



An
Bord
Pleanála

Inspector's Report ABP-313685-22

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)

O'Connell & Clarke Solicitors LLB

Type of Application

Appropriate Assessment Screening Determination

Observer(s)

None

Date of Site Inspection

11th February 2022

Inspector

Donal Donnelly

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1.0 Introduction

- 1.1. This is a third party application to the Board for a Natura Impact Statement (NIS) Direction in relation to the proposed construction of the Bray Sustainable Transport Bridge, link road and associated works. The application is made under the provisions of Article 250(3) of the Planning and Development Regulations, 2001 (as amended) seeking a determination from the Board as to whether the proposed development would be likely to have a significant effect on a European Site.
- 1.2. The Board recently decided in a separate application (ABP-311071-21) under the provisions of Section 50(1)(c) of the Roads Act 1993 (as amended) not to direct the road authority to prepare an Environmental Impact Assessment Report in respect of the Bray Sustainable Transport Bridge, link road and associated works.

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 alignments 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 sides 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 are approximately 2.65km to the west. The closest Special Protection Areas are Dalkey Islands SPA (Site code: 004172), which is 6.7km to the north, and Wicklow Mountains SPA (Site code: 004040) located 8.3km 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).

Dún Laoghaire Rathdown County Council Reg. Ref: D15A/0112 (PL06D.244874)

- 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.

An Bord Pleanála Ref: ABP-311071-21

- 5.9. The Board decided on 4th April 2022 not to direct the local authority to prepare an EIAR in respect of the proposed Bray Sustainable Transport Bridge. This case is currently under Judicial Review.

6.0 Request for Direction

- 6.1. A third party application is submitted by O'Connell & Clarke Solicitors LLB seeking a determination from the Board as to whether the proposed Bray Sustainable Transport Bridge, link road and associated works would be likely to have a significant effect on a European Site.
- 6.2. The main points raised in this application are summarised as follows:
- Proposed development is likely to have a significant effect on the Wicklow Mountains SAC, and on Tacumshin Lake SPA and the Wexford Harbour and Slobs SPA and other SPAs used by swans that frequent the development site.
 - Proposed development will cause a significant impact on the otters from Wicklow Mountains SAC that use the Dargle River and which are a conservation interest of the SAC.
 - Has not been established beyond reasonable scientific doubt that the swan population that rely on the Dargle River and Bray Harbour do not include from time to time Whooper and Bewick's swans from SPAs in the south-east, including Tacumshin Lake SPA and Wexford Harbour and Slobs SPA, or swans that are conservation interest species for other European Sites.

- Board in its screening determination for EIA declined to assess the significance of the impacts of the proposed suspension bridge on the internationally important population of swans in the area, deferring the matter for full assessment by the Council during its Part 8 process.
- Wicklow County Council has not prepared the necessary studies to inform an Appropriate Assessment screening by the Board. The only otter study to date was not carried out in the river and was restricted to a single 'accessible' location on land.
- There has been no assessment by Wicklow County Council of the impacts on swans, or of species of swan using the area or of their connection to European sites.

7.0 Wicklow County Council Response

7.1. The local authority response to the applicant's submission states that an Appropriate Assessment Screening Report has been prepared wherein it was concluded that the proposed project would not have a significant effect on the European Site, and that it is not necessary to undertake any further stage of Appropriate Assessment process because:

- The location of the proposed development is not within or adjacent to any Natura 2000 sites.
- There is no potential for the proposed development to significantly impact on Natura 2000 sites.
- The proposed development is not directly connected with, or necessary to the conservation management of any Natura 2000 sites.
- 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.

7.1.1. The following documentation is submitted for the Board to consider in its deliberations:

- Appropriate Assessment Screening Report
- EIA Screening Report
- WCC AA Screening Determination

- WCC EIA Screening Determination
- Construction sequence drawings
- Archaeological Screening Assessment
- Ecological Impact Assessment

7.2. 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

8.0 Legislation

8.1. Article 250 (1) of the Planning and Development Regulations, 2001 (as amended) states that a local authority shall carry out a screening of a proposed development it proposes to carry out to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site.

8.2. Under the provisions of article 250(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 a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect.

8.3. Article 250(3)(d) states that *“where the Board makes a determination that a development would be likely to have a significant effect on a European site, it shall*

require the local authority to prepare, or cause to be prepared, a Natura Impact Statement.”

