

# **PLANNING REPORT AND EIA SCREENING ASSESSMENT**

**SECTION 146B APPLICATION at  
Greystones Marina, Greystones,  
Co. Wicklow**

**October 2020**

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# 1 Introduction

## 1.1 Purpose of Report

This report has been prepared on behalf of Sispar Ltd to accompany an application under s146B of the planning and Development Act, as amended for amendments to an approved development at Greystones Harbour, Greystones Co. Wicklow, ABP Ref. 27.JA0029.

## 1.2 Background to S146B 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, as amended 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 the design of apartments and houses in 2017 and to layout of the public park and design of houses in the park area in 2018. A number of other permissions have been granted within the area.

As the economy has improved, WCC in partnership with Sispar, has been able to complete the majority of the development. 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 seek modifications which are described below to the Block known as Block D at the entrance to the marina. The modifications are mainly within the footprint of that already approved at Block D and in the main relate to a change of approved use within Block D. There is also a proposal to reconfigure the parking and landscape areas in the areas between Block D , Block EFG and Block HIJ.

## 1.3 Section 146B of the Planning and Development Act 2000 as amended

As the definition of Strategic Infrastructure Development (SID) includes section 175 approvals ie local authority development that requires EIA, a process for dealing with the proposed modifications is contained in section 146B of the Planning and Development Act 2000 as amended, whereby a request may be made to An Bord Pleanála to alter the terms of the SID.

The main elements of section 146B provides that any person who is carrying out or intending to carry out a strategic infrastructure development, may apply to the Board under section 146B to alter the terms of the development which was granted permission or approval (Wicklow County Council or Sispar can make the application). The Planning Authority has been consulted about

the proposed design and layout and the design was altered as a result. The Planning Authority have confirmed that the proposed design is acceptable.

Pursuant to section 146B, the Board will decide whether the making of the proposed alteration would constitute the making of a material alteration of the terms of the development concerned and may invite submissions in this regard. If the Board decides that alteration is not a material alteration, it shall alter the planning permission, approval or other consent accordingly.

If the Board decides that alteration is a material alteration, it shall consider whether the alteration would be likely to have significant effects on the environment. In this regard an EIA screening report accompanies the application. The conclusion is that as the proposed development represents alteration of an approved development that broadly are within the footprint of that approved and as the uses are similar in impact to that approved, that an EIAR is not warranted. The process where an EIA is required is set out in section 146C.

In summary, the proposed development is to omit the approved medical centre (3,449 sqm) at Block D, increase the approved number of residential units from 11 to 33 , change the approved 366 sqm commercial space to 1,351 sqm and make alterations to two approved courtyards. The detailed breakdown of the proposal is provided below in section 4.

## 2 The Site and surrounds

### 2.1 Greystones Marina

Greystones Harbour has been developed into the deepest marina on the east coast of Ireland. The marina currently has berthing accommodation for up to 250 boats with a wide range of leisure activities taking place, including sailing, rowing, diving, sea angling and Sea Scouts. Commercial fishing activity also takes place in the harbour. Clubs such as Greystones Rowing Club, Greystones Sailing Club, Greystones Ridge Sea Angling Club, Wicklow Aquanauts and Greystones Harbour Sea Scouts are based around the marina area. Newly constructed clubhouses have also been provided as part of the re-development of the harbour.

**Figure 2:** Google earth Greystones Marina



The Greystones Harbour Development Project also provided a new public square, which was opened to the public in 2016. The square includes seating, lighting and tree planting with access to the Bray-Greystones Cliff Walk.

The marina works are complete. The approved housing is substantially complete. Three houses near the railway line were never constructed as they would have encroached on the railway embankment. The three blocks on the marina consist of the subject site Block D which is a vacant site at the entrance to the marina and two blocks known as EFG and HIJ. Those apartment blocks are complete. Between the apartment blocks are two parking and landscape courtyards.

