



An
Bord
Pleanála

Inspector's Report

ABP-316267-23

Development	Enhancement works at Raheen Public Park, (Old Par 3), Newcourt, Bray, Co. Wicklow
Location	(Old Par 3), Newcourt, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Developer	Wicklow County Council
Applicant	Dr. Tom Curtis
Type of Application	EIA Screening Determination
Date of Site Inspection	22.08.23
Inspector	Una O'Neill

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1.0 Introduction

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations (PDR) 2001, as amended, a member of the public, Dr. Tom Curtis, is seeking a determination from An Bord Pleanála, as to whether or not the proposal to carry out enhancement works at Raheen Public Park (Old Par 3), Newcourt, Bray, Co. Dublin, comprising development of 1460m of a new trail, construction of an access ramp, improvement of 220m of existing trail, development of woodland planting and wildflower meadows, installation of benches and installation of information boards, would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR).
- 1.2. Wicklow County Council, in the submitted documentation, states that it has concluded from a preliminary examination pursuant to the provisions of Article 120(1)(b)(i) of the Planning and Development Regulations 2001-2018 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. In a submission to ABP dated 12th June 2023 the Council submits information relating to the various criteria listed in Schedule 7A of the Planning and Development Regulations 2001 (as amended) to enable screening for sub-threshold development for EIA and a response to the referrer's submission.
- 1.3. The Council has initiated the process relating to the proposed works, as set out in Part XI of the Planning and Development Act 2000, as amended, and Part 8 of the Planning and Development Regulations, 2001, as amended.

2.0 Site Location and Description

- 2.1. The subject site, referred to as Raheen Public Park, is c.7ha in area, was formerly a par 3 golf course, and is located in an elevated and steeply sloped coastal location, on the slope to Bray Head, southeast of Bray town centre, Co. Wicklow.
- 2.2. The park comprises grassland and existing informal trails used for recreational walking. There is an archaeological monument, Raheenacluig (WI00365), to the southeast of the park, which is the remains of a nave and chancel church (L 10.8m;

With 5.9m) with walls of irregular uncoursed masonry. The church is known as Raithín a' Chluig, or 'little rath of the bell'.

- 2.3. The northern boundary of the subject site adjoins the rear gardens of an existing housing estate, Raheen Park, which forms the edge of built development at this side of Bray, adjoining Bray Head. The northeast boundary adjoins an existing public car park and the southwest boundary adjoins open land, which is part of the Bray Head SAAO. The site itself is within the boundary of Bray Head SAAO. The southern boundary of the subject site adjoins woodland within the Bray Head SAC (000714). Access to the park is from the Cliff Walk public car park to the northeast and via a pedestrian connection between houses on Raheen Park to the north. Two links to bridle paths are identified on the Layout Plan submitted at the boundary with the SAC, one being along the eastern boundary (proximate to Raheen-a-Cluig) and the second being at the southwestern end of the park.

3.0 Proposed Development

- 3.1. The proposed development is referred to by Wicklow County Council as the Raheen Park Public Enhancement works. The works involve the following measures:
- Develop 1460m of new trail of gradients no steeper than 1 in 15, to comprise of a 2m wide compacted graded stone base beneath a selected tight hoggin finish with 60mm grass verge on both sides,
 - Construction of an access ramp to the new ramp at 1:15 gradient with landings every 5m,
 - Improvement of 220m of existing trail,
 - Development of Woodland Planting in line with a NeighbourWood Scheme under development,
 - Establishment of Wildflower Meadows in line with a Conservation Management Plan under development,
 - Installation of concrete bases for hartecast phoenix benches to be provided, spaced at a minimum distance along the trail of 40m,

- Installation of information boards about the ecology, archaeology, heritage and geology of the area.
- 3.2. The proposed development is the subject of a Part 8 application. The documentation associated with the Part 8 application includes:
- Part 8 Project Brief
 - Part 8 Drawings – prepared by WCC.
 - Appropriate Assessment (AA) Screening Report - prepared by Alan Lauder Consulting.
- 3.3. The County Council submitted a report (dated 12th June 2023) to An Bord Pleanála addressing Schedule 7A information and issues raised by the referrer.

