

Greystones harbour development

Proposed alterations to previously approved plans at Terrace 12 and revised design of previously approved park

Report to accompany Part 8 submission

Prepared on behalf of Wicklow Co. Council

April 2018

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1 Introduction

1.1 Purpose of Report

Part XI of the Planning and Development Act 2000 as amended, and the procedures set out in Part 8 of the Planning and Development Regulations 2001 as amended, relate to development by, on behalf of, or in partnership with a Local Authority. This report has been prepared for Wicklow Co. Council.

1.2 Background to Part 8 Application

A long-term objective of Wicklow County Council (WCC) has been to secure a new harbour at Greystones. The Council sought to secure the new harbour and the other public benefits by means of a public/private partnership. An application was granted by the Board for approval under Section 226 of the Planning and Development Act 2000 for development at the Foreshore in 2007. The Board also confirmed a Compulsory Purchase Order for the relevant lands. Development commenced on the harbour and public works, but the recession stalled the remainder of development. The Board permitted revisions to the approved scheme in 2012 and the Council approved revisions to a number of the approved apartments and houses in 2017.

As the economy has improved, WCC in partnership, has now been able to carry out the development. Part of the development has been completed, mostly the housing on the eastern side and the apartments are under construction. Owing to the time that has lapsed and the changes that have occurred in the market, it has been necessary to review the approved plans and to seek to make some modifications which are described below. The modifications are within the foot print of that already approved and in the main related to a change of design of houses and a more modern design of the park.

2 The Site

The site the subject of this Part 8 consists of;

- Part of Terrace 12, which is part of the approved overall development site at the Greystones Marina development at the north western end and western part of the development site and
- The approved park which will be a public park at the northern end of the site.

The overall Part 8 site area is c 6.13 ha. and relates to the houses forming part of Terrace 12 and the public park. The Part 8 does not extend to the cliff front.



Figure 1: Map of Part 8 area

2.1 Terrace 12

The area subject of the Part 8 application consists of an area within the permitted overall Greystones Harbour development and is shown in Figure 1. This irregular shaped area consists of land of fronting the approved public park area. To the west is the railway line.

The Part 8 area outlined in red has approval for 29 houses. The overall Terrace 12 has approval for 37 houses , 8 of which located at the southern end are constructed and the Part 8 does not apply to them.

2.2 Public Park

The approved public park is located at the northern end of the overall site and slopes upwards from south to north. Drawing No L80107 illustrates the approved park.

Presently, the cliff walk divides the Part 8 site and has approval to be aligned in accordance with the approved development. To the north of the park area outside the approved development boundary is an area indicated as a possible future heritage park in the Local Area Plan (see section 5 below). The northern end of the approved public park was known as D'Arcy's field. Within the former Darcy's field, an area of archaeological interest was identified in the EIS that accompanied the 2011 application. That area is identified in the proposed landscape drawing No. BRI-016-05/18. An area of historical landfill was identified in the earlier applications at the southern end of the approved public park. That area of old landfill has been reshaped, with protective rock revetment placed along its seaward side in accordance with the earlier approvals.



Figure 2: Overview of Greystones Marina development

3 Relevant Planning History

Approval has been granted by An Bord Pleanála on two occasions for development at Greystones Harbour, both applications were accompanied by an Environmental Impact Statement owing to the nature and scale of development. As the proposed development is for alterations of approved plans, the planning history that relates to the site is set out below.

3.1 Planning Approvals at Greystones Harbour

ABP Ref. 27 EF2016 (parent approval)

The Board permitted development on the 7/11/2007 pursuant to Section 226 of the 2000 Act, as amended, relating to development on the foreshore consisting of the following:

“An integrated harbour/marina mixed development linked to a linear coastal public park, the development will provide leisure, recreational, open space and marine facilities and mixed form residential, commercial, civic and social amenities centred around the harbour and marina at Rathdown Upper and Rathdown”.

During the course of the application, the Board requested redesign and additional information. There is no time limit on a Section 226 permission. Permission was granted subject to 13 conditions.

Part 8 Planning Authority Ref. 10/2462

Approval was given 06/09/10 for revisions to Block D where Wicklow Co. Council pursued a Part 8 application procedure for revisions to the parent permission 27 EF2016.