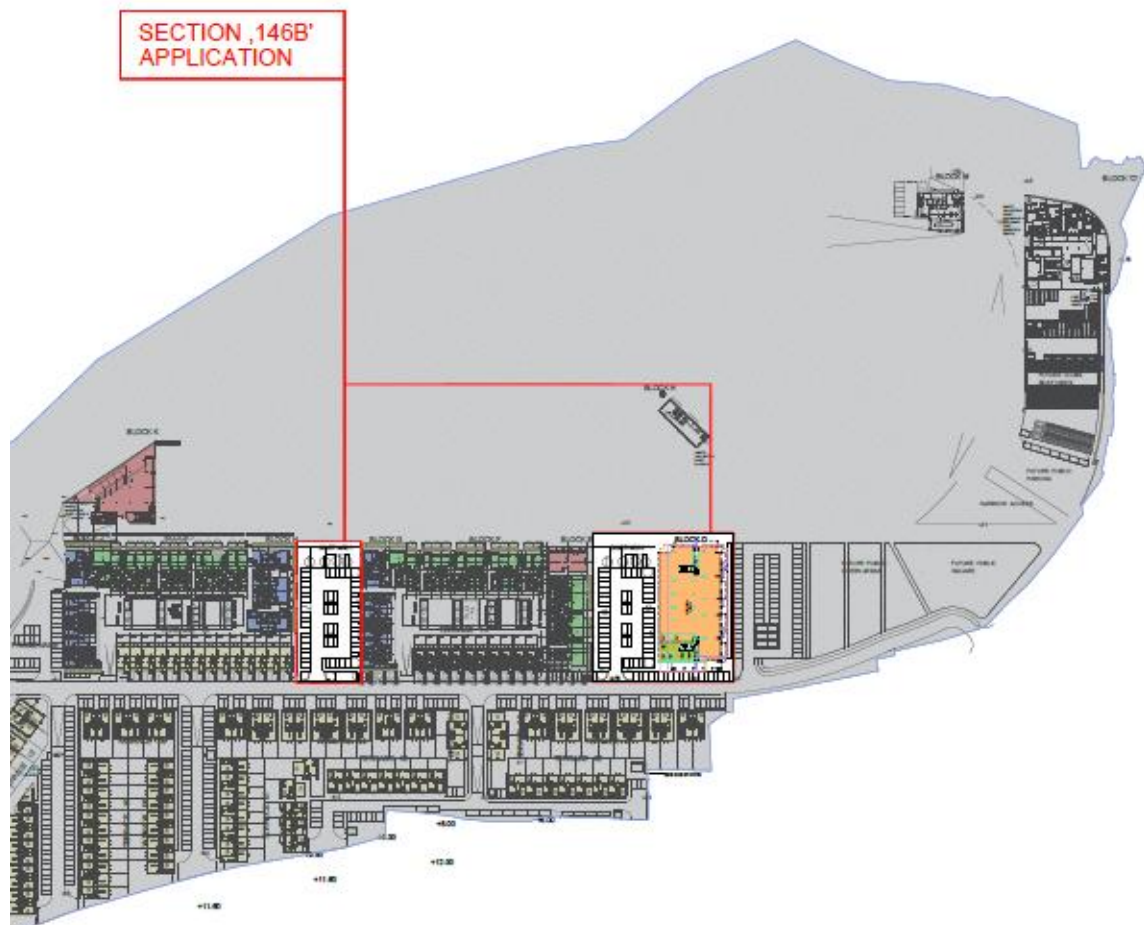
## 2.2 The site

The site the subject of this s146B application consists of a section of the approved development;

- Block D at the entrance to the marina
- Two parking/landscape areas between the apartment blocks D / E (courtyard 2) and G / H (courtyard 1).

The overall site area the subject of the application is c 6,651 sqm.

**Figure 1:** Map of s146B application area



### 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

The relevant history of the site is complex since the first approval in 2007. The table below illustrates the timeline of the relevant planning approvals that have been pursued and the process within the outline of the first approval.

**Table 1** *Timeline of planning history*

Year	Reference/type	Development	Date	Decision
2005	ABP Ref. 27 EF2016	Application lodged to ABP by WCC. EIS	22/12/2005	Amendments sought
2007	Foreshore	Integrated harbour/marina mixed development	7/08/2007	Approved
2010	ABP Ref. 27 YD003 Determination	Varying amendments to Ref. 27 EF2016 including increasing the urban area. ABP determined that an EIS required	14/6/2010	Determined against WCC
	Part 8 WCC Ref. 10/2462	Revisions to Block D, inc. a reduction in the number of residential units from 30 to 11 units, the reduction of commercial space from 1120sqm to 380sqm, the provision of 3450sqm of primary health care space etc.	6/9/10	Approved
	Part 8 WCC Ref. 10/2808	WCC pursued a Part 8 for a number of amendments to parent permission.	6/12/10	Overtuned see below
2011	ABP Ref. 27 YD0004 Determination	ABP determined an EIA was necessary and hence the Part 8 WCC Ref. 10/2808 failed.	6/4/11	Determined in favour of third party
2012	ABP Ref. 27.JA0029 Part 10	Permission for substantial revisions to parent permission including the "introduction of a Primary Care Centre Health Facility into Block D of 3,449 square metres". EIS	29/6/2012	Approved
2016	s. 34 WCC Ref. 16/679	Office units, public showers and restaurant and alterations to an approved building under ABP Ref. 27 EF2016 located at entrance to marina overlooking basin	05/08/16	Granted



2017	Part 8 WCC Ref. 17/664	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	04/9/17	Approved
2018	Part 8 WCC Ref. 18/371.	Alterations to previously approved Terrace Number 12 and alterations and redesign of previously approved public park	2018 Date not available website	Approved
2020	s. 34 WCC Ref. 20/35	Coast Guard Station, ancillary and 8 parking spaces	9/3/20	Granted

A number of minor section 34 planning applications have been made in relation to the houses built under the parent permission.

### 3.2 Planning history details

#### 3.2.1 ABP Ref. 27 EF2016 (parent approval)

The Board approved development under section 226 of the Planning and Development Act, 2000 on the 7/08/2007 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”.*

Permission was granted subject to 13 conditions.

During the course of the application, the Board requested significant redesign and additional information. The EIS that accompanied ABP Ref. 27 EF2016 was accordingly amended during the process. Of relevance, Block D was redesigned. A three-storey building was proposed at the southern elevation with two floors of residential above ground floor commercial. A basement was proposed.

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

Approval under section 175 of the Planning and Development Act 2000, as amended issued on 29/6/2012 for revisions to ABP Ref. 27 EF2016 (parent permission) for revisions 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.

The reasons and considerations included;

*“Having regard to the provisions of the Wicklow County Development Plan 2010-2016 and the Greystones/Delgany Local Area Plan 2006-2012, the planning history of the site, including the environmental impact statement approved by the Board under application reference number*

*27.EF2016 and the revision adopted by the local authority under Part XI of the Planning and Development Act, 2000,...*

The reference to Part XI relates to the approved Part 8 WCC Ref. 10/2462 at Block D which was subsumed into the revised application. The application was accompanied by an EIS. Condition 2 related to compliance with the parent permission 27.EF2016.

The development specifically included the *“introduction of a Primary Care Centre Health Facility into Block D of 3,449 square metres”*

In relation to Block D, this was approved as a mixed use building with the primary care centre element provided at ground, first and second floors on the western side of the block, retail use at ground floor and 11 apartments at first, second and third floors as follows:

- Primary Care Centre Health Facility of 3,449 sqm,
- Commercial use of 366 sqm and
- 11 apartments
- No basement
- Overall floor area of c 4,810.8 sqm.

### **3.3 Approved Part 8s**

#### **3.3.1 Part 8 Planning Authority Ref 10/2462**

Revisions to Block D, (i.e. that Block facing southwards onto the proposed main public space at the Harbour) to incorporate a Primary Care Health Centre, the revisions include the following; a reduction in the number of residential units within this block from 30 to 11 units, the reduction of the commercial space within this block from 1120sqm to 380sqm, the provision of 3450sqm of primary health care space, consequent changes to the elevational treatment to all four elevations, the omission of the basement car park under block D and the basement car park to the front of the Block, alterations to the surface parking and landscape treatment in the immediate vicinity of Block D, an increase in height of the building from 14.35sqm above ground level to 14.90sqm, a single storey substation and switchroom structure 27sqm. The process was approved by the Council on 6/9/10.

#### **3.3.2 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.

#### **3.3.3 Part 8 Planning Authority Ref. 18/371.**

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 alterations to previously approved Terrace Number 12 and alterations and redesign of previously approved

public park. There is a decrease proposed of 3 units in the number of residential units approved. The process was approved by the Council but the date is unavailable.

