

WEXFORD COUNTY COUNCIL

**Minutes of a Special Meeting of Wexford County Council
held in hybrid format on 13th June 2022 at 9.30am
with attendance in the Council Chamber County Hall Wexford and via MS TEAMS**

Attendance

In the Chair: Cllr. B. A. Murphy, Cathaoirleach.

Councillors:

Barden	Pat	Donohoe	Anthony	McDonald	Lisa
Bell	Maura			Moore	Jim (on-line)
Bolger	Andrew	Fleming	John	Murphy	Brídín
Breen	Pip				
Browne	Aidan	Hegarty	John	O'Súilleabháin	Fionntáin
Byrne	Cathal	Hynes	David	Owens	Jackser (on-line)
Carthy	Ger	Kavanagh	Willie	Sheehan	Michael
		Kelly	Leonard (online)	Staples	Frank
Codd-Nolan	Kathleen	Kenny	Donal	Sullivan	Joe
		Laffan	Garry	Walsh	Oliver (on-line)
Devereux	Diarmuid	Lawlor	George	Whelan	Michael

Apologies:

Councillors J. Codd, A. Connick, M. Farrell, T. Forde, J. O'Rourke

Officials

Mr. T. Enright, Chief Executive
Mr. E. Hore, Director of Service
Ms. A. O'Neill, Head of Finance via
Ms. C. Godkin, Director of Service
Ms. L. Hore, Director of Service
Mr. D. Minogue, County Secretary
Ms. D. Houston, Senior Planner
Ms. D. Kearns, Senior Executive Planner
Ms. P. Doyle, Executive Planner
Ms. Fiona Fenlon, Executive Planner
Mr. G. Hunt, Executive Planner
Ms. Yvonne Doyle Curtis, Assistant Planner

Other Attendees (Online): Thomas Burns (Brady Shipman Martin) Aebhin Cawley, Scott Cawley, Nicholas Fettes (Scott Cawley)

1. Consideration of the Proposed Material Alterations to the Draft Wexford County Development Plan 2022-2028 and the Chief Executive’s Report on the Submissions and Observations Received

The Cathaoirleach welcomed all to the meeting and set out the context of the meeting, which was to consider the Draft Plan, the Proposed Material Alterations (PMA), the Chief Executive’s Report (CER) on the submissions and observations received in relation to the PMA, and the recommendations of the Chief Executive in relation to those submissions.

The Cathaoirleach noted that:

- The Plan may be made with or without the proposed material alterations and that further minor modifications may be made to the alterations (subject to stated restrictions).
- Certain minor modifications had been recommended in the CER.
- It would be necessary to give reasons for decisions and stated that the reasons laid out by the Chief Executive would be the agreed reason unless otherwise indicated by the Members
- Where the Members disagree with the Chief Executive then reasons must be given.

The Chief Executive described the proposed adoption of a Development Plan as one of the most important if not the most important reserved functions of a Council and he paid tribute to the Elected Members for their work over the past 2 years in particular in bringing the review of the County Development Plan to this point.

Mr. Diarmuid Houston, Senior Planner then addressed the Council. He referenced the legal processes and considerations contained in the review process and outlined and explained the function of the Council at this point in that review process as set out in the Introduction to the Chief Executive’s Report.

On the proposal of Cllr. K. Codd Nolan, seconded by Cllr. F. O’Suilleabhain, the Council agreed to write to Irish Water to seek appropriate investment in the water services infrastructure in towns and villages throughout County Wexford.

The Members considered each of the PMAs in respect of which a submission had been received including the minor modifications recommended in the CER. Their respective resolutions in respect of each of those PMAs are set out in the attached table.

With regard to the PMA on which no submissions were received, on the proposal of Cllr. J. Hegarty, seconded by Cllr. L. McDonald, the Members agreed that these PMA and those in the attached table should be made.

At this juncture, the meeting adjourned briefly to allow the Executive to consult with the Council's environmental consultants in advance of the adoption of the Plan, to consider whether or not the implementation of the Plan as now presented, including all of the PMAs and minor modifications which the Members had agreed, could affect the integrity of a European site or have likely significant environmental effects.

The meeting reconvened, and Mr. D. Houston Senior Planner advised the Members that it was the advice of the Council's consultants, having attended the meeting and considered the Plan at all appropriate stages, that the implementation of the Plan as now presented would not affect the integrity of a European site or have likely significant effects on the environment. Mr. Houston stated that he concurred with this advice and accordingly that the Plan could be made.

The Members considered the environmental assessments and the advice of the Senior Planner and the Council's consultants on this matter, and on the proposal of Cllr. M. Sheehan, seconded by Cllr. K. Codd Nolan, resolved to continue with the process of making the Plan.