Part 8 Planning Authority Ref. 10/2808

Approval was granted on 06/12/10 for alterations to previously approved integrated harbour/marina development where Wicklow Co. Council pursued a Part 8 application procedure for revisions to the parent permission 27 EF2016. This was referred to An Bord Pleanála by a third party where the Board determined on 6/4/11 (YD0004) that an EIS was necessary. Accordingly, this Part 8 development by the Local Authority did not proceed.

ABP Ref. 27.JA0029 Permission for substantial revisions to parent permission

An Bord Pleanála on 29/6/2012 approved revisions to ABP Ref. 27 EF2016 (parent permission) to Blocks D, E, F, G, H, I, J, (i.e. residential apartment/commercial buildings situated along the proposed Promenade/Boardwalk at the Marina) and the omission of Block L together with all necessary site infrastructure. In addition, approval was granted for revisions to Housing Terraces 01-14 (inclusive).

The revisions included the following:

- An increase in the number of residential units within these terraces from 139 to 141 houses and the introduction of semi-detached and detached house types in place of a number of terraced blocks.
- The extension northward of Terrace 12 to form western edge to southern area of Public Park.
- Consequent changes to the elevational treatments to amended terraces and house types.
- Alterations to the surface parking and landscape treatment in the immediate vicinity of terraces.
- Inclusion of communal external bin stores to each Terrace.
- Revisions to landscape treatment and public parking to southern area of Public Park in the immediate vicinity of the extended Terrace 12 and to the Civic Space.
- The total number of residential units proposed within overall development is now 375 units compared to 341 units previously approved by An Bord Pleanála.
- Unit sizes have been increased in many instances.
- Total quantum of commercial and health centre space proposed within the overall development is now 6,245 square metres compared to 5,627 square metres commercial space previously approved by An Bord Pleanála. The clubhouses and the Coast Guard building remain as previously approved.
- The Primary Care Centre was previously approved by Wicklow County Council pursuant to Part XI of the Planning and Development Act 2000, as amended.
- Heights range from two to four storeys as previously approved.
- An increase in car parking spaces from 953 to 1,002 for vehicles is provided of which 316 are public spaces.

The application was accompanied by an EIS. Three conditions were imposed, none of which related to either the houses or public park the subject of this Part 8. Condition 2 held that apart from any departures specifically authorised by this approval, the development shall be carried out and completed in accordance with the terms of 27.EF2016 (parent approval). The total permitted residential units on the overall site was 358 (153 houses and 205 apartments).

Part 8 Planning Authority Ref. 17/664.

Wicklow Co. Council carried out a Part 8 application procedure for revisions to the approved ABP Ref. 27 EF2016 and ABP Ref. 27 JA0029 for alterations to previously approved plans at Blocks E, F, G, H, I, J, and Terraces No. 13 and No. 14 and for the construction of a temporary single storey marketing suite. The process was approved by the Council on 04/09/17.

3.2 Summary of approved development on overall development site

Approved by ABP ref. 27EF2006 and ABP Ref. 27 JA00029 as amended during course of applications and by condition.

153 Permitted No. of houses

205 Permitted No. of apartments

358 Total residential units permitted

964 Car parking spaces approved

7,253 sqm permitted other uses (commercial, community etc). This excludes temporary marketing suite.

3.3 References to the Board

ABP Ref 27 YD0003

An Bord Pleanála decision 14/6/2010; Wicklow County Council made a request to An Bord Pleanála to determine if an EIA was required in relation to a number of proposed amendments including increasing the urban area. The Board concluded that an EIA was necessary.

ABP Ref 27 YD0004

An Bord Pleanála decision 6/4/11: A third party made a request to An Bord Pleanála to determine if an EIA was required in relation to the proposed amendments to Part 8 ref. 10/2462. The Board concluded that an EIA was necessary.

4 Proposed development

The rationale for the proposed revisions sought to the approved development relates to;

- The modern design approach to public parks designed to be a sustainable low maintenance, public amenity with passive surveillance in key areas,
- The request for the inclusion of a dog park by the members of the Greystones Municipal District Committee,
- The recent survey of the area at Terrace 12 and the established contour line and ground level,
- The desire to reduce the creation of retaining walls in the vicinity of the railway line
- The period that has elapsed since the approval, and
- The changes in the nature of the market demands for particular types of housing.

4.1 Summary of proposed overall changes to Terrace 12

The proposed changes to that approved are as follows:

Numbers

Approval has been granted for 29 houses within the area which is the subject of this Part 8 process. It is proposed to now construct 26 houses, (12 detached houses and 14 semi-detached houses), resulting in a reduction of 3 units in this section of the development.