This Part 8 related to part of Terrace 12. The Part 10 had approved 29 houses within the red line of the part 8 and the Part 8 approved 26 houses.

#### *3.3.4 Part 8 Planning Authority Ref. 10/2808*

See Determination below ABP Ref. 27 YD0004- overturned

### **3.4 Determinations by the Board**

#### *3.4.1 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 EIS was necessary.

#### *3.4.2 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 in a **Part 8 WCC Ref. 10/2808**. The Board concluded that an EIA was necessary and hence the Part 8 WCC Ref. 10/2808 failed.

### **3.5 Section 34 Planning permissions**

#### *3.5.1 Planning Authority Ref. 16/679*

Permission granted 05/08/16 for office units, public showers and restaurant and relates to alterations to an approved building under ABP Ref. 27 EF2016 not yet commenced at the time of making the application. This application was consented to by WCC to allow the application to be made. Permission subsequently refused Planning Authority Ref. 18/483 for retention permission having regard to several elements including that the design of the as constructed development does not accord with the plans approved under 16/679.

#### *3.5.2 Planning Authority Ref. 20/35*

Permission granted 10/6/20 for Coast Guard Station of a single storey boathouse / vehicle store with a flat roof and a single storey accommodation block with a mono pitch roof, a new vehicular access point to the north east corner of the site, three number flag poles, one number radio aerial mast and entrance signage, provision of eight no car parking spaces on hard landscaping, associated site works.

Previously a coast guard station had been granted under the two approvals from the Board in this location but as a different design/layout.

## 4 Proposed development

The overall strategy being proposed is to develop Block D as a distinctive gateway building to the Marina scheme. The drawings prepared by OMP architects illustrate the permitted development and the proposed changes.

The rationale for the proposed development is based on the lack of any demand for a medical centre at this location as the development of a primary care centre development is at an advanced stage elsewhere in Greystones. An animated, commercial ground floor at the entrance to the harbour would be an asset to the harbour consistent with the original vision of development providing commercial space in a busy destination at the end of the popular Bray to Greystones walk and an amenity for the new residential quarter.

The following is the summarised design intention which has been formulated through an iterative process of consultation with the Planning Authority:

- Landmark building.
- The proposed block is similar to the original 2007 scheme, where the massing is broken down into 4 repeating forms, expressed as projecting balconies onto the public square, while the penthouse level is set back, again with a profiled roof.
- The residential element is located over the ground floor commercial/retail which are set out as a series of shop fronts (rather than a large box)
- The ground floor includes 2 residential entrance halls, one accessed from the Boardwalk, the other from the Spine Road, with retail occupying the majority of the ground floor, having frontage on both the north and south facades, and the boardwalk and road frontages, allowing subdivision and accessible frontages on all sides.
- The building footprint is broadly in line with the approved scheme and occupies a smaller area overall.
- The communal garden is located to the north of the block, increasing the separation distance to Block E, but also providing block D with a well designed, landscaped and sheltered amenity area overlooking the marina.
- The materials proposed are stone cladding for the projecting elements, set back brick piers to achieve some relationship with constructed brick courtyard blocks and some infill spandrels over shop fronts.
- First and second floors have a 2 core arrangement, which allows 12 no. dual aspect 2-bed units, per floor. Unit sizes vary from 85sqm to 100 sqm for the large south facing units.
- Third floor includes a setback penthouse level, with 4 penthouse units accessed from the eastern core and 5 from the western core.
- Revised courtyards incorporating through routes for access as required by the fire officers.

## 4.1 Summary of proposed overall changes

### 4.1.1 Summary statistics of approved/proposed development

Table 2 Summary statistics

Use	2012 Approval	Proposed
Residential units	11	33
Residential area (net)	1182 sqm	2781 sqm
Medical	3449 sqm	0
Commercial	366 sqm	1,351sqm
Ancillary / circulation space	511 sqm	802 sqm
Total (gross) Area	5508 sqm	4934 sqm

Site area c 6,651 sqm

### 4.1.2 Redesign of Block D

The approved and proposed floor plans, elevations and sections are included in the application drawings. Block D has been redesigned similar to the original 2007 scheme, where the massing is broken down into 4 repeating forms with a penthouse level is set back with a profiled roof.

### 4.1.3 Numbers of apartments

Approval has been granted for 11 apartments within the area which is the subject of this s146B process. It is proposed to now construct 33 apartments. The proposal returns the residential element to a similar figure to the 30 permitted in 2007.

Please see HQA and layout of approved and proposed drawings.

### 4.1.4 Parking and Landscape Area

It is proposed to amend the courtyard areas in order to provide for fire access, linkages to the boardwalk and rationalisation of spaces in the overall development in line with the overall approval. The landscape areas focus on the boardwalk and have been redesigned having regard to the experience of providing high quality landscaping in this coastal area since the development commenced.

It is proposed to increase the spaces in Courtyard 1 by 23 spaces and Courtyard 2 by 10 spaces. Please see drawings from OMP and proposed landscape plan from Cunnane Stratton Reynolds, Land Planning & Design. The proposed parking in the Courtyards is amended from approved to proposed as follows.

#### **Courtyard 1:**

Approved Public Parking – 17

Proposed Public Parking - 23

Approved Residential Parking – 18

Proposed Residential Parking – 35

Approved total Courtyard 1 – 35 spaces  
Proposed total Courtyard 1 – 58 spaces

#### **Courtyard 2:**

Approved Public Parking – 24  
Proposed Public Parking - 33  
Approved Residential Parking – 18  
Proposed Residential Parking – 19

Approved total Courtyard 2 - 42 spaces  
Proposed total Courtyard 2 -52 spaces

The overall development has approval for parking No. 964 spaces. Over the course of the development from the parent permission, certain amendments occurred to parking areas and a reduction of spaces occurred. The overall proposed development would provide 942 spaces a modest reduction of 22 spaces overall.

#### **4.1.5 Medical and Commercial uses**

The proposal changes the approved medical use back to commercial ground floor with residential over as originally approved in 2007. The proposal provides 1,351 sqm commercial space. The rationale for not providing this is that another medical care centre is at an advanced stage in the area and therefore there is no requirement or demand for such a facility. It is proposed to provide commercial space that will include a café/ restaurant.

