designated for.

8.4.7. 'Conservation objectives' are the prescribed goals to achieve the maintenance of the qualifying interests of a Natura 2000 site.

8.4.8. In the judgement of the European Court of Justice (ECJ) on 7 November 2018 in Case C-461/17 ('Holohan & Others - v - An Bord Pleanála') regarding the proposed Kilkenny Northern Ring Road Extension which would, if constructed, cross the River Nore Special Protection Area and River Barrow and River Nore Site of Community Importance, it states, amongst other things, that

- An appropriate assessment (AA) must catalogue the entirety of habitat types and species for which a site is protected.
- The AA must also identify and examine the implications of the proposed project for the species present on that site and for which that site has not been listed – as well as the implications for habitat types and species outside the boundaries of that site, insofar as those implications are liable to affect the conservation objectives of the site (Source: https://www.landmarkchambers.co.uk/yet-another-habitats-and-eia-judgment-from-the-cjeu-case-c-461-17-holohan-v-an-bord-pleanala/).

8.4.9. To be credible, impacts must be evidence-based and scientifically grounded.

8.4.10. The likely impacts posed by the proposed development are assessed individually below using standard degree-of-impact parameters (EPA, 2017; Table 3.3 and pages 50-53; and EPA, 2002).

8.4.11. **Habitat loss**. The Bannow Bay SAC is designated for 11 qualifying habitats. The following five of these 11 qualifying habitats refer to marine habitats found only at the mouth of the bay and are therefore not relevant to the application site.

- Annual vegetation of drift lines [1210]
- Perennial vegetation of stony banks [1220]
- Embryonic shifting dunes [2110]
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

A further four of the 11 qualifying habitats refer to saltmarsh habitats that do not occur at the application site as evidenced below (Figure 40).

- *Salicornia* and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Mediterranean and thermo-Atlantic halophilous scrubs (*Sarcocornetea fruticosi*) [1420]

The locations of significant saltmarsh habitats at Bannow Bay are shown below (Figure 39).

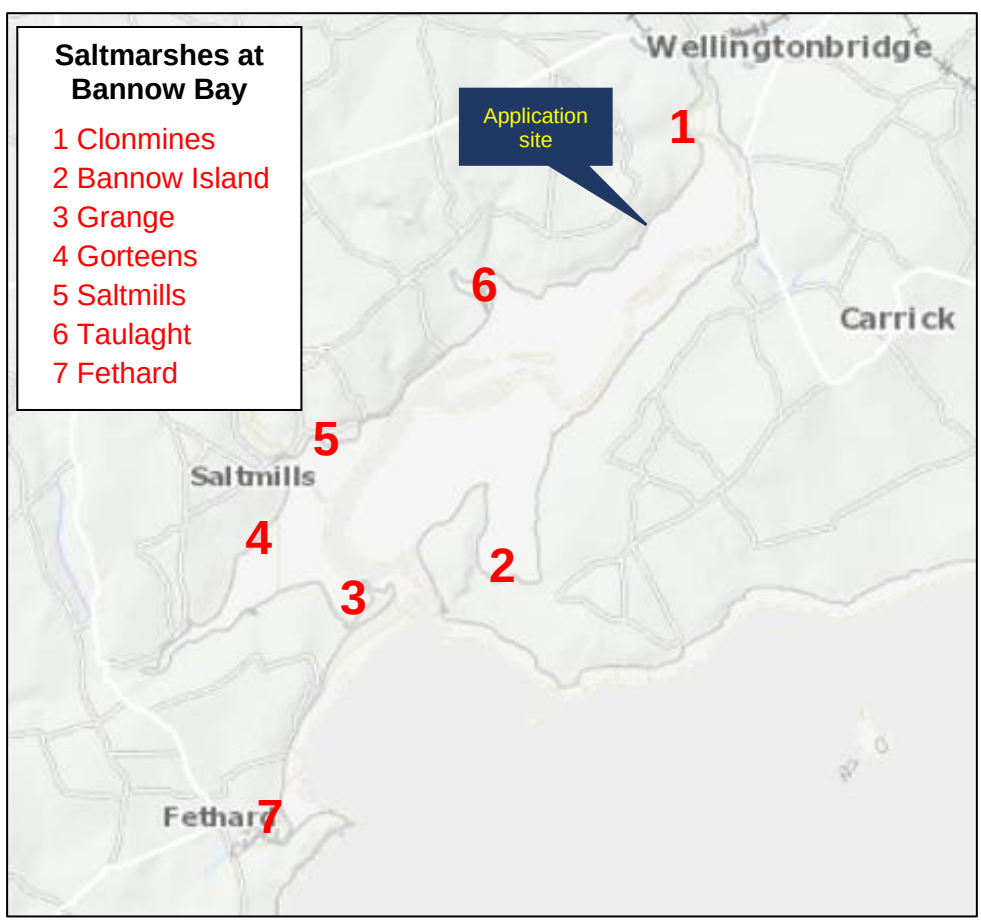
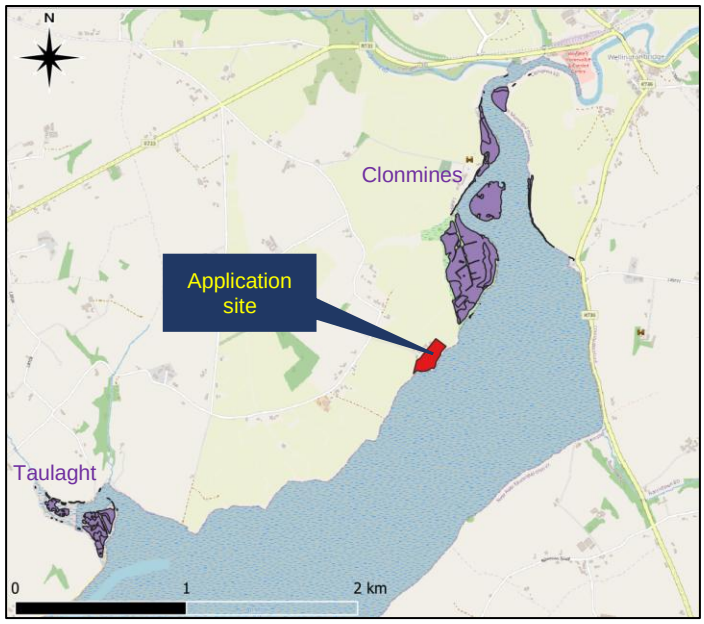


Figure 39. Locations of saltmarshes at Bannow Bay.



The application site is located between the saltmarshes at Clonmines (north) and Taulaght (west southwest).

Further to fieldwork conducted on 30 and 31 August 2007, saltmarsh and wetland habitats present in the Clonmines area were mapped and recorded (Figure 40). The map shows that while the area north of the application site is important for saltmarsh habitat, the area adjoining the proposed application site is of no importance for that habitat type.

The red line in Figure 40 is the boundary of Bannow Bay SAC, and the Legend is enlarged in Figure 39.

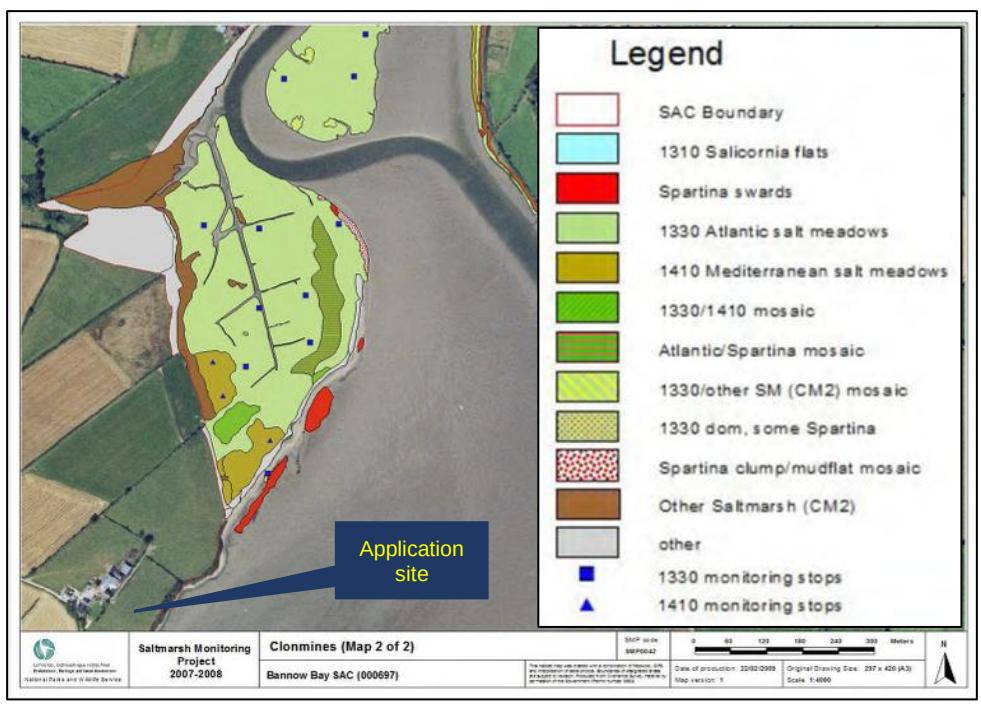


Figure 40. Saltmarsh habitats in the Clonmines area.

(Source: McCorry and Ryle, 2009 page 140)

Of the remaining two habitats, Estuaries [1130] do not occur at, or adjoin, the application site (Figure 41).

Figure 41. Estuary habitat (blue) and the application site (red).

Mudflats and sandflats not covered by seawater at low tide [1140] are the only qualifying habitat at and adjoining the application site (Figure 42).