9.0 **Appropriate Assessment Screening**

9.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Geographical Scope and Main Characteristics
- Screening the need for Appropriate Assessment
- Identification of Likely Effects
- Screening Determination

9.2. **Compliance with Articles 6(3) of the EU Habitats Directive:** The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

9.3. The proposed development comprises the construction of the Bray Sustainable Transport Bridge, link road and associated works in the townlands of Bray, Bray Commons and Ravenswell, Co. Wicklow. The proposal is not directly connected with or necessary to the management of any European site and would therefore be subject to the provisions of Article 6(3).

9.4. Under Article 250 (1) of the Planning and Development Regulations, 2001 (as amended), a local authority shall carry out a screening of a development it proposes to carry out to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site. Wicklow County Council has carried out a screening assessment and has made a determination that a Stage 2: Appropriate

Assessment will not be required, and a third party requests an opinion from the Board as to whether or not it agrees with the Council's screening determination. Under Article 250(3)(d), the Board shall require Wicklow County Council to prepare a Natura Impact Statement if it determines that the proposed development would be likely to have a significant effect on a European site.

9.5. Appropriate Assessment Screening Report and Associated Documents

- 9.5.1. The application for a determination from the Board regarding the proposed local authority development is accompanied by an Appropriate Assessment Screening Report dated 9th July 2021. This report sets out the methodology for Appropriate Assessment screening based on relevant guidance and is informed by the description of the proposed development, an overview of the receiving environment, a desktop data review, baseline surveys and an assessment of the effects on European Sites. An identification of the European Sites within the Likely Zone of Impact and the Qualifying Interests and Special Conservation Interests of the European Sites in the vicinity of the subject site are detailed in the report. Other documents that accompany the application include an Environmental Impact Assessment Screening Document and an Ecological Impact Assessment.
- 9.5.2. The Appropriate Assessment Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies any European Sites within a possible zone of influence of the development. It is concluded within the Appropriate Assessment Screening Report, following an examination, analysis and evaluation of best available information, and applying the precautionary principle, that the possibility of any significant effects on any European Sites, whether arising from the project alone or in combination with other plans or projects, can be excluded. In reaching this conclusion, the authors of the Appropriate Assessment Screening Report have fully considered the nature of the project and its potential relationship with all European Sites within the zone of influence, and their conservation objectives.
- 9.5.3. Having reviewed the documents and submissions on the application, I am satisfied that the information allows for a complete examination and identification of any likely

significant effects of the development, alone or in combination with other plans or projects, on European Sites.

9.5.4. The Appropriate Assessment Screening Report was informed by the following studies, surveys and consultations:

- Desk based studies including review of the following:
 - Bing and Google aerial photography;
 - BirdWatch Ireland – www.birdwatchireland.ie;
 - DixonBrosnan (2020) – Ecological Impact Assessment for the proposed River Dargle Bridge, Bray, Co. Wicklow;
 - EPA Online Environmental Map Viewer (Information on environmental quality data available from www.epa.ie);
 - Fossit (2000) A guide to Habitats in Ireland. The Heritage Council;
 - Inland Fisheries Ireland (2016) Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters;
 - National Biodiversity Data Centre – www.biodiversityireland.ie;
 - National Parks and Wildlife Service online data on European Sites including Conservation Objectives, Site Synopses etc. (www.npws.ie);
 - National Parks and Wildlife Service online data on protected flora and fauna;
 - National Parks and Wildlife Service (2019) – Species Conservation Assessments 2019 Volume 3; • National Parks and Wildlife Service (2019) – Habitats Conservation Assessments 2019 Volume 2;
 - Ordnance Survey of Ireland mapping and aerial photography (www.osi.ie);
 - Irish Wetland Birds Survey between winter 2007/2007 and 2012/2013.
- Field survey undertaken on 23rd January 2020 to include the following:
 - Habitat and flora survey;
 - Bird count;

- Otter and other protected mammals survey;
- Invasive species survey.