## **5 Relevant Planning Policy**

### **5.1 Principal policies**

Due regard for amendments to an approved mixed-use scheme as proposed should have regard to the following principle policies:

<b>National</b>	Project Ireland 2040 - National Planning Framework (2018)
	National Development Plan 2018-2027
	National Transport Authority Transport Strategy for the Greater Dublin Area 2016- 2035
	Design Manual for Urban Roads and Streets (2013) amended 2019
	Smarter Travel – A New Transport Policy for Ireland (2009-2020)
	Birds and Habitats Directive
	Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities (2007)
	Climate Action Plan 2019

	Architectural Heritage Protection Guidelines For Planning Authorities 2011
<b>Regional</b>	Eastern and Midland Regional Assembly - Regional Spatial & Economic Strategy (RSES) 2019
<b>Guidelines</b>	Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018)
	Urban Development and Building Heights- Guidelines for Planning Authorities (2018)
	The Planning System and Flood Risk Management (2009)
	Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
	Urban Design Manual - A Best Practice Guide (2009)
	The Planning System and Flood Risk Management (2009)
	Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)
	Urban Design Manual - Best Practice Guidelines (2009)
<b>County</b>	Wicklow County Council Development Plan 2016-2023
<b>Local</b>	Greystones Delgany and Kilcoole Local Area Plan 2013-2019

## 5.2 Greystones-Delgany and Kilcoole Local Area Plan 2013-19

Section 10.4 of the Greystones-Delgany and Kilcoole Local Area (LAP) refers to Greystones Harbour and North Beach Action Plan and the area to which the application site applies is partially located in the area designated Zone 1. The LAP was adopted after the two main approvals by the Board ABP. Ref. 27 EF2016 in 2005 and ABP. Ref. 27JA0029 in 2012. The proposed development adheres to Local Area Plan objectives.

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 m<sup>2</sup> mixed use commercial, cultural, community and tourist residential waterfront space.

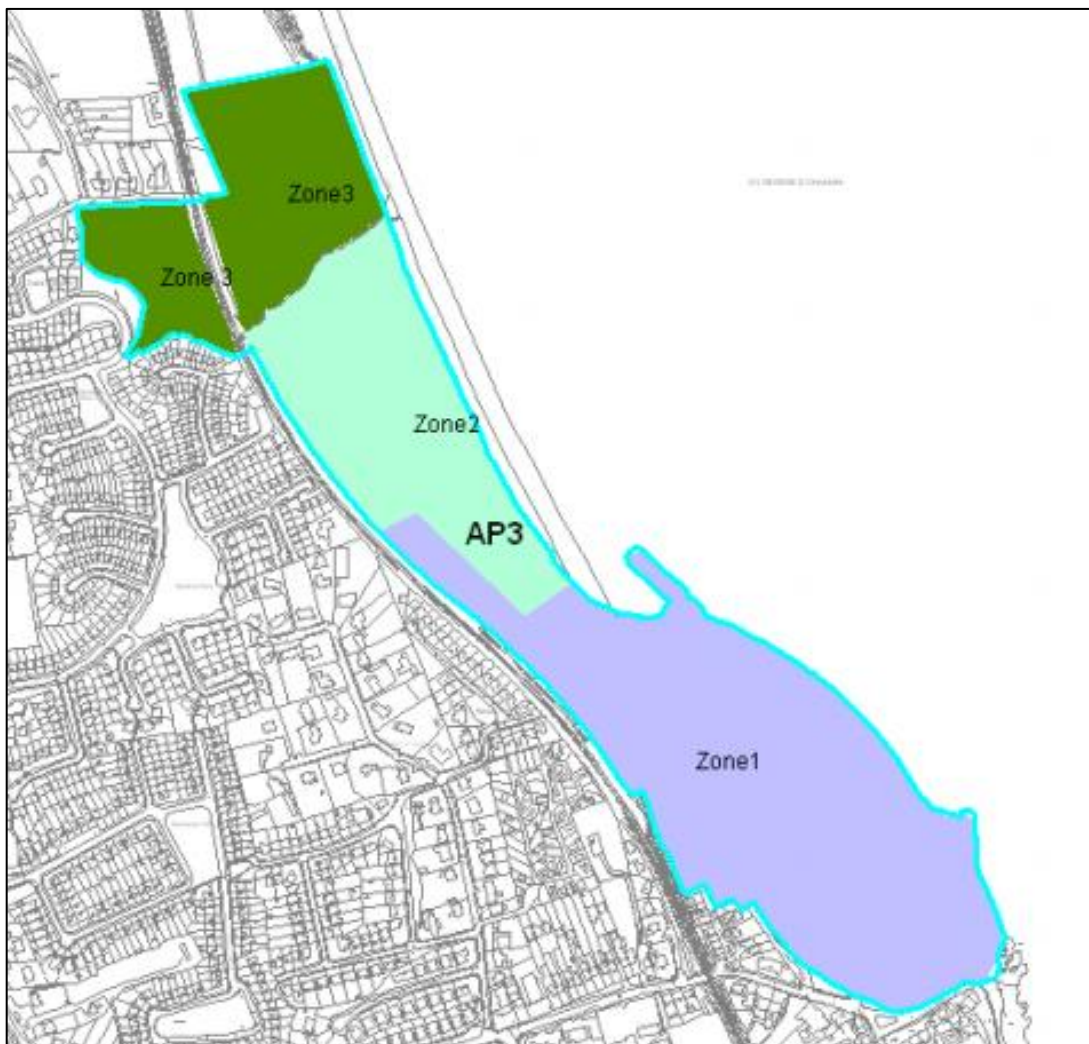
The overall residential numbers of approved, built and proposed are as follows. It may be noted that 3 houses were unable to be constructed owing to issues with the proximity to the railway line. The areas where the houses were to be built have been subsumed into the housing development and ownership has been transferred. Three houses were also omitted from the park area owing to a redesign pursuant to WCC ref. 18/371. Two apartment units were amalgamated in Block HIJ and Wicklow Co. Council considered that this was not a material change to the overall scheme (16/11/2018). Accordingly, the overall approval for 355 residential units has not been constructed to date and it is proposed to provide 33 units in Block D providing an overall number of 373 units below the 375 total proposed by the LAP. As 11 units were approved in Block D, the variation sought is for an additional 22 units to the 11 approved providing a total of 33 units in Block D.