4.0 Request for Determination

4.1. Applicant's Request

- 4.1.1. A request was made by Dr. Tom Curtis (Botanical and Ecological Consultant) seeking a determination from the Board as to whether EIA would be required for the proposed development. The following summarises the content of this submission:
- Insufficient baseline information has been supplied by WCC.
 - Insufficient information in relation to impacts arising from construction and future management of the area.
 - In accordance with Article 120 and with regard to Schedule 5-12 Tourism and Leisure, this submission requests a screening determination as to whether the proposed development will have significant impacts and a decision as to whether an Environmental Impact Assessment and consequent report is required. In support of this, Appendix 1 lists the Objectives of the SAAO Bray Head 2007, specifically Objective 1.3, that the informal, recreation, tourism and environmental education aspects of the SAC and the need to conserve its natural and cultural assets.
 - Site is part of Bray Head SAAO and adjacent to Bray Head SAC. AA Screening carried out concentrates on SAC and not on SAAO. No assessment undertaken of

impact on SAAO, only on the SAC. This development is proposed ahead of Conservation Management Plan for the SAAO. No proper baseline submitted.

- Prior to the site being used as a pitch and putt course, it was a grassland for grazing and light recreation. Site has reverted to a species rich meadow of grasses and herbs including orchids, which is of great value for biodiversity as it is the only remaining piece of neutral to calcareous grassland on Bray Head. The soils are acidic in nature, which contrasts to other soils in SAAO.
- Habitat is classified as Dry Calcareous and Neutral Grassland (GS2) of Fossitt (2000). The absence of proper management in recent years has led to coarser grasses dominating at the expense of a more diverse sward. This grassland type is now restricted to the sides of an old 'bunker' near Raheenaclogh Church. This area shows predominance of herbs over grasses and could be restored on parts of the lands if appropriate management was undertaken. This type of grassland is important for biodiversity and seeds have been taken from two grass species here as part of the International Treaty on Plant Genetic Resources for Food and Agriculture.
- The classification in the AA Screening Report of 'Amenity Grassland Improved' cannot be applied to the grassland on this site as an assessment of the number of wild plant species even within the coarser areas in early April yielded a total of 36 species of herbs.
- Proposed enhancement measures by Wicklow County Council at Raheen Park are welcome, if the future management of the site is done in a sustainable and sensitive manner, ensuring the value of the semi-natural grassland is maintained. However, if the park becomes an intensively managed public park, then serious loss of grassland biodiversity will ensue.
- Appendix B, Draft Objectives and Actions of Bray Head Conservation Management Plan Summary, Objective 3, Action 3.1, supports pollinators and meadows. The AA Screening Report, page 9, point 6.1.2, states conservation of focus of the enhancement plan, however, insufficient detail provided in this regard.
- Concerns:

- New trail and ramps will reduce grassland area, with increase in width for construction purposes at the expense of grassland; what is grass edge proposed to be sown with and how will it be maintained and managed?
 - Lack of detail in relation to hoggin finish which may impact soil ph depending on type and introduce weedy, foreign species;
 - Construction of ramp will significantly decrease area of grassland;
 - No details in relation to what improvement of existing trail means;
 - Planting of trees reduces grassland and there should be no more planting until conservation management plan is complete; planting of wildflowers should not be done at expense of semi-natural grassland;
 - Impact of any proposed trees on views;
 - Location of benches and concrete bases not specified; information boards should be sensitively placed.
 - Wildflowers meadows should not be planted at the expense of grasslands.
- Comments on AA: lack of detailed baseline survey of the site or mention of it being in the SAAO. Section 7.2.1 of report states paths may reduce numbers of people utilising off-road tracks and reduce footfall impact on the SAC, however converse could also be true. The SAC woodland adjoining the site is under severe pressure from uncontrolled access, to contain this fencing will be necessary.
 - There are six invasive species in the grassland site, specifically Alexanders, and the spread of invasive species has not been addressed.
 - All the issues raised above should be addressed within an EIS. The Conservation Management Plan should be included with any EIA.
 - Points 2, 3 and 4 of Annex IV of 24/52/EU EIA Directive have not been considered by WCC in proposing this development.
 - The proposals are not in keeping with the objectives set out in the SAAO with respect to habitat diversity and sustainability and the protection of its natural assets.
 - EIS should address control of invasive species, proposed increase of access to the area which will have knock on effects on the SAC and the removal of alien