9.6. Geographical Scope and Main Characteristics

- 9.6.1. The proposed Bray Sustainable Transport Bridge and link road will continue through the former golf course lands, over the River Dargle and past Bray Pumping Station to join with Seapoint Road to the south. The proposed development footprint is approximately 0.6 hectares and the construction period is expected to be two years.
- 9.6.2. Approximately 2,000 sq.m. of amenity grasslands and 4,000 sq.m. of spoil and bare ground/ recolonising bare ground will be required for the proposed development. An additional 7,500 sq.m. of temporary land take for construction will also be necessary. Approximately 10 no. trees on the northern side and 7 no. trees on the southern side of the river will be removed. There is a network of underground services running parallel to the riverbank wall on the northern side of the river and the railway embankment forms the eastern boundary of the site.
- 9.6.3. The proposed bridge construction will require the installation of temporary platforms within the waterway where approximately 6,000 m³ of rock material and concrete culverts will be infilled at the northern and southern portions of the riverbed. The existing quay wall on the southern bank will be broken out and piling will be installed, and a central span steel girder will be placed between two end span steel girders. The rock material and temporary towers will be removed from the riverbed once the bridge is constructed.
- 9.6.4. The River Dargle is a tidal river habitat at this location. There will be no permanent loss of habitat within the river, and it is expected that aquatic vegetation and macro-invertebrates will colonise the site after completion of construction works.

9.7. Screening the need for Appropriate Assessment

- 9.7.1. The closest European Site to the proposed development site is Bray Head SAC which is approximately 1.47km to the south-east. Ballyman Glen is approximately 2.47km to the west of the site. Other European Sites within 5km include Knocksink Wood SAC and Rockabill to Dalkey Island SAC.

9.7.2. Having regard to the information available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the European Sites set out in Table 1 below are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects. A 10km study area from the proposed development is applied for this purpose, wherein a total of eight European Sites are included (2 SPAs and 6 SACs). Two additional SPAs are also added to this assessment as just being outside the 10km range and two other SPAs raised within the third party submission are also included.

9.7.3. European sites considered for Stage 1 screening:

European site (SAC/SPA)	Site code	Distance to subject site	Connections (source, pathway, receptor)	Considered further in Screening (Y/N)
Wicklow Mountains SPA	004040	8.3km	No potential connections	N
Dalkey Islands SPA	004172	6.7km	Potential connections	Y
South Dublin Bay and River Tolka Estuary SPA	004024	10.1km	Potential connections	Y
Tacumshin Lake SPA	004092	114km	Potential connections	Y
Wexford Harbour and Slobs SPA and other SPAs	004076	85km	Potential connections	Y
South Dublin Bay SAC	000210	10.2km	Potential connections	Y
Wicklow Mountains SAC	002122	7.8km	Potential connections	Y
Bray Head SAC	000714	1.47km	No potential connections	N
Knocksink Wood SAC	000725	4.57km	No potential connections	N
Ballyman Glen SAC	000713	2.47km	No potential connections	N
Rockabill to Dalkey Island SAC	003000	4.43km	Potential connections	Y
Glen of the Downs SAC	000719	7.14km	No potential connections	N

Table 1 – Summary Table of European Sites considered in Screening for Appropriate Assessment

- 9.7.4. Table 2 below provides a screening summary matrix of the outcomes of the screening process explaining whether or not the effects are considered significant using objective information.

European Site	Distance to proposed development/ source, pathway receptor	Possible effect alone	In combination effects	Screening conclusions:
Wicklow Mountains SPA Qualifying Interests: Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103]	8.3km to the west	Potential for indirect impact on special conservation interest species in terms of disturbance/ displacement and loss of habitat can be excluded based on the nature and scale of works and the distance from this SPA.	No effect	Screened out for need for AA
Dalkey Islands SPA Qualifying Interests: Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194]	6.7km to the north	Potential for indirect impact on special conservation interest species in terms of disturbance/ displacement and loss of habitat. Species associated with the SPA could forage close to the proposed development footprint.	Potential for in-combination effects with adjoining golf club lands development.	Screened in for need for AA
South Dublin Bay and River Tolka Estuary SPA Qualifying Interests: Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141]	10.1 km north	Potential for indirect impact on special conservation interest species in terms of disturbance/ displacement and loss of habitat. Species associated with the SPA could forage close to the proposed development footprint.	Potential for in-combination effects with adjoining golf club lands development.	Screened in for need for AA

Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]				
Tacumshin Lake SPA Qualifying Interests: Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Gadwall (<i>Anas strepera</i>) [A051] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054]	114km south	Potential for indirect impact on special conservation interest species in terms of disturbance/ displacement and loss of habitat can be excluded based on the nature and scale of works and the distance from this SPA.	No effect	Screened out for need for AA