Table 3: Schedule

	BREAKDOWN						Note
	Approved	Total on completion /approval	Constructed	Will not build	Seeking approval	Changes	
Houses	150	147	147	3	0	-3	3 houses cannot be built owing to promixity to Railway Line
Apartments EFGHIJ	194	193	193	1	0	-1	2 apartments amalgamated into one
Apartments D	11	33	0		22	22	Seek 22 units in Block D in addition to approved 11
<b>Total</b>	<b>355</b>	<b>373</b>	<b>340</b>	<b>4</b>	<b>22</b>	<b>18</b>	
<b>PROPOSED ADDIT</b>	<b>22</b>						Proposed overall total will be 2 less than 375 cap in LAP

It may also be noted that the cap of 375 units that was applied preceded the National Planning Framework, the relevant guidelines that seek to increase density on appropriate serviced sites close to public transport and amenities. The LAP also preceded the current Development Plan.

**Fig. 3** Extract from Greystones Delgany LAP 2013-2019





The LAP 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.

Block D and the courtyard areas are located in this zone. The LAP provides that the prime waterfront space may be used primarily for commercial use (including leisure/ retail/ office/ cultural/ community use), or tourist residential use, or as a combination of both.

**Zone 2**

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

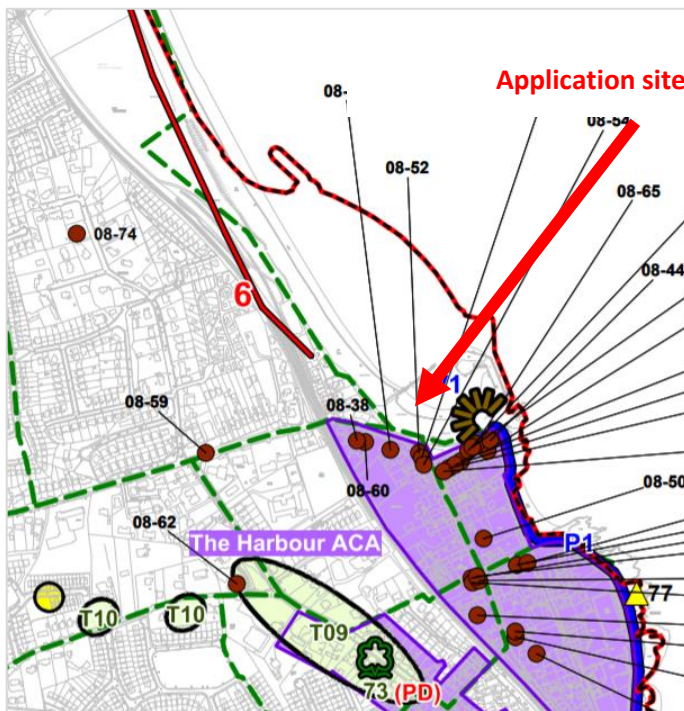
**Zone 3**

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.

**Fig. 4** Extract from LAP heritage map



### Protected Views and Prospects

These are provided in Appendix B of the Local Area Plan.

The application is for a variation in design of an approved development. The design differences are similar in scale to that approved and the greatest impact on the views and prospect are the approved and substantially completed built urban development and harbour renewal that has taken place since the adoption of the LAP.

An Appropriate Assessment screening was carried out by Dr Brian Madden of Biosphere Environmental Services and is submitted. The report does not recommend a Stage 2 assessment.

It may be noted that a recent Appropriate Assessment Screening was also carried out by the Office of Public Works for the approved development within the development of the original approval area WCC Ref. 20/35 for a new Coast Guard Station.

### 5.3 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.”*

The overall development has approval for parking No. 964 spaces. The overall proposed development would provide 942. It is proposed to amend the courtyard areas in order to provide for fire access and rationalisation of spaces in the development in line with the overall approval. It is proposed to increase the spaces in Courtyard 1 by 23 spaces and Courtyard 2 by 10 spaces and to reconfigure the approved landscape.

### **Open Space**

The apartment guidelines apply and have been provided in the HQA prepared by OMP. The large public park has recently been developed to the north of the marina.

## **5.4 Relevant S28 Guidelines**

### *5.4.1 Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018)*

This is not a de novo application for an apartment development but rather an application to vary an approved development that received permission pursuant to s175 of the Planning and Development Act 2001 as amended. In summary, 11 apartments were permitted an additional 22 units are sought bringing the total to 33. As the s28 guidelines are national policy, the applicant has complied with the standards in relation to private open space, parking, dual aspect and storage. As the application site is within the overall larger development, the applicable standards relating to density and public open space cannot be applied out of context of the overall approval which preceded all the modern guidelines. A HQA has been prepared and accompanies the application.

## **6 Appropriate Assessment**

An Appropriate Assessment screening has been carried out owing to the location of the proposed development 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.

## 7 Environmental Impact Assessment Screening

### 7.1 The site

The site is described above in section 2. The EPA mapping record the subsoils are classified as man made with small section as sand/raised beach and the Air quality as good.

### 7.2 European Directive as amended and associated transposing Regulations

The primary objective of the EIA Directives is to ensure that projects which are likely to have significant effects on the environment are subject to an assessment of their likely effects.

Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment came into effect on May 16th, 2017. The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) transpose the requirements of Directive 2014/52/EU, amending previous Directive 2011/52/EU, on the assessment of the effects of certain public and private projects on the environment (the EIA Directive) into planning law with effect from 1st September 2018. The regulations amend the Planning and Development Regulations 2001.

Directive 2014/52/EU does not make any amendments to the list of projects set out in the two annexes to the 2011 Directive. In the Irish legislation, Annexes I and II are broadly transposed by way of the Planning and Development Regulations 2001, as amended, in Schedule 5 Parts 1 and 2, with national thresholds added to certain Part 2 classes of development.

Schedule 5 Part 1 projects require EIA if the stated threshold set therein has been met or exceeded or where no thresholds are set.

Schedule 5 Part 2 projects meeting or exceeding national thresholds set out therein, or where no thresholds are set, require EIA.

Schedule 5 Part 2 Sub-threshold projects require screening for EIA, except in cases where the likelihood of significant effects can be readily excluded.

The new Annex II A, is transposed into the Planning and Development Regulations 2001 as amended by the insertion of schedule 7A – “information to be provided by the applicant or developer for the purposes of screening sub-threshold development for environmental impact assessment.”