shrubs and trees which were planted during the time of the par 3 pitch and putt. The control of bracken is also desirable.

- The major concern is the potentially intrusive nature of the proposals both during the construction and operational phases which will lead to direct loss of biodiversity if it is not carried out sensitively and sustainably. A formal assessment of the impacts is therefore considered necessary.

4.2. Schedule 7A Information (EIA)

- 4.2.1. Schedule 7A of the Planning and Development Regulations, 2001 (as amended), relates to information to be provided for the screening of sub-threshold development for the purposes of EIA. The planning authority was requested to submit the information set out in Schedule 7A of the Regulations, to submit a copy of the documentation relating to the Part 8 application, and to make any submissions or observations they may have in relation to the matter.
- 4.2.2. The planning authority's response to the Board's request for Schedule 7A and Part 8 information was submitted with a letter dated 12th June 2023 and the submission addressed each of points raised in the referrer's submission.

4.3. Screening for Appropriate Assessment

- 4.3.1. The planning authority's Screening for AA report describes the project, the assessment methodologies and receiving environment. It identified the European site within the Zone of Influence as Bray Head SAC (000714). The report concluded that the project is not likely to have a significant effect on any European site, in view of best scientific knowledge and the Conservation Objective of the site concerned, lack of source-pathway-receptor, and location of the project downhill of the SAC.

5.0 Planning History

- 5.1. With the exception of the above mentioned Part 8 application on the site, I am not aware of any recent relevant planning history on the site.

6.0 Policy Context

6.1. Wicklow County Development Plan 2022-2028

- Settlement Strategy – Level 1: Metropolitan Key Town, Bray.
- Bray Head SAAO.
- Green Infrastructure Objective CPO 18.15: To implement the measures set out in the Bray Head SAAO (Special Amenity Area Order) (See Map 18.02).

6.2. Bray Municipal District Local Area Plan 2018 – 2024

- Zoning of application site: OS1 Open Space.
- Site is within boundary of Bray Head Special Amenity Area Order (SAAO).
- GI2 To facilitate the development and enhancement of suitable access to and connectivity between areas of interest for residents, wildlife and biodiversity, with focus on promoting river corridors, Natura 2000 sites, nature reserves and other distinctive landscapes as focal features for linkages between natural, semi natural and formalised green spaces where feasible and ensuring that there is no adverse impact (directly, indirectly or cumulatively) on the conservation objectives of Natura 2000 sites.

6.3. Bray Head SAAO 2007

Objective 1.1: In order to facilitate social inclusion, it is an objective of the Council to increase public access on foot to coastal, heathland and woodland areas for informal recreation.

Policy 1.1.1: In order to clarify their status the Order designates the Cliff Walk and other existing rights of way on Bray Head as public footpaths. The Council will develop this footpath system in an appropriate manner with suitable signage, footpath surfaces, notice and maps.

Policy 1.1.2: It will be a policy of the Council to increase the accessibility of the area to the mobility impaired. The Council will aim to manage the environment so that it does not handicap or discriminate against disabled people.

Policy 1.3.2: The Council will produce plans for the development of amenity areas in its ownership or control. It will also address some of the issues that effect the entire area covered by the SAAO.

