

An Bord Pleanála

Case Ref. TA06D.314686.

8 St Brigid's Tce

Lr Dargle Road

Bray

A98 RK11

27.10.2022

Dear Sir or Madam,

I am submitting this Observation regarding Shankill Property Investments Ltd.'s Strategic Housing Development application to build their 'Coastal Quarter' on part of the former Bray Golf Club lands at Ravenswell, Bray, Co. Wicklow - Case Ref. TA06D.314686.

In doing so, I will draw your attention to several aspects of the proposal which I believe render it unviable. These will include:

- 1) **Wildlife:** Inadequate assessment of wildlife as presented in the *Natura Impact Statement* presented by Atkins.
- 2) **Flood Zoning:** The misinterpretation of the Flood Zoning process and the contradictions in this regard which are presented in this planning application.
- 3) **Access Road:** the inclusion in the plan of the access road to Wicklow County Council's so-called Sustainable Transport Bridge (Ref. PRR 21/869) which is currently pending a Judicial Review.

My first observation applies to the aspect of wildlife on the development site:

Although the *Natura Impact Statement* document is extensive and professionally prepared it is by no means comprehensive in regard to wildlife. It fails to encapsulate the entirety of the wide-ranging and diverse fauna that exist on the site both permanently and in transit. My interest in this aspect is based on my daily walks from the Peoples Park to the Harbour and frequent walks across the upper part of the former golf club lands. As a volunteer observer of ringed gulls that visit the harbour and the river I can attest to the fact that gulls from far and wide can be seen in and around the site of Shankill Property Investments

proposed development site. Gulls, (particularly the black-headed gulls), from the Isle of Man, Scotland, Denmark and even Lithuania are regular visitors to Bray.

I also monitor the mute swans that live in the area, and report any changes or difficulties to the local rescue service. As I am a birdwatcher and a photographer, I was surprised at the amount of omissions in the Natura Impact Statement prepared by Atkins both in terms of birdlife and mammals.

For example in *Table 4.1 Bird Species recorded in the area*

Stonechats are listed but Goldfinches are not. This is surprising because Goldfinches comprise the largest flock of small birds living on the site. They can be observed and indeed heard at any time of the day all across the former golf course lands. Other small birds that inhabit the area but failed to make it onto the list include Linnets, Buntings, Skylarks, Grey wagtails, Pied wagtails, Hooded crows, Sparrows and Jackdaws.

As for water-birds, there is no mention of Turnstones, Cormorants or Shags, again surprising as they are all highly visible in the harbour along with the swans, mallards and grey herons which were listed. Another important omission is the Little Egret which can frequently be seen in the river adjacent to Ravenswell Road which forms the southern barrier of the site. These birds have formed a breeding colony along the river Dargle where up to nine of them at any one time have been spotted in the trees opposite the People's Park.

It is important to note that every year between January and March a visiting flock of Curlews feeds on the lower part of the golf course lands, this is an important feeding ground for them but fails to get any mention in the Natura Impact Statement.





Evidence of the presence of otters is mentioned but not of them living there. There is an otter holt less than a kilometre away from the site and their primary feeding site is between the rail and road bridges at the mouth of the river where it enters the harbour. This is where they find the crabs which provide a valuable food source for them. I am drawing your attention to these omissions in order to point out that a survey which does not encompass the breadth of flora and fauna can have disastrous consequences not just for the natural environment but for the built environment.

This was the case at a site on Bray North Beach, directly across the railway line from the eastern barrier of the site under discussion. In this case planners failed to note that a breeding colony of Sand Martins inhabit the cliffs on this site every summer, these cliffs were being dismantled in order to allow for remediation works on the site of the former town dump where large amounts of toxic waste had been stored and was being washed into the sea by coastal erosion. Once the mistake was realised, all work on the cliffs had to cease until after the chicks were fledged. This shows the importance of an all-year survey because clearly no ecologist was aware that this was a breeding ground for Sand Martins, most likely because the survey was conducted out of season.

Below is an extract from John Brady, TD's Facebook page from June 2021 regarding the plight of the Sand Martins and the subsequent disruption to building works as a result of inadequate planning. This site is across the railway line from and adjacent to the site under discussion.



