



An
Bord
Pleanála

Inspector's Report

ABP-311071-21

Development	The construction of the Bray Sustainable Transport Bridge, link road and associated works.
Location	Townlands of Bray, Bray Commons and Ravenswell, Co. Wicklow
Planning Authority	Wicklow County Council
Applicant(s)	Aideen Fallon and others (60 no.)
Planning Authority Ref:	21/869 (Part VIII)
Type of Application	EIA Screening Determination
Date of Site Inspection	11 th February 2022
Inspector	Donal Donnelly

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1.0 Introduction

- 1.1. Under the provisions of Article 120 (3)(b) of the Planning and Development Regulations, 2001 (as amended), a person may apply to the Board for a screening determination as to whether a development proposed to be carried out by the local authority would be likely to have significant effects on the environment.
- 1.2. The purpose of this report is to advise the Board on whether or not it should issue a Direction to Wicklow County Council that the proposed development of the Bray Sustainable Transport Bridge, link road and associated works in the townlands of Bray, Bray Commons and Ravenswell, Co. Wicklow should be subject to Environmental Impact Assessment (EIA).

2.0 Site Location and Description

- 2.1. The subject site is located in the townlands of Bray, Bray Commons and Ravenswell to the north of Bray town centre between the railway line and Dublin Road. The site comprises the proposed alignment of the Bray Sustainable Transport Bridge and link road through the former golf club lands, across the River Dargle, and between the Bray pumping station and railway line to a reconfigured junction at Seatown Road.
- 2.2. The former golf club lands remain largely undeveloped. New primary and secondary schools have been developed to the north-west of these lands, together with distributor roads from Dublin Road to Ravenswell Road and off this road to the east towards a railway underpass leading to the harbour. Referred to as Central Road within application documentation, it is off this road that the proposed link to the new bridge will be formed. Central Road has a curving alignment and is elevated above lands to its south. There are separate cycle paths and footpaths on the northern side of the road and a shared path on the southern side. No vehicular access is possible at present under the railway line to the eastern end of the road.
- 2.3. The crossing over the Dargle will be located near to the mouth of the river and immediately upstream of the railway bridge. On the southern side, the new road will pass through a confined corridor between the railway embankment and pumping station. The pumping station comprises a 12m high cylindrical reinforced concrete building with additional structure to the south thereof.

- 2.4. To the south-east of the pumping station is Seapoint Court, a cul de sac housing estate of 26 no. apartments and 31 no. semi-detached houses. The estate is accessed via a T junction with Seapoint Road. Seapoint Road continues up-gradient westwards from a railway underpass to the east. This road is mostly residential in character. The Carlisle Grounds are located opposite Seapoint Court and there is a narrow pathway between the railway and these grounds to Quinsborough Road (R766).

3.0 Proposed Development

- 3.1. The screening determination relates to the proposed Bray Sustainable Transport Bridge, link road and associated works that will consist of a two-way public transport only road and river crossing with cycle lane and footpaths between the recently constructed Central Road to the north and Seapoint Road to the south. The speed limit along the road will be 50 kph.
- 3.2. The proposed link will be approximately 460m in length and the bow string arch bridge will have a single span of 63m between springing points. The bridge deck will be supported by alloy steel hangers connected to the steel arch. The arch will be off-set from the centre of the bridge and the intention of its 22m height is to accentuate the position of the structure within its surroundings.
- 3.3. The vertical and horizontal alignment of the proposed link road are determined by the constraints of the site which include the level of Central Road, the pumping station and railway, a Gas Networks Ireland site, flood level clearances and the potential future Luas extension.
- 3.4. The proposed link road and bridge have been designed to accommodate two-way bus lanes (3.5m in width) and the Luas, together with pedestrian and cycle links to tie in with Central Road, pathways on both side of the river, and to promote linkages to Bray Station. Any future Luas would take place along the proposed bus lanes with different entry and exit alignments. Pedestrian and cycle ways will vary in width and there will be shared sections on the pathways to the northern side of the bridge, on the bridge itself and along the link road to the south. A new pedestrian boardwalk is proposed along the southern bank of the river to link into the bridge. The overall

width of the carriageways and pathways along the route varies between approximately 10m and 14m.

- 3.5. Public lighting will be provided along the length of the scheme and architectural lighting will highlight the bridge structure at night. The bridge foundations will impact upon utilities along the northern bank and these will require diversion. An existing electrical building for the pumping station will be relocated to allow functional passage for pedestrians and cyclists.
- 3.6. Surface water from the proposed road will be collected in a new drainage network comprising northern and southern catchments that are independent of one another. Drainage features have been included to improve the quality of surface water discharging from the scheme. Flood defence works along the river were completed in 2017 under the River Dargle Flood Defence Scheme.

4.0 Policy Context

4.1. Bray Municipal District Local Area Plan, 2018

- 4.1.1. The part of the site to the north of the River Dargle has a mixed-use zoning. There is also a specific local objective (SLO3) to develop these lands as a mixed commercial, residential, education / community facilities and open space zone. It is noted that only the school and sports zone has been developed to date but there is an extant permission on site. In the event that this permission is not taken up, requirements are set out in the LAP for any new/ revised proposals.

- 4.1.2. There are road objectives pertaining to the site including RO5 which states as follows:

“With respect to the major development area at the former Bray Golf Course, excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river.”

- 4.1.3. RO9 also seeks to promote and support the development of enhanced or new greenways and to require development in the vicinity of same to enhance existing

routes and / or provide new links at the south bank of the Dargle River and North Beach – Ravenswell – People’s Park.

- 4.1.4. Objective R10 seeks to provide new foot and cycle links (as funding allows) at various locations in Bray, e.g. across the River Dargle in Bray town centre via improvements to Bray Bridge or a new pedestrian/ cycle only bridge.
- 4.1.5. It is a public transport objective of the LAP (PT5) *“to facilitate, through the zoning of land, the tie-in of new facilities with the development of land and the application of supplementary development contributions, the extension of the LUAS or other mass transit to Bray town centre, Bray train station and Fassaroe.”*

4.2. Natural Heritage Designations

- 4.2.1. Bray Head SAC (site code: 000714) and proposed Natural Heritage Area are located approximately 1.67km to the south-east of the proposed development site. Ballyman Glen SAC (Site code: 000713) and proposed Natural Heritage Area is approximately 2.65km to the west.

5.0 Planning History

Dún Laoghaire Rathdown County Council Reg. Ref: D07A/1495 (PL06D.230215)

- 5.1. Permission granted in June 2010 for 348 no. residential units, retail, car parking, demolition of outbuildings, new access off the Dublin Road and associated works at the north-eastern portion of the Bray Golf Club lands and part of Industrial Yards site.
- 5.2. An extension of duration application was lodged (D07A/1495/E1); however, no response was received following a further information request.

Bray Town Council Reg. Ref: 07630194 (PL06D.230246)

- 5.3. Permission granted in June 2010 for a mixed-use development comprising 601 no. residential units, c.58,243 sq. metres of retail, c.5,800 sq. metres of office, cinema (5,237 sq. metres), hotel, bars, restaurants, 2 x creches, medical surgery, community building and GAA pitch on the former Bray Golf Club lands. An extension of duration of permission was granted until 2025 (Reg. Ref: 20672).

- 5.4. Permission granted on 19th November 2015 for development consisting of a new vehicular access road off the Dublin Road including dedicated pedestrian and cycling routes which will link into the proposed new road to serve the proposed school site within the former Bray Golf Club Lands, Bray, County Wicklow. The proposal also included the demolition of an outbuilding at the Industrial Yarns Complex and part of the extension to number 70 Corke Abbey and the provision of a new access road to the Saint John of Gods site off the proposed new internal road (for which a separate concurrent planning application is being made by the Board of Managements of Saint Philomena's Primary School and Coláiste Raithín Post Primary School on behalf of the Department of Education and Skills to Wicklow County Council), all within the planning permission granted under planning register reference number D07A/1495 of circa 1.46 hectares within the former Industrial Yarns Complex, County Dublin.

An Bord Pleanála Ref: PL39.YA0003 / XA0001

- 5.5. Permission granted by the Board in August 2008 for the River Dargle (Bray) Flood Defence Scheme and boardwalk.

An Bord Pleanála Ref: HA0020 / KA0013

- 5.6. The Board approved an application by DLRCC in October 2009 for the Dublin Road Improvement Scheme (DRIS) and confirmed the compulsory purchase order. The scheme extends over a distance of 1km, following the route of the existing Dublin Road from just south of Sunnybank junction (with the Upper Dargle Road) to just north of the Wilford roundabout and including works at Sunnybank, Saint Peter's Road, Old Connaught Avenue, Corke Abbey Avenue and Wilford junctions with the Dublin Road and other works and the upgrading of Wilford roundabout to an enhanced capacity signalised junction under the scheme.

An Bord Pleanála Ref: ABP-311181-21

- 5.7. Permission was sought for 591 no. residential units (76 no. houses, 515 no. apartments), childcare facility and associated site works at the former Bray Golf Club lands.

5.8. A split decision was issued on 9th December 2021 refusing permission for Blocks A & B (containing 166 no. and 191 no. units respectively) and granting permission for the remainder of the development.