Policy 1.3.5: The Council will also look at the planting of amenity woodlands at suitable sites.

Policy 1.3.6: The Council, in consultation with local landowners, will improve and maintain existing footpaths and bridleways, develop a way-marked footpath system, and create additional public footpaths/walkways.

Policy 1.3.9 It will be a policy of the Council to develop education and public information schemes, through additional signage in the area and education programmes. These will include information on sites and structures of special interest, details of the flora and fauna and a historical account of the area.

Objective 1.6 To preserve existing areas of heathland, maritime grassland and woodland areas.

Objective 1.7 To preserve the special character of the area.

Policy 1.7.1 The Council will require an Environmental Impact Assessment to be prepared in respect of any planning application which it considers would be likely to have significant effects on the environment of the area.

Schedule 2 Objectives and Policies for the Prevention and Limitation of Development:

Objective 2.2 To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas.

Policy 2.2.1 The Order applies a development control policy, which restricts new development within an acceptable range of land use activities.

6.4. Natural Heritage Designations

The site is bounded by Bray Head SAC (000714) and Bray Head pNHA to the south/southeast.

7.0 Legislation and Guidelines

7.1. Planning and Development Act 2000, as amended

- 7.1.1. **Section 172(1)** states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the PDR, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.
- 7.1.2. **Section 172(1A)** specifies that the above is relevant to development that may be carried out by the local authority under Part X.

7.2. Planning and Development Regulations 2001, as amended

- 7.2.1. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.
- 7.2.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.
- 7.2.3. **Schedule 5** sets out the classes of development where EIA is required.
- Part 1: Sets out the development classes which are subject to mandatory EIA.
 - Part 2: Sets out development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.
- 7.2.4. **Schedule 7** sets out the criteria for determining whether a development would, or would not be likely to have significant effects on the environment, under three headings:
1. Characteristics of the proposed development.

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

7.2.5. **Schedule 7A** relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA. Schedule 7A information relates to the following:

1. A description of the proposed development, including in particular—
 - (a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and
 - (b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.
2. A description of the aspects of the environment likely to be significantly affected by the proposed development.
3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—
 - (a) the expected residues and emissions and the production of waste, where relevant, and
 - (b) the use of natural resources, in particular soil, land, water and biodiversity.
4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. The proposed development primarily comprises works to the existing Raheen Public Park. The extent of works are described in Section 3.0 of this report.

8.1.2. I note the referrer's request to the Board relates to an EIA screening determination. I note the Council has screened the proposed development for Appropriate

Assessment and an AA Screening Report has been submitted, whereby the proposed project is screened out for AA.

8.1.3. The following matters are considered relevant in the assessment of whether the submission of an EIAR is required:

- Assessment of project type/class of development under Schedule 5 of the Planning and Development Regulations (PDR) 2001, as amended, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR.
- Assessment of proposed development under the criteria set out Schedule 7 of the PDR.

8.1.4. An assessment of the proposal against the above criteria is carried out in the sections that follow.

8.2. **Relevant Project Types / Class of Development**

8.2.1. I consider that the proposed development constitutes an infrastructure project, comprising enhancement works within a public park in an urban area, within the development boundary of Bray, on zoned lands (c. 7ha in area), governed by Bray Local Area Plan 2018-2024, and also by Wicklow County Development Plan 2022-2028.

8.2.2. I consider that the class of development which would be potentially applicable to the proposed development is Class 10(b)(iv) of Part 2 of Schedule 5 of the PDR 2001, as amended:

Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

8.2.3. The referrer makes reference to the heading of 'Tourism and Leisure' which is under Class 12 of Part 2 of Schedule 5, however, in my opinion the project does not come within the scope of any of the classes of development listed under Tourism and Leisure, which relate to: Ski-runs, ski-lifts and cable-cars where the length would exceed 500 metres and associated developments; sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of

berths would exceed 100; Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms; permanent camp sites and caravan sites where the number of pitches would be greater than 100; and theme parks occupying an area greater than 5 hectares.

