

File With

SECTION 131 FORM

Appeal No

PL-500165-WW

Defer Re O/H

☐

Having considered the contents of the submission dated/received **24/11/2025** from **Seana Kevany** I recommend that section 131 of the Planning and Development Act, 2000 ~~be~~ not be invoked at this stage for the following reason(s):

no re planning 131

Section 131 not to be invoked at this stage

☒

Signed

EO

Signed

SEO/SAO

Section 131 to be invoked — allow 2/4 weeks for reply

☐

Date

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date



Observation

Page 1 of 2

Correspondence Coversheet

Case Number
PL-500165-WW

Case Priority
Normal

Case Lodged On
24/10/2025

Case EO
Catherine Flynn

PA Reg. Reference
2560207

Case Details

Planning Authority
Wicklow County Council

PA Reg. Reference
2560207

Summary Description
Mixed use development, comprising of residential units and commercial spaces and all associated ancillary site works.

Site Location
Site largely within the Former Bray Golf Course Lands, Off Ravenswell Road and Dublin Road, Bray

Observation Details

Latest Appeal Lodged Date
28/10/2025

Last Date for Receipt of Observations
24/11/2025

Correspondence Details

Correspondence Type
Observation

Received From
Seana Kevany

Lodged On
24/11/2025

Validity
Valid

Valid OH Req
No

Issue
BP40 — English

Participant
Seana Kevany

Representative
—

Response Date
Applicable
☐

Number of Days
Allowed
—

Keep Copy of Letter
☐

Return Docs
☐

Keep Envelope
☒

Comments
—

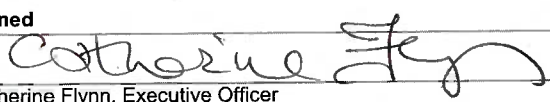
Filing

Attach to File
☐

Return to EO
☐

Signatures

Signed

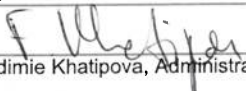


Catherine Flynn, Executive Officer

Date

25/11/2025

Signed



Fadimie Khatipova, Administrative Assistant

Date

28/11/25

12/12/1911
{ }
12/12/1911

Dear Sir,
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the above matter.
The same has been forwarded to the proper authorities for their consideration.
Very respectfully,
J. H. [Name]

Enclosed for you are the following documents:
1. A copy of the report of the committee on the subject of the proposed amendment to the constitution.
2. A copy of the report of the committee on the subject of the proposed amendment to the constitution.
3. A copy of the report of the committee on the subject of the proposed amendment to the constitution.
4. A copy of the report of the committee on the subject of the proposed amendment to the constitution.
5. A copy of the report of the committee on the subject of the proposed amendment to the constitution.

I am, Sir, very respectfully,
Your obedient servant,
J. H. [Name]



Planning Appeal Online Observation

Online Reference
NPA-OBS-005707

fee-pay-000569

Online Observation Details

Contact Name
Seana Kevany

Lodgement Date
24/11/2025 16:47:06

Case Number / Description
500165

Payment Details

Payment Method
Online Payment

Cardholder Name
Seana Kevany

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☐ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

EO

Date

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG—

Reason for Refund

Documents Returned to Observer

☐ Yes

☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes

☐ No

Signed

EO

Date

Finance Section

Payment Reference

ch_3SX2usB1CW0EN5FC1foTMf7w

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

File With

SECTION 131 FORM

Appeal No

ABP—

Defer Re O/H

☐

Having considered the contents of the submission dated/received from _____ I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

Section 131 not to be invoked at this stage.

Section 131 to be invoked — allow 2/4 weeks for reply.

☐
☐

Signed

EO

Date

Signed

SEO/SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date

Seana Kevany

Address: 3A Carlisle Terrace, Bray, Co Wicklow, A98 K827

**Observation To An COIMISIÚN PLEANÁLA on ACP Case reference:
PL27.500165 (Planning Authority Case Reference: 2560207)**

Re: ACP appeal stage of PL27.500165 - Wicklow County Council Permission Reg.
Ref. 25/60207

Observer: Seana Kevany, member of Killiney Bay Community Council and Blue
Ireland Coalition CLG

Site: Former Bray Golf Course lands, River Dargle / Bray Harbour corridor

I wish to make the following observation on PL27.500165, at appeal stage of
Wicklow County Council's decision to grant permission under Reg. Ref. 25/60207.

Like my initial objection, this observation now focuses on compliance with EU
environmental law, in particular the Habitats Directive, Birds Directive, EIA Directive
and SEA Directive.