In view of the advice of the Council's environmental consultants as set out above and having fully considered the impacts of the Plan, as now proposed to be adopted, on European Sites through appropriate assessment at all relevant stages, Mr. T. Enright CE then proceeded to determine that, in light of best scientific knowledge, including in particular the nature of the predicted impacts that may arise from the Wexford County Development Plan 2022 - 2028 and considering the implementation of the mitigation measures proposed, the Wexford County Development Plan 2022 - 2028 would not adversely affect (either directly or indirectly) the integrity of any European sites, either alone or in combination with other plans or projects. Mr. Enright signed the relevant determination (attached).

On the proposal of Cllr. J. Fleming, seconded by Cllr. P. Breen, the Members, having considered the assessment and all associated advice, agreed with the determination of the Chief Executive as set out above and resolved to continue with the process of making of the Plan.

Cathaoirleach Cllr. Barbara Anne Murphy then proposed the following resolution:

Having considered the:

- *Draft Wexford County Development Plan*
- *the Proposed Material Alterations which were placed on public display*
- *the Chief Executive's Report on submissions received on the proposed material alterations which was circulated to the Members on the 1st of June 2022*
- *the Strategic Environmental Assessment (SEA) Environmental Report for the Draft Plan;*
- *the Appropriate Assessment (AA) Natura Impact Report for the Draft Plan;*
- *Strategic Flood Risk Assessment (SFRA) for the Draft Plan;*
- *SEA Environmental Report for the Proposed Material Alterations;*

- *Natura Impact Report for the Proposed Material Alterations;*
- *The SFRA for the Proposed Material Alterations*
- *Written submissions relating to SEA, AA and SFRA made during the Plan preparation process, and*
- *Ongoing advice on SEA, AA and SFRA from the Council's agents, and*

having regard to the proper planning and sustainable development of the County of Wexford to which the Plan relates, and in accordance with the provisions of Section 12(10) of the Planning and Development Act 2000 (as amended), the Members resolve to make the Wexford County Development Plan 2022-2028, and to proceed in accordance with Section 12(12) of the Planning and Development Act 2000 (as amended) to publish notice of the making of the Plan.

The proposal was seconded by Cllr. J. Fleming and was agreed unanimously, and the Wexford County Development Plan 2022-2028 was made.

THIS CONCLUDED THE BUSINESS OF THE MEETING

Daingithe ar an

Iá de Meitheamh, 2022.

Cllr George Lawlor
Cathaoirleach

Michael Drea,
County Secretary

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
CH3.34, CH3.36	Population Targets	Office of the Planning Regulator	To make the Plan with PMA CH 3.34. To make the Plan with PMA CH 3.36 subject to the minor modifications recommended in the Report of the CE	P. Breen	J. Hegarty
CH3.36, CH4.6, CH4.7, CH4.8, CH4.9, CH4.10, HS.2	Core Strategy and Housing Supply Targets	Office of the Planning Regulator	To make the Plan with PMA CH3.36 subject to the minor modifications recommended under Theme 1 on page 15 of the Report of the CE. To make the Plan with PMA CH 4.6, PMA CH 4.7, PMA CH 4.8, PMA CH 4.9, PMA CH 4.10. To make the Plan with PMA HS.2 subject to the minor modifications recommended in the Report of the CE	M. Sheehan	D. Devereux
CH3.11, CH3.34	Settlement Hierarchy and Distribution of Growth	Office of the Planning Regulator	To make the Plan with PMA CH3.11 and PMA CH3.34.	P. Breen	M. Whelan
CH3.11, CH3.24, CH3.26, CH3.27, CH3.29	Development Approach for Settlements	Office of the Planning Regulator	To make the Plan with PMA CH3.11. To make the Plan with PMA CH 3.24, CH 3.26, CH 3.27 and PMA CH 3.29 subject to the minor modifications recommended in the Report of the CE	P. Breen	M. Whelan

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
CH 3.36, CH 5.8 to CH 5.15	Compact Growth and Regeneration	Office of the Planning Regulator	To make the Plan with PMA CH 3.36 subject to the minor modifications recommended under Theme 1 on page 15 of the Report of the CE. To make the Plan with PMA CH 5.8, PMA CH 5.9, PMA CH 5.10, PMA CH 5.11, PMA CH 5.12, PMA CH 5.13, PMA CH 5.14 and CH 5.15	M. Sheehan	B. Murphy
CH 3.36, BT.8, BT.15	Settlement Plans	Office of the Planning Regulator	To make the Plan with CH 3.36 subject to the minor modifications recommended under Theme 1 on page 15 of the Report of the CE. To make the Plan with BT.8. To Make the Plan with BT.15 subject to the minor modifications recommended in the Report of the CE	K. Codd Nolan	A. Browne
CH 4.20 and DMM.7	Standards & Guidelines	Office of the Planning Regulator	To make the Plan with PMA CH 4.20 without the section which refers to minimum apartment size as recommended in the Report of the CE. To Make the Plan without DMM.7	J. Fleming	A. Donohoe
Ch 4.22, CH 4.23, CH 4.24, CH 4.25 and CH 4.26	Rural Housing and Regeneration	Office of the Planning Regulator	To make the Plan with PMA Ch 4.22, PMA CH 4.23, PMA CH 4.24, PMA CH 4.25 and PMA CH 4.26	P. Breen	J. Fleming