8.3. Assessment of Relevant Thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended)

- 8.3.1. The threshold cited under Class 10(b)(iv) in the Regulations is an area 'greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'. The proposed development would be accommodated on a site of c.7 hectares. Therefore, while the proposed development is of a Class listed in Part 2, it is sub-threshold for mandatory EIA.
- 8.3.2. An assessment as to whether the proposed development should be subject to EIA having regard to the criteria set out Schedule 7 of the Planning and Development Regulations 2001 (as amended) is set out below.

8.4. Assessment of the development under the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended)

- 8.4.1. Schedule 7 of the Planning and Development Regulations 2001 (as amended) lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment under the following headings:
- Characteristics of proposed development.
 - Location of proposed development.
 - Types and characteristics of potential impacts.
- 8.4.2. Each of these criteria is assessed below.

8.5. Characteristics of the Proposed Development

Size and design of proposed development

- 8.5.1. The proposed development is described at Section 3.0 of this report. The area involved is 7ha. The proposal includes, inter alia, the following main elements:
- Development of a new trail through the existing park
 - Upgrade of an existing trail
 - Installation of benches along the trail
 - Planting
 - Installation of information boards
- 8.5.2. The subject site comprises an existing c.7ha public park, zoned for open space use. As outlined by Wicklow County Council (WCC), Raheen Park is most frequently used by dogwalker and walkers, as evidenced by denudation of existing grassed areas. The proposed trail (1460m) is over an area of existing semi-natural dry/neutral grassland, with the existing informal trail (220m) to be upgraded. I note the proposed trail follows approximately the path of existing desire lines around the park, varying marginally away from existing desire lines due to the gradient. It is stated that the objective of the proposal is to enhance the quality of the amenity, develop a trail that is accessible, includes benches for rest and views. The accessible pathways will have gradients no steeper than 1 in 15, to be finished with compacted graded stone base beneath a tight hoggin finish, with 600mm of grass verge on both sides. The land slopes from south to north and from northeast to southwest with stated gradients ranging from 12% to 19%.
- 8.5.3. Landscaping is proposed to be undertaken in accordance with the objectives of the proposed Bray Head Conservation Management Plan and Bray Head NeighbourWood Scheme and grassland is to be managed to promote biodiversity - both plans are 'under development' with public consultation, and no details of landscaping are included in this application other than to state any planting will be in accordance with those plans.
- 8.5.4. I note that Appendix B of the submitted Part 8 comprises Draft Objectives and Actions of the Bray Head Conservation Management Plan which is stated will be further developed in the final plan, which is being progressed alongside the Part 8 application. The Council indicates in their submission states that there will be proposals in the Conservation Management Plan related to the wider Bray Head

SAAO area, which will be implemented in Raheen Park which is part of the SAAO and which are outside the scope of the Part 8, including measures relating to invasive species in the area (notably Alexanders); replacement of unplanned community tree planting on the grassland with a structured woodland establishment; enhancement plan on the boundary of the site; in addition to positive grassland biodiversity management practices such as inception of an annual conservation mowing regime in order to retain and enhance the floristic diversity of the site.

- 8.5.5. Having regard to the size/scale of the proposed development at Raheen Park, which is significantly below the thresholds set out in Part 2 of Schedule 5 of the PDR, and which generally entails the improvement of existing public amenities, I do not consider that a requirement for EIA arises.

