



Comhairle Contae Chill Mhantáin
Wicklow County Council

PART 8 APPLICATION
Parnell Road, Bray, Co. Wicklow



Appropriate Assessment Screening Report – as required under
Article
6(3) of the Habitats Directive. (Council Directive 92/42/EEC)
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REPORT PREPARED BY:
STEPHEN EARLS, MR IAI, EXECUTIVE ARCHITECT, WCC

BSC. (HONS) ARCH., DIP. ARCH., PROFDIP ARCH.

RIAI	Registered Architect	PSDP Accreditation	Environmental Accreditation
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1 Introduction

This report, which contains information required for the competent authority to undertake a screening exercise for Appropriate Assessment (AA), has been prepared on behalf of Wicklow County Council ('the applicant'). It provides information on and assesses the potential for the proposed development to impact on Natura 2000 sites.

This report comprises information in support of screening for an Appropriate Assessment, in line with the requirements of Article 6(3) of the EU Habitats Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development Act 2010; and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011).

1.1 Existing Situation

The proposed site is a brownfield location situated in Bray Town centre. The site is accessed off Parnell road via an existing entrance. To the north of the site is an existing parking area and commercial premises. To the east lies the residential properties of Brighton Terrace and to the south the site is bounded by Parnell road. Finally, to the east of the site is the rear of a series of commercial premises and Brighton Hall.

The proposed site measures approximately 931m² (0.22 Acres) and will if approved, be accessed through the existing Parnell Road entrance. The general topography of the site is level with the site itself is currently in a brownfield state. There is currently one large warehouse/shed structure on site which is due for demolition as part of the proposed application.

Fig 1.1 – Site Location Map



1.2 Legislative Context

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs), designated under the Habitats Directive, and Special Protection Areas (SPAs), designated under the Conservation of Wild Birds Directive (79/409/ECC).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment of Natura 2000 Sites, (abbreviated AA):

Article 6(3) states:

Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Article 6(4) states:

If, in spite of a negative assessment of the implications for the [Natura 2000] site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to: human health or public safety; beneficial consequences of primary importance for the environment; or, further to an opinion from the Commission, other imperative reasons of overriding public interest.

1.3 Stages of the Appropriate Assessment

Both EU and national guidance exists in relation to Member States fulfilling their requirements under the EU Habitats Directive, with particular reference to Article 6(3) and 6(4) of that Directive. The methodology followed in relation to this screening for AA has had regard to the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of Environment, Heritage and Local Government.
- Managing Natura 2000 Sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC, referred to as MN2000, European Commission 2000;
- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, referred to as the "EC Article 6 Guidance Document (EC2000);
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission.

In complying with the obligations under Article 6(3) and following the EC2000, MN2000 and DEHLG guidance, this screening document has been structured as a stage by stage approach as follows:

1) Screening Report

- Description of the project;
- Identification of Natura 2000 sites potentially affected;
- Identification and description of individual and cumulative impacts likely to result;
- Assessment of the significance of the impacts identified on site integrity;
- Exclusion of sites where it can be objectively concluded that there will be no significant effects; and
- Screening Conclusion

Stage 1 - Screening

The aim of Stage 1, 'Screening' is to determine whether or not the proposed plan or project is likely to adversely affect the integrity of any Natura 2000 site and to determine whether or not Stage 2, the AA, is required. This is done by examining the proposed plan or project; and the conservation objectives of any Natura 2000 sites that might potentially be affected.

Stage 2 – Appropriate Assessment

The aim of Stage 2 is to identify any adverse impacts that the plan or project might have upon the integrity of relevant Natura 2000 sites. As part of the assessment, a key consideration is 'in combination' with other plans or projects. Where adverse impacts are identified, the AA will propose changes to the plan or project that would avoid, reduce or remedy any such negative impacts and the plan or project should then be amended accordingly, thereby avoiding the need to progress to Stage 3.

Stage 3 – Assessment of Alternative Solutions

If it is not possible during the Stage 2 assessment to reduce impacts to acceptable, non-significant levels by avoidance and/or mitigation, Stage 3 of the process must be undertaken, which is to objectively assess whether alternative solutions exist by which the objectives of the plan or project can be achieved. Explicitly, this means alternative solutions that do not have negative impacts on the integrity of the Natura 2000 site.