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
Ch 6.21 and CH 7.18	Rural Economy	Office of the Planning Regulator, Irish Water, Nova Connect	To make the Plan with PMA CH 6.21 subject to the minor modifications recommended in the Report of the CE. To make the Plan with PMA CH 7.18 without part b as recommended in the Report of the CE	M. Whelan	A. Donohoe
CH 6.25 and CH 6.26	Monitoring of Rural Economic Policies	Office of the Planning Regulator	To make the Plan with PMA CH6.25. To Make the Plan with PMA CH6.26 subject to the minor modifications recommended in the Report of the CE	A. Donohoe	P. Breen
CH 3.37 and Retail 1	Retail	Office of the Planning Regulator	To make the Plan with PMA CH 3.37 and PMA Retail 1	M. Sheehan	K. Codd Nolan
CH8.3	Sustainable Transport and Accessibility	Office of the Planning Regulator, NTA, WexBUG, South East on Track	To make the Plan with PMA CH8.3	A. Bolger	A. Donohoe
CH 8.33	Spatial Planning and National Roads Guidelines for Planning	Office of the Planning Regulator, TII, Irish Water	To make the Plan with PMA CH8.33 subject to the minor modifications recommended in the Report of the CE	A. Donohoe	M. Sheehan
CH2.2, CH2.3, CH2.17, CH2.20	Climate and Renewable Energy	Office of the Planning Regulator, DECC	To Make the Plan with PMA CH2.3, PMA CH 2.17 and PMA 2.20. To make the Plan with PMA CH2.2 subject to the minor modifications recommended in the Report of the CE	M. Sheehan	G. Laffan

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
ES.7, ES.8, ES.9, ES.14	Renewable Energy - Solar Development	Office of the Planning Regulator, DECC	To make the Plan with PMA ES.8, PMA ES.9 and PMA ES.14. To make the Plan with PMA ES.7 subject to the minor modifications recommended in the Report of the CE	M. Whelan	J. Hegarty
ES.17, ES.20	Renewable Energy - Wind	Office of the Planning Regulator, DECC, FuturEnergy, WEI, Fleming, Redmond, O'Brien	To make the Plan with PMA ES.17 and PMA ES.20, subject to the minor modifications recommended in the Report of the CE	A. Donohoe	D. Devereux
CH2.2, CH2.3, CH2.25, CH3.34, CH6.4, ES.16	Various	Southern Regional Assembly	To make the Plan with PMA CH2.2 subject to the minor modifications recommended in Section 2 of the Report of the CE. To make the Plan with PMA CH2.3 and CH3.34 as recommended in Section 2 of the Report of the CE. To make the Plan with PMA CH2.25. To make the Plan with PMA CH6.4 subject to the minor modifications recommended in the Report of the CE. To make the Plan with ES.16 as set out in Section 4.8 of the Report of the CE.	P. Breen	K. Codd Nolan
PMA CH1.8	Chapter 1	South East on Track & Dunne	To make the Plan with PMA CH 1.8	A. Donohoe	J. Hegarty
PMA CH2.2	Volume 1 - Chapter 2 Climate Action	DECC	To make the Plan with PMA CH 2.2 subject to the minor modifications recommended in the Report of the CE	P. Breen	J. Hegarty

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
CH 2.3, CH 2.25	Climate Action Plan 2019 & Climate Action Spatial Planning Strategy	DECC & Dunne	To make the Plan with PMA 2.3 and PMA 2.25	M. Sheehan	P. Barden
CH2.5	Climate Action Regional Office	Dunne	To make the Plan with PMA CH 2.5	M. Sheehan	P. Barden
CH2.8	Mitigation and Spatial Planning	South-East on Track & Dunne	To make the Plan with PMA CH2.8 subject to the minor modifications recommended in the Report of the CE	A. Donohoe	K. Codd Nolan
CH2.9	Mitigation and Spatial Planning	Dunne	To make the Plan with PMA CH2.9	K. Codd Nolan	P. Breen
CH2.23	Climate Action Strategic Objective CA 16	DECC	To make the Plan with PMA CH2.23 subject to the minor modifications recommended in the Report of the CE	D. Kenny	M. Bell
CH3.2	Core Strategy Guiding Principle D - Utilising the Proximity to the Waterford MASP	Dunne	To make the Plan with CH3.2	M. Sheehan	A. Bolger
CH3.4	Core Strategy Guiding Principle E - Utilising the Proximity to the Waterford MASP	Dunne & NTA	To make the Plan with CH3.4	A. Donohoe	F. O'Suilleabhain
CH3.8	Chapter 3 Core Strategy	South-East on Track	To make the Plan with PMA CH3.8 subject to the minor modification recommended in the Report of the CE	M. Sheehan	B. Murphy
CH3.13	Section 3.6.1 Level 1 Key Towns	Dunne	To make the Plan with PMA CH3.13	G. Laffan	M. Bell
CH3.15	Wexford Town Development Approach	Kloss	To make the Plan with PMA CH3.15	P. Breen	J. Hegarty
CH3.16	Wexford Town Development Approach	Kloss & South-East on Track	To make the Plan with PMA CH3.16	J. Hegarty	G. Laffan
CH3.22	Section 3.6.2 Level 2 Large Towns - New Ross	NTA	To make the Plan with PMA CH3.22	M. Sheehan	B. Murphy