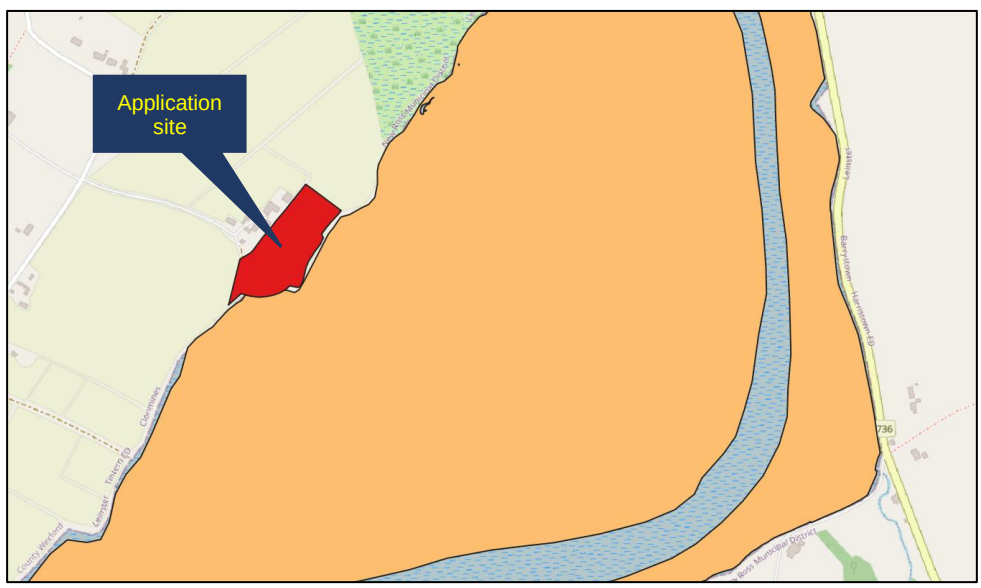


Figure 42. Tidal flats (orange) and the application site (red).

An impact assessment of the impacted habitat is tabulated below (Table 14).

The conservation objectives for the 'Mudflats and sandflats not covered by seawater at low tide [1140]' at Bannow Bay are set out below (Table 13).

Conservation objectives for: Bannow Bay SAC [000697]

1140 Mudflats and sandflats not covered by seawater at low tide

To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Bannow Bay SAC, which is defined by the following list of attributes and targets:

Attribute	Measure	Target	Notes
Habitat area	Hectares	The permanent habitat area is stable or increasing, subject to natural processes. See map 4	Habitat area was estimated as 893ha using OSi data. See marine supporting document for further information
Community distribution	Hectares	Maintain the extent of the *Zostera*-dominated and the *Barnea candida* communities, subject to natural processes. See map 5	Estimated during 2009 intertidal survey (ASU, 2010). See marine supporting document for further information
Zostera shoot density	Shoots/m²	Conserve the high quality of the *Zostera*-dominated community, subject to natural processes	See marine supporting document for further information
Barnea candida density	Individuals/m²	Conserve the high quality of the *Barnea candida* community, subject to natural processes	See marine supporting document for further information
Community distribution	Hectares	Conserve the following community complexes in a natural condition: Fine sands with *Pygospio elegans* and *Corophium volutator* community complex; and Intertidal sand dominated by polychaetes community complex. See Map 5	The likely area of sediment communities was derived from intertidal surveys undertaken in 2009 (ASU, 2010). See marine supporting document for further information

Table 13. Conservation objectives for the tidal flats at Bannow Bay.

(Source: NPWS, 2012a page 9 at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000697.pdf)

In summary the conservation objective is to maintain the favourable conservation condition of the mudflats and sandflats not covered by seawater at low tide in Bannow Bay SAC, by ensuring that the permanent habitat area is stable or increasing, and that community structure and distribution is maintained, especially community complexes dominated by Eelgrass (*Zostera* sp), White Piddock (*Barnea candida*), and keystone species such as the bristleworm *Pygospio elegans*, and the mud shrimp *Corophium volutator*.

In addition to the habitat being a qualifying interest of the SAC, the communities of life forms that the substrate supports are the food source that maintains the wetland bird species that the Bannow Bay SPA is designated for.

Plate 12. View of the mudflat habitat from the boundary of the application site.

(Image: Jim Hurley, 21 October 2021)

An assessment of impact on the habitat 'Mudflats and sandflats not covered by seawater at low tide [1140]' is tabulated below (Table 14).

Description of the nature of impact	The Special Area of Conservation (SAC) at Bannow Bay is designated for eleven habitats (Table 4). One of these eleven habitats adjoins the application site (Figure 42): 'Mudflats and sandflats not covered by seawater at low tide [1140]'. Advancement of the proposed development has the potential to indirectly damage part of that habitat.
Sources	Damaging impacts may arise from the proposed development promoting recreational activities on the adjoining shore and in the adjoining waters.
Pathway	On site.
Receptor	Mudflat habitat identified and designated a habitat for conservation and a qualifying interest of the site. Furthermore, the communities of life forms that the substrate supports are the food source that maintains the wetland bird species that the Bannow Bay SPA is designated for.
Bearing: positive , negative or neutral?	Negative because it is a conservation objective to maintain and/or increase the area of mudflat habitat.

… / continued

Consequence: direct or indirect?	Possibly direct but mainly indirect.
Frequency: once-off, rarely, occasionally, frequently or constantly? And if so, hourly, daily, weekly, monthly or annually?	Occasionally but possibly frequently or constantly during the peak tourism season.
Duration. Constructional, operational and/or decommissioning? Momentary (lasting only seconds or minutes), brief (<1 day), temporary (up to 1 year), short-term (from 1-7 years), medium-term (7-15 years), long-term (15-60 years) and permanent (over 60 years)?	Operational only, and possibly long-term.
Magnitude: high, medium or low?	Probably low to medium.
Extent: limited or extensive?	Limited to the immediate environs of the proposed development.
Likelihood: possible, near certain, probable, unlikely, or very unlikely?	Possible.
Significance: imperceptible, not significant, slight, imperceptible, moderate, significant, significant, and profound?	Possibly significant.
Recovery: permanent, temporary or reversible?	Possibly permanent.
In-combination: acting alone or not?	Acting alone

Table 14. Impact assessment regarding habitat loss.

8.4.12. **Disturbance of wild birds**. The application site immediately adjoins the Bannow Bay Special Protection Area (SPA) for wild birds. It is self-evident that advancement of the proposed development will lead to increased numbers of people at the subject site. It is therefore probable that feeding and/or roosting wild birds will be disturbed via movements, noise, etc., from traffic and people using the proposed campsite. Of the increased numbers of people at the subject site, it is considered likely that some people may descend from the campsite onto the foreshore and to explore to the left and right thereby increasing the level of disturbance.

Wetland bird numbers at Bannow Bay are monitored by the Irish Wetland Bird Survey (I-WeBS). The bay (I-WeBS Site Code: O0405) is divided into a number of subsites. The subsite adjoining the application site is codenamed 'Kiltra' (Figure 43).

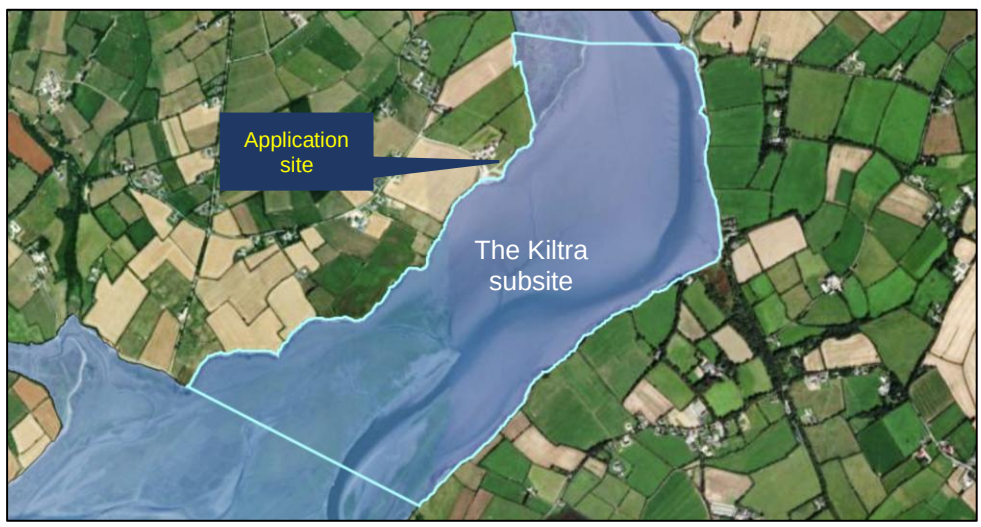


Figure 43. The I-WeBS Kiltra subsite (edged pale blue).

(Source: https://birdwatchireland.ie/our-work/surveys-research/research-surveys/irish-wetland-bird-survey/)

Data regarding usage of the Kiltra subsite are accessed from the following three sources.

- a survey of waterbird distribution in Bannow Bay was conducted from October 2009 to February 2010, with bird counts recorded at low tide (NPWS, 2012d),
- over the winter 2019/2020 INIS Environmental Consultants Ltd conducted a winter waterbird survey of Bannow Bay SPA on behalf of Hookhead Shellfish Ltd to inform an application for a licence to cultivate shellfish in the bay (INIS, 2020), and
- ongoing I-WeBS monitoring data, published in 2022 and updated in 2023, show that the numbers of some species are falling significantly at Bannow Bay (I-WeBS, 2023).

Each of these three sources is addressed separately below.

Survey 1 of 3. From October 2009 to February 2010, a survey of waterbird distribution in Bannow Bay was conducted with bird counts recorded at low tide (NPWS, 2012d). For counting purposes, the bay was divided into eight subsites (Figure 44; left). The proposed development site is located at the north-western end of the Kiltra count area (Subsite Code: 0O416) to the south and the Clonmines count area (Subsite Code: 0O417).

The coloured areas (Figure 44) indicate roost locations and sizes. The geographical locations of these areas are referenced below (Figure 45). Summary roost data for both count areas are tabulated below (Table 15).

The concentration of coloured areas in the upper reaches of Bannow Bay (Figure 44, right) evidence that the areas adjacent to the proposed development site are important roost sites in the context of the entire bay (Figure 44, left). Wild bird roost site distribution at Bannow Bay tends to be associated with saltmarsh distribution (Figure 40).