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

- 8.5.6. No demolition works are involved in the proposal.
- 8.5.7. Potential for production of waste will arise in relation to the excavated material from the site during construction of pathways. The Council states in their submission that excavation of topsoil will be limited, as the paths work with existing contours and any topsoil excavated will be utilised within the existing park for necessary regrading of side-slopes along the trail or other hollows on the site and there will therefore be no waste. It is stated that the former golf bunkers in the park, which are recognised as being the most diverse areas of the grassland, will not be negatively affected by the proposals.
- 8.5.8. Having reviewed the information submitted, the impact is not anticipated to be of any significant level and no significant waste streams will be generated.
- 8.5.9. The Council calculate that the new trail is less than 5% of the overall park area and I note the intention is that worn informal trails will be reduced with the provision of a paved trail and additional informal routes will revert back to grassland when the new path is in place.
- 8.5.10. I do not consider the nature and scale of the proposed development of the trails, including provision of benches and information boards, will result in significant use of natural resources.

8.5.11. The potential for pollution and nuisance arising from a development of this scale would be limited. While I note that the construction phase will result in a level of noise, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings, these impacts will be temporary and short lived and will be controlled as part of the standard construction management plan, limiting their impact on existing grassland.

8.5.12. Overall, I consider that a project of the scale proposed has limited potential for significant effects arising from the use of natural resources, the production of waste or the generation of pollution and nuisance and does not warrant EIA. Furthermore, based on the nature and scale of the proposed development and the existing site context, it is considered unlikely that cumulative impacts would arise or be of a magnitude that would generate the need for EIA.

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

8.5.13. Having regard to the location, nature, scale and characteristics of the proposed development, comprising the creation/improvement of public amenities/recreational uses, it is considered that there is negligible risk of a major accident and/or disaster.

Risk to human health

8.5.14. I do not consider that there are any likely significant risks to human health associated with the proposed development. The risk to human health arising from water contamination, air pollution, noise etc is considered to be negligible, controllable through good practice construction methods, and not of a magnitude to generate a requirement for EIA. The area will continue to be used for recreational/amenity purposes and will provide a positive impact to human health.

8.6. Location of Proposed Development

Existing and approved land use

8.6.1. The proposed development primarily comprises improvements to existing public amenities and does not entail a change of land use. The proposed development is compatible with and will complement the existing use of the land for amenity/recreational purposes, in accordance with the zoning objective for open

space (OS1). I am satisfied that no significant adverse impacts in relation to land use are likely to arise.

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

- 8.6.2. The site adjoins Bray Head SAC and is within Bray SAAO. Potential impacts on Bray Head SAC (adjoining and outside the subject site) are considered in the Appropriate Assessment Screening Report submitted as part of the Part 8 application and consideration of the Bray SAAO has been taken into account.
- 8.6.3. I note concerns raised by the referrer in relation to loss of natural habitat which is described by the referrer as species rich meadow of grasses and herbs including orchids and is classified as Dry Calcareous and Neutral Grassland (GS2) of Fossitt (2000), with the management of the site since the operation of the pitch and putt affecting the quality of the habitat which has been overtaken by coarser swards of grass. A concern is raised in relation to lack of details submitted in relation to how the grassland will be managed for biodiversity and potential for greater anthropogenic impacts on the area due to attraction of additional people with improved walkways.
- 8.6.4. The County Council in its submission, states the aim of the works is to better manage existing access levels, to reduce impacts on the semi-natural dry grassland, while also enabling enhanced grassland management for biodiversity. It is stated that there is no desire to convert this area into an intensively managed public park, rather the aim is to enhance biodiversity value and introduce better accessibility, and this will be governed following public consultation, by the proposed Bray Head Conservation Management Plan and NeighbourWood Scheme, both of which are underway.
- 8.6.5. Bray Head SAC adjoins the east and southeastern boundary of the site. Habitat survey and mapping was undertaken to determine if Bray Head SAC QIs of 'vegetated sea cliffs of the Atlantic and Baltic Coasts', and 'European dry heaths', were present in the park. While I acknowledge that there is value to the existing grassland, which as indicated by the referrer as species rich, I note that in terms of QI features, these are not present within the project footprint, there is lack of a receptor, and the features are uphill of and separated by slope from the project

footprint. While the referrer disputes the council's classification of the grassland, I note neither type of grassland qualify as QIs of the SAC. It is stated that while silt transfer from ground works may occur during construction, these emissions are minimal and not relevant to the SAC due to the nature and location of the operations. I note there are no water courses or drainage ditches in the vicinity of the proposed works.