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
CH3.11, CH3.24	Section 3.5 Core Strategy Settlement Hierarchy & Section 3.6.3 Level 3 Settlements	South-East on Track & Dunne	To make the Plan with PMA CH3.11. To make the Plan with PMA CH3.24, subject to the minor modification recommended in the Report of the CE	K. Codd Nolan	D. Kenny
CH3.32	Section 3.7.2 Achieving NPF Brownfield / Infill Targets	Dunne	To make the Plan with PMA CH3.32	J. Hegarty	D. Kenny
CH3.33	Section 3.7.3 Core Strategy Population Allocations	Dunne & NTA	To make the Plan with PMA CH3.33	A. Donohoe	D. Kenny
CH3.34	Section 3.7.3 Core Strategy Population Allocations	Dept. of Education	To make the Plan with PMA CH3.34	G. Lawlor	G. Laffan
CH 3.36	Section 3.7.8 Residential Zoned Land Housing Land Requirements	CIF	To make the Plan with PMA CH3.36 subject to the minor modifications recommended in the Report of the CE	P. Breen	J. Fleming
CH3.42	Core Strategy and Settlement Objectives	TII	To make the Plan with PMA CH3.42	M. Sheehan	B. Murphy
CH3.44	Core Strategy and Settlement Objectives - Wexford Town Strategic Objectives	NTA	To make the Plan with PMA CH3.44	M. Bell	M. Sheehan
CH3.47	Objective WT07 in Wexford Town Strategic Objectives	South-East on Track	To make the Plan with PMA CH3.47	M. Whelehan	D. Kenny
CH3.53	Objective ET08 in Enniscorthy Town Strategic Objectives	Dept. of Education	To make the Plan with PMA CH3.53	C. Byrne	A. Browne
CH3.55	Core Strategy and Settlement Objectives - New Ross Strategic Objectives	NTA	To make the Plan with PMA CH3.55	M. Sheehan	P. Barden
CH3.56	Core Strategy and Settlement Objectives - Wexford Town Strategic Objectives	NTA	To make the Plan with PMA CH3.56	G. Lawlor	D. Devereux
CH4.16	Future Housing Delivery	Irish Water	To make the Plan with PMA CH4.16	P. Breen	J. Fleming

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
CH7.11	Activity and Adventure Tourism	South-East on Track	To make the Plan with PMA CH7.11	F. Staples	G. Carthy
CH7.13	Business Tourism	Nova Connect	To make the Plan with PMA CH7.13	M. Sheehan	M. Bell
CH7.18	Tourist Accommodation	Irish Water, Nova Connect, OPR	To make the Plan with PMA CH7.18 without part b as recommended on P. 49 and P.50 of the Report of the CE	A. Bolger	M. Bell
CH8.2	Our Transport Network	South-East on Track	To make the Plan with PMA CH8.2	A. Donohoe	K. Codd Nolan
CH8.3	Modal Shift	WexBUG, South East on Track, OPR, NTA	To make the Plan with PMA CH8.3	D. Kenny	P. Breen
CH8.4	Sustainable Transport Strategy	Dept. of Transport	To make the Plan with PMA CH8.4 subject to the minor modifications recommended in the Report of the CE	D. Kenny	P. Breen
CH8.5	Sustainable Transport Strategy	South-East on Track	To make the Plan with PMA CH8.5 subject to the minor modifications recommended in the Report of the CE	M. Sheehan	A. Bolger
CH8.9	Sustainable Transport Strategy	NTA	To make the Plan with PMA CH8.9	G. Laffan	A. Donohoe
CH8.11	Sustainable Transport Strategy	WExBUG, Dept. of Transport, NTA	To make the Plan with PMA CH8.11	M. Bell	D. Hynes
CH8.13	Walking and Cycling	NTA, TII	To make the Plan with PMA CH8.13	P. Breen	J. Hegarty
CH8.14	Walking and Cycling	WexBUG, NTA	To make the Plan with PMA CH8.14	A. Bolger	M. Bell
CH8.15, CH8.16	Walking and Cycling	WexBUG	To make the Plan with PMA CH8.15 and PMA CH8.16	M. Whelan	D. Kenny
CH8.18	Walking and Cycling	WexBUG, Dept. of Transport	To make the Plan with PMA CH8.18 subject to the minor modifications recommended in the Report of the CE	L. Kelly	B. Murphy