6.0 Request for Direction

6.1. Following notice of the proposed Bray Sustainable Transport Bridge in the Wicklow People newspaper on 21st July 2021, a total of 60 submissions were received from the following applicants under Article 120 (3)(b) of the Planning and Development Regulations, 2001, as amended, requesting the Board to undertake a screening assessment as to whether the development would be likely to have significant effects on the environment:

- | | | |
|-----------------------|--|---------------------------------------|
| 1. Aideen Fallon | 22. Elva Murphy | 41. Lisa McAuley |
| 2. Aisling Farrell | 23. Eugene Raeside | 42. Louise Reilly |
| 3. Alf Thomain | 24. Florence Signorini | 43. Marcia Nicholson |
| 4. Anita Tuesley | 25. Florene O'Sullivan | 44. Mary Dorothy |
| 5. Anna Baker | 26. Ger Heffernan | 45. Megan Fitzsimons |
| 6. Anna Deveney | 27. Grace McManus &
others | 46. Michael Heffernan |
| 7. Anne Kearns | 28. Graeme Murphy | 47. Mireia Guardino |
| 8. Ben Clifford | 29. Graham Pole – Mute
Swan Project | 48. Moira Ward |
| 9. Bird Watch Ireland | 30. Hazel Longmore | 49. Noeleen McManus |
| 10. Breda Kelly | 31. Jane Golden | 50. Pat & Mark Shortt |
| 11. Brigid O'Brien | 32. Joan Conway | 51. Paula Doyle |
| 12. Bryan Glynn | 33. John Bateman | 52. Pearse Stokes |
| 13. Caroline Smyth | 34. Justin Ivory | 53. Sarah McLean |
| 14. Catherine Foley | 35. Karin Forsyth | 54. Sharon Hoefig |
| 15. Claire Dalton | 36. Keith O'Bradaigh | 55. Sheila Keatings |
| 16. Conleth Gent | 37. Keith Scanlon | 56. Siobhan Quigley |
| 17. Daniel Michael | 38. Kirsten Brennan | 57. Sophie Wynn Evans |
| 18. Darren Deveney | 39. Kirsta O'Connell | 58. Tessa Stewart |
| 19. Dave McFarlane | 40. Laoise Ní Chléirigh | 59. Valerie Metcalfe |
| 20. Dermot Howard | | 60. Yiming Meghan
McDonald Roberts |

6.2. The main points raised in the applications, avoiding repetition where possible, are summarised as follows:

Aideen Fallon

- Proposal will have grave effects on human, animal and bird life.
- The type of bridge proposed can cause horrific injuries to swans as they cannot see in front of them.

Alf Thomáin

- Proposal will increase the danger of flooding to Little Bray, upriver, as the proposed access road from the north will drastically reduce the size of the traditional flood storage area on the floodplain.
- Reduction in flood escape route will exacerbate the dangers already created by a flood defence wall on the south side of the floodplain when high spring tides meeting the flooded river are forced back up towards the undefended Fran O'Toole Bridge and the low-lying homes beyond.
- Proposal will endanger colony of swans who have sanctuary at Bray harbour, to the east of the proposed bridge, by erecting a 22m high arch across their flight path. Smaller colony of Mute swan on the Liffey are sustaining injuries by flying into Samuel Beckett Bridge.
- There will be disruption to otter feeding habitat at the base of the railway bridge and to their likely breeding territory along the river embankment.
- Proposal represents dangerous design of pedestrian/ cycleways along the proposed route as well as endangerment to motorists and non-motorists presented by poor design on both the north and south access points as catalogued in the Road Safety Audit.
- EIA should be carried out to protect the wildlife in Bray Harbour.

Anita Tuesley

- Design of bridge with high structured bowstring arch poses a threat to birds, especially swans that fly along this stretch of the river down to the harbour.

- Although downlighter design of lighting on lower pedestrian rail is welcomed, it is not explicit that this will be designed to ensure no light trespass.
- LED lights pose a great risk to biodiversity including bats and moths and a risk to human wellbeing through glare and impeding of sleep – over 50% of invertebrates and 30% of vertebrate are nocturnal and need natural darkness.
- LED streetlights should have a colour temperature of 2,700 kelvins or less, no more than 600 lumens – ideally 150-200, and be set to 590 nanometres.
- Development threatens to impose significant effects on the environment and so there is the need for an in-depth EIA in this highly sensitive and vulnerable area for biodiversity.

Anna Baker

- Screening must be carried out to make sure the wildlife of Ireland does not face any threat because of a man-made bridge.

Anna Deveney

- IPCC and Irish Climate Reports detail projected increased flood risk due to climatic changes – specifically rises in river water levels, sea levels, rainfall and storm surges. There should be increased vigilance given to any development on flood plains.

Ben Clifford

- Area is populated with wildlife who use this channel as a flight path – not opposed to bridge but in its current design, it could have catastrophic impacts on the environment and local life.

Fintan Kelly

- Proposed development poses significant collision risk to species such as Mute Swan.
- Proposed development poses risks to salmonid and other freshwater species during the construction and operational phases.
- EIA should be conducted which takes account of increased risk to swans, water quality and salmonids and other freshwater fish species.

- Having read documentation associated with the application, requester does not feel that the operational impacts of the use of the infrastructure by the Luas have been properly addressed.
- Recent counts of the Bray Harbour Mute Swan population have recorded 119 individuals. International and national importance threshold for Mute Swan is 90 birds – Bray harbour population exceeds this threshold and is one of the most significant sites on the east coast and is of national significance.
- 22m high bowstring arch bridge and c. 63m length, including horizontal suspension cables poses a significant collision risk to Mute Swans and this has not been assessed as part of this application.
- Environmental considerations were not taken into account in the design stage of the bridge – design heavily influenced by architectural and aesthetic considerations.
- Collision with manmade structures not only causes direct mortality but can also cause delayed and inhumane deaths.
- Swans flock and have rapid flight with large and slow manoeuvrability - are especially vulnerable and younger individuals and nocturnal migrants exhibit further vulnerability.
- Swans have poor vision directly ahead during flight and many waterfowl have near sightedness above water. Probability of collision is also influenced by site conditions, lighting, topography and exposure to human disturbances.
- There is significant movement of swans between the River Dargle and Bray Harbour through the proposed site – proposed EIA screening assessment should have identified these issues.
- Every year, Bird Watch Ireland receive reports that swans have been killed or injured as a result of flight collision with Samuel Beckett Bridge on the River Liffey.
- Comparison between Samuel Beckett Bridge and the proposed bridge differs in that the swans do not breed downstream of the Samuel Beckett Bridge and there

are no flocks in the vicinity – proposed development likely to pose a much greater risk of collision.

- Swans in Bray Harbour are an important part of Bray natural heritage – swans and other birds provide important access to wildlife at a time when we need to encourage environmental awareness and biodiversity conservation.
- Assessment of the potential negative impacts during construction and operational phases on water quality and freshwater ecology is inadequate – River Dargle supports important salmonid populations, and the site is designated a salmonid watercourse under S.I. No. 293/1988 – European Communities (Quality of Salmonid Waters) Regulations, 1988. Atlantic Salmon listed on Annex II of the EU Habitats Directive.
- Dargle and its tributaries support numerous protected freshwater species and habitats, and the site has direct hydrological connectivity with a number of Natura 2000 sites upstream.
- There is total lack of detail in EIA screening assessment regarding potential negative impacts on salmonids and other freshwater species during construction and operational phases.
- Mitigation measures should be required to mitigate water quality impacts, e.g., the requirement that no works should be carried out during important landward and seaward migrations of catadromous and anadromous fish species.
- EIA should be completed to take account of the potential impacts on all freshwater species protected under the Habitats Directive including Sea Lamprey, Brook Lamprey, River Lamprey, Atlantic Salmon, Common Frog and Otter.

Bryan Glynn

- Site is located in the Dargle Valley and an Appropriate Assessment is required pursuant to Council Directive 92/43/EU.
- Bridge may only be used for vehicular traffic – there is no question of the Luas going to Bray for at least 20 years.

- There are issues for pedestrians and cyclists using Seapoint Road – road is too narrow and cannot be widened.
- There is an issue with the alignment of the railway bridge with Seapoint Road – only one person at a time can use the footpath under it. Also dangerous for cyclists and new bridge will inject more pedestrians and cyclists onto Seapoint Road.
- Cycle way from Bray Head to golf club lands is much safer than what is proposed.
- Seapoint Road does not have capacity to have two buses in opposite direction every 10 minutes. Unrealistic for buses to go under the railway bridge.
- 50% greenspace available to the residents of Seapoint Court will be removed – leftover space will be too dangerous for children to play because the land will be divided by a bus lane.
- Removal of existing reinforced concrete wall will result in increased noise from the pumping station, which up to now has been attenuated by the wall.
- There was subsidence at Seapoint Court Apartments when Bray pumping station was being built. There is no analysis to prove that changes in underground topography will be minor.
- No information provided on anticipated bus volumes and frequencies, or details of the nearest proposed bus stops and likely pedestrian design lines.
- If buses are going to Bray Dart Station, there would be buses in either direction going through 5 junctions every 10 minutes. Seapoint Road will be continuously blocked by vehicles, with slow moving traffic increasing emissions.
- Traffic along the bridge will back up and there will be elevated noise from buses, taxis, etc. echoing around Seapoint Court. Headlights on elevated curved road will also cause visual nuisance.
- Heavy traffic on new road will make it dangerous to use shortcut between Carlisle Grounds and railway line. Footpaths are also narrow on Seapoint Road and 2-wheeled vehicles would also be vulnerable as a result of increased volume of buses.