Shoveler (<i>Anas clypeata</i>) [A056] Tufted Duck (<i>Aythya fuligula</i>) [A061] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Wetland and Waterbirds [A999]				
Wexford Harbour and Slobs SPA and other SPAs Qualifying Interests: Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050]	85km south	Potential for indirect impact on special conservation interest species in terms of disturbance/ displacement and loss of habitat can be excluded based on the nature and scale of works and the distance from this SPA.	No effect	Screened out for need for AA

Teal (<i>Anas crecca</i>) [A052]				
Mallard (<i>Anas platyrhynchos</i>) [A053]				
Pintail (<i>Anas acuta</i>) [A054]				
Scaup (<i>Aythya marila</i>) [A062]				
Goldeneye (<i>Bucephala clangula</i>) [A067]				
Red-breasted Merganser (<i>Mergus serrator</i>) [A069]				
Hen Harrier (<i>Circus cyaneus</i>) [A082]				
Coot (<i>Fulica atra</i>) [A125]				
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]				
Golden Plover (<i>Pluvialis apricaria</i>) [A140]				
Grey Plover (<i>Pluvialis squatarola</i>) [A141]				
Lapwing (<i>Vanellus vanellus</i>) [A142]				
Knot (<i>Calidris canutus</i>) [A143]				
Sanderling (<i>Calidris alba</i>) [A144]				
Dunlin (<i>Calidris alpina</i>) [A149]				
Black-tailed Godwit (<i>Limosa limosa</i>) [A156]				
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]				
Curlew (<i>Numenius arquata</i>) [A160]				
Redshank (<i>Tringa totanus</i>) [A162]				
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]				

<p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>				
<p>South Dublin Bay SAC</p> <p>Qualifying Interests:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	10.2km to the north	Based on the nature and scale of the proposed development, the qualifying interests and separation distance, the potential for indirect impact on European Site can be excluded.	No effect	Screened out for need for AA
<p>Wicklow Mountains SAC</p> <p>Qualifying Interests:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p>	7.8km to the west	<p>Otters associated with SAC could hold territory within the River Dargle Area – no sign of otter or potential otter couches recorded in surveys and species would in any case be habituated to high levels of disturbance. However, otter have a foraging range of 21km (O'Neill et al) and the SAC is within this distance.</p> <p>Aquatic habitat potentially providing feeding habitat for otter do not represent critical resources given availability of</p>	Potential for in-combination effects with adjoining golf club lands development.	Screened in for need for AA

<p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>		<p>alternative habitat and limited extent of land take.</p> <p>Potential for reduction in water quality affecting fish populations and food availability for otter.</p>		
<p>Bray Head SAC</p> <p>Qualifying Interests:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	1.47km to the south	Based on lack of connectivity between the site and SAC, potential for indirect impact on European Site can be excluded.	No effect	Screened out for need for AA
<p>Knocksink Wood SAC</p> <p>Qualifying Interests:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>	4.57km west	Based on lack of connectivity between the site and SAC, potential for indirect impact on European Site can be excluded.	No effect	Screened out for need for AA

<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>				
<p>Ballyman Glen SAC</p> <p>Qualifying Interests:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>	2.47km west	Based on lack of connectivity between the site and SAC, potential for indirect impact on European Site can be excluded.	No effect	Screened out for need for AA
<p>Rockabill to Dalkey Island SAC</p> <p>Qualifying Interests:</p> <p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>	4.43km north	Harbour porpoise may travel from SAC to Bray Harbour – species recorded with 2km National Biodiversity Mapping and there may be potential for disturbance and reduction in water quality in harbour area.	Potential for in-combination effects within adjoining golf club development.	Screened in for need for AA
<p>Glen of the Downs SAC</p> <p>Qualifying Interests:</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	7.14km south	Based on lack of connectivity between the site and SAC, potential for indirect impact on European Site can be excluded.	No effect	Screened out for need for AA

Table 2 Screening summary matrix: European Sites for which there is a possibility of significant effects (or where the possibility of significant effects cannot be excluded without further detailed assessment)