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
CH8.20	Walking and Cycling	WexBUG, Courtown Community Council, NTA	To make the Plan with PMA CH8.20 subject to the minor modifications recommended in the Report of the CE	L. Kelly	G. Laffan
CH8.22	Public Transport	NTA	To make the Plan with PMA CH8.22	D. Kenny	M. Sheehan
CH8.23	Public Transport	Dept. of Transport	To make the Plan with PMA CH8.23	L. Kelly	D. Hynes
CH8.24	Public Transport	WexBUG, South-East on Track	To make the Plan with PMA CH8.24	M. Sheehan	G. Lawlor
CH8.28	Roads	TII, Redmond	To make the Plan with PMA CH8.28	J. Hegarty	P. Barden
CH8.29, CH8.30, CH8.31	National Roads Projects	TII	To make the Plan with CH8.29, CH8.30, CH8.31	O. Walsh	F. Staples
CH8.32	National Roads	WexBUG	To make the Plan with PMA CH8.32 subject to the minor modifications recommended in the Report of the CE	K. Codd Nolan	A. Browne
CH8.33	National Roads	Irish Water, TII, OPR	To make the Plan with PMA CH8.33 subject to the minor modifications recommended in the Report of the CE	A. Donohoe	M. Sheehan
CH8.42	Ports	South-East on Track	To make the Plan with PMA CH8.42	P. Breen	F. Staples
CH9.2	Table 9.1 in Section 9.5.1 Public Water	Irish Water	To make the Plan with PMA CH9.2 subject to the minor modifications recommended in the Report of the CE	A. Donohoe	L. McDonald
CH9.6	Water Supply	Irish Water	To make the Plan with PMA CH9.6	D. Hynes	M. Bell
CH9.10	Small Towns and Village Scheme	Irish Water	To make the Plan with PMA CH9.10	C. Byrne	G. Laffan

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
CH9.14	Wastewater	Irish Water	To make the Plan with PMA CH9.14	M. Sheehan	P. Barden
CH9.19	Telecommunications and ICT Strategy	DECC	To make the Plan with PMA CH9.19 subject to the minor modifications recommended in the Report of the CE	A. Donohoe	D. Kenny
CH9.20	Telecommunications and ICT Strategy	DECC	To make the Plan with PMA CH9.20	L. McDonald	M. Whelan
CH9.21	Sources of Flood Risk in County Wexford	OPW, GSI (DECC)	To make the Plan with PMA CH9.21	A. Donohoe	F. O'Suilleabhain
CH9.22	Flood Mapping	OPW, GSI (DECC)	To make the Plan with PMA CH9.22	F. O'Suilleabhain	W. Kavanagh
CH9.23 to CH9.27	Riparian Zones and Flood Risk Management and Flood Risk and Surface Water Management	OPW	To make the Plan with PMA CH9.23, PMA CH9.24, PMA CH9.25, PMA CH9.26 and PMA CH9.27	A. Browne	K. Codd Nolan
CH9.28 and CH9.29	Surface Water management	Irish Water, OPW	To make the Plan with PMA CH9.28 and CH9.29	K. Codd Nolan	A. Donohoe
CH11.6	Green Infrastructure	Irish Water, OPW	To make the Plan with PMA CH11.6	G. Lawlor	A. Donohoe
CH11.9	Green Infrastructure	OPW	To make the Plan with PMA CH11.9	M. Sheehan	L. McDonald
CH11.13, CH11.14, CH11.15	Green Infrastructure	OPW	To make the Plan with PMA CH11.13 and PMA CH11.15. To make the Plan with PMA CH11.14 subject to the minor modifications recommended in the Report of the CE	L. McDonald	A. Donohoe
CH12.10	Coastal Erosion	GSI (DECC)	To make the Plan with PMA CH12.10	M. Sheehan	F. Staples
CH12.13	Coastal Erosion	GSI (DECC)	To make the Plan with PMA CH12.13	J. Fleming	F. O'Suilleabhain