The process must return to Stage 2 as alternatives will require assessment in order to proceed. Demonstrating that all reasonable alternatives have been considered and assessed, and that the least damaging option has been selected, it is necessary to progress to Stage 4.

It should also be noted that EU guidance on this stage of the process states that, 'other assessment criteria, such as economic criteria, cannot be seen as overruling ecological criteria' (EC, 2002). In other words, if alternative solutions exist that do not have negative impacts on Natura 2000 sites; they should be adopted regardless of economic considerations.

Stage 4 - Imperative Reasons of Overriding Public Interest (IROPI)/ Derogation

This stage of the AA process is undertaken when it has been determined that negative impacts on the integrity of a Natura 2000 site will result from a plan or project, but that no alternatives exist. At this stage of the AA process, it is the characteristics of the plan or project itself that will determine whether or not the competent authority can allow it to progress. This is the determination of 'overriding public interest'.

It is important to note that in the case of Natura 2000 sites that include in their qualifying features 'priority' habitats or species, as defined in Annex I and II of the Directive, the demonstration of 'overriding public interest' is not sufficient, and it must be demonstrated that the plan or project is necessary for 'human health or safety considerations'.

2 Screening

2.1 Description of the Project

The proposed development consists of 16 residential units incorporating a mix of 1 and 2-bedroom apartments. The design of the apartments and site has taken account of all national and local policies and meets all the standards set to provide a high quality, sustainable development.

2.2 Design and Construction Methodology

All works associated with this project would be considered standard within the construction industry. Some excavation will be required to accommodate the foundations associated with the new structure. In addition, there will be some excavations of the site to accommodate new services, road design and boundary treatment works etc.

2.2.1.1 Drainage

The proposed drainage for the site involves the connection of both storm and foul pipes to the existing combined system located on the Parnell Road.

The drainage systems including all pipe sizes and gradients have been designed in accordance with the Irish Water Code of Practice for Wastewater Infrastructure.

2.3 Brief Description of the Natura 2000 Sites

This section of the screening process describes the Natura 2000 sites within a 15km radius of the proposed development location. A 15km buffer zone was chosen as a precautionary measure and following best practice, to ensure that all potentially affected (both direct and indirect) Natura 2000 sites are included in the screening process.

Tables 2.1 and 2.2 list the Natura 2000 sites that are within 15km of the project area and Figure 2.1 shows their location in relation to the proposed development. The qualifying features for each site have been obtained through a review of the SAC and SPA Site Objectives available from the National Parks and Wildlife Service (NPWS).

Table 2.1 - SACs within 15km of the Proposal Development

Site Code	Site Name	Qualifying Habitats	Qualifying Species
000210	South Dublin Bay SAC	[1140] Tidal Mudflats and Sandflats; [1210] Annual vegetation of drift lines; [1310] Salicornia and other annuals colonising mud and sand; [2110] Embryonic shifting dunes	—
000719	Glen of the Downs SAC	[91A0] Old Oak Woodlands	—
002211	Wicklow Mountains SAC	[3110] Oligotrophic Waters containing very few minerals; [3160] Dystrophic Lakes; [4010] Wet Heath; [4030] Dry Heath; [4060] Alpine and Subalpine Heaths; [6130] Calaminarian Grassland; [6230] Species-rich Nardus Grassland*; [7130] Blanket Bogs (Active)*; [8110] Siliceous Scree; [8210] Calcareous Rocky Slopes; [8220] Siliceous Rocky Slopes; [91A0] Old Oak Woodlands	[1355] Otter (<i>Lutra lutra</i>)
000714	Bray Head SAC	[1230] Vegetated Sea Cliffs; [4030] Dry Heath	—
002249	The Murrough Wetlands SAC	[1210] Annual vegetation of drift lines; [1220] Perennial vegetation of stony banks; [1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>); [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>); [7210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> ; [7230] Alkaline fens	—
000716	Carriggower Bog SAC	[7140] Transition Mires	—
000725	Knocksink Wood SAC	[7220] Petrifying Springs*; [91E0] Alluvial Forests*	—
000713	Ballyman Glen SAC	[7220] Petrifying Springs*; [7230] Alkaline Fens	—
003000	Rockabill to Dalkey Island SAC	[1170] Reefs	[1351] Harbour Porpoise (<i>Phocoena phocoena</i>)