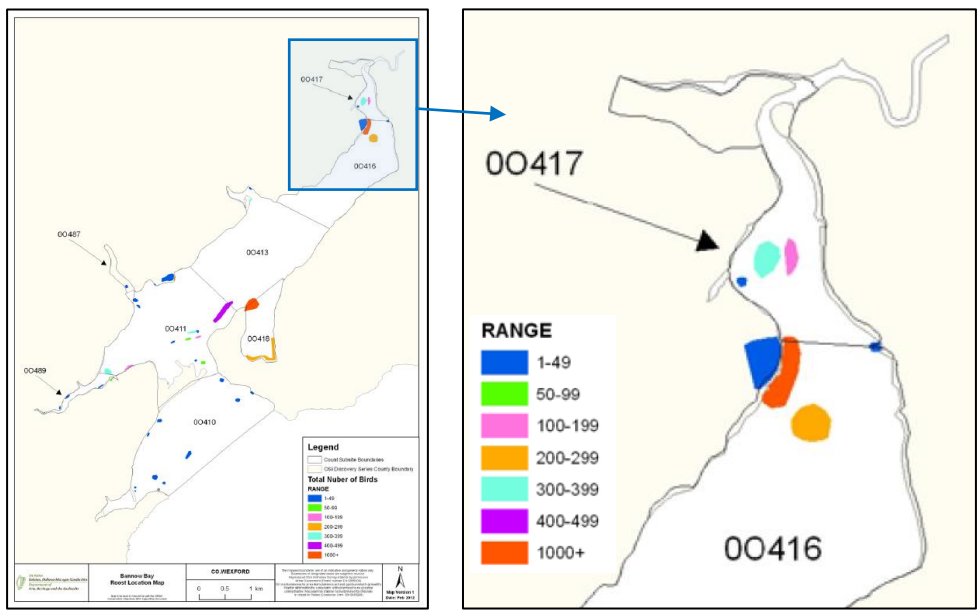


Figure 44. Roost location map.

(Source: NPWS, 2012d Appendix 8, page 81. Ordnance Survey Ireland Permit No MP 0002120. © Ordnance Survey Ireland/Government of Ireland)

Coloured bird roost areas (Figure 44) are referenced to their geographical locations below via an overlay with 50% transparency (Figure 45). The featured grid squares are of 1km-long sides.

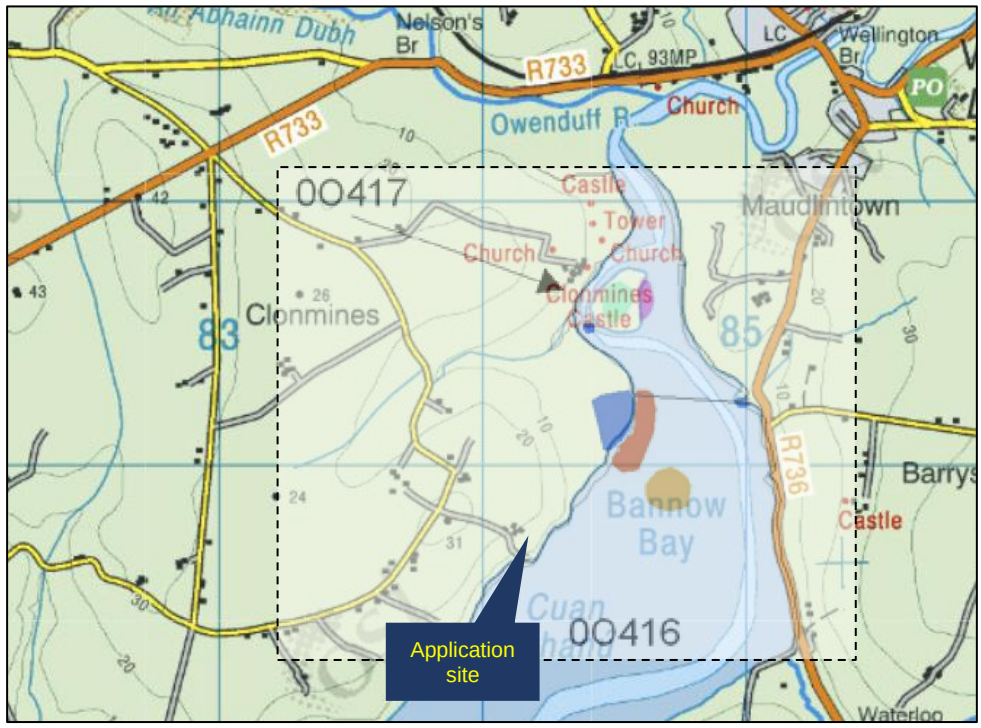


Figure 45. Bird roosts near the application site.

Subsite code	Subsite name	Number of roost locations	Number of species	Number of birds	Species (alphabetical order)
0O417	Clonmines	3	4	596	Black-tailed Godwit, Curlew, Lapwing, and Wigeon.
0O416	Kiltra	4	11	2191	Bar-tailed Godwit, Black-headed Gull, Black-tailed Godwit, Curlew, Dunlin, Grey Plover, Knot, Oystercatcher, Redshank, Shelduck, and Turnstone.

Table 15. Roost summary table.

(Source: after NPWS, 2012d page 80)

Survey 2 of 3. Over the winter 2019/2020 INIS Environmental Consultants Ltd conducted a winter waterbird survey of Bannow Bay SPA on behalf of Hookhead Shellfish Ltd to inform an application for a licence to cultivate shellfish in the bay. The following points regarding the Kiltra subsite are made in the report of the survey (INIS, 2020).

- "*During the 2019/20 season, 0O416 (Kiltra) supported the largest number of waterbirds on two low tide survey occasions (October & December).*" (*ibid*., page 21).
- "*During low tide surveys, 0O418 (Bannow Island to Newquay) supported the largest number of species (eight) in numbers ranked as 'very high' (Table 4.8.1), followed by 0O416 (Kiltra) (six species)*." (*ibid*., page 24).
- "*During the high tide survey, 0O416 (Kiltra) supported the largest number of Oystercatchers, representing nearly half of all these wading birds recorded during the survey, and double the number found in any other subsite*." (*ibid*., page 31).
- "*Roost locations* [of Golden Plover] *within Bannow Bay have been highly consistent over time with the subsite 0O416 (Kiltra) having been the favoured subsite throughout all surveys (ranked 'very high' in terms of total numbers across all surveys). During the 2019/20 season the main Golden Plover flock was recorded in 0O416 on two low tide survey occasions (October and December 2019) with a flock size of 1,400 and 1,100 birds respectively … Clearly the flock moves and subsites 0O411, 0O416, 0O417 and 0O418 are the favoured areas of the bay, although 0O416 (Kiltra) has consistently held the greatest number over the years*." (*ibid*., page 36). The approximate position of the low tide roosting Golden Plover flock in 0O416 (Kiltra) is featured below (Figure 46).

Figure 46. Low tide Golden Plover roost site (pale polygon).

(Source: Extract of INIS, 2020, Figure 4.9.3 on page 32)

- "*When examining previous survey results (Table 4.8.3) it becomes apparent that 0O417 along with 0O416 (Kiltra) are the inner estuary subsites favoured by Lapwing, and this has been very consistent over time (Figure 4.9.5). … Intertidally foraging Lapwing were observed in seven subsites. Numbers were generally low but a peak count of 400 Lapwing foraged in Kiltra (0O416) during December 2019*." (*ibid*., page 33).

- *"0O416 (Kiltra) recorded peak numbers* [of Knot] *on a single low tide survey occasion (October 2019).*" (*ibid*., page 34).
- " *… numbers* [of Dunlin] *ranked as 'high' were recorded in 0O416 (Kiltra)"* (*ibid*., page 35).
- "*0O416 (Kiltra) held numbers* [of Black-tailed Godwit] *ranked as 'high' on one count occasion and based on numbers (total and foraging intertidally), all four aforementioned subsites (0O413, 0O416, 0O417 and 0O418) appear the most important for Black-tailed Godwits, with intertidal foraging density being highest in 0O418*." (*ibid*., page 36).
- "*0O416 (Kiltra) held peak number* [of Bar-tailed Godwit] *during three low tide surveys with up to 92% of the total site number of this species. 0O416 was also the only subsite to support the species during all four low tide surveys*." (*ibid*., page 36).
- "*The Curlew has a widespread distribution across Bannow Bay, occurring in all eight subsites. Despite this widespread distribution however, a subsite preference has been evident over time as 0O416 (Kiltra) and 0O411 (St Kiernans to Saltmills to Big Burrow) have both supported peak numbers on the majority of survey occasions. This pattern was again evident during winter 2019/20 when 0O416 (Kiltra) held peak numbers during October and December 2019, and 0O411 (St Kiernans to Saltmills to Big Burrow) held peak numbers during November 2019 and February 2020*." (*ibid*., page 37).
- "*0O416 (Kiltra), 0O417 and 0O418 held peak numbers* [of Redshank] *foraging intertidally*." (*ibid*., page 37).
- *" … count subsite 0O416 (Kiltra) remains very important for a range of species at low tide ..."* (*ibid*., page 40).
- " … *any future changes in the human use or habitat quality of these subsites could potentially lead to displacement of a large proportion of the wintering population of Bannow Bay, and therefore can be avoided due to the level of species-specific knowledge gained for this site to-date*." (*ibid*., page 42).

Survey 3 of 3. Ongoing I-WeBS monitoring data, published in 2022 and updated in 2023, show that the numbers of some species are falling significantly at Bannow Bay (Figure 47).

I-WeBS Bannow Bay Trends Report

I-WeBS Trends Report 1994/95 – 2019/20

First Published 2022-04-03, Updated 2023-08-17

Introduction

This report presents site trends based on the data gathered by the Irish Wetland Bird Survey (I-WeBS). Only species with sufficient data at Bannow Bay (site code 0O405) are presented.

This report is part of the I-WeBS National and Site Trends Report 1994/95 – 2019/20.

For guidance on how to interpret these trends, please see the I-WeBS Trends Report Guidance.

For details on the methods used to generate these trends, please see the I-WeBS Trends Report Methodology.