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
CH13.17 and CH13.18	Maritime and Underwater Archaeology	Dept of Housing, Local Government and Heritage	To make the Plan with PMA CH13.17 and PMA CH13.18	F. O'Suilleabhain	P. Breen
CH15.8	Education	Dept of Education	To make the Plan with PMA CH15.8 subject to the minor modifications recommended in the Report of the CE	A. Bolger	G. Lawlor
CH15.9	Education	Dept of Education	To make the Plan with PMA CH15.9	F. O'Suilleabhain	M. Sheehan
CH15.11	Education	Dept of Education	To make the Plan with PMA CH15.11	G. Lawlor	G. Laffan
CH15.12	Education	Dept of Education	To make the Plan with PMA CH15.12	L. Kelly	D. Hynes
DMM.15 and DMM.16	Surface Water management	OPW	To make the Plan with PMA DMM.15 and PMA DMM.16	A. Donohoe	L. McDonald
BT.9 and BT.15	Land Use Zoning and Matrix and Buncloody Town Infrastructural Assessment Report	Irish Water and OPR	To make the Plan with PMA BT.9. To make the Plan with BT.15 subject to the minor modifications recommended in the Report of the CE	A. Bolger	K. Codd Nolan
BT.11	Transport and Movement	TII, WexBUG	To make the Plan with PMA BT.11	A. Browne	C. Byrne
BT.14	Transport and Movement	TII	To make the Plan with PMA BT.14	K. Codd Nolan	A. Browne
RHK.3	Built and Natural Heritage	Dunne	To make the Plan with PMA RHK.3	F. O'Suilleabhain	M. Bell
RHK.7	Residential and Table RHK-1 Future Residential Development and Delivery Approach	Dunne	To make the Plan with PMA RHK.7	P. Breen	J. Fleming
RHK.9	Transport and Movement	TII, Dunne	To make the Plan with PMA RHK.9	G. Carthy	F. Staples
RHK.10	Transport and Movement	Dunne	To make the Plan with PMA RHK.10	M. Sheehan	P. Barden

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
RHK.15	Transport and Movement	Dunne	To make the Plan with PMA RHK.15	G. Carthy	F. O'Suilleabhain
RHK.16	Transport and Movement	South-East on Track, Dunne	To make the Plan with PMA RHK.16	G. Carthy	L. McDonald
RHK.18	Economic Development	Dunne	To make the Plan with PMA RHK.18	L. McDonald	G. Carthy
RHK.19	Economic Development	South-East on Track	To make the Plan with PMA RHK.19	J. Fleming	L. McDonald
RHK.24 and RHK.26	Land Use Zoning and Matrix	Kilrane Concerned Residents Group	To make the Plan with PMA RHK.24 and PMA RHK.26	G. Carthy	F. Staples
RHK.24 and RHK.27	Land Use Zoning and Matrix and Rosslare Harbour and Kilrane Infrastructure Assessment Report	Irish Water	To make the Plan with PMA RHK.24 and PMA RHK.27	D. Hynes	F. Staples
RS.7	Recreation and Open Space	South-East on Track	To make the Plan with PMA RS.7	M. Bell	F. O'Suilleabhain
SC.1	Statement on Compliance - Volume 4	TII	To make the Plan with PMA SC.1 subject to the minor modifications recommended in the Report of the CE	L. McDonald	A. Donohoe
RPS.7	Record of Protected Structures	Pierce	To make the Plan with PMA RPS.7	M. Bell	F. O'Suilleabhain
RPS.17	Record of Protected Structures	Nutricia Infant Nutrition Ltd	To make the Plan without PMA RPS.17 in view of the uneconomic cost of repairing the structure, and to not hinder the future economic development of the overall site of the structure	G. Carthy	G. Laffan
HS.1	Housing Strategy	CIF	To make the Plan with PMA HS.1	M. Sheehan	J. Hegarty
ES.5	Energy Strategy	DECC, FuturEnergy Ireland, WEI	To make the Plan with PMA ES.5 subject to the minor modifications recommended in the Report of the CE	P. Breen	D. Kenny

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
ES.7, ES.8, ES.9, ES.14	Methodology, Objectives	OPR, DECC	To make the Plan with PMA ES.8, PMA ES.9 and PMA ES.14. To make the Plan with PMA ES.7 subject to the minor modifications recommended in Section 2 of the Report of the CE	A. Bolger	G. Carthy
ES.15, ES.16	Wind Energy Methodology	SRA, DECC, FuturEnergy Ireland, WEI, Murphy	To make the Plan with PMA ES.15 and PMA ES.16	M. Sheehan	J. Fleming
ES.17, ES.20	Wind Energy Methodology, Wind Farm Development Management, Siting, layout and Design	DECC, OPR, FuturEnergy Ireland, WEI, Fleming, Redmond(2), O'Brien	To make the Plan with PMA ES.17 and PMA ES.20 but reverting to the 250 metres proposed in the Draft Plan as recommended in Section 2 of the Report of the CE	J. Fleming	M. Whelan
ES.19, ES.21	Wind Farm Development Management Standards- Duration of Permission and Decommissioning	DECC, FuturEnergy Ireland, WEI	To make the Plan with PMA ES.19 and PMA ES.21 subject to the minor modifications recommended in the Report of the CE	D. Hynes	A. Donohoe
ES.22	Marine Spatial Planning	DECC	To make the Plan with ES.22 subject to the minor modifications recommended in the Report of the CE	M. Sheehan	A. Donohoe
ES.23	Offshore Wind Farms	DECC	To make the Plan with PMA ES.23	M. Sheehan	F. Staples
ES.25 and ES.26	Energy Storage	DECC, FuturEnergy Ireland	To make the Plan with PMA ES.25 and PMA ES.26	P. Breen	J. Moore
SFRA.1	Strategic Flood Risk Assessment	OPW	To make the Plan with PMA SFRA.1	M. Sheehan	J. Moore
	Volume 12 Strategic Environmental Assessment Environmental Report	Dept. Agriculture, Food and the Marine	To add the Common Fisheries Policy to Table 4.1 International/European Legislative Frameworks, Plans and Policies in the final ER	F. Staples	J. Moore

