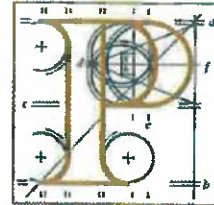
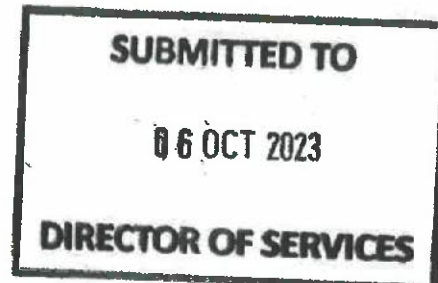


Our Case Number: ABP-314015-22



An  
Bord  
Pleanála

Wexford County Council  
Director of Services, Eamonn Hore  
Carricklawn  
Co. Wexford  
Y35 WY93



Date: 04 OCT 2023

Re: Development of the N25 Rosslare Europort Access Road.  
In the townlands of Ballygerry, Ballygillane Little & Churchtown, St. Helen's, Rosslare, Co. Wexford

Dear Sir,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

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,

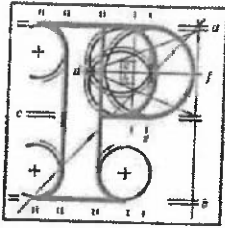
Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

AA14

Tel (01) 858 8100  
Glaó Áitiúil 1800 275 175  
Facs (01) 872 2684  
Lálthreán Gréasáin Website [www.pleanala.ie](http://www.pleanala.ie)  
Ríomhphost Email [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoibhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902



An  
Bord  
Pleanála

Board Order  
ABP-314015-22

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**Planning and Development Acts, 2000 to 2022**

**Planning Authority: Wexford County Council**

**Application by Wexford County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 5<sup>th</sup> day of July, 2022.**

**Proposed Development:** The proposed development begins at its junction with the existing N25 National Road at the proposed Ballygillane Roundabout and ends at the Rosslare Europort, at a new roundabout proposed as part of the Rosslare Europort Masterplan. The proposed scheme consists of approximately 1.52 kilometres of road carriageway, a railway underbridge, two underpasses, footway/cycle facilities, local road/access tie-ins with associated drainage, fencing, safety barriers, public lighting and all site development and landscaping works.

All within the townlands of Ballygerry, Ballygillane Little and Churchtown, St. Helen's, Rosslare, County Wexford.

### Decision

**Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended),
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- (d) the conservation objectives, qualifying interests, and special conservation interests for Lady's Island Lake Special Protection Area (Site Code: 004009), Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), Slaney River Valley Special Area of Conservation (Site Code: 000781), The Raven Special Protection Area (Site Code: 004019), Tacumshin Lake Special Protection Area (Site Code: 004092), and Saltee Islands Special Area of Conservation (Site Code: 000707),
- (e) Project Ireland 2040 National Planning Framework (NPF),
- (f) the Climate Action Plan 2023 – Changing Ireland for the Better,
- (g) the Design Manual for Urban Roads and Streets (2011) (DMURS),
- (h) the Regional Spatial and Economic Strategy for the Southern Region (RSES),
- (i) the policies and objectives of the Wexford County Development Plan 2022-2028,
- (j) the nature and extent of the proposed works as set out in the application for approval,
- (k) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (l) the submissions and observations received in relation to the proposed development, and,

- (m) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

**Appropriate Assessment: Stage 1:**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Lady's Island Lake Special Protection Area (Site Code: 004009), Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), Slaney River Valley Special Area of Conservation (Site Code: 000781), The Raven Special Protection Area (Site Code: 004019), Tacumshin Lake Special Protection Area (Site Code: 004092), and Saltee Islands Special Area of Conservation (Site Code: 000707), are the only European Sites in respect of which the proposed development has the potential to have significant effects.

**Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Lady's Island Lake Special Protection Area (Site Code: 004009), Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), Slaney River Valley Special Area of Conservation (Site Code: 000781), The Raven Special Protection Area (Site Code: 004019), Tacumshin Lake Special Protection Area (Site Code: 004092), and Saltee Islands Special Area of Conservation (Site Code: 000707), in view of the Sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

#### **Proper Planning and Sustainable Development and Likely effects on the environment**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution or significantly adversely affect biodiversity in the area, would not be detrimental to the visual or landscape amenities of the area, and would not seriously injure the amenities of property in the vicinity. The proposed development would improve accessibility to Rosslare Europort for heavy goods vehicles and result in an improved environment for residents of and visitors to Rosslare Harbour. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The proposed road development shall be carried out and completed in accordance with the plans and particulars, including the Natura Impact Statement and Planning and Environmental Considerations Report, lodged with the application for approval, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or the Planning and Environmental Considerations Report or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The proposals, mitigation measures, commitments, and recommendations set out in the Natura Impact Statement and Planning and Environmental Considerations Report shall be implemented in full as part of the proposed road development. Any proposals, mitigation measures, commitments, and recommendations stating 'should' or 'may' etc. shall be read as 'shall' or 'will' etc.

**Reason:** In the interest of clarity, to mitigate the environmental effects of the proposed road development, and to protect the amenities of the area and of properties in the vicinity.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Planning and Environmental Considerations Report and demonstration of

proposals to adhere to best practice and protocols. These details shall be placed on file and retained as part of the public record.

**Reason:** In the interest of protecting the environment.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare a signage strategy for the interface of the active travel corridor and the roundabout permitted by Wexford County Council, Planning Authority Reference Number: 20200725 which shall be incorporated into the overall signage strategy for the development. These details shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of traffic safety.

5. The preservation, recording, and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.



**Una Crosse**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this 3rd day of October 2023



An  
Bord  
Pleanála

## Judicial Review Notice

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

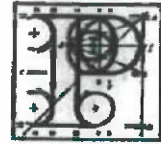
- (a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—
- (i) any decision or purported decision made or purportedly made,
  - (ii) any action taken or purportedly taken,
  - (iii) any failure to take any action, pursuant to a statutory provision that gives effect to
    - I. a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
    - II. the SEA Directive 2001/42/EC, or
    - III. a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
    - IV. Article 6(3) or 6(4) of the Habitats Directive; or
- (b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);
- (c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on [www.citizeninformation.ie](http://www.citizeninformation.ie)

**Disclaimer:** The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.





## Fógra faoi Athbhreithniú Breithiúnach

Athbhreithniú breithiúnach ar chinntí an Bhoird Pleanála faoi fhorálacha na nAchtanna um Pleanáil agus Forbairt (arna leasú).

Ní fhéadfaidh duine ar mian leis nó léi agóid a dhéanamh in aghaidh bhailíocht chinneadh de chuid an Bhoird é sin a dhéanamh ach trí athbhreithniú breithiúnach. Tá forálacha in Alt 50, 50A agus 50B den Acht um Pleanáil agus Forbairt 2000, arna leasú, maidir le dúshláin i leith bhailíocht chinneadh an Bhoird.

Ní féidir bailíocht cinnidh arna ghlacadh ag an mBord a cheistiú ach amháin trí iarratas a dhéanamh ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúirteanna (S.I. Uimh. 15 de 1986). Ceanglaíonn fo-alt 50(6) den Acht um Pleanáil agus Forbairt 2000 go gcaithfear aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach a dhéanamh laistigh de 8 seachtaine ó dháta chinneadh an Bhoird, seachas cinní a dhéantar de bhun feidhme aistriú chuig an mBord faoi Chuid XIV den Acht um Pleanáil agus Forbairt 2000, i gcás nach mór aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach, mar atá leagtha amach i bhfo-alt 50(7), a dhéanamh laistigh de 8 seachtaine ag tosú ar an dáta ar ar tugadh fógra faoi chinneadh an Bhoird ar dtús (nó mar a cheanglófar faoin achtú ábhartha, ar aistríodh feidhmeanna faoi chuig an mBord, a foilsíodh den chéad uair). Tá na tréimhsí arna seo faoi réir aon síneadh a fhéadfaidh an Ard-Chúirt a cheadú de réir fo-alt 50(8).