Site Summary

	Trend (%)			
Species	**Bannow Bay - 5 Year**	**Bannow Bay - 12 Year**	**Bannow Bay - 23 Year**	**Long Term Trend**
Grey Plover	-57.9	-43.2	-82.1	Large Decline
Turnstone	-64.0	-74.4	-78.1	
Dunlin	-28.8	-18.0	-75.3	
Curlew	-34.3	-39.2	-42.5	Moderate Decline
Redshank	-30.6	-45.6	-39.4	
Black-tailed Godwit	-48.2	-48.8	-35.5	
Knot	-15.5	2.9	-35.5	
Ringed Plover	-0.8	32.6	2.6	Stable or Increasing
Oystercatcher	-26.2	-9.8	13.4	
Bar-tailed Godwit	-27.1	2.6	14.7	

Figure 47. I-WeBS trend report for bird species at Bannow Bay.

(Source: https://birdwatchireland.ie/app/uploads/2023/08/iwebs_trends_0O405_Bannow_Bay.html)

The likely impacts posed by the disturbance of wild birds are described below (Table 16).

Description of the nature of impact	Advancement of the proposed development is likely to result in increased noise and activity that have a potential to cause disturbance, probable displacement, and possible reduction or loss. It also has the potential to reduce the existing area of habitat that maintains the wild bird populations.
Sources	• Increased noise, movements, and activities. • People, and possibly dogs, walking on the foreshore; including possible usage at night. • Other recreational uses of the foreshore.
Pathway	Air borne noise and on site disturbance.
Receptor	Wild birds roosting or feeding at Bannow Bay.
Bearing: positive , negative or neutral?	Negative.
Consequence: direct or indirect?	Mainly indirect but direct possible too.
Frequency: once-off, rarely, occasionally, frequently or constantly? And if so, hourly, daily, weekly, monthly or annually?	Occasionally, possibly daily during the peak holiday season.
Duration. Constructional, operational and/or decommissioning? Momentary (lasting only seconds or minutes), brief (<1 day), temporary (up to 1 year), short-term (from 1-7 years), medium-term (7-15 years), long-term (15-60 years) and permanent (over 60 years)?	Possibly on-going and permanent.
Magnitude: high, medium or low?	The potential for disturbance is likely to be high on occasion but is considered to be low generally. The proposed campsite is likely to attract high numbers of visitors during the season March to September with a peak during the summer. The wild birds that are qualifying interests of the Bannow Bay SPA are mainly wintering waterbirds that are present from September to March when visitor numbers to the campsite are likely to be extremely low.
Extent: limited or extensive?	Limited and probably mostly confined to daylight hours.

…. / continued

Likelihood: possible, near certain, probable, unlikely, or very unlikely?	Possible.
Significance: imperceptible, not significant, slight, imperceptible, moderate, significant, significant, and profound?	Anticipated to be moderate.
Recovery: permanent, temporary or reversible?	Reversible.
In-combination: acting alone or not?	Acting alone.

Table 16. Impact assessment regarding disturbance of wild birds.

8.4.13. **Possible pollution**. The status of water quality at Bannow Bay is rated 'Intermediate' (Figure 48; green) for the survey period 2018-2020 both for 'Coastal Water' in the bay (Code: IE_SE_090_0000) and for 'Transitional Water' in the Corock estuary. The status of water quality in the 'Eastern Celtic Sea' is rated 'Unpolluted' (Figure 48; blue) for the same survey period 2018-2020. Bannow Bay is regarded as being 'At Risk' of not achieving good water quality (Figure 48; inset, red).

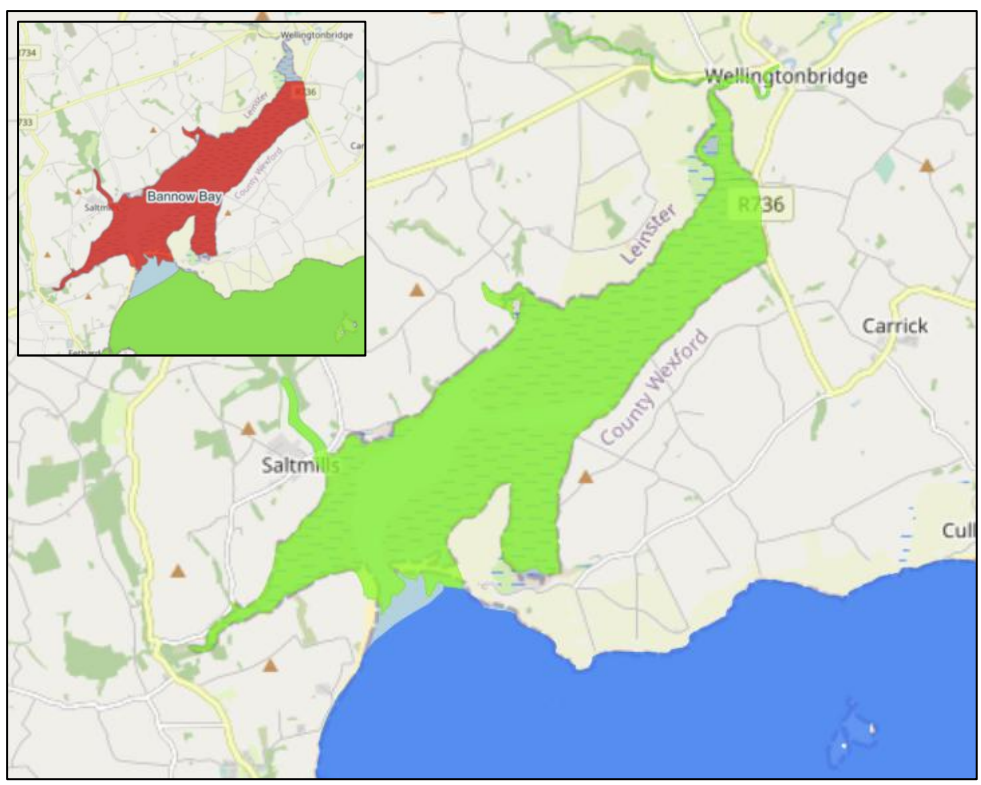


Figure 48. Water quality at Bannow Bay.

(Source: https://gis.epa.ie/EPAMaps/ Water / Water Quality)

Bannow Bay is a 'Priority Area for Action'. LAWPRO, the Local Authority Waters Programme, has conducted a desk study and a summary report is available at https://catchments.ie/wp-content/files/areaforactionreports/AFA0019%20Bannow%20AFA%20Report.pdf. That report concludes: "*Bannow Bay is currently at Moderate ecological status. Hydrochemistry data are limited for this waterbody. Nutrient pollution is the likely reason for the deterioration in water quality. The sources of the elevated nutrients are the man-made activities impacting on inputting waterbodies as detailed above*." (*ibid*., page 4).

Description of the nature of impact	The proposed development has the potential to cause a deterioration in the water quality that sustains the wetland site at Bannow Bay.
Sources	• Poorly designed, constructed, maintained, or malfunctioning wastewater treatment system resulting in pollutants entering surface waters or groundwater draining to the Natura 2000 site. • Possible rupture of the proposed chemical waste disposal tank. • Possible oil spills from machinery and/or run-offs of cement and silt from construction works, and/or the planned or accidental discharge of other deleterious matter.
Pathway	On site.
Receptor	Bannow Bay.
Bearing: positive , negative or neutral?	Negative.
Consequence: direct or indirect?	Indirect.
Frequency: once-off, rarely, occasionally, frequently or constantly? And if so, hourly, daily, weekly, monthly or annually?	Once-off during construction works; rarely in the case of an accident or malfunction.
Duration. Constructional, operational and/or decommissioning? Momentary (lasting only seconds or minutes), brief (<1 day), temporary (up to 1 year), short-term (from 1-7 years), medium-term (7-15 years), long-term (15-60 years) and permanent (over 60 years)?	Constructional phase and on-going.
Magnitude: high, medium or low?	Low.

…. / continued

Extent: limited or extensive?	Limited.
Likelihood: possible, near certain, probable, unlikely, or very unlikely?	Possible.
Significance: imperceptible, not significant, slight, imperceptible, moderate, significant, significant, and profound?	Probably not significant in the longer term.
Recovery: permanent, temporary or reversible?	Reversible.
In-combination: acting alone or not?	Both acting alone and in-combination.

Table 17. Impact assessment regarding possible pollution.

Consequent to the above assessment (Table 17) it is concluded that advancement of the proposed development has an indirect potential to impact negatively on the adjoining mudflats and that that impact has the potential to be significant.

8.5. Overlap and adjacent sites

8.5.1. The potentially impacted site, the Bannow Bay Natura 2000 site, does not overlap with any other Natura 2000 site at the application site.

8.5.2. There is no adjacent designated Natura 2000 site within the zone of impact and influence of the application site (Figure 32).

8.6. In-combination impacts

8.6.1. In-combination impacts are impacts arising from other plans or projects that could act in-combination with the current project to affect the conservation objectives of a Natura 2000 site.

8.6.2. The consideration of in-combination effects is not restricted to similar types of plans or projects covering the same sector of activity. All types of plans or projects that could, in-combination with the project under consideration, have a significant effect, should be considered. In-combination effects must examine plans or projects that are completed, approved but not started or uncompleted, proposed, i.e., for which an application for approval or consent has been made, including refusals subject to appeal and not yet determined, proposals in adopted plans, and proposals in finalised draft plans formally published or submitted for consultation or adoption.

8.6.3. While there are several plans and a large number of projects around Bannow Bay (Figure 49) and in its catchment that could act in-combination with the current project to affect the conservation objectives for the Bannow Bay Natura 2000 site, projects do not exist in the immediate vicinity of the application site. There is no development on the shore of the bay upstream of the application site; at the red dot (Figure 49) downstream of the application site, permission was refused for two dwelling houses adjoining the shore (Reg Ref No 99617).