- Plaza works on Bray seafront will result slower moving vehicles on Strand Road and this will increase further as buses coming out of Seapoint Court will be joining already blocked up traffic.
- Bridge will have cables that birds will be unable to see – Samuel Beckett Bridge has had 16 swan collisions and the Bray flock is 10 times larger.
- Bridge will look completely out of proportion when viewed from Fran O’Toole Bridge – more suited to city location with large buildings in the background.
- Long term consequences of having new roadway onto Seapoint Road will impede access to Bray Beach, Bray Promenade, Bray Sailing Club, Bray Rowing Club, Bray Sea Scouts, Bray Sea Anglers and Bray Head due to clogged up buses, dangerous pedestrian paths, cycle safety issues and slow traffic on Seapoint Road.
- Overbearing bridge will be visible from a lot of locations and there will be light pollution from all the new lighting blocking views of the night sky.
- Buses will be turning directly in front of houses to Seapoint Court and access to the beach will be impeded.
- Bray Harbour Road regularly floods and IPCC climate report 2021 says higher tides are a certainty. If roadway remained elevated to directly join Bray Dart Station and not go to the pumping station, it could act as a sea wall for Bray.

Catherine Foley

- Includes petition from volunteers for Wildlife Rehabilitation Ireland objecting to the bridge.

Dr. Anne Marie Byrne

- Proposed development as a busway with access necessitating construction of a public road qualifies under the Roads Act, (1993), as amended, for mandatory EIA.
- Scale and design of the bridge is highly inappropriate for the location, and this will have a negative impact on the environment.
- Golf course lands have become rewilded and birds, bats, foxes and otters have all made their homes in the area. Noise, machinery and general building activity

in the area would interrupt the life cycle of birds and highlights the importance of carrying out extensive environmental assessments.

- Disturbance to swan habitat and lifecycle caused by the proposed works will be unimaginable.
- There will potentially be months of drilling, digging and diverting of the river during all stages of work. There was devastating impact on fish stocks during the recent flood defence installations.
- There is potential for contaminated soils at the location of the southern abutment, as Bray Pumping Station is located on an old gas works.
- Otters are a protected species so any disturbance to their habitat and food supply would contravene both Irish (1997 Wildlife Act and its 2000 amendment) and European law. Bats are also protected by law and can be seen flying up and down the river every night. Presence of bats calls for the provision of round the clock monitoring of fauna in an EIAR.
- Any attempt to re-route sewers on the southern side of the site would cause huge disruption right across the entire site causing great loss of feeding grounds and habitat.
- EIAR is most definitely warranted based on the evidence of an abundance of wildlife in the area of the proposed bridge, the disturbance, danger and threat of habitat loss.

Eugene Raeside

- Board should examine and determine whether or not the project requires an EIAR as dictated by 10(h) of Part 2 of Schedule 5 under Part 10 of the Planning and Development Regulations, 2001 where the requirement for an EIAR is triggered by the project to be executed by a local authority that comprises *“all tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.”* Project intended to accommodate future expansion of the tramway/ elevated railway.
- Visual inspection on site, where evidence of endangered and protected species of flora and fauna were sought, appears to have been conducted on 23rd January 2020 outside of the relevant growing seasons – question the

effectiveness of this study in assessing whether or not certain protected species exist on site.

Florence Signorini

- EIAR and Appropriate Assessment are needed.

Cllr. Grace McManus & Others

- In terms of public confidence in a project, with such far reaching consequences, every avenue of environmental protection must be exhausted.

Graham Prole, Mute Swan Project Co-ordinator

- Swans move in large numbers to Bray Harbour to moult each year – being sited on a traditional flight path of the swans seasonal and often daily movement to and from the harbour means a bridge of this design will regularly down swans.
- Swans' forward vision is particularly limited flying into a rising or setting sun – 25m high vertical cables at 4m centres will kill and injure a significant number of swans which have a 2-2.5m wingspan.
- Currently, there are 123 swans in Bray Harbour and the Mute Swan population of the country is 7,032 (Irish Wetland Bird Survey: Waterbird Status and Distribution 2009/10 – 2015/16)
- If EIA was conducted, it would conclude that the proposal should not proceed in its present form.

Joan Conway

- Proposal does not adhere to the requirements for a sustainable and climate neutral transition for the transport section as outlined in the EPA's publication 'Ireland's Environment – An Integrated Assessment 2020.'
- Bray Sustainable Transport Bridge does not prioritise the pedestrian and cyclist and various aspects of the plan and actually endangers both pedestrian and cyclist.
- Cycle facilities are provided on one side of the road only and there does not appear to be sufficient width to accommodate 2-way cycling.

- There is no provision for verge or separation distance between the vulnerable road user facility and the carriageway.
- No detail provided for the bridge deck and no clearances shown between the bridge and vulnerable road user facility below – unclear how levels and gradients will work for the connection between the existing 2-way cycle track parallel to the river and the new shared surface and toucan crossing adjacent the bridge. Scope for direct safe connectivity of the cycling route underneath the bridge is unclear.
- Significant level differences on southern side of the bridge at approximately chainage 290m, where tie-in details and gradients for the proposed footway are unclear.
- No dropped kerbs at Junction 2 and restrictive geometry will present risks for cyclists at this junction.
- Wide crossing distance at intersection with Seapoint Road with no provision for pedestrian refuge – there will also be a high proportion of larger turning vehicles. Also, abrupt termination of pedestrian facilities.
- Proposed toucan crossing on downhill gradient vulnerable to large vehicles potentially travelling at speed down gradient. Visibility may also be restricted.
- No provision for tactile paving at the proposed toucan crossing or at a number of informal crossing points throughout the scheme.
- Proposal ignores the requirement to provide the sustainable and integrated infrastructure necessary to achieve the environmental aims of both the EU and Ireland with respect to climate change.

John Bateman

- Swans need fresh water to survive, and they rely on the Dargle River.
- Swans mate for life and a loss of a bird causes incalculable damage.
- There should be a more suitable bridge design taking account of diversity of nature.
- No objection to bridge that would be environmentally friendly.

Justin Ivory

- Bridge is being built at a location that hosts up to 135 Mute Swans, which is approximately 1% of the national total.
- Area in question is used by several species of bats – unclear if bridge poses a risk to bats in flight but it is certainly the case that inappropriate lighting will have negative impacts and could well result in bats abandoning that section of the river as a feeding ground.
- Species such as otter and kingfisher are only just returning to this section of the river after years of flood protection works – building of the bridge will cause further disturbance.
- EIA would determine what the negative impacts would be and what avoidance or mitigation measures could be taken.

Keith Scanlon

- EIA should be carried out and alternatives should be evaluated.

Laoise Ní Chléirigh

- Proposal will have grave effects on human, animal and bird life and this in turn will affect humans, given the interconnected nature of the wider ecosystem.

Lisa McAuley

- WRI Wildlife Hospital get many calls regarding injured Swans. Many of which have to be euthanised due to the severity of their injuries – proposed design is lethal to the resident Swans of Bray Harbour.

Marcia Nicholson

- Requester has been rescuing Swans in Bray Harbour for the past 15 years and has seen injuries sustained from flying into electric overhead cables, despite there being many deflectors in place.
- Proposed bridge is not suitable and is in the flight paths of many birds, not just Swans.
- Planning notices have been placed inconspicuously and are undated.

Noleen McManus

- There will be increased danger of flooding to Little Bray.
- Proposed link road will substantially reduce the capacity of the flood plain that has already been constrained from performing its function by a flood defence wall on its southern side.
- There is little description of the proposed link road element of the proposal, other than measurements on drawings. Access road across the floodplain will presumably have to be built up with wide embankments on either side.
- Carriageway width is given as 7m and if you add in the shared pedestrian/ cycle pathway, etc. it seems to cover over 15m in width.
- Building a road across a floodplain flies in the face of OPW planning guidance which describes such development with flood risk upstream as follows: *“In times of flood, the river flows not only through its normal channel but also along the flood plains. Any constriction of natural flow path can ‘back-up’ the river and lead to increased flood levels upstream. The construction of buildings or houses... in or across a floodplain can therefore not only put the development itself at risk of flooding but can also increase the flood risk for lands and properties upstream.”*
- Floodplain was the only escape route for the floods that devastated the neighbourhood in 1905, 1931, 1965 and 1986 – every 20 to 30 years.
- Justification test for development of old Bray Golf Course fails, especially if applied to the 3.5 ha of traditionally acknowledged floodplain – building should take place on higher ground and the very small floodplain should be kept as open space.
- Whole of expanded floodplain on the former golf course looks to be in Flood Zone A from Strategic Flood Risk Assessment mapping.
- If Wicklow County Council claim that much of the upper part of the old golf course lands is Flood Zone B, and the lower part is Flood Zone A, then the Guidelines for flood risk management would still require mandate that development be kept to the area at lesser risk of flooding.