9.8. Identification of Likely Effects

- 9.8.1. Four SACs have been screened out initially on the basis that there is a lack of connectivity to the proposed development site. I consider this to be a reasonable approach given the qualifying interests of these SACs, the separation distance to the proposed development site and the fact that there are no surface water and groundwater connections. I therefore consider that it is reasonable to conclude, based on objective information, that the proposal is not likely to have a significant effect on **the Bray Head SAC (000714), Knocksink Wood SAC (000725), Ballyman Glen SAC (000713) and Glen of the Downs SAC (000719).**
- 9.8.2. The Appropriate Assessment Screening Report prepared on behalf of Wicklow County Council has identified eight European Sites within 10 km of the proposed development site. This report also considers the **South Dublin Bay and River Tolka SPA** and the **South Dublin Bay SAC** as they are hydrologically linked to the proposed development site via the Irish Sea. These two sites are more than 10km from the proposed development site. The South Dublin Bay SAC can be excluded on the basis of the nature and scale of works, the qualifying interests and the distance from the proposed development site. However, the South Dublin Bay and River Tolka SPA is 10.1km from the proposed development site and there are records of qualifying interest species (Black-headed gull) using the area surrounding the proposed development from National Biodiversity Mapping and from the bird survey conducted in January 2020.
- 9.8.3. The applicant for the screening determination states that **Tacumshin Lake SPA, Wexford Harbour and Slobbs SPA and other SPAs** may be used by swans that frequent the proposed development site. Tacumshin Lake SPA is approximately 114km from the proposed development site and Wexford Harbour and Slobbs SPA is approximately 85km. The applicant considers that it has not been established beyond all reasonable scientific doubt that the swan population that relies on the Dargle River and Bray Harbour do not include from time to time Whooper and Bewick's swans from SPAs in the south-east, including Tacumshin Lake SPA and Wexford Harbour and Slobbs SPA, or swans that are conservation interest species for other European Sites.

- 9.8.4. As noted in the Appropriate Assessment Screening Report, the zone of influence comprises the area within which the proposed development may potentially affect the conservation objectives or qualifying interests of a European Site. European Sites are only at risk where there is a source-pathway-receptor link between a proposed development and the European Site. There may be a source-pathway-receptor link when mobile species utilise the proposed development site for foraging purposes.
- 9.8.5. Having regard to the separation distance between the proposed development site and the nearest Special Protection Area that have Whooper Swan or Bewick's Swan as Qualifying Interest species, together with the fact that these species were not identified as being present within the January 2020 survey and in the National Biodiversity Mapping 2km grid covering the proposed development site, it can be concluded that the proposal is not likely to have a significant effect on the Wexford Harbour and Slobs SPA (site code: 004076), the Tascumshin Lake SPA (004092) or any other SPA that has Whooper Swan or Bewick's Swan as a qualifying interest.
- 9.8.6. The closest SPA to the proposed development site is the **Dalkey Islands SPA** which is 6.8km to the north. The qualifying interest species for this European Site are Roseate Tern, Common Tern and Arctic Tern. The National Biodiversity Mapping 2km grid covering the proposed development site shows records of Arctic Tern and Common Tern. The only other SPA within 10km of the proposed development site is **Wicklow Mountains SPA** where the qualifying interest species are Merlin and Peregrine Falcon. No records for these species are recorded within the 2km National Biodiversity Mapping grid covering the site.
- 9.8.7. The other SACs within 10km of the proposed development site are the **Rockabill to Dalkey Island SAC** and the **Wicklow Mountains SAC**, which are 4.43km to the north and 7.8km to the west respectively. The qualifying interests for the Rockabill to Dalkey Islands SAC are reefs and harbour porpoise. Otter are a qualifying interest species for the Wicklow Mountains SAC, and there is no source-pathway-receptor link to all other qualifying interest habitat within this SAC. Both otter and harbour porpoise are shown to be present within the National Biodiversity Mapping 2km grid covering the proposed development site.