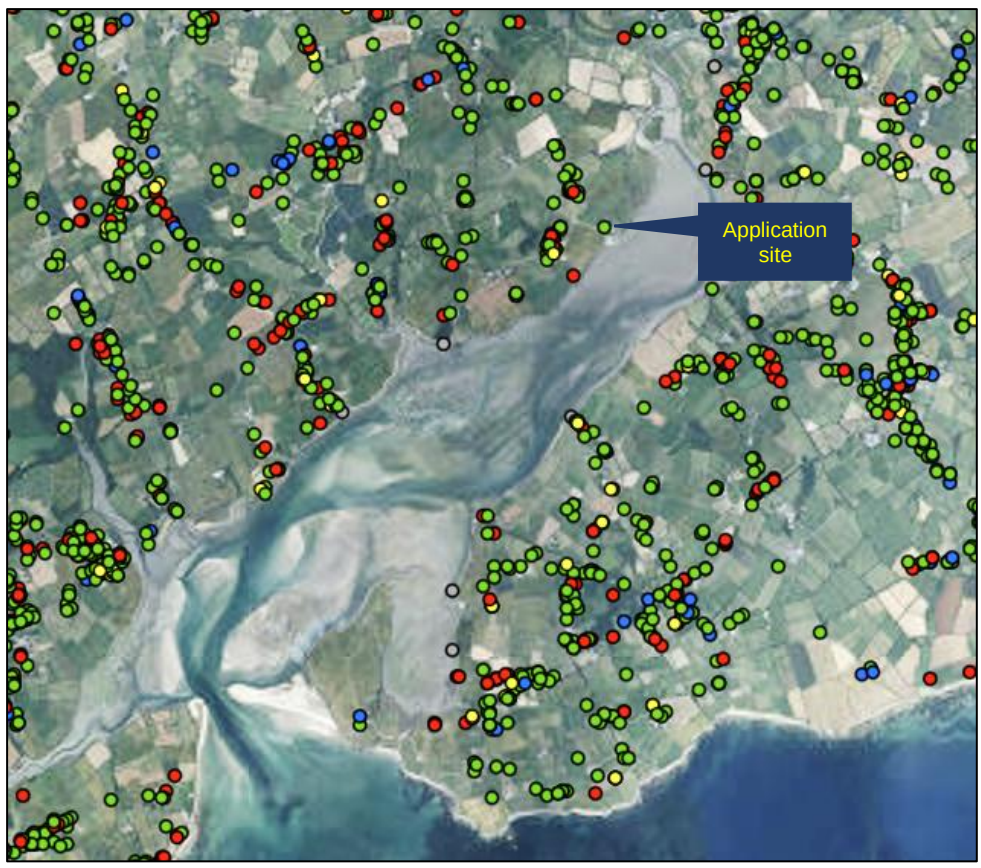


Figure 49. Planning points in the wider vicinity of the proposed development.

(Source: https://maps.wexford.ie/imaps/)

Note: Planning points are colour coded as follows: Green = granted, Red = refused, Blue = invalid or withdrawn, Grey = exempt, and Yellow = no decision.

8.7. *Ex situ* and wider countryside impacts

8.7.1. *Ex situ* impacts are 'off-site' impacts regarding adjacent Natura 2000 sites, for example, impacts on birds that are protected in a Special Protection Area but that obviously fly out of that protected area and into areas where they do not enjoy any level of protection.

8.7.2. *Ex situ* impacts do not arise in the present case as no *ex situ* impacts have been identified.

8.8. **Cumulative impacts**

8.8.1. Cumulative impacts with a potential to have an adverse influence on water quality in Bannow Bay, with knock-on impacts on habitats and bird numbers, are considered to comprise:-

- Outflows from the outfall pipes to surface drains or groundwater from septic tanks and the wastewater treatment plant serving the Wellingtonbridge agglomeration.
- Point discharges of water and/or silt and outflows from land drains.
- Diffuse enrichment by fertilisers and slurry from riverside farmland and the wider agricultural hinterland.

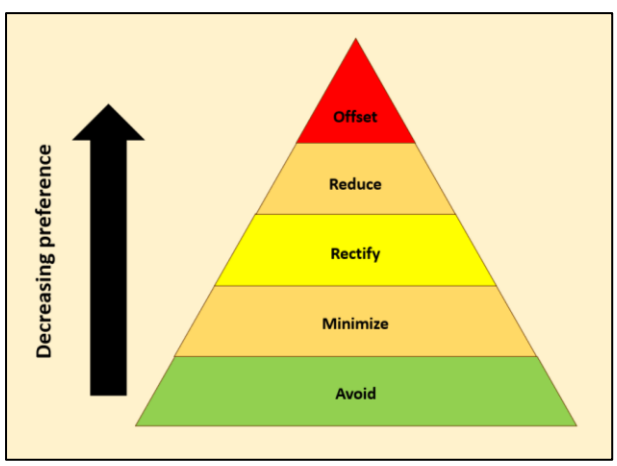
8.8.2. It is considered that the cumulative impacts outlined above are more likely to have an adverse impact on water quality in Bannow Bay than any impacts likely to arise from the application site in an 'alone' capacity.

8.9. **Mitigation**

8.9.1. An assessment conducted under Article 6(3) of the Habitats Directive must contain complete, precise and definitive findings and conclusions on the effects of the plan/project proposed on the Natura 2000 site concerned. The competent authorities can only approve the project after having ascertained that it will not adversely affect the integrity of the site (EC, 2022 page 8).

8.9.2. Where the appropriate assessment cannot exclude adverse effects on the integrity of the site, even after applying mitigation measures, it should identify residual adverse effects. This will be important in case the project is intended to be subject to the derogation procedure according to Article 6(4) (EC, 2022 page 8).

8.9.3. The risk mitigation hierarchy in order of decreasing preference is avoid, minimise, rectify, reduce, and offset. Avoidance is not possible in the presence case as the proposed development is site-specific to its location. Any adverse impacts can be minimised, and any damage done can be rectified and reduced. Offsetting (Hayes and Morrison-Saunders, 2007) does not arise as, since there will be no significant loss of qualifying habitat from any Natura 2000 site, there will be no requirement to offset the loss of habitat resulting from the presently proposed development.



8.9.4. The sources of potential impact of the application site on the Bannow Bay Natura 2000 site are considered to be threefold (Table 7 above). How these sources of potential impact can be mitigated is set out below (Table 18 below).

Impact on	Source	Mitigation
Habitats	Loss of habitat from the protected area.	Cannot be mitigated.
	Damage to designated habitats.	Mitigation measures in paragraph number 8.9.5.
Species	Disturbance of designated wild birds.	
Water pollution	Possible pollutants entering surface waters or groundwater draining to a Natura 2000 site resulting in a deterioration in the quality of the waters that sustain the site and the species it supports.	Mitigation measures in paragraph number 8.9.6.

Table 18. Mitigation of impacts from the proposed development.

8.9.5. **Damage to habitats and disturbance of wild birds**. Potential damage to designated habitats and potential disturbance of designated wild birds will be mitigated as follows.

- **ARCs**. The applicant, mindful of the government's statutory activities requiring consent (ARCs) relevant to the Bannow Bay Natura 2000 site, will apply to the Minister for consent regarding possible use for recreation by patrons of the campsite of the portion of Bannow Bay that adjoins the campsite in a manner compatible with the safeguarding of the integrity of the natural heritage of that important resource for the common good.
- **Habitat creation**. To further the conservation of local biodiversity the applicant will establish a hedgerow, a grove of native trees, and a wildflower area at the northern end of the application site. Planting will be confined to species that occur locally and are known to grow well in the locality of the application site.
- **Environmental awareness**. The applicant will mitigate any possible negative impacts by raising awareness and promoting best practice for nature conservation at Bannow Bay among patrons of his campsite, by promoting a Code of Conduct to guide responsible and safe interaction, by supporting such environmentally friendly activities as walking, birdwatching, photography, plein air painting, etc., and by actively discouraging any activities with a potential to cause damage to the Natura 2000 site.
- **Disturbance**. Construction works onsite will be confined to daylight hours during the normal working day when movements and noise on the application site are regular characteristics of the site, other farmyards, and existing agricultural activities around Bannow Bay.

8.9.6. **Water pollution**. The potential for causing any deterioration in water quality will be mitigated as follows.

- **General**. Works on site will be conducted in line with best practice by qualified and reputable contractors. All contractors employed on site will be contractually obliged to comply with all measures mandated by the conditions attached to any substitute consent granted and any additional measures required by the developers. The developers' Site Manager will be responsible for the implementation of both planning conditions and mitigation measures.
- **Specific anti-pollution measures.**
  - **Site drainage**. There are no plans to alter the existing onsite surface water drainage regime.
  - **Silt**. To mitigate against any runoff of silt-laden surface water during excessive rainfall, flash flooding, or a storm event, construction works will be conducted during periods of forecast settled weather. Silt fences will be made available for installation overnight as a contingency backup in the event of unexpected heavy rainfall.
  - **Concrete**. Since uncured concrete can kill fish and macro-invertebrates by altering the pH of the water, concrete delivery vehicles will be precluded from washing out at or in the environs of the site, or at such location as would result in a discharge to Bannow Bay. Bagged cement stored on site during construction work should be held in a dry secure area when not in use.
  - **Toxic chemicals**. No toxic chemicals will be used onsite. To mitigate against any runoff from any unforeseen discharge or accidental spillage of any deleterious material or substance mobilised from the proposed development entering surface waters or groundwater and adversely impacting habitats and species which are qualifying interests for the Bannow Bay Special Area of Conservation, contractors using machinery will be required as a condition of their contracts to carry spill kits appropriate for use in the event of any unforeseen discharge or accidental spillage.
  - **Fuel**. No fuel will be stored onsite. All refuelling of vehicles will be conducted in secure areas offsite. Parked vehicles, especially those parked over-night, will be required to park in areas where they have no direct flow path to water. An emergency spill kit will be available on site. All site operatives will be appropriately trained or instructed, and an Emergency Response Procedure will be put in place to deal with minor spillages. All waste oil, empty oil containers and other hazardous wastes will be disposed of in conjunction with the requirements of the Waste Management Act 1996.
  - **Treatment plant**. The proposed new treatment plant and its associated percolation area shall be installed and certified in accordance with the manufacture's recommendations and the submitted plan (Figure 16). The system shall be inspected and maintained regularly as per the manufacture's recommendations and subject to any planning conditions attached.