Layout

The principle layout change is that the irregular shaped terrace element at the southern end will be redesigned as semi-detached houses. The approved and proposed houses remain at 3 storey.

The rear private open space areas associated with the houses are indicated on the drawings provided by the architects. The floor areas are to be modified ranging from 215.7sqm to 255.5 sqm.

The proposed development is for 4 bedroom houses. The previous application was for 4 and 5 bedrooms.

The landscaping around the houses is revised to reflect the proposed layout and parking arrangements.

Levels

The row of houses remains in the same location, but the levels of the houses are altered from that approved. The 2011 approved levels and their associated rear gardens would necessitate the construction of significant retaining structures adjacent to the base of the rail embankment along the site boundary. The levels of the houses and these gardens were revised to reduce and in most cases, remove the need for any retaining structures along the boundary. The levels of the roads, drainage and parks were modified to tie in with these level changes.

The overall height will increase on the end house (northern end of the row) by c 2.9 m at the central point of the pyramidal roof profile. Only the central point of the roof will be raised, as opposed to a full-width ridge profile which would have a much more significant impact. There will be an increase in the levels of the houses in the middle of the row from that approved as they step up to the end house. In relation to the houses to the west of the elevated railway line, there are no changes in the separation distances between the between the approved and proposed. The approved separation distances are illustrated in the attached drawings which show three sections through the site at the southern, middle and northern end of the proposed housing and it is not considered that will be any significant change on the impact of the surrounding area. As a result of the up-to-date survey of the area, the proposed levels will tie in with the site contours and will lead to less excavation of material. The proposed road/floor levels also tie in with the levels of the proposed park immediately to the north. Please refer to pages 18-20 of the OMP booklet for further details.

Materials

On the front elevation, revised materials are proposed as set out in the architect's design statement, to tie in with the existing dwellings built on site.

Parking

There is a minor change proposed to the visitor parking opposite Terrace 12, adjacent to the proposed public park, where the approved number is being reduced by 1 space to 74 spaces in order to provide disabled parking bays. The proposed development involves the reconfiguration of parking serving the

residential dwellings and modifications to the permitted layout and consequently reduces the number of parking spaces permitted by the Board. The parking is reduced to two spaces per unit where it is proposed to provide 52 spaces to the front of terrace 12. The approved parking in front of the houses was 67 spaces. In addition, the parking for the proposed houses will now be directly to the front of the houses which is the most suitable and proximate location for the proposed family house type accommodation within the residential scheme.

4.2 Summary of overall change to the Park.

The approved layout is illustrated in the drawings and in particular drawing no. L90107. The proposed layout is reflected in drawing no. BRI-016-05/18. The design concept for the Park is set out in the Landscape Plan that forms part of the Part 8 application. The approved park was principally a soft landscape treatment with, coastal-heathland planting and shelter-belts.

The rationale for the design proposals for the Coastal Linear Park adjacent to North Beach is to provide a modern yet naturalistic park incorporating overlooking, a dog park and to have a strong 'sense of place' rooted in the coastal character of the site. The design includes undulating mounding and a safety barrier. The landscape mounds proposed in the park are only minor filling / land raising works and are set back from the existing bank fronting the beach. The Park will form an interface between the urban and 'natural' environment, in addition to ensuring the continuity of the Bray to Greystones Coastal Path. In addition, the reuse of historical stones will be a feature in the park providing an interesting link to the past.

The park creates new wildlife corridors linking with the landscape along the Bray Head walk. The access route has been realigned to follow the desire line through the park.

The park has been designed having particular regard to passive surveillance. The public plaza and the proposed play park are positioned in an area of the park that is over looked by residential use. The dog park has been located close to the exit onto the Bray Head Walk to ensure that there is a high use area within the park in an overlooked area from the seating areas/ viewing points on top of the mounds.

Some cut and fill will take place in the public park. However, the old landfill area and the area of archaeological interest will not be cut under any circumstance. The plan is to increase the levels in these areas. The landfill area will be capped as approved. The stones from the Gap Bridge and the old harbour which were removed under the previous approval have been retained in a compound and will be reused in the design and development of the park. Pier stones will be used to provide seating which are a more sustainable seating proposal than wooden benches. Stone from the Gap bridge will be utilised to provide interpretive signage.