Art 92 of the Planning and Development Regulations 2001 as amended provides that:

“sub-threshold development” means development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development;”

### 7.3 Planning and Development Regulations 2001-2019

The first stage of EIA screening is provided in Art 120 of the Planning and Development Regulations 2001 as amended (S.I. No. 296/2018 - European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

Art 120 (1) (a) provides that -

*“where the authority proposes to carry out a subthreshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development”*

Art 120 (1) (b) provides that after the preliminary examination is carried out, and where the local authority concludes, based on such preliminary examination, that—

*“(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,  
(ii) there is **significant and realistic doubt in regard** to the likelihood of significant effects on the environment arising from the proposed development, it **shall prepare, or cause to be prepared, the information specified in Schedule 7A** for the purposes of a screening determination, or  
(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—  
(I) conclude that the development would be likely to have such effects, and  
(II) prepare, or cause to be prepared, an EIAR in respect of the development.”*

[Our highlight in bold]

Accordingly, Schedule 7A is triggered if there is significant and realistic doubt in regard to the likelihood of significant effects on the environment. Subsection (1b) in summary provides where the local authority prepares, or causes to be prepared, the information specified in Schedule 7A, then the information shall be accompanied by any further relevant information and may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

The Regulations provide that where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of publication of the notice apply to the Board for a screening determination as to whether the development would be likely to have such effects.

### 7.4 Criteria for determining whether development should be subject to an environmental impact assessment

Schedule 7 provides the following criteria for assessment

#### 1. Characteristics of proposed development

*The characteristics of proposed development, in particular—*

*(a) the size and design of the whole of the proposed development,*

- (b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,*
- (c) the nature of any associated demolition works,*
- (d) the use of natural resources, in particular land, soil, water and biodiversity,*
- (e) the production of waste,*
- (f) pollution and nuisances,*
- (g) 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, and*
- (h) the risks to human health (for example, due to water contamination or air pollution).*

## **2. Location of proposed development**

*The environmental sensitivity of geographical areas likely to be affected by the proposed development, 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 legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;*
  - (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union 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.*

## **3. Types and characteristics of potential impacts**

*The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, 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 development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act*

and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and  
(h) the possibility of effectively reducing the impact.

## 7.5 Section 28 Guidelines for Environmental Impact Assessment

The revised Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment August 2018 were issued under section 28 of the Planning and Development Act 2000, as amended, replacing the 2013 Guidelines, and accordingly planning authorities and An Bord Pleanála are required to have regard to them in the performance of their planning functions.

## 7.6 Sub Threshold Development and the Current Proposal

Sub-threshold projects in Schedule 5 Part 2 require screening for EIA, except in cases where the likelihood of significant effects can be readily excluded.

Schedule 5 Part 2 provides the following relevant projects/thresholds.

### 10. Infrastructure projects

(a) ...

(b)

(i) Construction of more than **500 dwelling** units.

(ii) Construction of a car-park providing **more than 400 spaces**, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.

(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 parts of a built-up area** and 20 hectares elsewhere. (*our emphasis*).

Having regard to the above thresholds, the application for an adaption to an approved mix use consisting of 33 dwellings, commercial space of 1,351 sq m and associated plant, bins and cycle parking space on a site of 6,651 sqm (with associated parking) may be described as sub threshold development.

### 13. Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(b)(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, **and**

(ii) result in an increase in size greater

- than 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

Paragraph (i) only applies to infrastructure projects as outlined above.

Paragraph (ii) relates to where a result in an increase in size of that urban project. The amendment applies to a small section of the overall approved development and size is only 6,651 sqm therefore does not increase the approved area

(e) New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length.

The approved marina works have been carried out and no works are proposed to the marina and accordingly this does not apply.

## 7.7 Methodology

The screening has had regard to the following:

- Planning and Development Act 2000 as amended
- Planning and Development Regulations 2001 as amended
- Directive 2014/52/EU of 16 April 2014 amending Directive 2011/92/EU
- The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018)
- Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports, Environmental Protection Agency, 2017
- Environmental Impact Assessment of Projects: Guidance on Screening, European Commission, 2017
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment August 2018
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development 2003
- Circular Letter: PL 05/2018 27th August 2018 Transposition into Planning Law of Directive 2014/52/EU amending Directive 2011/92/EU on the effects of certain public and private projects on the environment (the EIA Directive) and Revised Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.
- Circular Letter: PL 10/2018 22 November 2018 Public notification of timeframe for application to An Bord Pleanála for screening determination in respect of local authority or State authority development

## 7.8 Screening Assessment against Criteria

### 7.8.1 Assessment Criteria

The 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities Regarding Sub-Threshold Development', groups criteria for deciding whether or not a proposed development would be likely to have significant effects on the environment under three headings which correspond to the updated Schedule 7.

Schedule 7 criteria for determining whether development listed in part 2 of schedule 5 should be subject to an environmental impact assessment.



- Characteristics of the proposed development.
- Location of the proposed development.
- Characteristics of potential impacts.

Accordingly, the proposed development is assessed for screening purposes under the following headings.

### *7.8.2 Characteristics of proposed development*

The characteristics of proposed development, in particular—

#### **(a) the size and design of the whole of the proposed development**

The proposed development outlined above involves a minor variation in the footprint of the approved development and applies to amendments in the form of changes of the approved use and layout of Block D and a reconfiguration of two approved courtyards. The proposal is not materially different in terms of size to that approved by the Board.

In terms of the design, the proposed development is different in nature of elevational treatment as described above to that approved and differences are in materials.

The approved use of medical centre is proposed to be changed to commercial uses and increased residential uses. The change from medical to commercial is not a critical change in terms of impact on the environment. The issue of medical waste will not arise and as such the environmental impact could be considered to be improved in relation to the removal of regular operational waste associated with shops of cafes rather than with medical facilities.

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.

#### **(b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,**

The proposed amendments have to be considered in the context of the relationship of the consented developments and 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 approved variations to parent permission that have occurred within the harbour area are minor modification of the parent permission. The proposed modifications do not provide any changes in the cumulative impacts to that permitted.

#### **(c) the nature any associated demolition works**

There are no demolition works proposed.

**(d) 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 uses remaining similar to that approved. The use of natural resources and has been approved by the Board.

The land cover is predominantly hard standing. The lands are zoned for the proposed uses including residential. The proposed use of natural resource of land is not considered to be significantly different to the existing approved situation and is aligned with the existing use in the general area. The built area is to be developed at a higher density than present. All proper engineering infrastructure will be developed to prevent any discharge to soils.