- 8.6.6. It is stated in the Council submission that in advance of works commencing, the route of the trail will be staked out and a botanist engaged to carry out a walkover to help identify any sensitive species along the route of the works, and to maximise opportunities to create and subsequently manage areas of biodiversity enhancement. Where necessary to protect rare species and if levels permit, the trail can deflect a short distance. If changing the route of the path is not feasible, the option of transplanting will be assessed. I consider such mitigation measures appropriate and will reduce potential impacts on biodiversity and habitats. I note the mitigation measures proposed are considered appropriate in the context of protection of biodiversity and are not required or proposed for the protection of Bray Head SAC or any other designated site.
- 8.6.7. I noted on site visit that the central green open space area displays a high level of disturbance from dog walkers, and casual users. Such levels of activity, in addition to the type of grassland habitat present in this area do not provide for habitat that bird species would depend upon as significant feeding grounds. The proposed works will not be extensive and bird species landing at the development site and adjacent lands are habituated to high levels of disturbance and as such given the minor nature of the proposed works it is unlikely that significant effects would arise. Furthermore, given the park has a significant amount of pedestrian and canine (off lead) activity, ground nesting birds would not be expected within the park.
- 8.6.8. The proposed development primarily relates to improvement works to existing public amenities within the site, namely trails and benches. There will be a small permanent loss of terrestrial habitat. The aim is to provide for an accessible trail around the park, which will I note result in a reduction of uncontrolled eroded informal trails. I further note the Council in their submission state that they support an enhanced biodiversity rich grassland and the future management of the park will be governed separately by the proposed Bray Head Conservation Management Plan (as required

under the Bray Head SAAO) and NeighbourWood Scheme. I do not consider the proposal is contrary to the existing objectives of the SAAO.

- 8.6.9. Overall, given the nature of the development, it is unlikely that significant effects would arise from this development. The future management of the grasslands for biodiversity will be governed by other plans for the area and this development will not impact on those plans, being primarily related to the laying of paths, benches and information boards which in themselves will have a limited impact on existing biodiversity.
- 8.6.10. Overall, the nature of the proposed development is such that the natural resources used in the proposed development are limited and there would be minimal ongoing use of natural resources from the proposed use of the site. There is, therefore, no potential for significant effects.

The absorption capacity of the existing environment

- 8.6.11. The site is located adjacent to the built-up area of Bray on one side, and protected open lands on the other relating to Bray Head SAC and Bray Head SAAO (the site also being within the SAAO).
- 8.6.12. The Local Authority has screened out the development for appropriate assessment. Mitigation measures in terms of construction methodologies for the purposes of protecting biodiversity have been identified. I note these are not required for or proposed for the protection of any European site.
- 8.6.13. I consider that the site has the capacity to absorb the proposed development without generating significant effects on the environment and does not give rise to the requirement for EIA.

8.7. Types and Characteristics of the Potential Impact

Nature, magnitude and extent of the impact

- 8.7.1. The extent of the impact in terms of geographical area and the size of the population likely to be impacted is limited to the immediate area of Bray where the development will be located.
- 8.7.2. The construction stage will result in limited impacts on the local population arising from dust, noise and traffic. These will be of short duration and capable of effective

mitigation by normal good construction and best practice methodologies. The operational phase may see increased user numbers on site, however, given the availability of public transport and public parking nearby it is not anticipated that any significant impacts will occur on the local population as a result of the proposal.