There are minor changes in the hard and soft landscaping area approved and proposed. In the approved development the approved 3,460 sqm was hard landscaping. In this Part 8 application 3,732 sqm of hard landscaping is proposed and all this area is now permeable. See Appendix 3 for technical description of works associated with new park.

5 Relevant Planning Policy

Due regard for housing development shall have regard to the following;

- National Planning Framework (2018).
- Design Manual for Urban Roads and Streets (2013).

- Guidelines for Planning Authorities on Sustainable Urban Development (Cities, Towns and Villages), (2009), and its companion document, Urban Design Manual: A Best Practice Guide. Best Practice Urban Design Manual.

5.1 Greystones-Delgany and Kilcoole Local Area Plan 2013-19

Section 10.4 refers to Greystones Harbour and North Beach Action Plan. The area to which the Part 8 applies partially located in the area designated Zone 1 (Terrace 12) and in Zone 2 (public park).

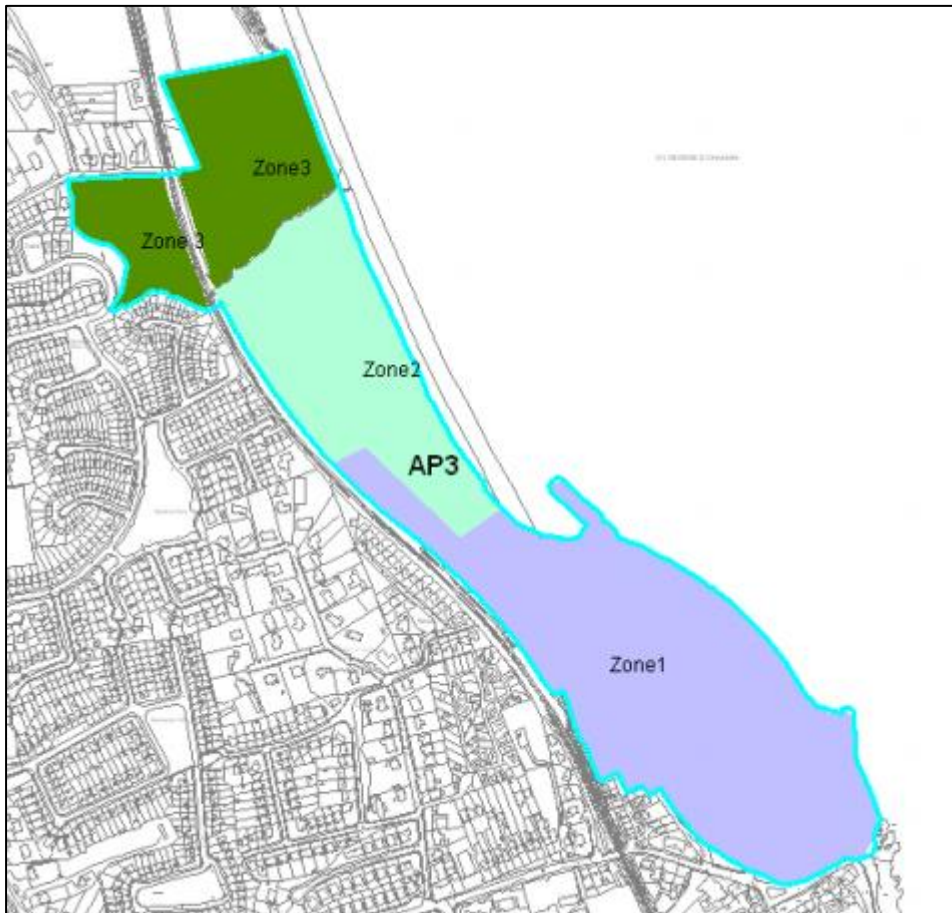


Fig. 4 Extract from Greystones Delgany LAP 2013-291

Among its objectives are the provision of a high quality integrated harbour/marina mixed development linked to a linear coastal park and future heritage park, incorporating leisure, open space and marina facilities and mixed residential, commercial and civic and social amenities. Particular components of this development include a marina basin, marine-based community facilities, up to 375 residential units and no more than 6,500 m² mixed use commercial, cultural, community and tourist residential waterfront space.

The plan provides as follows;

Zone 1

Residential and Non-Residential - Provide for mixed residential, commercial, recreational, cultural and social development subject to a number of specified standards and limitations.

Zone 2

Public Park - Creation of an attractive linear coastal public park including several objectives.