I. Procedural Defects and Breach of Article 6(3), Hybrid Screening / AA

Article 6(3) of the Habitats Directive requires a two-stage process:

Screening to determine whether a project is likely to have a significant effect on a
European site, in view of its conservation objectives;

If such effects cannot be excluded on the basis of objective scientific information and
without mitigation, a Stage 2 Appropriate Assessment (AA) must be undertaken.

The Court of Justice has confirmed that:

Mitigation cannot be considered at screening (Case C-323/17, People Over Wind);
and

Once mitigation is relied upon, the authority is obliged to carry out a full Stage 2 AA
and reach a reasoned determination (Case C-461/17, Holohan).

In this case, the applicant submitted a full Natura Impact Statement (NIS), a
document used at Stage 2 AA, not for simple screening. Despite this, Wicklow
County Council treated the NIS as if it formed part of a screening exercise and
declined to make a Stage 2 determination.

The Director of Services expressly states in the decision:

*"I have completed an Appropriate Assessment exercise and I conclude that Stage 2
AA is not required... the proposed development would not be likely to have a
significant effect on any European site."*

The Senior Planner's report, which the Director formally adopts, similarly states:

"Having reviewed the applicant's Natura Impact Statement and proposed mitigation measures, it is considered that significant effects can be excluded and that a Stage 2 AA is not necessary."

The inadequacy of this approach is confirmed by the NIS itself. At Section 7 (Conclusion), it states:

"Given the full and proper implementation of the mitigation measures detailed in this NIS... there will be no significant effects on the Rockabill to Dalkey Island SAC, Wicklow Mountains SAC or any other European site."

This language acknowledges that in the absence of mitigation, significant effects could arise. Under Article 6(3), once mitigation is required to exclude significant effects, Stage 2 AA is mandatory; mitigation cannot be considered at screening (C-323/17).

The NIS further states that:

"Mitigation measures have been prescribed to avoid or minimise those impacts such that they no longer constitute adverse effects on the integrity of the site."

This wording seeks to reach a conclusion of no adverse effect on integrity or LSEs (a Stage 2 outcome) at the screening stage. The Court of Justice has held that conclusions on AEOL/Significant Likely Effects, can only be reached after a full Stage 2 AA based on "complete, precise and definitive findings" (Case C-461/17, Holohan).

Taken together, the Director's decision and the Senior Planner's report clearly show that:

- A full NIS was submitted;
- Mitigation was expressly relied upon at screening;
- A Stage 2 AA determination was not carried out;

The competent authority collapsed screening and AA into a single, hybrid exercise with no standalone Stage 2 conclusion as required by Regulation 42(11) of the 2011 Regulations.

This is a procedural breach of Article 6(3). The Court has held that a competent authority *"cannot adopt the conclusions of the developer in place of carrying out its own appropriate assessment based on complete, precise and definitive findings"* (Case C-418/04, Commission v Ireland). Once mitigation is required, *"the competent authority must proceed to appropriate assessment under Article 6(3)"* (C-323/17).

There is no recorded, reasoned Stage 2 AA determination on the file. Instead, it seems that a hybrid screening exercise using a Stage-2 NIS has been used to justify a screening outcome. This alone renders the consent legally unsafe.

Flaws in Assessment of European Sites, Species, Ecological Needs and Connectivity

The NIS and planning documentation confine their analysis almost entirely to direct hydrological pathways affecting Rockabill to Dalkey Island SAC and

Wick Mountains SAC. Other ecologically connected European sites and key areas of functional habitat (including Bray Head SAC, The Murrough SPA and marine extension, and the Dalkey Island and Cliffs marine IBA) are ignored or dismissed on the basis that there is "no hydrological link."

This approach is contrary to Article 6(3) and the Holohan judgment, which confirm that:

The test is functional connectivity, not just physical proximity or direct water flow; and

The authority must assess effects on habitats and areas essential to the life cycle of qualifying species, even if they lie outside the formal boundary of the site (C-461/17, para. 40).

The Birds Directive protects Annex I and regularly occurring migratory species throughout their natural range (Articles 1, 4 and 5), not only within SPAs. The Court has held repeatedly that the obligation to prevent disturbance and deterioration applies "**wherever such species occur in the wild**" (Case C-247/85, Commission v Belgium; Case C-355/90, Santona Marshes). Birds depend on networks of feeding, roosting and stop-over sites beyond colony boundaries.