PMA No.(s)	Relevant Theme	Submission Author	Decision of the Council	Proposed by Cllr.	Seconded by Cllr.
ES.15, ES.16	Volume 10 Energy Strategy- Section 5.3 Wind Energy Methodology and Volume 12 Strategic Environmental Assessment Environmental Report	SRA, DECC, FuturEnergy Ireland, WEI, Murphy	To make the Plan with PMA ES.15 and ES.16 as recommended in Section 4.8 of the Report of the CE	J. Hegarty	L. McDonald
ES.17, ES.20	Wind Energy Methodology, Wind Farm Development Management, Siting, Layout and Design, Volume 12 Strategic Environmental Assessment Environmental Report	DECC, OPR, FuturEnergy Ireland, WEI, Fleming, Redmond(2), O'Brien	To make the Plan with PMA ES.17 and PMA ES.20 but reverting to the 250 metres proposed in the Draft Plan as recommended in Section 2 of the Report of the CE	J. Hegarty	L. McDonald

Appropriate Assessment Determination for the Wexford County Development Plan 2022 – 2028

Background and Legislative Context

The Birds and Habitats Directives - Council Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the Birds Directive) and Council Directive 92 /43 /EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) – require Ireland to establish protected sites as part of a European wide network of sites (the Natura 2000 network which are known in Ireland as European sites) for habitats and species that are of international importance for conservation. In Ireland, European sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SACs are selected for habitats listed on Annex I of the Habitats Directive (including priority Annex I habitat types which are in danger of disappearance) and species listed on Annex II. SPAs are selected for bird species (listed on Annex I of the Birds Directive), regularly-occurring populations of migratory bird species (such as ducks, geese and waders), and areas of international importance for migratory birds. The specified habitats and species for which each SAC and SPA is selected, correspond to the qualifying interests (in the case of SACs) or special conservation interest species (in the case of SPAs) for the sites, for which conservation objectives are prepared.

Article 6(3) of the Habitats Directive states that:

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'

This provision is transposed into Irish law by Part XAB of the Planning and Development Acts 2000 as amended. Section 177U(4) of the said Acts provides for screening for Appropriate Assessment as follows:

'The competent authority shall determine that an appropriate assessment of a draft Land use plan [...] is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan [...], individually or in combination with other plans or projects, will have a significant effect on a European site.'

Section 177U(5) provides as follows:

'The competent authority shall determine that an appropriate assessment of a draft Land use plan [...], is not required if it can be excluded, on the basis of objective information, that the draft Land use plan [...], individually or in combination with other plans or projects, will have a significant effect on a European site.'

Section 177T(1) and (2) provide that a NIR is *'a statement for the purposes of Article 6 of the Habitats Directive, of the implications of a Land use plan, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites'* and specifies that it *'shall include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites'*.

The Appropriate Assessment Determination

In accordance with the requirements of Section 177U(1) of the Planning and Development Act 2000 (as amended), screening for Appropriate Assessment of the Wexford County Development Plan was carried out which determined that an Appropriate Assessment (AA) is required.

This AA Determination has been informed by the content of a Natura Impact Report (NIR) that is included with the plan documentation (refer to Appendix A) as required under Section 177T of the Planning and Development Act 2000 (as amended).

The NIR presents an assessment of the potential for the Wexford County Development Plan 2022 - 2028 to impact on European sites and, furthermore, assesses whether the plan would adversely affect the integrity of any European site(s).

The NIR has been prepared in accordance with the provisions of Part XAB of the Planning and Development Act, 2000 (as amended) and in accordance with the requirements of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive).

It considers the implications of the Wexford County Development Plan 2022 - 2028, on its own and in combination with other plans or projects, for European sites¹ in view of the conservation objectives of those sites. It includes a scientific examination of evidence and data to identify and assess the implications of the Wexford County Development Plan 2022 - 2028 for any European sites in view of the conservation objectives of those sites. It considers whether the Wexford County Development Plan 2022 - 2028, by itself and in combination with other plans or projects, would adversely affect the integrity of any European sites. In reaching a conclusion in this regard consideration is given to mitigation measures to avoid or reduce any potential negative impacts.