- **Waste disposal**. The proposed new chemical waste disposal tank shall also be installed and certified in accordance with the manufacture's recommendations and the submitted plan (Figure 16). The tank shall be emptied, inspected and maintained regularly by a reputable contractor as per the manufacture's recommendations and subject to any planning conditions attached.
- **Waste management**. Minor wastes generated on site will be collected for recycling and/or disposal by permitted contractors will be disposed of in accordance with the requirements of the Waste Management Act, 1996 (https://www.irishstatutebook.ie/eli/1996/act/10/enacted/en/html).

9. CONCLUSIONS

9.1. Concluding statement and determination

9.1.1. While access to more data is always highly desirable, it is considered that sufficient information, environmental and ecological baseline data, and details of the conservation objectives for the Natura 2000 sites assessed were available to carry put an assessment of the significant effects likely to arise from the application site. Any insufficiency of information is compensated for by the application of the precautionary principle.

9.1.2. The proposed development is not directly connected to, or necessary for, the management of any Natura 2000 site.

9.1.3. The nature, size and location of the application site and possible impacts arising from same, the qualifying interests, conservation objectives of the relevant Natura 2000 sites, and the potential for cumulative impacts arising from other plans and current activities or existing pressures on the relevant Natura 2000 sites were all considered in impact evaluation.

9.1.4. It has been established that no Natura 2000 site other than the Bannow Bay Natura 2000 site is likely to be adversely impacted by advancement of the proposed development.

9.1.5. All sources of potentially adverse impact that can be mitigated have been mitigated.

9.1.6. The proposed mitigation measures for the application site ensure that the campsite is unlikely to have any significant impact on the integrity of the Bannow Bay Natura 2000 site. *"The 'integrity of the site' can be usefully defined as the coherent sum of the site's ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated"* (EC, 2018 page 50).

9.1.7. For the reasons detailed above, and mindful of the mitigation measures proposed, the conservation objectives of the impacted site, and the precautionary principle, this Natura Impact Statement finds that the proposed development is unlikely to have any significant adverse impact on either the integrity of, or the conservation objectives for, the Bannow Bay Natura 2000 site, any other Natura 2000 site, or any other protected area.

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11. APPENDICES

11.1. Appendix 1:The Natura 2000 network.

Natura 2000 is a network of areas designated to protect threatened species and habitats throughout the European Union (EU). It is the largest coordinated network of protected areas in the world, extending across all 27 EU member states, both on land and at sea (Source: https://www.eea.europa.eu/themes/biodiversity/natura-2000/the-natura-2000-protected-areas-network). In February 2022, the Natura 2000 network comprised 26,935 sites (Source: https://op.europa.eu/en/publication-detail/-/publication/2f41bbd8-9916-11ec-8d29-01aa75ed71a1/language-en/format-PDF/source-252120630).

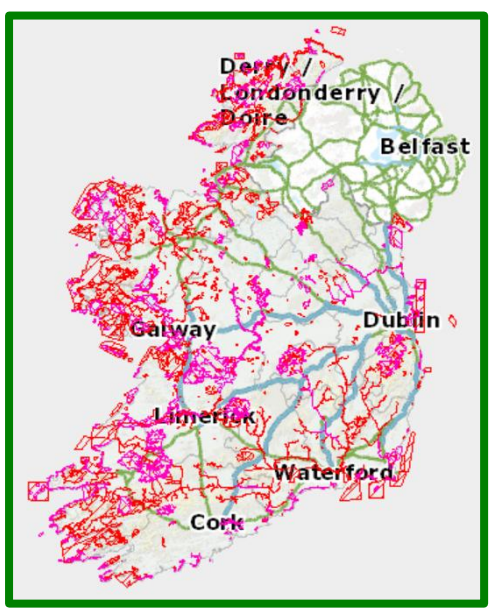
In 1979, the Birds Directive (as amended in 2009) established an EU-wide protection regime for all bird species naturally occurring in the EU. It included classification by member states of Special Protection Areas (SPAs) for 194 particularly threatened bird species and for all migratory birds.

This approach was extended through the 1992 Habitats Directive, which also provided for the establishment of a representative system throughout the EU of legally protected habitats (places) and species other than birds. The areas are named Sites of Community Importance (SCI) and aim for the conservation of the 233 habitat types listed in Annex I of the Directive and the 900 plus species listed in Annex II. Member states identify SCIs and designate them as Special Areas of Conservation (SACs).

SPAs under the Birds Directive and SACs under the Habitats Directive together make up the Natura 2000 network.

The target of both directives (specifically set out within the Habitats Directive and echoed in the Birds Directive) is to ensure the long-term sustainability of the habitats and species they have been set up to protect.

Natura 2000 sites in Ireland



The requirement under the Birds Directive and the Habitats Directive to designate Natura 2000 sites is transposed into national legislation by Part XAB, Section 177U of the *Planning and Development Act, 2000 S I No 30/2000* as amended, and Regulation 42 of the *European Communities (Birds and Natural Habitats) Regulations 2011-2021*. Natura 2000 sites are known in Irish legislation as 'European sites'.

Of the 27,031 Natura 2000 sites in the European Union, 604 are in the Republic of

Ireland (IE) covering an area of 19,480km^2 or 13% of the country's land area (*Natura 2000 Barometer*, No 52, August 2022).

All 604 Natura 2000 sites found in Ireland are detailed on the website of the government's National Parks and Wildlife Service (NPWS) at https://www.npws.ie/ with site descriptions, maps, aerial photographs, legislation, etc.

11.2. Appendix 2: The Appropriate Assessment process.

Definition. Appropriate Assessment (AA) is an assessment of the potential adverse effects of a plan or project on Natura 2000 sites.

Regulatory context and legislative requirements. Natura 2000 sites are protected by national and European law (see Appendix 11.1). The requirement for Appropriate Assessment is set out in Articles 6(3) and 6(4) of the Habitats Directive (Directive 92/43/EEC) (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043). The Habitats Directive and the associated Bird Directive (2099/147/EC) (https://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm) are transposed into Irish law by Part XAB, Section 177U of the *Planning and Development Act, 2000 S I No 30/2000* as amended (https://www.irishstatutebook.ie/eli/2000/act/30/enacted/en/html) and consolidated, and the *European Communities (Birds and Natural Habitats) Regulations 2011*, S I No 477/2011 as amended (http://www.irishstatutebook.ie/eli/2011/si/477/made/en/print). Part 4 of these Habitats Regulations addresses activities, plans or projects affecting European sites, while Part 5 addresses Appropriate Assessment. In Irish legislation, Natura 2000 sites are known as 'European sites'.

Four stages. The AA process is conducted in the following four stages. The outcome at each successive stage determines whether a further stage in the process is required.

Stage One: Screening for Appropriate Assessment. Screening is the process that addresses and records the reasoning and conclusions in relation to whether a plan or project is directly connected to or necessary for the management of the site, and whether that plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of the site's conservation objectives. If no adverse effects are identified, the project may proceed. If adverse effects are identified that are deemed to be potentially significant, significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2. A detailed description of the screening process may be accessed at https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf.

Stage Two: Appropriate Assessment. This stage considers the adverse effects of the plan or project identified in Stage One, establishes if they are likely to be potentially significant either alone or in combination with other projects or plans, and determines if they will have adverse effects on the integrity of any Natura 2000 site. It also includes any mitigation measures necessary to avoid, reduce or offset negative effects. If potentially adverse effects are not deemed to be significant or if they can be mitigated, the project may proceed. If the assessment is negative, then the process must proceed to Stage Three or Stage Four, or the plan or project should be abandoned.

Stage Three: Alternative Solutions. This stage assesses any alternative solutions or options that could enable the plan or project to proceed without adverse effects on the integrity of a Natura 2000 site. The process must return to Stage Two as alternatives will require appropriate assessment to proceed. Demonstrating that all reasonable alternatives have been considered and assessed, and that the least damaging option has been selected it is then necessary to progress to Stage Four.

Stage Four: Imperative Reasons of Overriding Public Interest (IROPI). This stage is the main derogation process of Article 6(4) which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project that will have adverse effects on the integrity of a Natura 2000 site to

proceed in cases where it has been established that no less damaging alternative solution exists. Compensatory measures must be proposed and assessed. The Commission must be informed of the compensatory measures. Compensatory measures must be practical, implementable, likely to succeed, proportionate and enforceable, and must be approved by the Minister.

Stage One and Stage Two are summarised below (Figure 50).