In this case, the applicant's own baseline acknowledges that:

"Bray Harbour is located c. 100m from the development site and supports nationally important numbers of Mute Swans (Cygnus olor),"

"a Swan Sanctuary is located adjacent to the River Dargle,"

"field signs of otter (Lutra lutra) ... were recorded along both banks of the river,"

"wintering waterbirds including redshank, oystercatcher and light-bellied brent goose were noted feeding on the intertidal area,"

yet none of these species or habitats is assessed for:

- Disturbance and displacement from piling, noise or vibration;
- Loss or degradation of feeding areas due to sedimentation or altered hydrology;
- Barrier effects on movement corridors;
- Cumulative loss of ecological function with other projects.

Instead, the NIS effectively reduces its analysis to surface water quality, implying that only pollution could give rise to significant effects. This is inconsistent with Article 6(3) and with case law on strict species protection, which requires protection of breeding, resting and feeding sites wherever they occur, irrespective of designation (Case C-383/09, Commission v France; Case C-179/23, Commission v Ireland; C-355/90; C-374/98 Basses Corbières; C-473/19 Skydda Skogen).

The NIS also contains no sedimentation or smothering assessment. There is no plume modelling or suspended sediment analysis and no assessment of benthic

or macroalgal communities, despite reef/intertidal habitat being confirmed in survey work.

This is incompatible with the **NPWS 2024 Reef Conservation Status Report**, which warns that excess sedimentation and deposition arising from construction can:

- Smother reef biota,
- Cause loss of macroalgal communities,
- Deteriorate ecological condition,
- Reduce prey availability for marine-feeding birds and Annex II species.

-

By treating reef and intertidal habitats as inert surfaces and failing to assess physical damage or ecological loss, the NIS does not meet the standard of “complete, precise and definitive findings capable of removing all reasonable scientific doubt” required by Waddenzee (C-127/02) and Holohan.

Defective In-Combination and Cumulative Assessment under Article 6(3)

Article 6(3) obliges competent authorities to assess all plans and projects likely to have a significant effect on European sites individually and in combination with other plans or projects that are existing, permitted or reasonably foreseeable.

The NIS’s cumulative assessment is materially defective. It restricts its in-combination analysis to a narrow hydrological screen and excludes several legally and functionally connected projects (both temporally and spatially, as regards zones of influence), despite their relevance being obvious from the planning context and other statutory processes. These include:

Bray Sustainable Transport Bridge: An Bord Pleanála has already determined that this bridge requires Stage 2 AA and EIA (ABP-320608-24). It shares the same receiving environment (River Dargle, Bray Harbour, intertidal areas, bird foraging zones) as the current proposal. The applicant’s own Traffic and Transport Assessment confirms that the bridge is functionally necessary infrastructure for the development. The NIS nonetheless dismisses in-combination effects on the basis that the bridge is “at design stage,” which has no basis in law. Ecologistas en Acción (C-142/07) confirms that foreseeable projects cannot be excluded merely due to procedural stage.

Dublin Array Offshore Wind Farm (RWE): A Phase 1 priority project in national policy, accompanied by detailed ornithological and marine assessments showing effects extending into Bray Harbour and the Kish–Bray coastal corridor.

Codling Wind Park: Maritime Area Consent granted; extensive environmental documentation lodged with An Coimisiún Pleanála, clearly “reasonably foreseeable” within the meaning of Waddenzee.

Irish Rail Maritime Area Consent applications (2025): Six MAC applications for coastal defence and rail infrastructure upgrades between Bray and Wicklow Head, involving in-stream works, piling, rock armour and dredging within the same sediment cell and hydrodynamic system.

Shanganagh Wastewater Treatment Plant expansion: EPA-licensed discharges into the same coastal receiving environment.

Bray Flood Defence and River Dargle Works: Altered hydrology and sediment supply within the same river corridor that forms the ecological connection between the site and Bray Harbour.

Each of these is operational, consented, at application stage, or identified as a priority within the national marine planning framework and should have been meaningfully included in the in-combination assessment. The test is not concurrent construction; it is whether effects may arise "in view of the site's conservation objectives" (C-127/02 Waddenzee; C-258/11 Sweetman).

By excluding these projects on the basis of being at 'administrative stage' or narrow hydrological reasoning, the NIS has artificially narrowed the baseline. The planning authority then adopted these flawed conclusions without conducting any independent cumulative analysis. That is not an Appropriate Assessment within the meaning of Article 6(3).