- Seems strange that Flood Risk Assessment for the proposed development classifies the site as Flood Zone C and that a justification test is not required.
- New flood defences have failed twice alongside the floodplain in 2015 & 2016.
- Access road will cut the north-eastern corner of the floodplain off from any potential flooding escaping from homes to the east – these homes are at higher risk if flood defences fail at any point. If floods break upriver, they will be prevented from getting back into the river by the very flood defences that normally offer protection. Building a road will further exacerbate this by reducing the available size to store floodwaters.
- Ravenswell Row, Maitland Street and Ardee Street were all built or adapted for the elderly and disabled and many new residents have young children. Two creches have been established attended by approximately 200 children. These people should be protected from flood risk.

Pat & Mark Shortt

- Original plan was to continue road on an elevated level to pass over Seapoint Road and continue adjacent to the Carlisle Grounds – current proposal is to carry out half the work in a stop gap manner. This is poor planning and needs to be examined further.

Tessa Stewart

- Recommend that an alternative flat bridge structure is used, one without a high structure as in a bowstring arch bridge.
- Guidelines recognise that there is a need to avoid development in areas at risk of flooding while also ensuring sequential and compact urban development.
- Flood defences aim to provide protection against 1-in-100 year fluvial flood and 1-in-200 year tidal flood – question if assessment stands in light of current rapid climate change.
- Emergency overflow outfall from the flood defences is built to exit onto Ravenswell Road, right beside the new bridge. Question the location of the proposed infrastructure in this area including the planned Luas – different bridge location suggested from Dargle Road near the motorway to Herbert Road. This

will take congestion from both the Southern Cross end and from Fran O'Toole bridge.

- 6.3. The submissions received from Aisling Farrell, Anne Kearns, Breda Kelly, Brigid O'Brien, Caroline Smyth, Claire Dalton, Conleth Gent, Daniel Michael, Darren Deveney, Dermot Howard, Elva Murphy, Florene O'Sullivan, Ger Heffernan, Graeme Murray, Hazel Longmore, Jane Golden, Karin Forsyth, Keith O'Bradaigh, Kirsten Brennan, Kirsta O'Connell, Louise Reilly, Mary Dorothy, Megan Fitzsimons, Micheál Heffernan, Mireia Guardino-Ferran, Moira Ward, Paula Doyle, Pearse Stokes, Sarah McLean, Sharon Hoefig, Sheila Keatings, Siobhan Quigley, Sophie Wynne-Evans, Valerie Metcalfe and Yiming Meghan McDonald Roberts contain points that are covered in the summaries of the above submissions.
- 6.4. The Board sought further information from one applicant only, Mr. Dave McFarlane, Chairman of the Residents Association of Seapoint County, Bray, Co. Wicklow, to include the following:
- A statement indicating what class of development set out in Schedule 5 to the Planning and Development Regulations, 2001, as amended, the proposed development the subject of the request is considered by you to belong (in this regard you should note that the Board's power to issue a direction under the said Article 120 is confined to a direction in respect of "sub-threshold development" as defined at Article 92 of the Planning and Development Regulations, 2001, as amended).
 - A statement indicating the reasons why you consider that the proposed development would be likely to have significant effects on the environment and a statement indicating the nature of such effects. (In this regard you should note that the Board's power to issue a direction to the local authority to prepare an Environmental Impact Statement in respect of sub-threshold development is confined to circumstances where the Board considers that the proposed development would be likely to have significant effects of the environment).
- 6.5. The applicant responded to the further information requests as follows:

Dave McFarlane, Chairman of Seapoint Court Residents' Association

- Proposed development is considered to be a “road development” under the meaning of the Roads Act (1993), as amended.
- Proposal does not show any upgrade of Seapoint Road, Seymour Road or railway bridge alignment.
- Good engineering practice is to simulate various realist scenarios to test what is proposed.
- Safe and fast access to an emergency in Seapoint Court should be considered paramount in the proposal but it appears to have been disregarded.
- Seapoint Road junction will become unsafe for Seapoint Court residents to ingress and egress the estate.
- Proposed access road will drastically reduce the size of the traditional flood storage area.
- It is inappropriate and unsustainable not to link the bridge to the Dart station under this proposal – Luas line would have to be rebuilt to go to Bray Dart Station by being parallel to the railway line.
- Misleading to say the bridge will carry the Luas and question has to be asked from an EIA point of view as to whether it is worth the environmental impact of having a bridge that will just have vehicular traffic.
- Traffic study was done during Covid in March/ April 2020 when there was very little traffic – study should have been carried out at various times including peak summer times.
- Requester did not see any statements from prescribed bodies, in particular Irish Rail and Dublin Bus.

7.0 Planning Authority Response and Submitted Documents

- 7.1. Wicklow County Council was invited by the Board to indicate whether the proposed development has or is intended to 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 Council was also requested to

furnish the Board with any documents relating to this process and to submit its opinion as to whether or not the proposed development would be likely to have significant effects on the environment. Further correspondence was sent to the Council requesting the submission of the information as specified in Schedule 7A of the Planning and Development Regulations, 2001, as amended.

7.2. Wicklow County Council responded to the Board's request by confirming that the Part 8 process has not been completed and will be suspended until the Board has concluded its deliberations. The following documentation is submitted for the Board to consider in its deliberations:

- AA Screening Report
- EIA Screening Report
- WCC AA Screening Determination
- WCC EIA Screening Determination

7.3. The following documentation has also been provided as part of the Council's submission:

- Part 8 Application Report
- Civil drawings
- Bridge drawings
- Preliminary Design Report
- Architectural Design Statement
- Flood Risk Assessment
- Road Safety Audit
- Microdrainage Output

7.4. It is noted within the EIA Screening Determination carried out by Wicklow County Council that the proposed bridge and link road development is considered to be a "road development" under the meaning of the Roads Act, 1993 (as amended) and therefore the requirements of EIA Screening under this legislation were followed.

- 7.5. Wicklow County Council's EIA Screening Determination states that the proposed project does not meet or exceed the thresholds outlined in Section 50(1)(a) of the Roads Act to trigger a mandatory EIA/ EIAR. Section 50(1)(b) to (f) of the Roads Act set out the requirements for an EIA Screening Report. Given that the proposed project is interpreted under legislation as the "construction of a public road", Wicklow County Council's Screening Determination had regard to Annex III of the EIA Directive.
- 7.6. The basis for the Screening Determination is set out in the Screening Report prepared on behalf of Wicklow County Council. The Screening Report recommends that this project, individually, and in combination with other plans and projects, does not require EIA. The key issues addressed in the Screening Report in arriving at the recommendation are summarised as follows:

Characteristics of the Proposed Development

- 7.7. The EIA Screening Report prepared on behalf of Wicklow County Council outlines the characteristics of the proposed development during construction and operational phases. This includes the intended use of the proposed development, the total area required for the proposal, and details of the new bridge structure. The construction timeframe is also set out, together with methods, materials, construction management practices and expected construction disturbance. The operational phase of the link road and bridge will facilitate the movement of pedestrians, cyclists and public transport, and sensitive receptors include residential units and a school complex.
- 7.8. The Part 8 Report also provides a general description of the scheme, principal design, architectural and geotechnical considerations, surface water drainage and flood risk assessment.

Location of the Proposed Development

- 7.9. The location of the proposed development is described in the EIA Screening Report, including the main activities and facilities in the vicinity. Natural and man-made features are identified, along with recent development objectives pertaining to the golf club lands. Habitat classifications for the site are listed, as well as the distances to designated sites, and features of archaeological/ architectural significance in the wider area. It is also noted that development proposals within a view/ prospect will

be required to provide an assessment and evaluation of how the development would change or interfere with that view/ prospect.

- 7.10. The location and site context are described in the Part 8 Application Report to include existing roads and junctions, public transport, pedestrian and cyclist facilities, the River Draggie and boundary constraints.

Characteristics of Potential Impacts

- 7.11. The characteristics of potential impacts are included in the EIA Screening Report for construction and operational phases for the following aspects:

- Population and human health;
- Biodiversity;
- Archaeological, Architectural and Cultural Heritage;
- Water Quality;
- Landscape and Visual;
- Land, Soils and Geology;
- Air Quality and Climate;
- Noise and Vibration; and
- Land Use and Material Assets.

- 7.12. It is noted in the EIA Screening Assessment Report that there will be some disturbance to the local population during the construction phase of the proposed development. Local traffic restrictions will be put in place and there will be disruption to existing pedestrian and cycle infrastructure. There will also be some air, noise and vibration emissions during construction that may impact on population and human health. All of these impacts will be of a temporary nature. It is considered that the proposed development will have a positive impact on the population of Bray during its operational phase.

