



An
Bord
Pleanála

Inspector's Report ABP 308042-20

Development	Construction of 41. no housing units and associated works.
Location	Townland Charlesland, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council
Type of Application	EIA Screening Determination
Applicants	Cllr Mags Crean
Date of Site Inspection	30 th September, 2020.
Inspector	Sarah Lynch

1.0 Introduction

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations 2001, as amended, Cllr Mags Crean is seeking a determination from An Bord Pleanála, as to whether or not the proposal to construct 41 no. residential units and associated development would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR). Wicklow County Council are of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations, 2001, as amended.
- 1.2. There is a concurrent request for the Board to make a screening determination under Article 250 of the Planning and Development Regulations 2001, as amended, as to whether the development application would be likely to have significant effects on a European site requiring Appropriate Assessment (ABP-308041-20).

2.0 Site Location and Description

- 2.1. The site is located in the townland of Charlesland to the south of Greystones Golf Club. The site is bounded by the Burnaby residential development to the north and the Charlesland residential development to the south. The Three Trout Stream flows along the northern boundary of the site and enters the Irish Sea to the east.
- 2.2. The site is currently undeveloped and is surrounded by trees on all sides. The site has relatively easy accessibility to the N11 via the R774 to the south of Greystones.
- 2.3. The area is predominantly residential in character comprised of detached/semi detached and terrace dwellings of suburban design and layout. The site is located close to local services/shops and is well served by community facilities.

3.0 Proposed Development

- 3.1. The proposed development comprises 41 dwellings which will comprise the following:
 - 16 no. 1 bedroom apartments (2 storey)

- 4 no. 2 bedroom apartments (2 storey)
- 14 no. 2 bedroom houses (2 storey)
- 7 no. 3 bedroom houses (2 storey)

3.2. The site will provide for 51 car parking spaces and will be accessed from the existing Burnaby Court development to the north and would be connected to the public water and foul services adjacent to the site.

4.0 Request for Direction and Submitted Documents

4.1. A request was submitted by Cllr Mags Crean seeking a determination by the Board as to whether EIA would be required for the proposed development. The following summarises the content of these submissions.

4.2. In an email received by the Board on July 19th, 2020, Cllr Mags Crean, raised concerns regarding the authenticity of Wicklow County Council's screening process. She noted that the Three Trouts Stream is identified within the Wicklow County Council Local Development Plan as a salmonid fishery that contains migrating sea trout and eels and supports grey heron, dippers and other protected species under Annex II.

4.3. It is stated within the email submitted, that the Three Trout Stream flows for 4km within the Greystones/Delgany area and forms one of the most important wildlife corridors /refuges from the Glen of the Downs SAC to the sea and is recognised as important for the migration of sea trout to the point where it reaches the N11. The importance of maintaining a corridor for the migration of eels is also referred to. It is also contended by Cllr Mags Crean that the Three Trout Stream is also a corridor rich in insect life, damselflies, butterflies and birds. It is further stated that deer and pheasant have also been seen in the area.

4.4. In response to correspondence from the Board dated 28th August, 2020, Wicklow Country Council confirmed that the development would be subject to the process set out at Part XI of the Planning and Development Act, 2000, as amended and Part 8 of the Planning and Development Regulations, 2001, as amended. The submission which was received by the Board on 9th September, 2020 included the information specified in Schedule 7A for the purposes of the screening determination. It also includes the following documents:

- EIA Preliminary examination
- Appropriate Assessment Screening
- Ecological Impact Assessment
- Location Map
- Site Plan
- Site Sections
- Site Layout
- Architectural Drawings

5.0 Policy Context

Wicklow County Development Plan 2016-2022

- 5.1. Under the provisions of the Wicklow County Development Plan 2016-2022, Greystones is designated a Level 3 Large Growth Town II within the Metropolitan Area. Greystones is a strong growth town, served by high quality transport links to surrounding towns and Dublin area. The town is located on the DART/rail line and has good quality bus links and has easy access onto the M/N11 road.

Greystone-Delgany & Kilcoole Local Area Plan 2013-2019

The site is zoned R17 for residential development – development of residential development at a density of 17 units per hectare.

6.0 Planning History

- 6.1. There is no recently recorded history on this site, the current Part 8 application is registered under ref 20647.

6.2. Natural Heritage Designations

There are no Natura 2000 sites within the development site. The closest site is The Glen of Downs SAC which is located c. 2.2km upstream of the proposed development site. The Murrough Wetlands SAC is located c. 2.4km south east of the site the Murrough SPA is located c. 3.11km south east of the site.

7.0 Legislation and Guidelines

7.1. Planning and Development Act 2000 (as amended)

Section 172(1) states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

Section 172(1A) specifies that the above is relevant to development that may be carried out by the local authority under Part X.