Project Splitting / Salami-Slicing in Breach of Article 6(3) and EIA Directive Article 3

There are signs of project splitting within the application that were not adequately assessed by the granting authority, this occurs when interdependent elements of a single overall development strategy have been artificially separated into different applications to avoid full assessment under Article 6(3) and Article 3 of the EIA Directive.

The NIS states of the Bray Sustainable Transport Bridge:

"The bridge is at design stage and will not be constructed concurrently with the proposed development and is therefore not considered to give rise to in-combination effects."

The NIS also excludes Codling, Dublin Array, Shanganagh WWTP and rail/coastal works on the basis that:

"These projects are not directly connected to the site and are not anticipated to occur at the same time as the proposed development."

This reasoning is legally irrelevant. The ECJ has held that:

Cumulative assessment must include projects "likely to have significant effects on the environment, regardless of whether they are submitted separately or progressed in stages" (C-142/07 Ecologistas en Acción);

Where separate consents form "one single project" in environmental terms, they must be assessed together (C-392/96 Commission v Ireland; C-411/17 Inter-Environnement Wallonie; C-50/09 Commission v Ireland).

The Planning Authority itself acknowledges in its decision that:

"The proposed development will be supported by future sustainable transport

infrastructure currently in preparation.”

This confirms that the current proposal is functionally interdependent with the Bray Sustainable Transport Bridge and forms part of a wider, coordinated development strategy for Bray Harbour and the Dargle estuary zone.

Academic analysis has described such splitting as a known method of avoiding proper cumulative scrutiny (Enríquez-de-Salamanca, 2016, Journal of Environmental Assessment Policy and Management).

As a result, the application’s in-combination assessment:

- Do not address part of the overall project;
- Are not based on a complete, precise and definitive baseline;
- Cannot meet the standard of Article 6(3) as interpreted in Holohan.

Environmental Impact Assessment (EIA) Deficiencies – Article 8a and Article 5

(1) No Legally Valid “Reasoned Conclusion” under Article 8a

Article 8a of Directive 2011/92/EU (as amended) requires the competent authority to issue a clear, reasoned conclusion on the significant effects of the project on the environment, based on complete, up-to-date and reliable information.

Instead, the Director of Services states:

“I have completed an environmental impact assessment in relation to the proposed development and concluded that, by itself and in combination with other development in the vicinity, the effects of the development subject to the implementation of the mitigation measures proposed would not give rise to negative impacts on human health; on land, soil, water, air and climate; material assets, or cultural heritage.”

In this way, there is:

- No identification of the main significant effects;
- No evaluation of residual impacts after mitigation;
- No analysis of uncertainties;
- No demonstration of how Article 8a(1)(b) has been satisfied.

The above EIA assessment by the Director, therefore reads as a formulaic assertion, not a reasoned conclusion. In Case C-463/20, the Court confirmed that Article 8a imposes a binding obligation to produce an explicit, reasoned conclusion showing how environmental effects were considered, based on complete and up-to-date information. That standard is not met here.

(2) EIAR Incomplete – Exclusion of Interdependent Bridge

The EIAR is incomplete under Article 5(1) because it expressly acknowledges that:

The development is designed to integrate with and rely upon the Bray Sustainable Transport Bridge;

the bridge is the means by which the development will achieve compliance with transport, pedestrian access and flood resilience.

The EIAR states that the bridge is “intended to serve Bray and the wider region” and that the proposed development “has been designed to facilitate the future provision of the Bray Sustainable Transport Bridge.” Despite this functional dependency, the EIAR excludes the bridge from assessment on the basis that it will be subject to a separate consent.

Article 3(2) and Article 5(1)(c) require assessment of cumulative and in-combination effects with projects that are existing, approved or reasonably foreseeable. Case law (including C-411/17 Inter-Environnement Wallonie) makes clear that where a project depends on another project for its viability or delivery, their environmental effects must be assessed together and cannot be artificially divided

(3) Failure to Assess Reasonable Alternatives

The EIAR’s alternatives analysis is confined to internal block layout and height options within the site. It does not consider:

- Alternative configurations;
- Reduced scale;
- Relocation of more intensive elements away from the ecologically sensitive river corridor.

This is particularly problematic given:

The acknowledged proximity to the River Dargle Swan Sanctuary and the presence of otter, bats and wintering waterbirds in the baseline.

The CJEU has held that assessment of alternatives is a mandatory element of EIA and that absence of a genuine alternatives analysis renders an EIA non-compliant (Case C-50/09, Commission v Ireland). The EIAR does not show that less damaging options were identified and rejected on objective environmental grounds.