- 8.7.3. The site is within a built-up area and is removed from any protected structures. There is one archaeological monument identified. No potential significant impacts on cultural heritage have been identified or are anticipated.
- 8.7.4. There will be some visual impact associated with the removal of vegetation for the installation of pathways and benches. These impacts are not likely to be significant. Arising from its scale and location, the proposed development is not likely to give rise to significant impacts on landscape quality.
- 8.7.5. In terms of biodiversity, the proposed development will result in some loss/disruption of habitats existing on site and disturbance/displacement of species using the site. Having regard to the nature and scale of the proposed development, it is not considered that significant adverse impacts on biodiversity are likely to arise.
- 8.7.6. In addition, it should be noted that the existing habitat is extensively utilised by dog walkers and recreational users and as such would not be suitable or be of significant value to provide refuge or significant foraging habitat to mammals or bird species. Given the high level of human activity at this site it is not considered that significant displacement of species would be likely to occur as a result of the proposed development.
- 8.7.7. The proposed development will result in limited impacts on land and soil which will be negligible having regard to the limited size of the site and the works proposed.
- 8.7.8. The proposal will not have an impact on any European site, given the lack of a source-pathway-receptor and the scale of the proposed development. While anthropogenic issues are raised by the referrer due to potential to increase walkers in the area, I note the pathways will not impact on the SAC and will likely reduce informal walking on existing habitats.
- 8.7.9. Arising from these limited impacts, the nature and scale of the development and its relationship with the surrounding land uses, it is not considered that the proposed development would have a significant impact on material assets in the locality.

8.7.10. There is potential for interactions between various environmental factors, notably between land and biodiversity. Subject to the identified construction measures, significant interactions are not considered likely or such that would give rise to significant additional environmental impacts. I note none of the measures proposed are related to the protection of European Sites but are rather standard construction methodologies.

Probability, intensity and complexity of impacts

8.7.11. The proposed development will result in the loss of a small area of habitat and disruption to other habitats including grassland areas. Temporary noise, dust and traffic impacts may also arise. Having regard to the limited scale of the proposed development and noting the measures outlined in the Part 8 application and accompanying documentation submitted, it is considered that the nature of the environmental impacts during the construction phase is not particularly complex or intense.

Expected onset, duration, frequency and reversibility of the impact

8.7.12. Having regard to the nature of the proposed development, it is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the scheme are removed. The construction phase impacts will be of short duration and limited frequency.

Transboundary nature of impact

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

Cumulative impact

8.7.14. The site is zoned for open space and is bounded by a built-up area (residential) to the north and designated SAC to the south, as well as being within Bray Head SAAO. I am not aware of any other projects in the vicinity with the potential to result in cumulative impacts.

8.7.15. The adopted Development Plan and Local Area Plan have been subject to Strategic Environmental Assessment.

8.7.16. I have had regard to the status of the surrounding lands, which is largely in use for recreational and residential purposes, and I am satisfied that the proposal would not

give rise to concerns in relation to significant cumulative effects, such as to require EIA.

Possibility of effectively reducing impact

- 8.7.17. Implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing potential impacts.

9.0 Recommendation

- 9.1. Having regard to the above assessment, I consider that the proposed development of Raheen Public Park Enhancement, would not be likely to have significant effects on the environment. I therefore recommend that Wicklow County Council be advised that the preparation and submission of an environmental impact assessment report is not required in respect of the proposed development.

10.0 Reasons and Considerations

Having regard to the following:

- a) The criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations 2001, as amended,
- b) The limited nature and scale of the proposed development which is under the threshold in respect of Class 10b(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations 2001, as amended,
- c) The location of the site on lands zoned for open space under the provisions of the Wicklow County Development Plan 2022-2028 and the Bray Local Area Plan 2018-2024,
- d) The location of the site and the existing pattern of development in the vicinity,
- e) The limited potential for significant impacts arising from the proposed development,
- f) The submissions made by the referrer requesting a determination and by the local authority, and
- g) The report and recommendation of the Inspector,

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Una O'Neill
Senior Planning Inspector

23rd August 2023