



An
Bord
Pleanála

Board Order
ABP-311071-21

Roads Acts, 1993 to 2015

Planning and Development Acts, 2000 to 2021

Planning Authority: Wicklow County Council

Application received by An Bord Pleanála from Dave McFarlane of 38 Seapoint Court, Bray, County Wicklow and others requesting it to exercise its powers under section 50(1)(b) of the Roads Act, 1993, as amended, seeking a direction from An Bord Pleanála as to whether or not the construction of the Bray Sustainable Transport Bridge, link road and associated works in Townlands of Bray, Bray Commons and Ravenswell, County Wicklow requires the preparation of an Environmental Impact Assessment Report.

Decision

NOT TO DIRECT the road authority to prepare an Environmental Impact Assessment Report in respect of the above proposed road development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

Reasons and Considerations

Having regard to the following:

- (a) the provisions of Section 179 of the Planning and Development Act, 2000, as amended, and Article 120 (3)(b) of the Planning and Development Regulations, 2001, as amended,
- (b) the provisions of Section 50 of the Roads Act, 1993, as amended, and Article 8 of the Roads Regulations, 1994, as amended,
- (c) the nature and scale of the proposed road development which is below the threshold for prescribed road development set out in Article 8(b) of the Roads Regulations, 1994, as amended,
- (d) the criteria set out in Annex III of the EIA Directive 2014/52/EU of 16th day of April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment,
- (e) the limited potential for significant effects on the environment,
- (f) the scope for the local authority to investigate and assess potential environmental and ecological impacts on biodiversity and other aspects, including in respect of mute swans through the Part 8 consent process, separate to any requirement for a specific environmental impact assessment process,
- (g) the submissions made in this case by the applicants for screening determination and by the local authority, and
- (h) the Inspector's report,

(is considered that the proposed road development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required.



Dave Walsh

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

Dated this 4th day of April 2022

DECISION QUASHED

DECISION QUASHED