(4) Improper Use of Mitigation in Place of Impact Assessment

Throughout the EIAR, statements such as:

“Given the full and proper implementation of mitigation measures, no significant effects will arise”

are used as a substitute for identifying and assessing likely significant effects. This approach reverses the proper sequence of EIA while also preventing a clear understanding of impact magnitude. This approach is inconsistent with C-463/20, which requires that effects be identified and evaluated before mitigation is considered, and that mitigation be evaluated within the overall reasoning.

(5) Inadequate Cumulative Effects Analysis

The EIAR:

- Acknowledges the Bray Sustainable Transport Bridge as a “relevant project” requiring EIA and Stage 2 AA;
- Identifies the bridge as directly adjacent to the site and within the same river corridor;
- Nevertheless excludes the bridge from cumulative assessment on the grounds that it “may not be constructed simultaneously” and that mitigation will be secured under a future consent.

This appears to be uncompliant under EU law. Recital 16 of Directive 2014/52/EU and C-142/07 Ecologistas en Acción confirm that reasonably foreseeable and interdependent projects must be included, regardless of procedural stage or precise timing. Similar omissions apply to:

- Bray Flood Defence and River Dargle works;
- Shanganagh Wastewater Treatment Plant expansion;
- Nearshore marine developments and offshore wind projects.

The EIA also provides no meaningful temporal cumulative analysis, despite phasing and overlaps with other projects affecting the same habitat network. This contradicts Article 3(1) and Article 8a(1)(a), which require that the reasoned conclusion be based on up-to-date, complete and reliable information.

For these reasons, the EIA carried out for 25/60207 does not comply with Articles 3, 5 and 8a of the EIA Directive, among others.

Failure to Conduct a Strategic Environmental Assessment (SEA)

The Bray Municipal District LAP 2018–2024 underwent SEA. That SEA:

Identified the former Bray Golf Course lands, Bray Harbour and the River Dargle corridor as core green infrastructure (Objective GI5);

Assessed them as providing positive impacts for biodiversity, climate resilience, flood storage and human health;

Treated them as strategic open space and ecological corridors, not as intensive development lands.

That LAP and its SEA expired in 2024. The lands have since been incorporated into the Wicklow County Development Plan 2022–2028 without any fresh SEA to reassess their strategic role or zoning. The current proposal seeks to convert those SEA-assessed green infrastructure lands into dense urban development, including high-rise blocks and associated infrastructure.

Under Directive 2001/42/EC:

Article 3(1) requires SEA where a plan “sets the framework for future development consent of projects” likely to have significant environmental effects;

Article 5 requires evaluation of reasonable alternatives and cumulative effects at plan

level, before strategic choices are fixed.

The CJEU in C-567/10 (Inter-Environnement Bruxelles) held that SEA must be undertaken "as early as possible" and before adoption of plans or programmes which predetermine land use. The Irish High Court in O'Gorman v Clare County Council [2023] IEHC 623 confirmed that:

SEA is mandatory where local authority zoning departs materially from previously SEA-assessed purposes;

Development arising from zoning not properly subjected to SEA cannot proceed;

Project-level EIA cannot cure the absence of SEA.

In the present case:

The Council is relying on an expired SEA which assessed these lands as green corridors, while in practice treating them as development lands;

No new SEA screening or determination appears to have been made under section 12 of the Planning and Development Act 2000 or S.I. 435/2004;

There has been no plan-level assessment of the strategic implications of converting these lands from ecological corridor/open space to high-density built form.

SEA and EIA serve different functions. EIA cannot substitute for SEA. The absence of SEA also undermines compliance with Article 6(3) and Article 12 of the Habitats Directive and Article 5 of the Birds Directive, because strategic land-use choices affecting otter holts and habitat (keeping in mind that otters, and their breeding and resting places, are strictly protected within their range as annex IV species under the Habitats Directive), Mute Swan foraging areas, waterbird connectivity and floodplain/estuarine function, have never been assessed at the correct level.

For these reasons, the consent under appeal is founded on an expired and inappropriate strategic environmental baseline, in breach of the SEA Directive and Irish law.