- 9.8.8. Having regard to the above, there is potential for bird species, otter and harbour porpoise to visit and forage at the proposed development site. The potential for indirect effects on these special conservation interest species can arise from impacts on water quality and soils due to accidental spillages/pollution events during the construction phase; loss of habitat during the construction and operational phase; impacts from habitat disturbance during the construction and operational phase; and indirect impacts to qualifying interest species.
- 9.8.9. The applicant for the screening determination considers that the proposed development will cause a significant impact on the otters from Wicklow Mountains SAC that use the Dargle River and which are a conservation interest of the SAC. It is submitted that Wicklow County Council has not prepared the necessary studies to inform an Appropriate Assessment screening by the Board and that the only otter study to date was not carried out in the river and was restricted to a single 'accessible' location on land. It is recognised in the Screening Report for Appropriate Assessment that otters can hold large territory ranges that can span river catchments. It is also recognised that aquatic habitat within the proposed development site could potentially provide suitable feeding habitat and any reduction in water quality may impact on fish populations and the availability of food. Otter is screened out for the need for Stage 2: Appropriate Assessment on the basis of availability of alternative habitat and the dilution and dispersal effects of the receiving coastal environment. Harbour porpoise is a qualifying interest species for the Rockabill to Dalkey Islands SAC and is screened out on the basis that there is no valuable habitat, the potential for water quality impacts will be low and disturbance will be limited.
- 9.8.10. Notwithstanding this, I consider that it has not been demonstrated beyond all reasonable scientific doubt that the proposed development will not have significant effects on otter and harbour porpoise without mitigation measures in place. Otter territories are within the range of approximately 7.5km for females and can reach up to 21 km for males via hydrological pathways (O'Neill et al., 2009). The Wicklow Mountains SAC is approximately 7.8km from the proposed development site. Harbour porpoise may travel from the SAC to Bray Harbour.
- 9.8.11. Without mitigation, there is potential for deterioration of surface water quality during the construction phase of the proposed development. There is also potential for

disturbance, displacement and collision mortality related impacts to otter during the construction stage. Construction impacts such as piling, and water quality impacts may adversely affect otter and harbour porpoise without mitigation measures in place. The proposed development works may also result in disturbance impacts to bird species (Roseate Tern, Common Tern, Arctic Tern and Black-headed gull) that are a qualifying interest of the Dalkey Islands SPA and the South Dublin Bay and Tolka River SPA). Black-headed gull was recorded in the January 2020 site survey.

9.9. In-combination effects

- 9.9.1. The Appropriate Assessment Screening Report concludes that there are no other major proposed projects in the vicinity of the proposed development with which the proposed development will interact, and which could result in cumulative impacts upon any Natura 2000 site.
- 9.9.2. 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.
- 9.9.3. There may be potential for in-combination effects if the construction of the proposed bridge and link road takes place at the same time as the above development. The potential for the proposed development to contribute to a cumulative impact on European Sites is therefore uncertain and requires further assessment at Appropriate Assessment stage.

9.10. Screening Determination

- 9.10.1. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Bray Head SAC (000714), Knocksink Wood SAC (000725), Ballyman Glen SAC (000713), Glen of the Downs SAC (000719), Wicklow Mountains SPA, (004040), Tacumshin Lake SPA (004092), Wexford Harbour and Slobbs SPA (004076) and South Dublin Bay SAC (000210) in view of the

sites' conservation objectives and a Stage 2 Appropriate Assessment for these sites is not therefore required.

9.10.2. Based on my examination of the Appropriate Assessment Screening Report, together with other supporting information, the NPWS website, National Biodiversity Mapping, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distances and functional relationships between the proposed works and the European sites, their conservation objectives, and taken in conjunction with my assessment of the subject site and the surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for the following European Sites in view of the conservation objectives of those sites:

- Wicklow Mountains SAC
- Rockabill to Dalkey Island SAC
- Dalkey Islands SPA
- South Dublin Bay and River Tolka SPA

9.10.3. I am satisfied that no additional sites need to be brought forward for Appropriate Assessment. I confirm that no mitigation has been taken into account at the screening stage.

10.0 Recommendation

I recommend that Wicklow County Council be directed to prepare a Natura Impact Statement in respect of the proposed Bray Sustainable Transport Bridge, link road and associated works for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to:

- a) The location of the proposed development and the separation distance with the nearby European Sites,

- b) The nature and scale of the proposed development including excavation and earthwork operations, importation of construction materials and road and bridge construction works,
- c) The potential for hydrological and mobile species connections from the proposed development site to Wicklow Mountains SAC, Rockabill to Dalkey Island SAC, Dalkey Islands SPA and South Dublin Bay and River Tolka SPA,
- d) The uncertainty with regards to in-combination effects with other plans and projects,
- e) The submission made by the third party applicant received by the Board on 1st June 2022
- f) The submission made behalf of the local authority, including Appropriate Assessment Screening Report received by the Board on 23rd June 2022,
- g) The report and recommendation of the Inspector,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that it cannot be ruled out that the proposed development, either individually and in combination with other plans or projects, would not be likely to have a significant effect on Wicklow Mountains SAC (002122), Rockabill to Dalkey Island SAC (003000), Dalkey Islands SPA (004172) and South Dublin Bay and River Tolka SPA (004024), in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is, therefore, required.

Donal Donnelly
Senior Planning Inspector

14th September 2022