The nature of the proposed development will generate a demand for water but this is for predominantly residential and commercial use and is not considered significant. Pollution-prevention measures will be implemented during the construction of the proposed development, which will ensure that no pollutants can reach water courses in the vicinity and it may be noted it is proposed to connect the commercial and apartment units to the existing surface water sewer network granted permission and all connections from commercial units and apartments will be constructed in accordance with the recommendations of the 'Greater Dublin Strategic Drainage Study' (GSDSDS) and Building Regulations. DBFL have provided a letter to accompany the application. Adherence to best practice Construction and Environmental Management during the construction phase will ensure that development would not result in pollution of groundwater or surface water.

In terms of biodiversity, the site is predominantly hard standing. There are no trees on the site. The lands will be developed in a permanent manner with new planting and a landscaped terrace and landscaping in the courtyards and trees in the parking area will form part of the landscape proposal to encourage biodiversity.

**(e) the production of waste**

A Construction Waste Management Plan and Operational Waste Management Plan is already 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 large medical centre will not proceed and the anticipated generated medical waste will reduce accordingly. There is no basement or excavation proposed. The apartments will generate standard domestic waste and the ground floor provides for a bin storage with segregation area. In terms of the production of operational waste, an operational waste management plan will provide for residential waste segregation and collection in accordance with the standards of the County Council.

**(f) 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. The proposed commercial and residential use will not be of a nature to generate pollution or nuisance. have the potential for pollution or nuisance. Any risk of surface water pollution can be avoided by adherence to best practice Construction and Environmental

Management during the construction phase which will ensure that the development would not result in pollution of groundwater or surface water. Dust nuisance during construction can be controlled by a dust minimisation plan. Surveys will be carried out as required ahead of demolition. The proposed development is primarily for residential development. Accordingly, there are no significant expected residues or emissions. Aspects of energy efficiency are incorporated into the modern energy efficient design of the buildings.

**(h) the risks to human health (for example, due to water contamination or air pollution)**

The nature of the proposed development and the engineering provisions will not lead to the likelihood of any risk to human health. The proposed development is of standard construction method and of appropriate scale and does not require the use of particular substances or use of technologies which of themselves are likely to give rise to significant environmental effects.

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

**7.8.3 Location of proposed development**

The location of the proposed development is described in section 2 above.

**The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—**

**(a) the existing and approved land use,**

The existing and approved land use is zone 1 mixed use where residential use is permissible in principle under the Development Plan provisions.

**(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,**

The key principal natural resource in the area is considered to be the coastal zone and its marine waters. The area of the coastal zone at this location is already currently modified by the approved development that has been constructed. An Appropriate Assessment Screening Report has been prepared in respect to areas classified or protected under birds and habitat legislation. This assessment has determined that the proposed development will not adversely impact on these natural resources. The proposal is not of such a scale that it would impact significantly upon the regenerative capacity of natural resources in this geographical area as the development is an adaptation of an approved development that has been substantially completed.

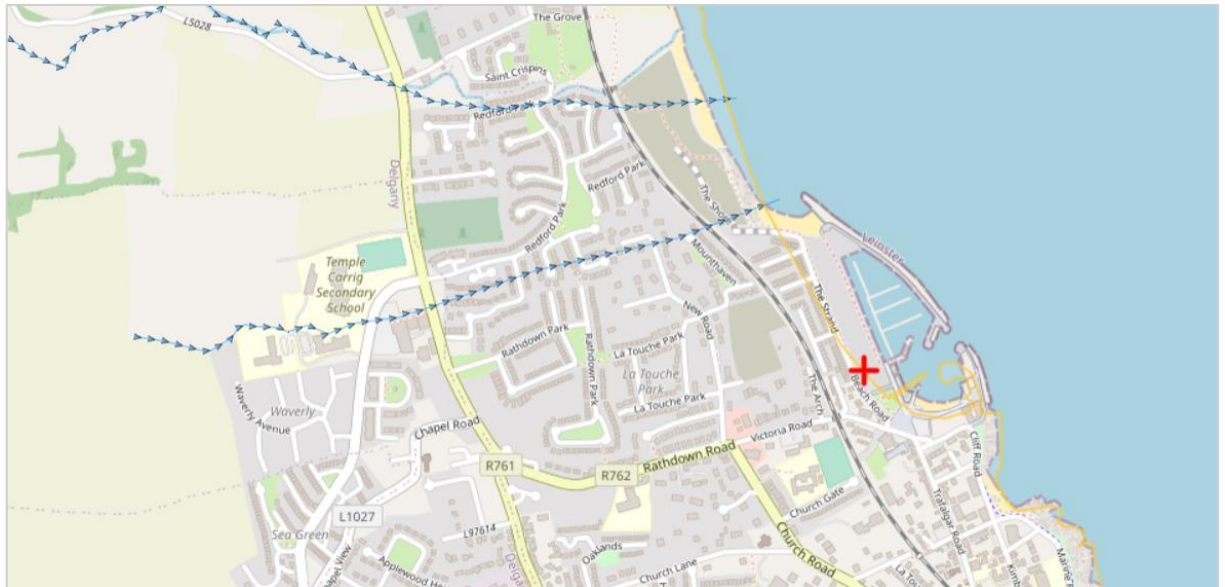
**(c) the absorption capacity of the natural environment, paying particular attention to the following areas:**

**(i) wetlands, riparian areas, river mouths;**

The map below has been extracted from the EPA's GIS website. It shows:

- river waterbodies;
- the river network;
- river flow directions
- Waterways Ireland canals

**Figure 5:** Extract from EPA Map showing watercourses in area. Site area indicated with a red cross



The proposal is not of such a location or scale that it would impact upon the absorption capacity of this aspect.

**(ii) Coastal zones and the marine environment.**

The proposal is adjacent to a marine environment and marina of new construction. The proposed amendment to approved development not of such a location or scale that it would impact upon the absorption capacity of this aspect.

**(iii) mountain and forest areas;**

The proposal is not of such a location or scale that it would impact upon the absorption capacity of this aspect.

**(iv) nature reserves and parks;**

The proposal is not of such a location or scale that it would impact upon the absorption capacity of this aspect.