- 7.13. Potential impacts during the construction phase on biodiversity are assessed within the Ecological Impact Assessment Report appended to the EIA Screening Report. It is concluded that there will be no significant adverse effects on biodiversity as a result of the construction of the proposed development. A Screening Report for

Appropriate Assessment rules out likely significant effects on European Sites and a Stage 2 Appropriate Assessment is not considered necessary. It is also concluded in the Ecological Impact Assessment Report that the proposed development will result in a minor net loss of common terrestrial habitats and there will be no permanent loss of habitat within the Dargle River. No significant impacts on fauna are envisaged and trees to be removed have limited nesting and roosting value for birds or bats. It is noted that harbour seal and a number of cetacean species are likely to occur in close proximity to the marine works area; however, any species are considered to be habituated to a level of disturbance in the area.

- 7.14. It is stated that there is potential for unrecorded archaeological remains to be impacted upon by the proposed development in previously undisturbed greenfield locations and along the riverbed or banks. Archaeological monitoring will be carried out, together with an underwater survey and metal detector survey.
- 7.15. The River Dargle is a designated salmonid watercourse; however, it is noted that there is no spawning potential for fish in proximity to the proposed development area. Water quality in the River Dargle was good to moderate within recent EPA monitoring. There is potential for minor release of sediments to water through disposition of rock infill material and the tidal nature of the river at this location is not extremely sensitive to sediment loading. The risk for accidental spillages is considered to be low and overall, there will be no significant adverse impacts on water quality.
- 7.16. In terms of landscape and visual impact, it is noted that urban areas have already been deemed suitable for development and therefore a landscape and visual impact assessment is considered unnecessary. An assessment of the development in locations within a view/ prospect is required, together with an evaluation of how the development would change or interfere with that view. It is considered that the proposed development will have a minor adverse visual effect on the surrounding landscape.
- 7.17. Excavations will be required for the construction stage; however, no excavations will take place in-stream. Excavated material will be disposed to appropriately licenced facilities where it cannot be re-used/ recycled. No significant potential for land contamination arising from the proposed development is expected.

- 7.18. Control measures will be used to minimise the risk of dust emissions. Control measures will also be used to reduce noise emissions and monitoring will be carried out at nearby sensitive receptors. No rock breaking will be required, and no significant vibration impacts are envisaged. Operational emissions will occur from certain users of the proposed development; however, the proposed development will encourage a modal shift from the private car.
- 7.19. There will be a limited area of land take and minor changes to topography for the proposed development. Additional areas will be required for a temporary construction compound and ancillary works. The pedestrian and cycle track on the northern bank of the Dargle River will be repaired and reinstated following completion of works. The flood defence works will not be altered by the proposed development.
- 7.20. The Environmental Impact Assessment Screening Report concludes that there will be negligible effects to land, soils and geology, and no significant adverse impacts on water quality as a result of the construction of the proposed development. The Ecological Impact Assessment concludes that there will be no significant adverse effects on biodiversity. These assessments describe the likely significant effects of the proposed development on natural resources in the surrounding environment to a satisfactory extent for the Board to reach a Screening Determination.

8.0 Legislation

Planning and Development Act, 2000, as amended

- 8.1. Section 179 relates to local authority own development. Under subsection (b), where a local authority proposes to carry out a development, it shall comply with this section and any regulations under this section.
- 8.2. Under Section 179 (6)(d), this section shall not apply to proposed development which is development in respect of which an environmental impact assessment report is required under Section 175 or under any other enactment.

Planning and Development Regulations, 2001, as amended

- 8.3. Under Article 120 (3)(b) of the Planning and Development Regulations, 2001, as amended, *“where any person considers that a development proposed to be carried*

out by a local authority would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of publication of the notice referred to in article 81(2), apply to the Board for a screening determination as to whether the development would be likely to have such effects.”

- 8.4. Subsection (c) states that an application for screening determination under the above shall state the reasons why the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development falls.
- 8.5. Subsection (ca) requires the local authority to submit to the Board the information specified in Schedule 7A for the purposes of the screening determination. Under subsection (cb) this information shall be accompanied by any other relevant information and assessments, and the description of any features of the proposal and measures to avoid or prevent significant adverse effects.
- 8.6. Subsection (cc) requires the Board to carry out an examination of, at least, the nature, size or location of the development and shall make a screening determination. If the determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required. If there would be likely effects, it shall serve notice on the local authority to prepare an EIAR in respect of the proposed development.

Roads Act, 1993, as amended

- 8.7. Section 50(1)(a) of the Roads Act, lists the following forms of road development in respect of which there is a mandatory requirement to carry out EIA:
 - (i) the construction of a motorway;
 - (ii) the construction of a busway;
 - (iii) the construction of a service area, or;
 - (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.
- 8.8. Article 8 of the Roads Regulations, 1994 sets out the prescribed types of proposed road for the above purposes and includes:

- a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area;
- b) the construction of a new bridge or tunnel which would be 100 metres or more in length.

8.9. It is stated under Section 50(1)(b) that *“if An Bord Pleanála considers that any road development proposed (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.”*

8.10. Under Section 50(1)(c) of the Roads Act, 1993, (as amended) *“where a road authority or, as the case may be, the Authority considers that a road development that it proposes (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment, it shall inform An Bord Pleanála in writing prior to making any application to the Bord for an approval referred to in section 51(1) in respect of the development.”*

EIA Directive 2014/52/EU

8.11. Annex III of EIA Directive 2014/52/EU as set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended), sets out criteria for determining whether a project should be subject to environmental impact assessment. These are as follows:

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

9.0 **Assessment**

9.1. Wicklow Council County gave notice on 21st July 2021 of the proposed Bray Sustainable Transport Bridge under Section 179 of the Planning and Development

Act, 2000 (as amended) and Part 8, Article 81 of the Planning and Development Regulations, 2001 (as amended).

- 9.2. In accordance with Article 81 of the Planning and Development Regulations, 2001 (as amended), Wicklow County Council concluded from a screening determination that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.
- 9.3. Under Article 120 (3)(b) of the Planning and Development Regulations, 2001 (as amended), a person may apply to the Board for a screening determination, where they consider that a development proposed to be carried out by the local authority would be likely to have significant effects on the environment. Accordingly, the Board has received a total of 60 applications within the statutory period under Article 120 (3)(b) of the Planning and Development Regulations, 2001 (as amended), for a screening determination as to whether the proposed Bray Sustainable Transport Bridge and link road would be likely to have significant effects on the environment.
- 9.4. Section 179 (6)(d) of the Planning and Development Act, 2000 (as amended) states that this section of the Act shall not apply to proposed development which is development in respect of which an environmental impact assessment report is required under Section 175 or under any other enactment. As the proposed development is not a class of development under the Planning and Development Act, 2000 (as amended), the other enactment relevant to this case is the Roads Act, 1993 (as amended) wherein the proposal is considered to be a “road development”

9.5. Requirement for Mandatory EIA

- 9.5.1. Section 50(1)(a) of the Roads Act, 1993 sets out the forms of road development that require the preparation of an EIAR. This includes the construction of a motorway, busway or service area and any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of an existing public road.
- 9.5.2. Article 8 of the Roads Regulations, 1994 sets out the prescribed types of proposed road for the above purposes and includes the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four

or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area, or the construction of a new bridge or tunnel which would be 100 metres or more in length.

- 9.5.3. The proposed development comprises a public transport, cyclist and pedestrian link over a distance of approximately 460m and including a bow-arch bridge with span of 63m. The proposal would therefore fall below the threshold for the prescribed of types of proposed public road under Article 8 of the Roads Regulations, 1994, i.e., 500m or more in length and four lanes wide in an urban area, or a bridge 100m or more in length.
- 9.5.4. An applicant for screening determination submitted that the proposed development as a busway with access necessitating construction of a public road qualifies under the Roads Act, (1993), as amended, for mandatory EIA. Section 44 of the Roads Act states that *“a busway means a public road or proposed public road specified to be a busway in a busway scheme approved by the Minister under section 49.”* Section 44(3) sets out the classes of vehicles permitted to use the busway and subsection 4(a) states that *“pedestrians (other than for the purposes of access to or from vehicles prescribed under subsection (3)) and pedal cyclists shall not use a busway.”* The proposed development is not a “busway” as defined in the Roads Act and does not therefore require mandatory EIAR for this reason.
- 9.5.5. Another applicant for screening determination referred to the Seventh Schedule of the Planning and Development Act, 2000, as amended, which sets out infrastructure developments for the purposes of Section 37A and 37B and includes a tramway. Any future application for a tramway as Seventh Schedule development utilising the proposed Bray Sustainable Transport Bridge shall be made to the Board and shall be accompanied by an EIAR. The current proposal makes provision for the Luas but this is not included as part of the proposed development.

9.6. EIA Screening under the Roads Act, 1993 (as amended)

- 9.6.1. Pursuant to Section 50(1)(b) of the Roads Act, 1993 (as amended), if An Bord Pleanála considers that any other development consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to

have significant effects on the environment, it shall direct that the development be subject to an environmental impact assessment.