I wish to note to ACP here that given that it appears that,

The Appropriate Assessment process is procedurally and substantively defective, with mitigation wrongly used at screening and no valid Stage 2 AA determination;

The NIS is incomplete and fails to assess functional connectivity, ecological needs and sedimentation/smothering impacts in line with Holohan and Waddenzee;

In-combination and cumulative effects under Article 6(3) and the EIA Directive have not been adequately assessed, with key interdependent projects excluded;

There is evidence of project splitting / salami-slicing contrary to C-392/96, C-142/07 and C-411/17;

The EIA does not meet Article 8a's requirements for a reasoned conclusion based on complete and reliable information;

No valid SEA has been carried out to support the strategic change of use of these lands.

It is difficult to understand how Wicklow County Council came to the decision to grant the approval of planning permission for this project.

Floodplain protection, nature-based solutions and EU best practice

In addition to the legal deficiencies already outlined, the Board is asked to have regard to the wider EU policy context on floodplains and nature-based solutions.

The European Environment Agency's recent report on floodplain management stresses that preserving and restoring natural floodplains is one of the most effective ways to reduce flood risk while delivering biodiversity, water-quality and climate-resilience benefits. It explicitly warns that continued urbanisation and hard-engineering of floodplains "reduces flood storage capacity, increases downstream flood peaks and erodes ecosystem services", and promotes nature-based, space-for-rivers approaches instead of further building in flood-prone corridors.

The former Bray Golf Course lands, Dargle corridor and harbour fringe function as the town's residual floodplain and green infrastructure spine. Authorising dense built development and additional hard surfaces within this corridor runs directly counter to the best-practice model set out by the EEA and undermines the capacity of the Dargle and coastal interface to absorb and safely convey future flood events under climate change. The granting of permission therefore sits uneasily with Ireland's obligations to align planning decisions with EU climate-adaptation and disaster-risk-reduction policy, and with the County Development Plan's own objectives on green infrastructure and floodplain management.

For clarity, I note that the European Commission has very recently brought forward further policy proposals on climate resilience and disaster risk management (Communication COM(2025) 2), which continue this trajectory towards prioritising nature-based solutions and risk prevention at source. While those proposals post-date the contested decision, they reinforce the direction of travel in EU law and policy and highlight the inappropriateness of additional urbanisation in residual floodplain areas such as the Dargle corridor.

Irreversibility and low success rates of post-hoc river "restoration"

The risk of proceeding now and attempting to "fix" the river corridor later is underscored by the scientific literature on river restoration. A comparative review of European river-restoration schemes has found that where channels and floodplains have already been heavily constrained by urbanisation, embankments and infrastructure, subsequent restoration measures frequently fail to deliver meaningful ecological recovery, particularly for fish and invertebrate communities. The authors conclude that physical habitat works alone rarely overcome the cumulative effects of prior channelisation, floodplain loss and water-quality pressures, and that expectations for restoration success in highly modified rivers are often unrealistic.

In practical terms, once the remaining open floodplain at Bray Harbour / former Golf Course is committed to dense built development, the scope for any future Dargle restoration or re-naturalisation will be drastically reduced, if not eliminated. This has direct implications for the achievement of Water Framework Directive objectives, for the conservation status of aquatic and riparian habitats, and for the long-term viability of the Swan Sanctuary and associated bird and otter habitats that depend on

functioning river-estuary system.

Corroboration by other appellants (Save Bray)

Finally, I note that the concerns made in my initial objection and further observation points above, are not isolated. The separate appeal submitted by Save Bray raises its own detailed grounds in relation to, inter alia, the adequacy of screening for Appropriate Assessment, the loss of strategic open space and floodplain function, and the inconsistency of the decision with the proper planning and sustainable development of Bray. Without repeating their arguments, I support, in so far as relevant, the concerns raised in the Save Bray appeal regarding:

the treatment of the River Dargle corridor and associated floodplain as commercially advantageous developable land rather than strategic green infrastructure;

the adequacy and lawfulness of the AA screening and reliance on mitigation; and

the broader implications for climate resilience, biodiversity and public amenity.

Taken together, the legal flaws in AA, EIA and SEA identified in this observation are reinforced by current EU scientific and policy guidance on floodplain management and river restoration, and by the overlapping concerns of other appellants. The Board is requested to also give these considerations significant weight in its determination.

In light of these defects, The purpose of this observation is to request that An Coimisiún Pleanála:

Uphold the appeals against permission (ACP PL27 500165) 25/60207, and overturn the grant of permission by Wicklow county council, or in the alternative, remit the application for a more credible and fully legally compliant AA, EIA and SEA process which will adequately assess the impacts on European sites, protected species and the River Dargle-Bray Harbour ecological corridor.

With thanks,
Seana Kevany