7.2. Planning and Development Regulations 2001 (as amended)

7.2.1. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.

7.2.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

7.2.3. **Schedule 5** of the Regulations sets out the classes of development where EIA is required.

Part 1 – Sets out the development classes which are subject to mandatory EIA.

Part 2 – Sets out development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

7.2.4. **Schedule 7** – Sets out the criteria for determining whether a development would, or, would not be likely to have significant effects on the environment, under three headings-

1. Characteristics of the proposed development.

2. Location of the proposed development.
3. Types and characteristics of potential impacts.

7.3. **Schedule 7A** - relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA. The requirement for the submission of this information in the case of requests to the Board for a determination under Article 120(3) of the Regulations arises on foot of revisions to Article 120(3) introduced by the EU (Planning and Development) (Environmental Impact Assessment) Regulations, 2018. The changes to Article 120(3) introduced by these regulations came into effect on 1st September 2018.

8.0 **Assessment**

8.1. The proposal is to development a scheme of 41 dwellings and associated site works and services at Charlesland, Greystones. Co Wicklow. The question for determination by the Board is whether the proposed development requires environmental impact assessment to be carried out. An Environmental Impact Assessment Screening Report supports the planning authority's submission, which concludes that the potential for significant effects is negligible and that an EIAR is not required in respect of the proposed development.

8.2. The following matters are considered relevant in the assessment of the requirement for the submission of an EIAR in this case.

- Assessment of project type/class of development under Schedule 5 of the Regulations relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended.
- Assessment of proposal under the criteria set out Schedule 7 of the Planning and Development Regulations 2001, as amended/Annex 111 of the EIA Directive 2014/52/EU.

8.3. **Relevant project types/class of development**

- 8.3.1. The referrers' have not indicated the class in Schedule 5 of the Planning and Development Regulations, 2001, as amended, within which the proposed development is considered to fall.
- 8.3.2. The project type is infrastructure comprising the construction of dwelling units and also urban development due to the location of the site in a developed area and on zoned lands within the identified development boundary of the Greystones settlement as set out in the Wicklow County Development Plan 2016-2022 and the Greystones -Delgany & Kilcoole Local Area Plan 2013-2019. The relevant classes of development applicable to the proposed project which is the subject of this referral are as follows:
- Class 10(b)(i) of Part 2 of the Fifth Schedule of the Planning and Development Regulations, 2001, as amended (Construction of dwelling units)
 - Class 10(b)(iv) of Part 2 of the Fifth Schedule of the Planning and Development Regulations, 2001, as amended (Urban development).
- 8.3.3. It is therefore my opinion that the proposed project involves development that is of a class for the purposes of Environmental Impact Assessment.
- 8.4. **Relevant threshold under Class 10(b)(i) and Class 10 (b)(iv) of Part 2 of Schedule 5 of the Planning and Regulations, as amended.**
- 8.5. The threshold cited under Class 10(b)(i) in the Regulations is the 'construction of more than 500 dwellings. The proposal involves the construction of 41 dwelling units. The proposed development is therefore listed in Part 2 of the Fifth Schedule and is of a Class, but is sub-threshold for the purposes of mandatory EIA, comprising fewer than 500 dwellings.
- 8.6. The threshold cited under Class 10(b)(iv) in the Regulations is 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere'. The proposed development would be accommodated on a site of 1.39ha. Therefore, while the proposed development is of a Class listed in Part 2 it is sub-threshold for mandatory EIA.
- 8.7. An assessment as to whether the project would be subject to EIA having regard to the criteria set out Schedule 7 of the Planning and Development Regulations 2001, as amended, is set out below.

8.8. **Assessment of the development under the criteria set out in Schedule 7 of the Regulations**

Schedule 7 lists the criteria for determining whether a development would or would not be likely to have significant on the environment under the following headings:

- Characteristics of proposed development
- Location of proposed development
- Types and characteristics of potential impacts

8.8.1. **Characteristics of proposed development**

Size and scale of proposed development

8.9. The proposal is for a scheme of 41 no. dwellings on a site of 1.39ha. It comprises an infill development in an urban location on zoned lands, which will be connected to existing infrastructure. The site is surrounded by medium density residential developments which are predominantly two-storey in scale. The proposal will introduce a similar density development into the site of similar height. It is considered that the site has the capacity to accommodate the development and that the proposal would not be significantly at variance with the established pattern of development in this suburban area.

8.10. Having regard to the nature and size/scale of the proposed development, which is significantly below the thresholds set out in Part 2 of the Fifth Schedule of the Regulations, I do not consider that a requirement for EIA arises.