Zone 3

Heritage Park - Preservation of land and natural landscape for future archaeological study. Promotion by the Council of future development of a Heritage Park at the site of medieval Rathdown.

Built and Natural Heritage

Several objectives are provided in the plan to protect and enhance the quality of natural, architectural and archaeological heritage. These include to preserve and improve the integrity of Natura 2000 sites, protecting Bray Head SAAO/SAC, to maintain and enhance the 'cliff walk' from Bray to Greystones and to facilitate the development of a heritage park in the zone 3 area.

An Appropriate Assessment screening was carried out by Dr Brian Madden of Biosphere Environmental Services and is appended in Appendix 2 of this report. The report does not recommend a Stage 2 assessment. The proposed development will be screened by the competent authority, Wicklow Co. Council.

A revised assessment of the proposed amended development has been carried out by Dr Niall Brady of The Archaeological Diving Company Ltd who advised on the archaeological issues in the approved development since its inception. Please see Appendix 1 of this report. It is recommended that as there are archaeological features in this northern end of the park, including a large circular enclosure feature, that no recontouring take place below existing ground level. This recommendation is adhered to and no recontouring will take place below existing ground level.

Protected Views and Prospects

These are provided in Appendix B of the Local Area Plan and illustrated in Figure 5 below.

The application is for a variation in design of an approved development. The design differences are very modest to that approved and the greatest impact on the views and prospect are the approved partially built urban development and harbour renewal.

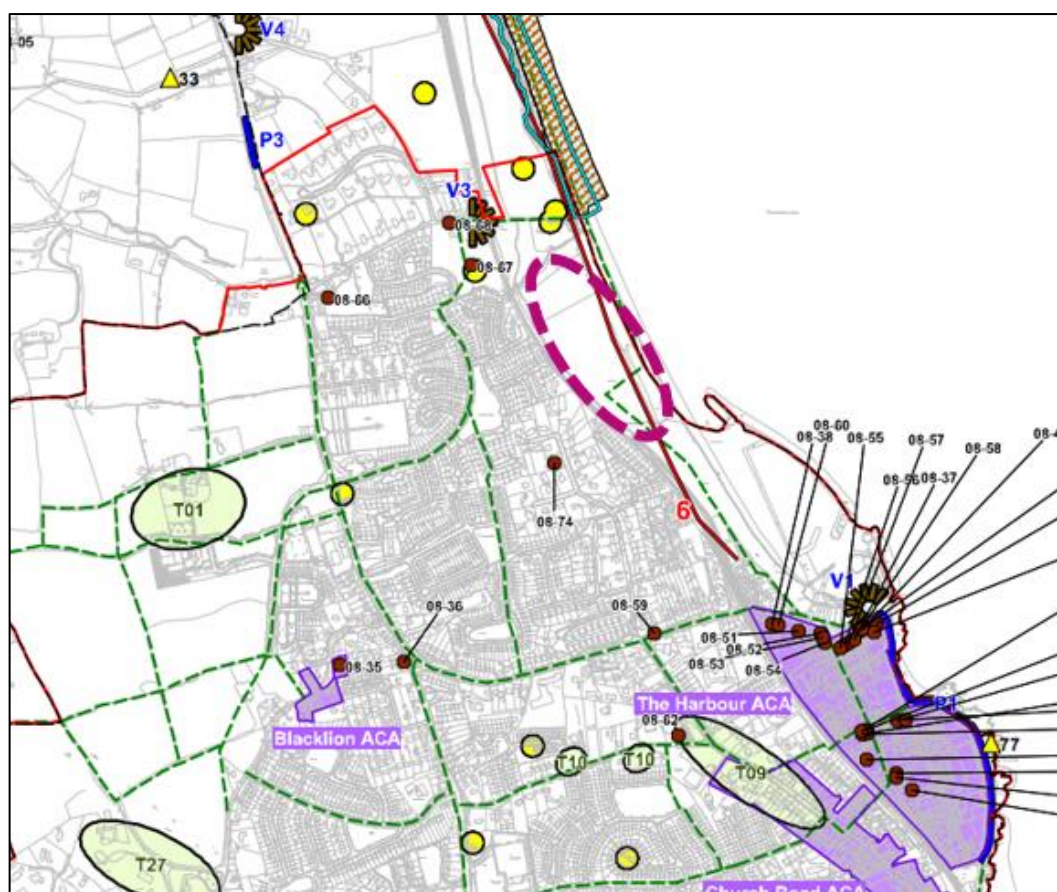


Fig. 5 Extract from Heritage map Greystones – Delgany and Kilcoole Local Area Plan 2013-2019
Hatched pink is approximate area of site.