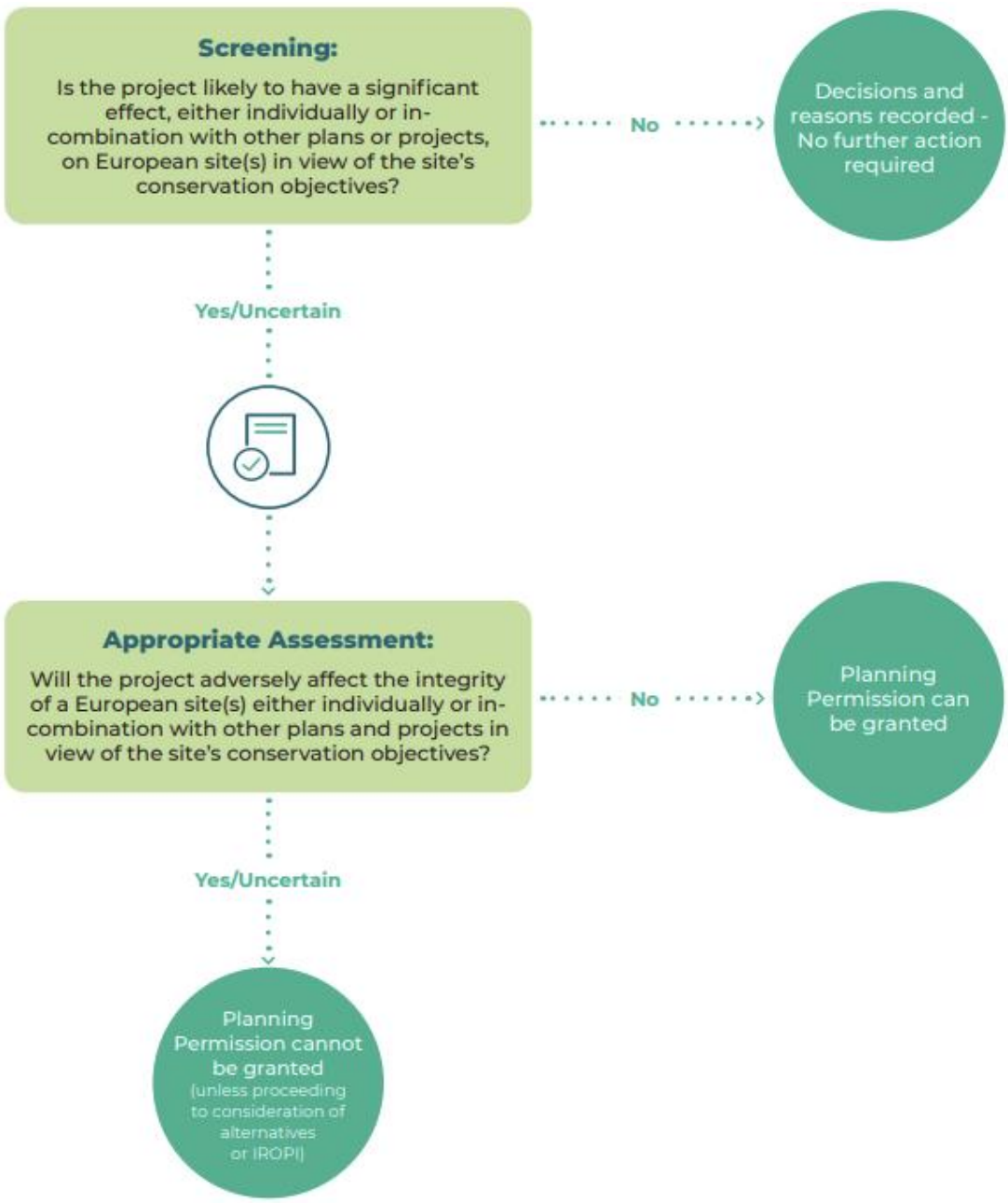


Figure 50. Overview of Screening and Appropriate Assessment.

(OPR, 2021 page 3)

See also Planning Leaflet No 11 produced by the Office of the Planning Regulator, available online at https://www.opr.ie/planning-leaflets/.

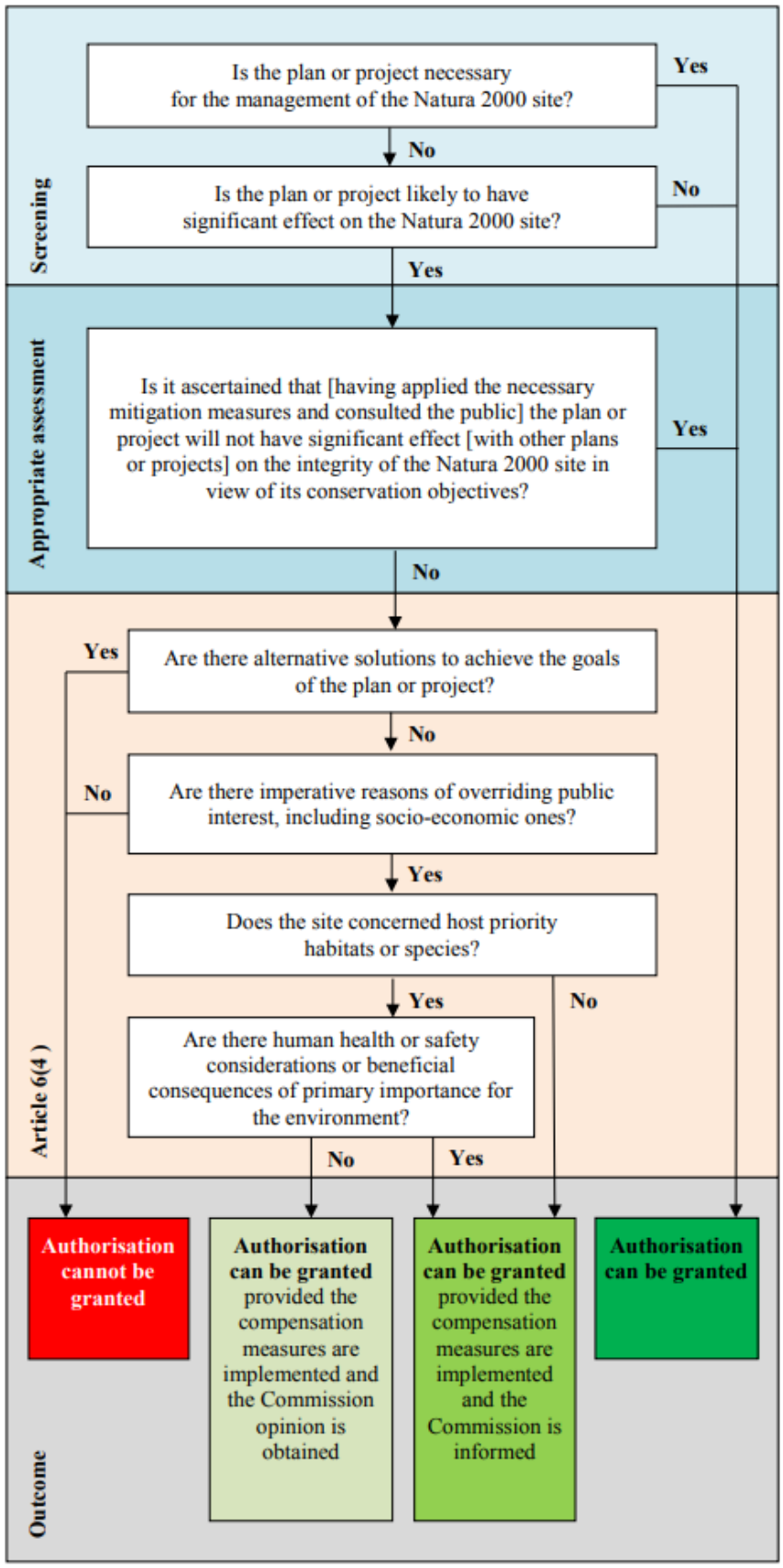


Figure 51. Flow chart of the Article 6(3) and (4) procedure.

(Source; EC, 2022 page 5)

11.3. Appendix 3: The Precautionary Principle.

The precautionary principle is a concept that originated in Germany during the 1970s and is now a fundamental part of environmental legislation; it urges caution when dealing with something new or unknown.

The presumption of innocence is a legal principle that every person accused of any crime is considered innocent until proven guilty. Under the presumption of innocence, the legal burden of proof is thus on the prosecution.

Unlike our legal system, the precautionary principle employs a guilty-until-proven-innocent methodology.

Regarding the Natura 2000 network, the precautionary principal is a compulsory standard that is applied to all proposed plans or projects. The approach urges caution if it is not clear if advancement of the proposed plan or project would be likely to have an adverse impact on the network. To proceed, clarity must be provided that no harm will result from advancement of the proposed plan or project.

The burden of proof is on both the applicant for planning permission, and the compiler of the Screening Report or Natura Impact Statement to provide the required clarity by means of evidence to show that no harm will result from advancement of the proposed plan or project.

The absence of evidence cannot be used as justification for approval. Evidence that no harm is likely must be provided. In the absence of evidence, it cannot be assumed that adverse impacts will not occur, and that if any possible adverse impacts do occur that they are not likely to be significant.

The Planning Authority or other consent authority or decision maker determines whether no harm will result from advancement of the proposed plan or project. If unambiguous evidence is not provided to the Planning Authority or other decision maker to inform their decision, or if there is uncertainty regarding the likelihood of adverse impacts, the plan or project cannot be permitted to proceed, and the permission sought must be refused.

Guidance from the European Commission states as follows.

*"Like all EU environmental legislation, the Habitats Directive is based on the **precautionary principle** ([8]), i.e., that absence of scientific evidence on the significant negative effect of an action cannot be used as justification for approval of this action. When applied to Article 6(3) procedure, the precautionary principle implies that the absence of a negative effect on Natura 2000 sites has to be demonstrated before a plan or project can be authorised. In other words, if there is a lack of certainty as to whether there will be any negative effects, then the plan or project cannot be approved."*

Reference: ([8]) Article 191 of the Treaty on the Functioning of the European Union.

(Source: EC, 2021)

11.4. Appendix 4: Wexford County Development Plan.

Note: In Irish law, a Natura 2000 site is called a “European site”.

Objective EM02

To ensure that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, will not have a significant effect on a European site, or where such a development proposal is likely or might have such a significant effect (either alone or in combination), the planning authority will, as required by law, carry out an appropriate assessment as per requirements of Article 6(3) of the Habitats Directive 92/43/EEC of the 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as transposed into Irish legislation. Only after having ascertained that the development proposal will not adversely affect the integrity of any European site, will the planning authority agree to the development and impose appropriate mitigation measures in the form of planning conditions. A development proposal which could adversely affect the integrity of a European site may only be permitted in exceptional circumstances, as provided for in Article 6(4) of the Habitats Directive as transposed into Irish legislation.

Objective EM04

To ensure that plans, including land use plans, will only be adopted, if they either individually or in combination with existing and/or proposed plans or projects, will not have a significant effect on a European Site, or where such a plan is likely or might have such a significant effect (either alone or in combination), Wexford County Council will, as required by law, carry out an appropriate assessment as per requirements of Article 6(3) of the Habitats Directive 92/43/EEC of the 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as transposed into Irish legislation. Only after having ascertained that the plan will not adversely affect the integrity of any European site, will Wexford County Council adopt the plan, incorporating any necessary mitigation measures. A plan which could adversely affect the integrity of a European site may only be adopted in exceptional circumstances, as provided for in Article 6(4) of the Habitats Directive as transposed into Irish legislation.

Objective NH08

To ensure that any plan/project and any associated works, individually or in combination with other plans or projects, are subject to Screening for Appropriate Assessment to ensure there are no likely significant effects on any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the ED Habitats Directive are fully satisfied. Where a plan/project is likely to have a significant effect on a Natura 2000 site or there is uncertainty with regard to effects, it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where, in the absence of alternative solutions, the plan/project is deemed by the competent authority imperative for reasons of overriding public interest.