Potential for cumulative impacts with other existing and/or approved projects

8.11. The development site is surrounded by established residential development. To the west of the site lands are zoned and currently undeveloped to cater for a low density residential development of up to 22 units per hectare. An Action Plan has been prepared for these lands which will contain a new link road, open space and residential units. The lands to the north of this Action Plan Area are identified to accommodate a greenway which will also pass through the subject site along The Three Trout Stream.

8.12. It is of note that the applicant proposes to provide a clear span crossing over The Three Trout Stream and states that no in stream works are proposed. This is important in the context of considering cumulative impacts on water quality.

8.13. Thus, should the construction of the proposed development occur in tandem with other urban development such as the type for which lands to the west are zoned, there is potential for cumulative impacts to arise including traffic, noise, dust and visual impacts. However, these impacts would be temporary and short-term. Based on the information available, the existing site context and available infrastructure, it is considered unlikely that these impacts would be of a magnitude that would generate the need for EIA.

Nature of any demolition works, use of natural resources, production of waste, pollution and nuisances

8.14. There are no buildings/structures on the site that require demolition. The nature and scale of the development, which comprises a medium scale residential scheme, would not result in a significant use of natural resources. The development will be connected to existing public infrastructure.

8.15. I note that stormwater will be managed on site to mimic greenfield run-off rates. It is stated within the Greystones -Delgany-Kilcoole Local Area Plan that the capacity of the Greystones Waste Water Treatment Plant has been increased to 40,000 PE and that there is sufficient capacity within the system to cater for the needs of the targeted population of the area up to 2022.

8.16. Production of waste will arise in relation to the excavated material from the site which will be removed by a licenced waste management operator.

8.17. The potential for pollution and nuisance arising from an urban development of this scale would be limited. The construction phase will result in noise, dust, and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings. However, these impacts will be temporary and short lived and will be controlled as part of the standard construction management plan.

8.18. I consider that an urban infill project of the scale proposed has limited potential for significant effects arising from the use of natural resources, the production of waste or the generation of pollution and nuisance to warrant EIA.

Risk of major accidents and/or disasters including those caused by climate change

8.19. Having regard to the location, nature, scale and characteristics of the proposed development, comprising a medium sized residential scheme and associated

infrastructure, it is considered that there is negligible risk of a major accident and/or disaster.

Risk to human health

8.20. There are no significant risks to human health associated with the proposed development. The risk to human health arising from water contamination, air pollution, noise etc is considered to be negligible and not of a magnitude to generate a requirement for EIA.

8.21. Location of proposed development

Existing and approved land use

8.22. The site is currently vacant but is zoned for residential use. It is enclosed by a hedgerow and treeline which is unmanaged and of limited amenity value. The lands are overgrown and detract from the amenities of the area. The proposed residential development would complement the pattern of development in the area and not result in any significant adverse impacts on land use.

Relative abundance, availability, quality and regenerative capacity of natural resources

8.23. The site in its existing state is a resource in that it is an undeveloped area within the built environment that is potential habitat for flora and fauna. All vegetation on the site will be removed to make way for the development, which will result in habitat loss and disturbance/displacement of any wildlife that currently uses the site. A significant riparian strip will be provided along The Three Trout Stream in order to maintain a wildlife corridor for birds and mammals that may use the site.

8.24. It is of note however that surveys conducted on the site reveal that the habitats are of low to moderate ecological value and no protected mammals were recorded within the site. Whilst no bats were recorded using the site it is mentioned that the woodland habitat along the Three Trout Stream would be of higher value to summer roosting bats and to commuting and feeding bats.

8.25. Lighting from the proposed development is unlikely to affect commuting bats given the distance from the proposed development to the riparian woodland.

8.26. The nature of the proposed development is such that the natural resources used in the proposed development are limited and there would be minimal ongoing use of

natural resources from the proposed use of the site for residential purposes. There is no potential for significant effects.

The absorption capacity of the existing environment

- 8.27. The site is located within the built-up area of Greystones and is surrounded by residential property. It is connected to the Irish Sea via the Three Trout Stream. The ecological value of existing habitats within the site is assessed as low to moderate and there is no indication that the site is a habitat for any protected or rare species. The site has been screened for appropriate assessment and this matter is considered in more detail under the AA Screening determination (ABP 308041-20). There are no designated landscapes, or sites of historical, cultural or archaeological significance in the vicinity of the site.
- 8.28. The immediate environment associated with the site is not considered sensitive and has the capacity to absorb the proposed development without generating significant effects on the environment and the requirement for EIA.