5.2 Wicklow County Development Plan 2016-2022

Chapter 11 on Coastal Zone Management recognises that the coastal areas of County Wicklow are amongst the most sensitive and valuable resources in the County. Objective CZ4 supports the objectives of the Greystones – Delgany and Kilcoole Local Area Plan, in particular to provide for a high quality integrated harbour/marina mixed development linked to a linear coastal public park and any future heritage park

Landscape Categorisation

Greystones-Delgany located in the Coastal Area of Outstanding Natural Beauty – landscape is of high vulnerability.

Parking Objectives

“TR35 New / expanded developments shall be accompanied by appropriate car parking provision, with particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement are available. At such locations, the car parking standards set out in Appendix 1 Table 7.1 shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified.”

Chapter 5 and Appendix 1 of the Plan provides the standards relating to open space and car parking.

“2 off street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size. For every 5 residential units provided with only 1 space, 1 visitor space shall be provided.

In new housing areas, car parking has traditionally been located on site, to the front of houses resulting in a regular 6-10m set back and regular buildings lines. Alternative parking arrangements that avoid this monotonous format should be provided; however, parking will always be required to be proximate to the dwelling served.

Communal car parking areas shall be conveniently located for residents and suitably lit at night-time;

- *Adequate provision shall be made for visitor and disabled car parking;*
- *Designated sheltered and secure bicycle parking will be required in apartment developments.*
- *Shared residential car parking areas shall be constructed (including the provision of necessary wiring and ducting) to be capable of accommodating future Electric Vehicle charging points, at a rate of 10% of space numbers.”*

Opposite the houses, there are 75 approved public parking spaces which will front the new park that is being created as part of the overall development. The approved number in this area is being reduced by one to 74 spaces in order to enlarge some of the spaces into disabled parking spaces.

In relation to the proposed parking in front of the section of terrace 12 in this Part 8, it is proposed to provide 52 spaces rather than the 67 approved reflecting the reduction of three houses, providing 2 spaces per house and removing the public spaces that were provided to the front of the houses.

No. of units	Parking standards Required	Dwelling type	Proposed
26 Dwellings	1-2 spaces per houses (see max. standards above) 24-48	Houses	52 spaces

Open Space

The Development Plan development and design standards provides that:

“As a general ‘rule of thumb’, 0.64sqm of private open space shall be provided for each 1sqm of house floor area, subject to the minimum sizes specified”

Dwellings (including own door duplexes) shall generally be provided with private open space at the following minimum rates:

House size	Minimum rates
One bedroom	50 sqm
Two bedroom	50 sqm
Three plus bedroom	60-75 sqm

The proposed private open space provision meets or exceeds the minimum the Development Plan standards. In addition, the houses front the proposed new extensive public park.

Appendix 1 to the Development Plan provides a number of standards and considerations. While this applies to new developments and the proposed development is for amendments to approved plans, a number of points may be applicable to the proposed development. The development complies with the requirements relating to changing space demands and boundary walls.

6 Consideration of Environmental Impact Assessment

6.1 Relevant Legislation and Sub-Threshold Development

Directive 2014/52/EU of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment which came into effect on May 16th, 2017 has not yet been transposed into Irish Law but is currently the subject of a circular letter from the Dept. of Housing, Planning, Community and Local Government- *PL 1/2017 Transposition of EU EIA Directive* dated 15th May 2017.

In summary, the new directive 2014/52/EU elaborates and expands on matters in the 2011 Directive, provides for additional matters to be considered and rewords certain matters and criteria. The new directive has been considered in this report.

The primary objective of EIA Directive 2011/92/EU is to ensure that projects which are likely to have significant effects on the environment are subject to an assessment of their likely effects. The 2011 legislation relating to EIA has been transposed into Irish law and is provided in Part X of the Planning and Development Act 2000, as amended. Projects requiring mandatory EIA are listed in Schedule 5 of the Planning and Development Regulations 2001, as amended.

Art 92 of the 2001 Regulations as amended, provides that “*sub-threshold development*” means development of a type set out in Schedule 5 which does not exceed the quantity, area or other limit specified in that Schedule in respect of the relevant class of development.