- 9.6.2. Under Section 50(1)(e) of the Roads Act, the Board shall have regard to the criteria specified in Annex III of the EIA Directive when making a decision on whether a proposed road development would or would not be likely to have significant effects on the environment. Annex III groups criteria for determining whether projects should be subject to an EIA under three headings, which form the basis of the following assessment:

Characteristics of the Project

The Size and Design of the Whole Project

- 9.6.3. A description of the proposed development from the information provided by Wicklow County Council is set out in Section 3 above. The proposed development comprises the construction of a link road and bridge over the River Dargle connecting Central Road to the north with Seatown Road to the south over a distance of approximately 460m. The proposed development is designed for public transport, pedestrians and cyclists only. The main carriageway will consist of 2-way bus lanes with each lane being 3.25m wide. The lane widths over the bridge have been space proofed to 3.5m to accommodate the potential future Luas alignment. Variable width pedestrian (2m min.), cyclist (2m min.) and shared path facilities (3m min.) are proposed on one or both sides of the entire length of the link.
- 9.6.4. The northern part of the link road will be raised on an embankment to tie in with the level of Central Road and the bridge structure. To the south of the bridge, the link road will continue through a confined corridor between the railway and Bray Pumping Station. The new junction proposed at Central Road will be a 'T' junction with priority between the western part of Central Road and the new link road to the bridge. The existing Seatown Road junction will allow for 2-way bus access and the existing Seatown Court junction will be amended to facilitate priority along the new link.
- 9.6.5. An options report was prepared to determine the most appropriate bridge structure, taking cognisance of issues such as the need for a landmark structure, avoidance of impact on flood defences, environmental considerations, impact on services and constructability. A single span bow string arch bridge was chosen, and the design of

this structure is one of the main reasons why many of the requesters consider that the proposed development would be likely to have significant effects on the environment. In particular, it has been submitted within a number of third party submissions that the 22m high bowstring arch bridge and c. 63m length, including horizontal suspension cables poses a significant collision risk to Mute Swans and this has not been assessed within the EIA Screening Assessment or other documentation. This issue is addressed in further detail below.

- 9.6.6. Notwithstanding the other criteria under Annex III, I do not consider that the size of the proposed development is exceptional in the context of the existing environment. The elevated nature of the proposed link road and the height of the bridge structure will not appear incongruous given the surrounding topography and existing features in the area including the railway embankment, the pumping station and flood defences. The area will also be undergoing a process of land use change and it can therefore be expected that new design elements will be introduced over time.
- 9.6.7. In considering these factors in the context of the likelihood of significant environmental effects arising, particular attention should be paid to projects which are close to the national statutory thresholds. The proposed road at approximately 460m in length and two lanes wide is significantly below the prescribed type of development consisting of a 500m road length and 4-lane width. Furthermore, the width of the proposed bridge at 63m is well below the 100m threshold. Taking into account of the scale of the proposed development and its surrounding context, I do not consider that the overall impact of the size and design of the project is likely to be of a significant level that might warrant EIA.

Cumulation with other existing and/ or approved projects

- 9.6.8. The Environmental Impact Assessment Screening Report states that there were no other major projects in the vicinity of the proposed development following consultation with Wicklow County Council online planning records for the area in March 2020. It is concluded, therefore, that the proposed development will not result in significant in-combination or cumulative effects with other plans or projects. Furthermore, significant impacts from the proposed development itself are not predicted and therefore in-combination effects with other developments are not expected to arise.

- 9.6.9. It is noted under the screening checklist within the Screening Report that the proposed long-term mixed-use development of the former golf club lands and proposed infrastructure projects in the area such as Luas and BusConnects would benefit from infrastructure provided by the proposed development, and this is considered to be a significant positive impact.
- 9.6.10. Since the planning search conducted in March 2020, the Board received an application on adjoining lands for 591 no. residential units (76 no. houses, 515 no. apartments), a childcare facility and associated site works (ABP-311181-21). A split decision was issued on 9th December 2021 refusing permission for Blocks A & B (containing 166 no. and 191 no. units respectively) and granting permission for the remainder of the development. The Board conducted an EIA in relation to this development and concluded that, subject to implementation of mitigation measures and compliance with conditions, the effects on the environment of this proposal, by itself and cumulatively with other development in the vicinity would be acceptable.
- 9.6.11. The EIAR prepared for this development considered the cumulative impact with permitted developments in the area, developments proposed within the masterplan and the proposal for the Bray Sustainable Transport Bridge. There may be potential for cumulative effects if the construction of the permitted scheme takes place at the same time as the construction works for the Bray Sustainable Transport Bridge and link road. However, works can be scheduled to limit the duration and magnitude of potential cumulative impacts on nearby sensitive receptors. Mitigation measures will form part of construction management plans and construction works will be temporary in nature. There may also be cumulative benefits from works taking place at the same time through reduction of the overall period of disruption. Having regard to the nature and scale of the bridge and link road, I do not consider that the cumulation of impacts with other projects would be a determining factor in assessing the need for an EIA.

Use of natural resources, in particular land, soil, water and biodiversity

- 9.6.12. The development is proposed through former golf club lands, across the River Dargle and through an area of semi-greenfield land adjacent to Bray Pumping Station. The total area of the proposed development is approximately 0.6 hectare comprising of 2,000 sq.m. of amenity grasslands and 4,000 sq.m. of spoil and bare

ground/ recolonising bare ground. There will also be a temporary land take of 7,500 sq.m. of spoil and bare ground/ recolonising bare ground for construction works and the temporary land impact area within the riverbed will be 1,500 sq.m.

Approximately 17 trees will be removed from the northern and southern sides of the river. Topsoil stripping and excavations will take place and any material that will not be reused within the proposed works will be sent for recovery/ recycling.

- 9.6.13. Materials to be used in the construction of the proposed development include concrete, steel, cables and expansion joints and bearings. Rock materials will also be required for temporary platforms in the riverbed and temporary concrete culverts will be laid in the riverbed between platforms. Sediment displacement may occur within the river; however, the volumes will be low, and it is stated in the EIA Screening Report that the river is not extremely sensitive to sediment loading within the tidal area close to the harbour.
- 9.6.14. Two drainage catchments to the north and to the south are proposed to serve the development. These catchments are independent of each other. Surface water from the northern catchment will discharge to the River Dargle via an existing 600mm diameter pipe which will outfall adjacent to the railway bridge. Surface water from the southern catchment will discharge to a combined sewer on Seatown Road. Stormwater attenuation will not be provided for the northern catchment. Features have been included for both catchments that will improve the quality of surface water discharging from the scheme.
- 9.6.15. It is concluded within an Ecological Impact Assessment prepared for the bridge, link road and associated works that the overall development will impact primarily on low value habitats. An Appropriate Assessment Screening Report concludes that the proposed development, alone or in combination with other projects, is not likely to have significant effects on Natura 2000 sites in view of their conservation objectives. Overall, there will not be a significant use of natural resources as part of the proposed works to an extent that would require the preparation of an EIAR.

Production of waste/ pollution/ nuisance

- 9.6.16. Excavated materials will be reused in the reinstatement wherever possible and any other waste materials arising from the construction phase of the proposed

development will be sent for recovery/ recycling or disposed to appropriately licenced facilities.

9.6.17. There is potential for dust emissions during construction which may be raised by wind from dry surfaces and stockpiles. Air emissions from machinery may also be elevated during the construction phase and there is also the potential for noise nuisance. Minor emissions to water may occur from works taking place within the river and adjacent.

9.6.18. In general, the most likely source of nuisance from the proposed development will also be during the construction phase. Construction activities will be restricted to within the defined work boundaries and appropriate control measures will be put in place to minimise the risk of pollution of soil, storm water run-off or groundwater. Construction noise, dust, traffic, etc. will be temporary in nature and any issues relating to construction sequencing and programming, earthworks, stockpiling, hazardous materials, spillages construction traffic management and construction waste management can be addressed within the construction environmental management plan.

Risk of major accidents, and/ or disasters which are relevant to the project concerned including those caused by climate change, in accordance with scientific knowledge

9.6.19. Having regard to the nature of the proposed development and the receiving environment, it is not considered that the project is of a type that would cause an increased risk of major accidents / disasters, including those caused by climate change.

9.6.20. Notwithstanding this, a number of submissions claim that the proposal will increase the danger of flooding to Little Bray, upriver, as the proposed access road from the north will drastically reduce the size of the traditional flood storage area on the floodplain.

9.6.21. A Flood Risk Assessment was carried out for the proposed scheme to identify and quantify the risk of flooding, and to outline any measures to mitigate the risk. It is noted that the River Dargle Flood Defence Scheme was completed in 2017. This included the construction of new sections of earth embankments, demolition and rebuilding of river walls; soil stabilisation and scour protection; building of sheet piling

and earth embankment to protect Seapoint Court from a flood event; building of emergency overflow outfall on Ravenwell Road; and construction of 6 no. culverts to allow discharge from Little Bray from former golf club lands.

- 9.6.22. The proposed bridge abutment foundations are located behind the existing flood defence walls and the soffit of the bridge deck is above the design flood levels. The pedestrian boardwalk along the south bank of the Dargle River is also well above the design flood level. It is therefore considered that the proposed bridge and pedestrian walkway are outside of Flood Zone A and B.
- 9.6.23. The proposed link road will block the area to the north that is currently greenfield. There may be a risk of flooding in this area as there are no additional outlets where water can drain to. A culvert is recommended through the road embankment to allow for surface water drainage.
- 9.6.24. Overall, the site is classified as Flood Zone C and a Justification Test is not therefore required. It is therefore unlikely that the proposed development will contribute to the risk of major accidents, and/ or disasters. Notwithstanding this, any risk will be managed during construction in accordance with health and safety legislation and standard construction control measures.
- 9.6.25. In terms of climate change, it should be noted that the proposed development will facilitate sustainable transport modes and a reduction in private car reliance. Any operational impacts on climate change are therefore likely to be positive.