**(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;**

The Appropriate Assessment Screening Report indicates there is no risk of direct or indirect impacts on any Natura 2000 sites. The application site is c 848 m from the Bray Head SAC located to the north. The proposed block D is on the previous approved location which was assessed by the Board.

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

This does not apply.

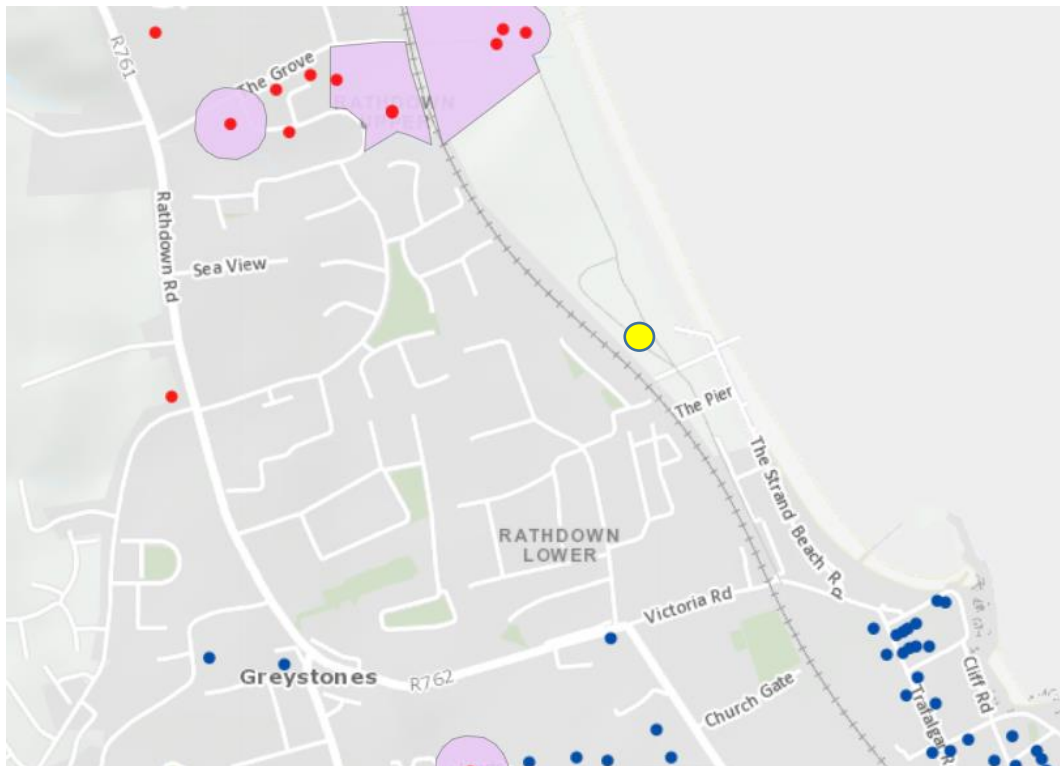
- (vii) **densely populated areas;**

The site description and surrounding areas are described above. The area is not densely populated. Given the quantum of units the proposed development will be a higher density on this specific site but not in the general area.

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

The National Monuments Service Archaeological Survey Database does not indicate any specific designations to this site or in the immediate vicinity. No protected structures exist on the site and the site is not located in a conservation area. A number of protected structures are located c 210 m to the south of the site. A zone of archaeological interest lies c 918 m to the north of the application Block D site and contains a number of recorded monuments. It is not considered that the proposed amendments to the approved development would have any significant impact on landscapes and sites of historical, cultural or archaeological significance.

**Figure 6:** Extract National Monuments Service Archaeological Survey Database. Site location (approximate ) indicated with a yellow circle.



#### 7.8.4 *Types and characteristics of potential impacts*

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

The magnitude of the proposal transforms the built form by changing the exiting vacant area to residential and commercial use, altering the density and modifying the existing building line. The proposed development extends to 4 storeys in height. The scale of the proposed development will utilise the existing zoned area and will increase the residential density in this area.

The proposed development will effectively rationalise the built fabric, making the urban structure more legible, the site being the entrance to the marina, The development will provide residential accommodation in a new residential area. The extent of the impact will extend beyond that area in the immediate environs of the subject site and will be visible from a number of vantage points in the wider area owing to the location at the entrance to the marina. A similar building has already been approved on this site and this proposal is for amendment to the building design and use. In this context, the spatial extent is confined to a relatively small area owing to the low height.

**(b) the nature of the impact,**

The impact will be an increase in the residential population to provide a specific type of housing. The mix of unit sizes and types will positively contribute and will provide housing in a time of severe shortage and in accordance with the County Development Plan core strategy.

**(c) the transboundary nature of the impact,**

This does not apply.

**(d) the intensity and complexity of the impact,**

The proposal in itself is not of a complex nature such that it warrants EIAR.

**(e) the probability of the impact,**

Should approval be given, the development will proceed.

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

The principle impacts associated with the proposal will most likely be concentrated during the construction phase. The development will be permanent.

**(h) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and**

This is addressed in section 6.1 above.

**(g) the possibility of effectively reducing the impact.**

On the issue of the built structures, it is considered that the proposal will visually change the existing landscape, however, the design put forward is a modern housing approach which is a high standard architectural design, consistent with consented neighbouring development with provision of well-designed communal open space and landscaping. The floor levels of the development will be constructed above the 100 year predicted flood events.

*7.8.5 Inter relationship with above factors*

It is considered that none of the above identified impacts which are not considered by themselves to be significant would cumulatively result in any significant effect on the environment.

## **8 Conclusion**

Having regard to the following:

- The location, size and nature of this serviced site located in an established mixed-use area and distance from protected and/or environmentally sensitive sites,
- The proposed development is below the threshold of a mandatory EIA which would require an Environmental Impact Assessment Report (EIAR),
- The scale and quantum of residential development proposed and integration with consented and exiting adjoining land-uses,
- The description of possible effects on the environment are not considered significant and therefore further assessment pursuant to the Planning and Development Regulations 2001 as amended are not considered necessary.
- An Appropriate Assessment Screening has been carried out. It concluded that the proposed development will not cause direct or indirect impacts on any Natura 2000 sites, and that Appropriate Assessment is not required.

It is considered that there is no real likelihood of significant effects on the environment arising from the proposed development, and it is concluded that an EIAR is not required.