Sonraítear in alt 50A(3) nach ndeonófar cead d'athbhreithniú breithiúnach mura bhfuil an Chúirt sásta (a) go bhfuil forais shubstaintiúla ann chun a áitiú go bhfuil an cinneadh neamhbhailí nó gur chóir é a chur ar neamhní agus (b) go bhfuil leas leordhóthanach ag an iarratasóir san ábhar is ábhar don iarratas nó i gcásanna a bhaineann le measúnú tionchair timpeallachta ar comhlacht é a chomhlíonann critéir shonraithe.

Tá forálacha in alt 50B maidir le costais imeachtaí athbhreithnithe bhreithiúnaigh áirithe san Ard-Chúirt; de bhun Alt 50B(1), tá feidhm ag alt 50B maidir leis na himeachtaí seo a leanas:

(a) imeachtaí san Ard-Chúirt mar athbhreithniú breithiúnach, nó trí chead a lorg chun iarratas a dhéanamh ar athbhreithniú breithiúnach, ar—

(i) aon chinneadh nó cinneadh airbheartaithe a rinneadh nó a airbheartaítear a rinneadh,

(ii) aon ghníomh a rinneadh nó a airbheartaítear a rinneadh,

(iii) aon mhalinneachtain aon ghníomh a dhéanamh, de bhun forála reachtúla a thugann éifeacht

- I. d'fhoráil de Threoir EIA 85/337/CEE arna leasú lena mbaineann Airteagal 10a (arna cur isteach le Treoir 2003/35/CE) den Treoir sin,
- II. do Threoir SEA 2001/42/CE, nó
- III. d'fhoráil de Threoir IPPC 2008/1/CE a bhfuil feidhm ag Airteagal 16 den Treoir sin maidir léi, nó
- IV. d'Airteagal 6(3) nó 6(4) den Treoir maidir le Gnáthóga; nó

(b) achomharc (lena n-áirítear achomharc de chás ráite) chun na Cúirte Uachtaraí i gcoinne breithe ón Ard-Chúirt in imeacht dá dtagraítear i mír (a);

(c) imeachtaí san Ard-Chúirt nó sa Chúirt Uachtarach le haghaidh faoisimh eatramhach nó idirbhreitheach i ndáil le himeacht dá dtagraítear i mír (a) nó (b).

Is í an fhoráil ghinearálta atá in alt 50B(2) ná go n-íocfaidh gach páirtí in imeachtaí lena mbaineann an t-alt a chostais féin. Féadfaidh an Chúirt, áfach, costais a dhámhachtain in aghaidh aon pháirtí in imthosca sonraithe. Tá foráil ann freisin go ndéanfaidh an Chúirt costais imeachtaí nó cuid de chostais den sórt sin a dhámhachtain d'iarratasóir, a mhéid a éiríonn leis an iarratasóir faoiseamh a fháil, i gcoinne freagróra nó páirtí fógra, nó an dá cheann, a mhéid a chuir an chaingean nó an t-easnamh ar thaobh an fhreagróra nó an pháirtí fógra go páirteach leis an bhfaoiseamh atá á fháil.

Tá eolas ginearálta ar nósanna imeachta athbhreithnithe bhreithiúnaigh ar fáil anseo a leanas, [www.citizensinformation.ie](http://www.citizensinformation.ie).

Séanadh: Mar eolas atá an méid thuas ceaptha. Ní airbheartaíonn sé a bheith ina léirmhíniú ceangailteach ó thaobh dlí ar na forálacha ábhartha agus bheadh sé inmholta do dhaoine atá ag smaoineamh ar chaingean dlí comhairle dlí a lorg.