8.29. Types and Characteristics of the Potential Impact

Nature, magnitude and extent of the impact

- 8.30. The extent of the impact in terms of geographical area and the size of the population likely to be impacted is limited to the immediate area of Charlesland where the development will be located. The construction stage will result in impacts on the local population arising from dust, noise and traffic. These will be of short duration and capable of effective mitigation by normal good construction and best practice methodologies.
- 8.31. The redevelopment of the site will have generally positive visual impacts for the area associated with the removal of an existing vacant site. While there are trees on the site, these are unmanaged and in an overgrown setting and do not contribute to the visual or residential amenities of the area. The proposed development will not impact on any protected views identified in the development plan.
- 8.32. In terms of *biodiversity*, the proposed development will result in the loss of habitats that existing on site. The habitats which were recorded during the site visit and classified (Fossit, 2000), were rated of low to moderate ecological value. The site was categorised into three main habitat types:

- a) Improved Grassland
- b) Scrub
- c) Mixed broadleaf woodland and scrub

No rare or protected species were recorded on the site and there were no records of third schedule invasive species.

- 8.33. A mammal survey was also undertaken and no protected mammals (otter, badger, bats) or signs of protected mammals were recorded. The bird species recorded within the site are listed in Table 2 of the Ecological Impact Report and are common in the Irish landscape. None of the bird species that occur on the site are qualifying interests of Murrrough SPA.
- 8.34. The existing habitats would produce refuge and foraging habitat for the species of birds and mammals that may use the site and removal would result in their displacement. These impacts are not considered to be significant having regard to the ecological value of existing habitats and the species of birds and mammals that may use the site. The retention of a significant riparian zone adjacent to The Three Trout Stream will maintain an ecological corridor and refuge for species currently using the site.
- 8.35. The proposed development will result in limited impacts on land and soil which will be negligible having regard to the limited size of the site. No instream works are proposed and subject to best practice construction methodologies and environmental controls, there is no significant risk to ground or surface *water quality*.
- 8.36. There is potential for impacts on *air and climate* and *noise and vibration* to occur during the construction phase. Having regard to the temporary nature of the works, these impacts would be short term and capable of effective mitigation through good construction practice.
- 8.37. The site is within a built-up residential area and is removed from any protected structures. There are no known archaeological monuments proximate to the site. No potential significant impacts on cultural heritage have been identified.
- 8.38. Arising from these limited impacts, the nature and scale of the development and its relationship with the surrounding land uses, it is not considered that the proposed

development would have a significant impact on material assets in the locality. The proposed development will be connected to the public water main and public sewer.

8.39. Wicklow County Council state that there is adequate capacity within the Greystones Waste Water Treatment Plant to cater for the proposed development.

8.40. There is potential for interactions between various environmental factors, notably between land and biodiversity, population and materials assets. Subject to the identified mitigation measures, significant interactions are not considered likely or such that would give rise to significant additional environmental impacts.

Probability, intensity and complexity of impacts

8.41. The proposal will result in the loss of a small area of habitat. Having regard to the limited scale of the proposal, the nature of the environmental impacts are not complex or intense.

Expected onset, duration, frequency and reversibility of the impact

8.42. Having regard to the residential nature of the development, it is expected that the impacts will be on-going, long term and only reversible if the housing scheme is removed and the site is reinstated to its pre-development state.

Transboundary nature of impact

8.43. There will be no transboundary impacts associated with the proposed development.

Cumulative

8.44. The site is zoned for residential purposes in the development plan. The adopted plan has been subject to Strategic Environmental Assessment which concludes that the adopted development scenario is the optimal solution having regard to environmental and planning effects. The Ecological Impact Assessment submitted states that no in-combination effects are expected. I have had regard to the status of the surrounding lands which is largely for residential purposes and note that no substantial developments have been referred to within the information submitted which would give rise to concerns in relation to cumulative effects.

8.45. **Recommendation**

Having regard to the above assessment, I consider that the proposed development of 41 no. residential units and all associated site development works would not be likely

to have significant effects on the environment. I therefore recommend that Wicklow County Council be advised that the preparation and submission of an environmental impact assessment report is not required in respect of the proposed development.

9.0 Reasons and Considerations

Having regard to the following:

- (a) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended
- (b) The nature and scale of the proposed development which is significantly under the threshold in respect of Class 10(b)(i) (Infrastructure – Dwelling Units) and Class 10b(iv) (Infrastructure -Urban Development) of the Planning and Development Regulations 2001(as amended).
- (c) The location of the site on lands that are zoned for residential use under the provisions of the Wicklow County Development Plan 2016-2022 and the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, and the results of the strategic environmental assessment of these Plans undertaken in accordance with the SEA Directive (2001/42/EC),
- (d) The limited nature and scale of the development,
- (e) The location of the site in a built-up area served by public infrastructure and the existing pattern of development in the vicinity,
- (f) The submission of the planning authority

It is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, that the preparation and submission of an environmental impact assessment report is, not, therefore, required.

Sarah Lynch
Senior Planning Inspector

1st October 2020.