John Brady TD ·

1 Jun 2021 · 🌐



Colony of nesting Sand Martins on North Beach in Bray. They are under imminent threat of being destroyed by bulldozers working on coastal protection scheme for @dlrcc These are protected under the Wildlife Act. Work should immediately stop and a plan put in place for the duration of the nesting season.

Update: Many thanks to @dlrcc for talking immediate action. They are postponing the works until the site is reviewed by a bird specialist & a plan put in place in relation to the works timelines. The bird specialist will also monitor the colony in the meantime to see how they are doing. 🙌



65

3 comments 9 shares 1.2K views

With regard to my second point, flood zoning:

Shankill Investments' application assesses "the majority of the Coastal Quarter", that is the high ground (above the present schools' road) as a Flood Zone C:

- on page 36 at 6.3;
- twice on page 27 (pdf page 75) at 5.1 and 5.2 of their Technical Note; and again
- on page 29 at 6 (pdf page 77), where they add: "A limited portion within the southern corner of the site is located within a Flood Zone 'A' and Flood Zone 'B' during both the fluvial and tidal flood events."

However, Bray's Local Area Plan 2018 clearly shows almost all of the entire former Bray Golf Club lands – both above and below the schools' road – as Flood Zones A and B. See page 20 (pdf page 23) of Appendix C: Flood Risk Assessment of Bray's Local Area Plan 2018 at

<https://www.wicklow.ie/Portals/0/Documents/Planning/Development-Plans-Strategies/Local-Area-Town-Settlement-Plans/Bray/Bray-Municipal-District-Local-Area-Plan-2018/Appendix%20C%20-%20Strategic%20Flood%20Risk%20Assessment%20-Bray%20MD%20LAP%202018.pdf>

Their Justification Test for allowing Mixed Use development on any portion of this site is dependent on the accuracy of that assessment. In other words, if Shankill Investments' flood zoning is correct, then the Justification Test - on which Bray Municipal and Wicklow County Council are allowing Mixed Use development throughout this site – fails. It fails at 2 (v) as, if there is a substantial Flood Zone C within the site, and a Flood Zone B, then Flood Zone A should be avoided altogether. It also fails at 3, if a rudimentary mistake like this has been made in the Council's Flood Risk Assessment of the site.

If Shankill Investments' flood zoning is correct, however, then it is not in line with Bray's LAP 2018.

In either scenario, Shankill Investments' application fails on flood zoning.

Shankill Investments' application assesses the low ground (below the present schools' road) as Flood Zones A and B. Bray's LAP 2018 agrees.

My third observation is with regard to the access road to Wicklow County Council's proposed Sustainable Transport Bridge.

The southern part of Shankill Investments' application is built around a proposed access road to a proposed Sustainable Transport suspension bridge which is currently the subject of a Judicial Review. Wicklow County Council submitted a Part 8 proposal (Ref. PRR 21/869) for this bridge and access road, maintaining that it would have no effect on the environment, and so an EIS would not be required. Surprisingly, Bord Pleanala's Inspector agreed with that assessment, despite the fact that Wicklow County Council are maintaining in their Part 8 proposal that the lowland of the old Bray Golf Club lands is a Flood Zone C, while Bray's LAP 2018 Flood Risk Assessment assesses that land as Flood Zones A and B – another direct contradiction in our local authority's flood risk assessments. The decision by An Bord Pleanala is the subject of the Judicial Review.

Shankill Investments claim that their application is 'stand-alone', yet their drawings, their graphics, and their text give the lie to this claim. In particular, their proposal on page 77 (graphic on page 78 at Fig. 18) of their Flood Risk Assessment shows an intention to actually build up the level of the ground at the southern end of the site against the side of the proposed access road, which is proposed to be built on an embankment:

"In order to enable a sustainable development of the site and **to reduce the risk of flood inundation to the site it is proposed to raise ground levels within the southern area of the site**. It is also proposed to include a proposed road along the southern boundary within the model."

This a) simply assumes the access road will go ahead, with some contempt for the judicial process surrounding it;

and b) shows no regard for the danger building up the ground level across the floodplain might cause for the residents of the development and indeed for a very vulnerable community living upriver in the lowlands of Little Bray.