(Source: Wexford County Development Plan 2022-2028, Volume 1. Available online at https://www.wexfordcoco.ie/planning/development-plans-and-local-area-plans/current-plans)

11.5. **Appendix 5: Issues raised by An Bord Pleanála.**

Issues raised by An Bord Pleanála are set out in the following record of a meeting held on 20 August 2024. How these issues are addressed is detailed in Table 19 that follows below.

Our Case Number: ABP-319723-24

Your Reference: John Roche

An Bord Pleanála

O'Leary Consulting Engineers
Rathview
Rathmore
Broadway
Co. Wexford
Y35E093

Date: 13 September 2024

Re: Request to enter into pre-application consultation pursuant to section 177E(1A) of the Planning and Development Act 2000 (as amended)

Clonmines, Wellingtonbridge, Co. Wexford

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the first meeting of the 20th August 2024.

Your comments should be submitted on or before 17 days, if you do not wish to comment can you confirm same within 17 days.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Ronan Meganney

Ronan Meganney
Executive Officer

SI Record
By Registered post

Teil	**Tel**	(01) 858 8100
Glao Áitiúil	**LoCall**	1800 275 175
Facs	**Fax**	(01) 872 2684
Láithreán Gréasáin	**Website**	www.pleanala.ie
Ríomhphost	**Email**	bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

An Bord Pleanála

Record of Meeting

ABP-319723-24

1st meeting

Case Reference / Description	ABP-319723-24 Request to enter into pre-application consultation pursuant to section 177E (1A) of the Planning and Development Act 2000, as amended		
Case Type	Pre-application Consultation		
1st / 2nd / 3rd Meeting	1st Meeting		
Date	20/08/2024	**Start Time**	11:03am (approx.)
Location	Virtually by Microsoft Teams	**End Time**	11:37am (approx.)

Representing An Bord Pleanála
Karen Hamilton – Assistant Director of Planning (Chair)
Catherine Dillon – Senior Planning Inspector
Ronan Megannety – Executive Officer

Representing the Prospective Applicant
John Roche - Applicant
Terry O'Leary- O'Leary Consulting Engineers – Applicants Agent
Verona Murphy TD (Local Representative)

… / continued, page 1 of 5.

Introduction:

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant and introductions were made. The procedural matters relating to the meeting were outlined as follows:

- The Board will keep a record of this meeting and any other meetings, if held. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- A further meeting or meetings may be held in respect of the proposed development.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.

The ABP representatives acknowledged the request on the 14th of May 2024 from O'Leary Consulting Engineers on behalf of John Roche, to enter into pre-application consultations under section 177E(1A) of the Planning and Development Act, 2000, as amended.

A broad agenda had previously been circulated as follows:

Agenda

- Introductions
- Description of development and relevant background - clarity regarding scope of application
- Procedural Advice / Queries arising with regards with regard to any subsequent application for Substitute Consent.

1. **Description of development and relevant background.**

Prospective Applicant Comments

- Planning history noted. The applicant had applied for planning permission to Wexford County Council in 2022 for works on the site which included development of lands to be used for a camper, caravan & campsite and for the change of use of 2 agricultural buildings; Shed A to be changed to a communal use building which includes toilet facilities and Shed B to be changed into a covered area for seating and refreshments. The application was subsequently invalidated by Wexford County Council due to authorised

… / continued, page 2 of 5.

works completed at the subject property. Enforcement proceedings has been served by Wexford County Council on foot of the unauthorised works at the property.

- Wexford County Council noted having regard to the nature of the development which will be required to seek retention being located within the catchment of a designated Shellfish Protected Waters and within Bannow Bay SPA and Bannow Bay SAC, such works require the submission of a remedial Natura Impact Statement (NIS).

- An application for Substitute Consent was lodged to An Bord Pleanála in November 2023 (ABP-318529-23) but was deemed invalid due to providing no evidence that it was made as a consequence of either section 177B or 177D of the preconditions for its validity under Section 177E the Planning and Development Acts 2000 to 2023.

- A further application for Substitute Consent was lodged to An Bord Pleanála in January 2024 (ABP-318820-24) but was deemed invalid due to the notices not complying with the requirements of 177E(2)(f) as prescribed under section 177N (2)(c) of the Act.

ABP Comments

- ABP sought clarity regarding the site history and current operations on going within the site.

- Noted that the remedial NIS must include all structures on the property and for the applicant to examine the entire application. ABP representatives queried about the slipway and walkway located on the property being included in the remedial NIS. Applicant advised that both the slipway and walkway are included but were not previously after instruction from Wexford County Council.

- ABP representatives noted that the Substitute Consent lodged to An Bord Pleanála in January 2024 (ABP-318820-24) was invalidated due to the notices stating 5 weeks instead of 8 weeks. ABP also noted that when ABP-318820-24 was lodged was during same time period when new Planning Regulations and procedures had been repealed in this regard.

2. **Procedural Advice / Queries arising regarding to any subsequent application for Substitute Consent.**

Prospective Applicant Comments

- Agent understood that the notices must state 8 weeks for any subsequent application for substitute consent.

… / continued, page 3 of 5.

- The agent highlighted that the slipway on the property is a public right of way and that other organisations make use of the slipway.
- The Local Representative raised concerns about illegal camper, caravan & campsite sites, within the county and that improvements to the Wexford County Development Plan need to be made in this regard.
- Agent queried is the applicant required to inform Wexford County Council of the meeting and the minutes.

ABP Comments

ABP representative advised the applicant they should ensure any application for substitute consent could address a range of issues such as those detailed below:

- The need for a remedial EIAR having regard to the requirements in Schedule 5 Part 2, Class 12 (d) of the Planning & Development Regs 2001 as amended.
- Information contained in any Remedial NIS and the impact of the development on the designated Shellfish Protected Waters and Bannow Bay SPA and Bannow Bay SAC in the NIS.
- Details & dates for works including removal/replanting of landscaping.
- All activities carried out at the site with/without planning permission.
- Traffic generated by the development.
- Site suitability Assessment for wastewater treatment plant.
- Management of waste on site.
- Whether the slipway is to be included within the development.
- Any infilling or ground works.
- ABP reminded the purpose of the meeting was to offer procedural advice only and no merits could be discussed.
- ABP advised the Local Representative that they could include their concerns or support in a letter with any subsequent application for substitute consent. Third party participation was not within the remit of the pre application process.

… / continued, page 4 of 5.

- It is the Applicant discretion if they wish to inform Wexford County Council of the meeting and the minutes.
- ABP stated that neither the Chair nor the Inspector would be dealing with the subsequent substitute consent application.

Conclusion:

At the conclusion of the meeting, it was advised that the record of the meeting would issue to the prospective applicant in due course. If no comments are received, the Board will close the file and await application. If the prospective applicant is of the opinion that another meeting is required, the Board may be of a mind to arrange that, the decision on whether further meetings are necessary will be made later.

_____

Karen Hamilton

Assistant Director of Planning

Further to the foregoing record of a meeting, the An Bord Pleanála representative advised the applicant they should ensure any application for substitute consent could address a range of issues such as those detailed below. The following table (Table 19) details how the nine issues raised are addressed.

Issue	Addressed
1. The need for a remedial EIAR having regard to the requirements in Schedule 5 Part 2, Class 12 (d) of the Planning & Development Regs 2001 as amended.	Assessment provided under separate cover by Terry O'Leary, GE Ltd t/a O' Leary Consulting Engineers.
2. Information contained in any Remedial NIS and the impact of the development on the designated Shellfish Protected Waters and Bannow Bay SPA and Bannow Bay SAC in the NIS.	The impact of the development on designated Shellfish Protected Waters is addressed in paragraphs 5.2.7 and 5.2.8, Figure 28 and Figure 29, and Table 6 above. Impacts on the Bannow Bay SPA and Bannow Bay SAC are addressed, assessed, and evaluated in Section 8 above.
3. Details & dates for works including removal/replanting of landscaping.	Data provided under separate cover by both John Roche, the applicant, and his agent, Terry O'Leary, GE Ltd t/a O' Leary Consulting Engineers.
4. All activities carried out at the site with/without planning permission.	The following activities were conducted at the site in the past without planning permission. ❖ Operation of a campsite with campervan and caravan parking, services pitches, provision of toilet and shower facilities, communal seating and refreshments, entertainment, etc. ❖ Groundworks to create level serviced pitches on the sloping site. ❖ Retaining cast in situ concrete walls to create a level surface on a sloping site to accommodate a chip and hot food van. ❖ Reclamation of part of the foreshore and infilling to create waterside serviced pitches overlooking the bay. ❖ Coastal protection works to safeguard the aforementioned reclamation works. ❖ A concrete slipway to provide access to Bannow Bay. For a description of planning history at the application site see Section 3.3 above.

5. Traffic generated by the development.	Data provided under separate cover by both John Roche, the applicant, and his agent, Terry O'Leary, GE Ltd t/a O' Leary Consulting Engineers.
6. Site suitability assessment for wastewater treatment plant.	Data provided under separate cover in an 18-page Site Suitability Assessment for the proposed wastewater treatment plant compiled by John Roche Architectural Services.
7. Management of waste on site.	It is proposed to manage waste generated on site as follows ▪ Sewage and wastewater as outlined at Section 3.7, Figure 16 and Figure 17 above. ▪ All other wastes will be collected and stored on site for collection and recycling and/or disposal by a reputable provider of sustainable waste management solutions.
8. Whether the slipway is to be included within the development.	It is confirmed that the upper (terrestrial) part of the slipway is included within the development (see Figure 2 on page 15). The lower (marine) part of the slipway is not included within the development.
9. Any infilling or ground works.	Infilling and ground works conducted at the application site comprise ▪ Groundworks to create level serviced pitches on the sloping site. ▪ Infilling to create a level surface on a sloping site to accommodate a chip and hot food van. ▪ Reclamation of part of the foreshore and infilling to create waterside serviced pitches overlooking the bay. ▪ Coastal protection works to safeguard the aforementioned reclamation works. ▪ A concrete slipway to provide access to Bannow Bay.

Table 19. Responses to issues raised by An Bord Pleanála.