Development which belongs to a class of development identified for the purposes of Section 176 of the 2000 Act which is proposed to be carried out by a local Authority either by itself or in partnership shall prepare an EIS and shall apply to the Board for approval. Development not requiring an EIA proceeds through the Part 8 process.

Article 120(1) of the Planning and Development Regulations 2001 as amended, provides that where a local authority proposes to carry out sub-threshold development and the likelihood of significant effects

on the environment cannot be excluded by the authority, the authority shall make a determination as to whether the development would be likely to have significant effects on the environment. Article 120(7) provides that where a local authority makes a determination under sub-article (1) that a proposed development would not be likely to have significant effects on the environment, it shall, in addition to the documents specified in Art 83, make the determination, including the main reasons and considerations on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.

A local authority or the Board shall, in deciding whether a proposed development would or would not be likely to have significant effects on the environment, have regard to the criteria set out in Schedule 7 which mirror Annex III of the 2011 Directive. This annex has been elaborated on in the new Directive and this is the criteria which will have to be considered in any screening.

In addition, if a local authority proposes to carry out sub-threshold development and the development would be located on or have the potential to impact on the following, the local authority in determining whether or not there would be significant effects on the environment shall have regard to the significant effects on such site, area, land, place or feature as appropriate Art. 120(2);

- A European site;
- An area subject of a notice under section 16(2) of the Wildlife (Amendment) Act, 2000;
- An area designated as a Natural Heritage Area under section 18 of the Wildlife (Amendment) Act 2000;
land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act, 1976, as amended;
- Land designated as a refuge for flora or fauna under section 17 of the Wildlife Act, 1976, as amended;
- A place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed;
- A place or site published in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website.

The proposed development relates to amendments to an approved development by An Bord Pleanála whereby the Board has considered two Environmental Impact Statements. The proposed development as detailed above involves changes to permitted works within the envelope of the permitted development. There is no extension of development, no increase in footprint of the approved area and no change in the nature or class of the development. The amendments also seek to make modifications to the number of houses, minor alterations to building design /footprints of buildings, a change in levels and reduction in permitted parking and a redesign of the public park landscaping layout.

Schedule 5 of the Regulations as amended sets out development for the purposes of Part 10.

With regard to the subject development, the relevant categories for consideration are infrastructure projects 10(b)(iv) and changes, extensions development and testing 13(a).

“10(b)(iv) - “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 built up area...”

The proposed development is within a class of an infrastructure project but is sub-threshold as the Part 8 area is less than 10 hectares and not in a business district. Furthermore, the proposed development is for alterations which can be described as modest in nature to a permitted development as the overall development has the benefit of approval under Section 226 of the Planning and Development Act 2000 for development at the foreshore as amended by the later approval from the Board.

13 (a) any changes which would (1) result in the development being of a class listed in Part 1 or

“of the schedule and (i) result in an increase in size greater than 25 percent or an amount equal to 50 per cent of the appropriate threshold whichever is the greater.”

Again, the proposed development consists of alterations to already approved plans with only amendments to the permitted footprint and 3 units to be omitted. The overall development area remains the same with changes within the area to the building layouts and a modest reduction in number. Accordingly, it is considered that the proposed development does not come within a category of development requiring an EIS and is therefore sub threshold 10 (b)(iv).

Schedule 7

The proposed development can be assessed against the following criteria which also incorporates the new provisions of Annex III of the Directive 2014/52/EU:

6.2 Characteristics of projects

– the size and design of the whole project

The proposed development outlined above involves no increase in the footprint of the permitted development and applies to changes of the approved layout of the park and a reduction by 3 units in the number of approved houses. While the Part 8 relates to part of the overall development approved at Greystones Harbour, the Part 8 proposal is not materially different in terms of size to that approved by the Board. In terms of the house design, the proposed development is different in nature of elevational treatment as described above to that approved. The differences are in materials, layout and a modest reduction in number. The design of the proposed park is again within the footprint of that approved and remains as a public park.

Accordingly, it is considered that the element of the size and design of the proposed development vis-a-vis the permitted development and receiving environment are not significant.

– cumulation with other existing/and or approved projects

The proposed amendments have to be considered in the context of the relationship of these to the larger approved overall development at the harbour. The main approved project is the overall development of the Marina as approved by the Board. A substantial amount of work has been completed relating to the harbour and approval for the development already exists on the site which has commenced. The proposed modifications do not provide any changes in the cumulative impacts to that permitted.