This assumption is shown from the very beginning of their documentation, i.e. the second and third Architect's drawings shown at:

<https://coastalquartershd2.com/drawings/architecture/>

Drawing BRA-GHA-SW-XX-DR-A-05001 (Site Location Map) shows the schools' road, leading to the railway underpass, as it is at present. In Drawing BRA-GHA-SW-ZZ-DR-A-05002 (Site Layout Plan, Sheet 1 of 2), however, the part of the schools' road between the area they designate as the Orchard (in front of Coláiste Raithín) and the railway underpass disappears as a public road.

It is replaced in this application by the frontage of Block C, adjacent to the Orchard, and Block B2, adjacent to the railway underpass. See Block C, South Elevation, and Block B, South Elevation, at

[https://coastalquartershd2.com/wp-content/uploads/2022/documents/Drawings/Architecture/BRA-GHA-ZC-ZZ-DR-A-05240%20-%20Block%20C%20-%20Elevations%20\(Sheet%201%20of%202\).pdf](https://coastalquartershd2.com/wp-content/uploads/2022/documents/Drawings/Architecture/BRA-GHA-ZC-ZZ-DR-A-05240%20-%20Block%20C%20-%20Elevations%20(Sheet%201%20of%202).pdf)

and

[https://coastalquartershd2.com/wp-content/uploads/2022/documents/Drawings/Architecture/BRA-GHA-ZB-ZZ-DR-A-05221%20-%20Block%20B%20-%20Elevations%20\(Sheet%202%20of%202\).pdf](https://coastalquartershd2.com/wp-content/uploads/2022/documents/Drawings/Architecture/BRA-GHA-ZB-ZZ-DR-A-05221%20-%20Block%20B%20-%20Elevations%20(Sheet%202%20of%202).pdf)

respectively.

Block C contains at ground floor level a childcare facility, a café, and a shop, with the latter two fronting onto what is at present a public road, while the entrance to the childcare facility is just around the corner. Block B2 contains a gym and juice bar at ground and mezzanine level.

In front of Block C, crossing the public road and descending onto Flood Zone B below, is the Market Square, while a Plaza area fronts Block B2, again on what is still, and may well remain, a public road.

That road culminates at the railway underpass, which is described in this application (page 45) at

<https://coastalquartershd2.com/wp-content/uploads/2022/documents/Reports/Architecture/Architectural%20Design%20Statement.pdf>

as the 'Underpass Entrance Node'. It states:

"This character area has been created by the removal of the existing access road to the underpass and replacing it with a plaza area that marks the entrance to the proposed development for pedestrians and cyclists travelling to and from the harbour and beyond to Bray Town Centre. The plaza also provides connection with the existing cycle path from the harbour, creates a setting for the commercial unit on the southern elevation of Block B and provides a connection point between the northern and southern portions of the Coastal Gardens walkway."

The proposed changes to this area - by the developer - are described earlier in the same document, on page 14, as follows:

"To the south eastern corner, the entrance to the coastal path has been substantially increased to create a more inviting gateway from the railway underpass into the Coastal Quarter."

The pedestrian underpass is considered one of the key gateways into the scheme and is therefore the location of the 'landmark' taller element of the proposed scheme. At ground level the visitor is greeted by a double height space on the corner with a juice bar at ground level and gym at 1st floor/mezzanine level. These two uses will ensure continuous activity at this key location. Tables and chairs on a south facing outside terrace associated with the juice bar will further animate this space."

The last paragraph on the following page (15) gives the height of this 'landmark' taller element of the proposed scheme as 12 storeys. This can be seen on the Block B, Southern Elevation drawing, referenced above on my page 3.

The interconnection between the proposed changes at the railway underpass and Block B2 are explained on page 23 of

<https://coastalquartershd2.com/wp-content/uploads/2022/documents/Reports/Landscape/6948%20-%20LANDSCAPE%20DESIGN%20STRATEGY%20REPORT.pdf>

as: "the footprint of Block B has been redesigned to create a wider access route from the existing underpass as part of the Entrance Node on to the Coastal Gardens route."

These changes are illustrated in a graphic on page 14, this time in the Landscape Design Strategy report at

<https://coastalquartershd2.com/wp-content/uploads/2022/documents/Reports/Landscape/6948%20-%20LANDSCAPE%20DESIGN%20STRATEGY%20REPORT.pdf>

The text accompanying that graphic repeats the statement made on page 45 of the Architectural Design Statement, regarding the removal of the existing access road to the underpass and replacing it with a plaza area ".