Identification of European Sites within the Zone of Influence

The NIR has concluded that the possibility of significant effects on the following European sites could not be ruled out:

- Ballyteigue Burrow SAC [000696]
- Bannow Bay SAC [000697]
- Blackstairs Mountains SAC [000770]
- Blackwater Bank SAC [002953]
- Cahore Polders and Dunes SAC [000700]
- Carnsore Point SAC [002269]
- Hook Head SAC [000764]
- Kilmuckridge-Tinnaberna Sandhills SAC [001741]
- Kilpatrick Sandhills SAC [001742]
- Lady's Island Lake SAC [000704]
- Long Bank SAC [002161]
- Raven Point Nature Reserve SAC [000710]
- Ballyteigue Burrow SPA [004020]
- Bannow Bay SPA [004033]
- Cahore Marshes SPA [004143]
- Keeragh Islands SPA [004118]
- Lady's Island Lake SPA [004009]
- Saltee Islands SPA [004002]
- Tacumshin Lake SPA [004092]
- The Raven SPA [004019]
- Wexford Harbour and Slobbs SPA [004076]
- River Nore SPA [004233]
- Tramore Back Strand SPA [004027]

¹ The Natura 2000 network of sites are defined under the Habitats Directive (Article 3) as a European ecological network of special areas of conservation, composed of sites hosting the natural habitat types listed in Annex I and species listed in Annex II, and special protection areas classified pursuant to the Birds Directive (2009/147/EC). The aim of the network is to aid the long-term survival of Europe's most valuable and threatened species and habitats. In Ireland, these sites are designed as *European sites* – as defined under the Planning and Development Acts and/or Birds and Habitats Regulations as (a) a candidate site of Community importance, (b) a site of Community importance, (c) a candidate special area of conservation, (d) a special area of conservation, (e) a candidate special protection area, or (f) a special protection area. They are commonly referred to in Ireland as candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs).

- River Barrow And River Nore SAC [002162]
- Saltee Islands SAC [000707]
- Screen Hills SAC [000708]
- Slaney River Valley SAC [000781]
- Tacumshin Lake SAC [000709]
- Lower River Suir SAC [002137]
- Tramore Dunes and Backstrand SAC [000671]
- Buckroney-Brittias Dunes And Fen SAC [000729]

The assessment set out in the NIR demonstrates that the scope of the Appropriate Assessment may be limited to the European sites listed above, as the possibility of significant effects on any other European sites could/can be ruled out.

Mitigation Measures

At all appropriate stages of preparing the Wexford County Development Plan 2022 - 2028, the various policies, objectives and various amendments made throughout the plan development process have been reviewed and evaluated with respect to the requirements of Article 6(3) of the Habitats Directive before being incorporated into the Wexford County Development Plan 2022 - 2028 to ensure that the individual elements of the Wexford County Development Plan 2022 - 2028 will not give rise to adverse effects on the integrity of any European sites.

Protective measures have been incorporated into the Wexford County Development Plan 2022 - 2028 to avoid or reduce the potential impacts on the qualifying interest and special conservation interests of all European sites to ensure that their conservation objectives are not undermined and, therefore, adverse effects on the integrity of any European sites are avoided. These protective measures are included in the form of objectives to ensure the protection of European sites. In particular the following two key strategic objectives (Objective EM02 and EM04) have been included.

Objective EM02 (Appropriate Assessment of development proposals)

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, 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 (Appropriate Assessment of plans)

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.

In addition, a number of specific objectives in the chapters and volumes of the plan have as their focus the protection of the environment, biodiversity, water quality and European sites. Some of these key protective objectives also provide mitigation in relation to elements of the plan which have potential to give rise to impacts on European sites.

Proposed Amendments Made Throughout the Plan Development Process

Following periods of public display and consideration of submissions received, various amendments made throughout the plan development process were examined and analysed for their potential to have significant effects on European sites. The vast majority of proposed amendments to the draft plan posed no risk to European sites, as they were either neutral (i.e. had no relevance or relationship to European sites) or were positive and protective in nature. However, some were deemed to have potential for significant effects on European sites and as required mitigation measures were incorporated throughout the plan to avoid or reduce potential impacts on the qualifying interest and special conservation interests of European sites to ensure that their conservation objectives would not be undermined and, therefore, adverse effects on the integrity of European sites would be avoided.

Conclusion and AA Determination

The NIR has examined and analysed, in light of the best scientific knowledge, with respect to those European sites within the zone of influence of the Wexford County Development Plan 2022 - 2028, the potential impact sources and pathways, how these could impact on the European sites' qualifying interests/special conservation interest species, and whether the predicted impacts would adversely affect the integrity of those European sites.

It has been objectively concluded in the NIR, following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts associated with the Wexford County Development Plan 2022 - 2028, that the Wexford County Development Plan 2022 - 2028 will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.

Wexford County Council has examined, analysed and evaluated the content of the Wexford County Development Plan 2022 - 2028, including the information and assessment presented in the NIR, and are in agreement with the conclusion of the NIR.

Thus, it has been objectively concluded by Wexford County Council that, in light of best scientific knowledge, including in particular the nature of the predicted impacts that may arise from the Wexford County Development Plan 2022 - 2028 and considering the implementation of the mitigation measures proposed, the Wexford County Development Plan 2022 - 2028 will not adversely affect (either directly or indirectly) the integrity of any European sites, either alone or in combination with other plans or projects.

Signed:



Chief Executive

13th June 2022.

Date