– the use of natural resources in particular land, soil, water and biodiversity

The proposed development will not change the impact on use of natural resources in particular land, soil, water and biodiversity owing to the floor area and use remaining the same as approved. The use of natural resources and has been approved by the Board.

– *the production of waste*

A Construction Waste Management Plan and Operational Waste Management Plan is applicable to the site. There is little change in the amount of waste that will be generated to that granted by the Board save that the number of units will reduce, and the generated waste will reduce accordingly. The excavated soil associated with the approved housing and apartment development will be reused where possible within the site reducing the impact of moving soil off the site.

– *pollution and nuisances*

The proposed amendments will not generate any significant changes to that approved and will be controlled by the Construction Waste Management Plan and Operational Waste Management Plans. There will be no changes to the existing landfill from that approved in that it will remain capped with a public park over.

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

As stated above, this part 8 is only for amendments to an approved scheme of development which is public park and residential. This aspect of the character of the proposed development is considered insignificant.

– *The risk to human health (for example due to water contamination or air pollution)*

The proposed amendments to the approved plans will not generate any additional risks in a predominantly residential development.

6.3 Location of proposed development

Schedule 7(2) provides that the proposed development must be considered in light of the environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to certain matters which have been elaborated on in 2014/52/EU.

The environmental sensitivity of geographical areas likely to be affected by projects must be considered, with particular regard to:

- (a) *the existing and approved land use;*
- (b) *the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;*
- (c) *the absorption capacity of the natural environment, paying particular attention to the following areas:*
 - (i) *wetlands, riparian areas, river mouths;*
 - (ii) *coastal zones and the marine environment;*
 - (iii) *mountain and forest areas;*
 - (iv) *nature reserves and parks;*
 - (v) *areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC;*

(vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;

(vii) densely populated areas;

(viii) landscapes and sites of historical, cultural or archaeological significance.

The proposed development is for modifications of to an approved scheme and it is considered that the proposed amendments would not have a different impact on the geographical area to that approved.

6.4 Type and characteristics of the potential impact

Schedule 7 also requires taking account of certain criteria relating to the characteristics of potential impacts. The characteristics of potential impacts of the entire scheme have been fully assessed in the EIS submitted to the Board and have been approved. The revised criteria set out in Annex III include taking into account:

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

(b) the nature of the impact;

(c) the transboundary nature of the impact;

(d) the intensity and complexity of the impact;

(e) the probability of the impact;

(f) the expected onset, duration, frequency and reversibility of the impact;

(g) the cumulation of the impact with the impact of other existing and/or approved projects;

(h) the possibility of effectively reducing the impact.

There is no variation of the potential impacts from that permitted from the proposed modifications to a small section of the overall approved scheme.

Having regard to the above, it is considered that the proposed development does not require an EIA as the likelihood of significant effects on the environment can be excluded by the authority regarding the proposed sub-threshold development.

7 Appropriate Assessment

An Appropriate Assessment screening has been carried out owing to the location of the park on the northern end of the site which is close to but outside the Bray Head SAC. The assessment in Appendix 2 of this report concludes that the development would not cause a second stage assessment.

8 Conclusion

Having regard to the following:

- a) The contents of this report,
- b) The existing use of the site and the approved development,
- c) The Environmental Impact Statements prepared with the previous applications for approval,
- d) The modest scale of the proposed development which involves amendments to approved plans,
- e) The location of the site and existing pattern of development in the vicinity,
- f) The provisions of the Greystones-Delgany and Kilcoole Local Area Plan 2013-19 and the Wicklow County Development Plan 2016-22,
- g) The guidance contained in the “Environmental Impact Assessment Guidance for Consent Authorities regarding Sub-Threshold Development” issued by the Department of the Environment, Heritage and Local Government in August 2003,
- h) Directive 2014/52/EU of 16 April 2014 amending Directive 2011/92/EU,
- i) The Transposition of 2014 EIA Directive (2014/52/EU) in the Land Use Planning and EPA Licensing systems, Key Issue Consultation Paper, issued by the Department of the Environment, Heritage and Local Government in May 2017.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the proposed development would be consistent with the proper planning and development of the area. Accordingly, the proposed development is considered appropriate to be developed in accordance with a Part 8 procedure as provided in the Planning and Development 2001 Regulations, as amended.