That this section of presently public road is intended, within this application, as a very social space, is obvious from the text on page 25 of Architectural Design Statement:

"The proposed development encourages social relationships and the culture of sharing spaces and functions. The layout has been arranged so that the community elements (the childcare facility, the cafe and the convenience store) form the 'public front' of the scheme to the south. These important elements front onto the 'Market Square'. This public space forms the main entrance to the proposed development and will be a lively space accommodating outdoor seating for the café and incidental play areas for children coming from and going to

the adjacent childcare facility and schools. It is intended to host weekend farmers markets and other events.”

Because this proposed Market Square not only crosses the public road, but then descends onto Flood Zone B, it is difficult to ascertain where exactly the proposed farmers market and other events will be held – on the public road or the low ground or somewhere in-between on the ‘series of three terraces’ described below on page 45 of the Architectural Design Statement:

“The Market Square is a key node within the overall Harbour Point masterplan and the key public space within the Coastal Quarter. This mainly hard surfaced plaza area will provide an external community space for artisan markets, seasonal community events and as a breakout seating space to be used by the commercial premises within the ground floor of the adjacent apartment buildings fronting onto the square. In order to deal with topography in this location, the square will be set out as a series of three terraces linked by a fully accessible feature walkway.”

There are multiple graphics and references to the social aspect of this proposed Market Square and its hard and soft landscaping (and indeed to the proposed Underpass Entrance Node and Block B2) throughout the Architectural Design Statement (including pp32, 35, 40, and 45) and the Landscape Design Strategy report (including pp25 and 80). Again, however, there is no clarity regarding where – within the Market Square area, from the schools’ road down to Flood Zone B – these activities are planned to take place.

Clearer is their repeated intention to make a separate application to construct a very extensive building, referred to variously as a ‘Feature’, ‘Landmark’, or ‘Special’ building, on Flood Zone B, thus putting a very non-water compatible element into the Coastal Garden applied for here.

This Landmark building is illustrated, and its extent shown, in the graphic at Page 80 of their MasterPlan - Market Square and Coastal Gardens at:

<https://coastalquartershd2.com/wp-content/uploads/2022/documents/Reports/Other/Harbour%20Point%20Bray%20Masterplan.pdf>

Again, there are multiple references to this proposed building within the present application's documentation, e.g. the Architectural Design Statement at page 32 and the Landscape Design Strategy report at page 24.

To claim that the changes proposed along the present schools' road have nothing to do with the proposed access road that is the subject of a Judicial Review is simply ludicrous, as can be seen in particular in Figure 20 on page 18 of the Architectural Design Statement at

<https://coastalquartershd2.com/wp-content/uploads/2022/documents/Reports/Architecture/Architectural%20Design%20Statement.pdf>

Wicklow Co. Council's disputed access road consistently appears as an integral part of the applicant's plans in any map or graphic on or below the present schools' road between Coláiste Raithín and the railway underpass.

As noted at the beginning of this section, the applicant's plans actually include building up the ground at the southern end of their site against the proposed access road.

In addition, Page 47 of the Architectural Design Statement says:

"Care has been taken to ensure that landscape levels along the Coastal Gardens are raised above the existing ground levels so that the new ground levels will be close to podium level."

In short, this application, once it reaches the present schools road, is inextricably linked with Wicklow's Part 8 proposal, just as their Master Plan is inextricably linked with this present application.

Conclusion:

In conclusion my observations on the Shankill Property Investments Ltd planning application point to the fact that the application is inextricably linked with an access road that is presently the subject of a Judicial Review, and cannot therefore go ahead unless the proposed bridge is favourably approved.

Furthermore, the application should fail because of the contradiction between Shankill Investments assessment of flood risk on the high ground and that on which Bray's LAP justifies building on this site at all. It does not take into account, an increased flood risk to both the proposed development and the heavily populated established communities upstream along the Dargle river and its hinterland in Little Bray.

In addition, the application should fail because due regard has not been given to the disruption to the flora and fauna on the site, which have developed habitats on the former golf club lands during the years that the land has lain fallow and that seem to have been missed by the ecologist Colin Wilson who prepared the Natura Impact Statement.

Yours sincerely,

Anne Marie Byrne