Risk to human health (for example due to water contamination or air pollution)

- 9.6.26. During the construction phase there is potential for impacts on human health due to air/dust pollution, releases of contaminants to water bodies and traffic impacts. Such impacts will be addressed through a Construction Environmental Management Plan and Traffic Management Plan and adherence to best practice and protocols. The proposed development, once operational, is likely to result in human health benefits as a result of increased cycling and pedestrian activity and less reliance on car travel.

Location of Proposed Development

- 9.6.27. This section addresses the environmental sensitivity of the geographical areas likely to be affected by the proposed development having regard to the following:

Existing and approved land use

- 9.6.28. The corridor of the proposed development comprises disused golf course lands to the north the River Dargle and a narrow strip of semi-greenfield land between the railway line and Bray Pumping Station. A present, the golf course lands can be described as a mix of recolonising bare ground, amenity grasslands and scattered trees and parkland. The proposed bridge will cross the Dargle River upstream of the existing railway bridge over a tidal part of the river. The river is approximately 57m wide at the location of the proposed crossing.
- 9.6.29. Other land uses in the vicinity of the proposed development include the new school complex to the north-west, Bray Harbour to the east of the main Dublin-Bray railway line, residential development to the south within Seatown Court, pedestrian/ cyclist pathways along the River Dargle and new roadways from Dublin Road to Ravenswell Road, and east off this road to Bray Harbour via a rail underpass (Central Road).
- 9.6.30. The most recent planning application on the adjoining golf club lands (ABP-311181-21) saw the approval of 234 dwellings, a childcare facility and associated site works. There is also a live permission on these lands until 2025 {Bray Town Council Reg. Ref: 07630194 (PL06D.230246)}, for a mixed-use development comprising 601 no. residential units, c.58,243 sq. metres of retail, c.5,800 sq. metres of office, cinema (5,237 sq. metres), hotel, bars, restaurants, 2 x creches, medical surgery, community building and GAA pitch.
- 9.6.31. The proposed development would result in the change in the character of the area through introduction of a movement corridor into an edge of town centre environment. The corridor will increase the levels of activity in the area through new pedestrian and cyclist linkages and provision of alternative bus access to the town centre from the north. Longer term, the proposed bridge has been designed to accommodate the future extension of Luas to Bray. Overall, the proposed development should emerge as an essential access and movement corridor into and out of Bray and as an amenity route providing access to the coast and serving the development of the former Bray golf club lands.
- 9.6.32. Given the urbanised nature of the surrounding area, including the presence of the adjoining railway line and new road links, together with the permitted large scale

mixed-use development on the golf club lands, I do not consider that the proposed impacts on existing and approved land uses will be significant.

Relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground

- 9.6.33. Natural resources in the area of the proposed development include the tidal river, amenity grasslands, trees and parkland and scrub. It is concluded in the Ecological Impact Assessment Report that there will be minor net loss of common terrestrial habitats and there will be no permanent loss of habitat within the Dargle River. No significant impacts on fauna are envisaged and trees to be removed have limited nesting and roosting value for birds or bats. It is considered that any cetacean species occurring in close proximity to the marine works area would be habituated to a level of disturbance in the area.
- 9.6.34. The River Dargle is a designated salmonid watercourse and water quality was good to moderate within recent EPA monitoring. Surveys have recorded that there is no spawning potential for fish in proximity to the proposed development area. The tidal nature of the river at this location is not extremely sensitive to sediment loading.
- 9.6.35. The construction phase of the proposed development will result in the clearance along the route of habitat of local importance (lower value). Over time, and with the establishment of new landscaping, it can be expected that the area's natural resources will regenerate.
- 9.6.36. Construction works within the tidal section of the River Dargle will result in short-term, minor to moderate loss of tidal river habitat. There will be no permanent loss of aquatic algae and macroinvertebrates are predicted to recolonise the affected areas. The diversity of aquatic species could be limited by shading from the new bridge; however, this is considered to be negligible.
- 9.6.37. The land required to accommodate the proposed development is currently disused or of an ancillary nature. The pedestrian/ cycle path along the northern side of the Dargle River is in active use and will be reinstated and enhanced as a result of the proposed development. The land on which the development is proposed is not considered to be particularly sensitive. A Landscape Character Assessment

prepared for the Wicklow County Development Plan, 2016-2022 deems urban areas such as this to be suitable for development.

Absorption capacity of the natural environment

- 9.6.38. The absorption capacity of the natural environment affected by the proposed development shall pay particular attention to any (i) wetlands, riparian areas, river mouths; (ii) coastal zones and the marine environment; (iii) mountain and forest areas; (iv) nature reserves and parks; (v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and; (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure; (vii) densely populated areas; and (viii) landscapes and sites of historical, cultural or archaeological significance.
- 9.6.39. The proposed development is located in proximity to the mouth of the River Dargle where the river is influenced by the tide. According to EPA data, the transitional waters of the Dargle are eutrophic, which can result in artificially increased weed and algal growth having an adverse effect on aquatic fauna. As noted above, the river at this location is not extremely sensitive to sediment loading as any disturbed sediment would disperse and drop to the seabed on the ebb and flow of the tide.
- 9.6.40. The Dargle is a sub-catchment of the Ovoca-Vartry catchment and Bray is the largest urban centre in the catchment. According to the Water Framework Directive River Basin Management Plan for Ireland 2018-2021, the Dargle is at risk for failing to meet its high ecological status objective.
- 9.6.41. The River Dargle is also designated as a salmonid watercourse and Atlantic salmon is listed on Annex II of the EU Habitats Directive. It is noted in the Screening Assessment Report that fish using the area include salmon, lamprey, moving upstream and downstream, and European eel. Harbour seal and a number of cetacean species are also likely to occur in proximity to the marine works area. It is noted that any such species are habituated to a level of disturbance due to marine traffic.
- 9.6.42. Bray Harbour, including the section of the river downstream of Fran O'Toole Bridge, the subject site and the shoreline habitat to the north and south of the river mouth,

was included within the Irish Wetland Bird Survey between the winter of 2006/07 and 2012/13. No species was recorded in internationally or nationally important numbers. It is noted in the Ecological Impact Assessment that most of the proposed development site is of local value for bird species that utilise terrestrial and estuarine habitat. Furthermore, there are no terrestrial features or habitats of particular value that would differentiate the proposed development site from large areas of similar habitat in the surrounding countryside.

- 9.6.43. It is stated in the Ecological Impact Assessment that Otter undoubtedly frequent the River Dargle; however, no signs of Otter were recorded during the site survey. Although otter are likely to forage along this section of the river, there are no suitable sites for holts or couches. There is no suitable roosting habitat for bats within the proposed development site; however, the site is probably used by bats for feeding. Otter and bats are included within Annex IV of the Habitats Directive and otter are also listed within Annex II of the Habitats Directive.
- 9.6.44. The nearest European Site to the proposed development is Bray Head SAC (site code: 000714), which is located approximately 1.7km to the south. Rockabill to Dalkey Island SAC (site code: 003000) is approximately 4.4km and Dalkey Islands SPA (site code: 004172) is 6.8km to the north. An Appropriate Assessment Screening carried out for the proposed development concluded that it is possible to rule out likely significant impacts on any Natura 2000 sites.
- 9.6.45. None of the NHAs/ pNHAs, including Bray Head pNHA, Dargle River pNHA, Ballyman Glen pNHA and Powerscourt Woodland pNHA, are considered in the Ecological Impact Assessment to be of relevance due to their distance from and lack of connectivity with the proposed development.
- 9.6.46. The proposed development adjoins a densely populated area in the form of Bray town centre and will become part of the emerging urban fabric defined by the wider proposal for the mixed-use development of the former golf club lands. The existing population in the area is still sufficiently distant from the proposed development to avoid any significant impacts in terms of emissions during the construction phase of the proposal. There is also the possibility that the development will be constructed in tandem or before the adjoining mixed-use development so as to avoid construction impacts on future residents of the site.

9.6.47. An Archaeological Screening Assessment concludes that there is potential for the proposed development to have an adverse impact on previously unrecorded archaeological remains at the northern end of the road within previously undisturbed greenfield. There is also potential for negative impacts from ground disturbances along the riverbed or banks on any archaeological material.

9.6.48. Overall, the proposed development will easily be absorbed into the existing environment and there will be no significant disruption to the existing population or natural environment. The proposed development does not have the potential to affect any significant environmental sensitivities in the area and any effects on the environment, and on the proper planning and sustainable development of the area, will be further assessed under the Part 8 application.

Types and Characteristics of Potential Impacts

Magnitude and spatial extent (for example geographical area and size of population likely to be affected)

9.6.49. Having regard to the above assessment, I consider that the magnitude and spatial extent of the impact of the proposed development in terms of geographical area and population will be limited. I consider that there are no likely significant adverse impacts arising specifically from the area of the site or the extent of population in its vicinity. There will be positive impacts in terms of pedestrian, cyclist and traffic safety and convenience.

9.6.50. It should be noted that the proposed development is well below the threshold for prescribed development requiring EIA under Article 8 of the Roads Regulations, 1994, i.e., the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be 500m or more in length in an urban area. The proposed development is single carriageway over a length of 460m. Furthermore, the proposed bridge with span of 63m is substantially less than the 100m threshold for prescribed development.

Nature of the impact

- 9.6.51. The main aspects of the environment that would potentially be impacted by the proposed development are population and human health; biodiversity; land, soil, air, water and climate; and material assets, cultural heritage and landscape.
- 9.6.52. Positive impacts on **population and human** health will occur through the provision of improved access and sustainable transport infrastructure. There is potential for disruption to nearby residents, road users and pedestrians during construction from noise, dust, traffic, etc. A construction environmental management plan will be prepared and implemented during site works and impacts during construction will be controlled using standard mitigation measures.
- 9.6.53. A number of submissions were made to the Board requesting the preparation of an EIAR for reasons relating to the impact population and human health; however, most of the objections raised are local in nature and not of a significant extent that would warrant the submission of an EIAR. These include impacts on the amenities of residents of Seapoint Court; traffic, cyclist and pedestrian safety; and general construction related impacts as mentioned. Impacts would be localised and/ or temporary in nature and with limited potential adverse impacts on the wider environment. I consider that potential impacts on population and human health can be adequately dealt with under the planning assessment on foot of the proposed Part 8 application.
- 9.6.54. There is potential for impacts on **biodiversity** during both construction and operational phases of the proposed development. The Ecological Impact Assessment sets out the potential impacts of the proposed development on habitats, fauna and water quality and aquatic ecology. During the construction phase, potential impacts include increased noise and disturbance, spread of invasive species, minor loss of terrestrial and tidal river habitat, disturbance/ displacement of birds and mammals, increased dust, minor spills and increases in silt levels in surface water run-off. Operational stage impacts on biodiversity might include increased traffic and pedestrian activity and new street lighting.
- 9.6.55. One of the main issues relates to the design of the bridge and its potential to impact on the flight paths of Mute Swan, other bird species and bats. I note that this matter was not addressed specifically within the Ecological Impact Assessment. There may

be a collision risk for bird species and bats having regard to the design of the bridge and the possible flight paths along the river. I consider that this issue is not in itself of a significant nature that would require the preparation of an EIAR. There are means of investigating and assessing the matter further under the Part 8 process.

- 9.6.56. Issues have been raised in submissions concerning the potential for disruption to otter feeding habitat, LED lights posing a greater risk to biodiversity including bats and moths, and risks to salmonid and other freshwater species during the construction and operational phases. A range of environmental protection measures will be put in place in accordance with best practice. During the construction stage, all personnel will receive an on-site induction on precautionary measures. A CEMP to be prepared and implemented will include key environmental protection measures such as liaison between ecologist and contractor and good construction management practices to minimise risk of soil and water pollution and noise and vibration. Other measures to protect water quality will include silt fencing, inspection of vehicles and emergency measures. Habitat earmarked for retention will be securely fenced, and damaged habitat will regenerate naturally or will be regenerated and landscaped as appropriate. Measures will also be put in place to prevent/ eradicate invasive species and vegetation will be removed outside of the bird breeding season. Otter protection measures will include preconstruction surveying for otter and exclusion if required.
- 9.6.57. The Board will note that the Part 8 process allows for submissions or observations with respect to the proposed development dealing with the proper planning and sustainable development of the area. Furthermore, the local authority shall send notice of the proposed development to relevant bodies such as other local authorities, regional fisheries board, Irish Rail, Irish Water, An Taisce and the Department of Housing, Local Government and Heritage.
- 9.6.58. Having regard to the above, I consider that potential impacts on environmental factors can be dealt with under the planning assessment on foot of the proposed Part 8 application. Any impacts arising from the proposed development would be localised and/ or temporary in nature and with limited potential adverse impacts on the wider environment.

- 9.6.59. With respect to **land, soil, water, air and climate**, the proposed development will not give rise to any significant effects that would warrant the preparation of an EIAR. The environmental protection measures outlined above will also be applicable to the protection of soil, water and air. The proposed development will take place on land under transition and there will be benefits to climate through promotion of sustainable transport modes.
- 9.6.60. A number of submissions have highlighted concerns that the proposed development is increase the potential for flooding in the area and upstream of the proposed development. The Flood Risk Assessment carried out for the proposed development confirms the site is classified as Flood Zone C. The proposed bridge will not encroach on the flood plain of the river and a culvert is recommended through the road embankment to allow surface water drainage from the north-eastern area of the former golf club lands. Emergency flood mitigation measures are also recommended for the river during construction.
- 9.6.61. Overall, I would be of the opinion that the potential impacts of the proposed development on land, soil, water, air and climate can be addressed under the planning assessment on foot of the Part 8 application.
- 9.6.62. The nature of impacts on **material assets, cultural heritage and landscape** in this case would relate mainly to issues of traffic and transport, archaeology and visual impact within the surrounding landscape. Submissions have been received which highlight the potential for traffic, pedestrian and cyclist safety issues with the proposed scheme. A Road Safety Audit was prepared for the proposed development; however, the issues identified are minor and not of a scale that would require the preparation of an EIAR. The scheme has been designed for future use by the Luas; however, this does not form part of the current proposal and in my opinion, this is a longer-term aspiration that does not need to be cumulatively assessed at this time.
- 9.6.63. An Archaeological Impact Assessment has been prepared for the proposed development and this provides for a mitigation strategy to include monitoring of topsoil stripping and the carrying out of an underwater survey and metal detector survey along the river and banks in the area affected by the proposed development.

9.6.64. There is a protected view/ prospect from the harbour looking upstream towards the Dargle. An Architectural Design Statement for the Bray Sustainable Transport Bridge includes a summary of the visual impact of the bridge structure from different views. A photomontage of the proposed bridge from the west has also been prepared.

9.6.65. I consider that the overall impact on material assets, cultural heritage and landscape can be adequately addressed under the Part 8 application.

Transboundary nature of the impact

9.6.66. There are no transboundary impacts associated with the proposed development.

Intensity and complexity of impact

9.6.67. Any Impacts on population and human health arising from the proposed development would be limited mainly to the construction phase. This would be an intense but temporary period of activity affecting nearby residents, pedestrian and other road users in terms of noise, traffic, dust, etc.

9.6.68. Impacts on biodiversity would also be mainly restricted to the construction period for the most part through removal and disturbance of habitat and species. Having regard to the low value of habitat and the limit species using the site and surroundings, and to the proposed mitigation measures, it is not expected that impacts on biodiversity associated with the proposed development will be long term or particularly complex.

9.6.69. Impact on land, soil and water will also be mainly confined to the construction period. Land requirements will not be substantial and for the most part the site is disused and awaiting redevelopment. Excavated materials will be reused in reinstatement and waste material will be dealt with in accordance with the relevant waste legislation.

9.6.70. The construction phase of the bridge component of the project will require the implementation of mitigation measures through a CEMP. These works will take place over a short and intense period and in compliance with best practice construction and environmental management standards.

9.6.71. It is not anticipated that there will be any particularly intense or complex impacts generated by the proposed development in terms of biodiversity, traffic and transport or cultural heritage, or any other environmental factor.

Probability of the Impact

9.6.72. Some of the potential effects identified above may have a high or moderate degree of probability; however, the extent of impacts will not be significant, and the overall magnitude is considered to be low.

Expected onset, duration, frequency and reversibility of the impact

9.6.73. Upon commencement and throughout the duration of construction works, the proposed development would result in immediate, permanent and long-term change to the road corridor. This change would be irreversible. The impacts associated with the proposed development on various environmental factors would be more temporary and short-term in nature, and subject to appropriate standards and mitigation, would not be considered significant. Certain impacts would also have a degree of reversibility, e.g., establishment of new landscaping.

Cumulation of impact with the impact of other existing and/ or approved projects

9.6.74. See Section 9.6.8 to 9.6.12 above.

Possibility of effectively reducing impact

9.6.75. Implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing impact.

9.6.76. The Ecological Impact Assessment and the Construction Environmental Management Plan will contain measures that will mitigate impacts on the local environment.

9.6.77. Subject to compliance with the above documents, there is no real likelihood of significant effects on the environment arising from the proposed development.

10.0 Recommendation

Having regard to my assessment above, I consider that the proposed Bray Sustainable Transport Bridge in the townlands of Bray, Bray Commons and

Ravenswell, Co. Wicklow would not be likely to have significant effects on the environment. I, therefore, recommend that an Environmental Impact Assessment Report should not be prepared in respect of the proposed development the subject of this report based on the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to;

- (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 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 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 submissions made in this case by the applicants for screening determination and by the Wicklow County Council,
- (g) the Inspector's Report,

It is considered that the proposed 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.

Donal Donnelly
Senior Planning Inspector

8th March 2022