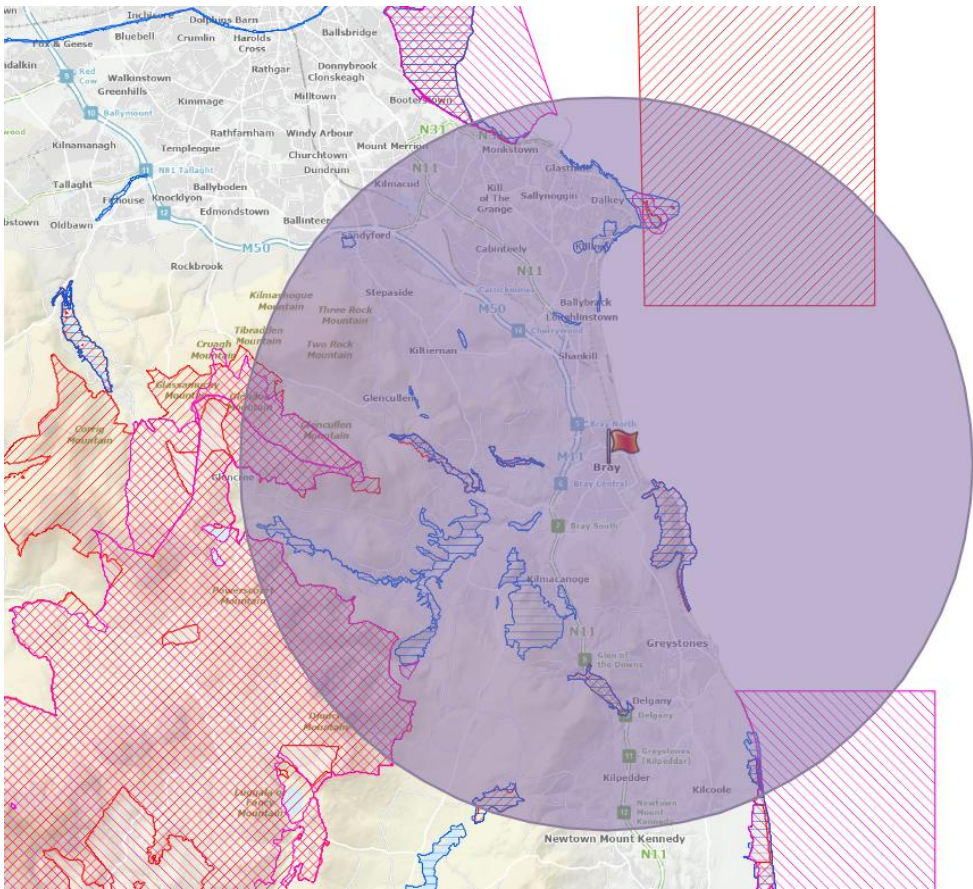


Figure 2.1 – SPAs & SACs within 15km of the Proposed Development

Table 2.2 - SPAs within 15km of the Proposed Development

Site Code	Site Name	Qualifying Species
004024	South Dublin Bay and Tolka Estuary SPA	The South Dublin Bay and River Tolka Estuary SPA is of ornithological importance as it supports an internationally important population of Light-bellied Brent Goose and nationally important populations of a further nine wintering species. Furthermore, the site supports a nationally important colony of breeding Common Tern and is an internationally important passage/staging site for three tern species. It is of note that four of the species that regularly occur at this site are listed on Annex I of the E.U. Birds Directive, i.e. Bar-tailed Godwit, Common Tern, Arctic Tern and Roseate Tern. Sandymount Strand/Tolka Estuary is also a Ramsar Convention site.
004040	Wicklow Mountains SPA	The Wicklow Mountains SPA is of high ornithological importance as it supports nationally important populations of Merlin and Peregrine, both species that are listed on Annex I of the E.U. Birds Directive. Part of Wicklow Mountains SPA is a Statutory Nature Reserve.
004172	Dalkey Islands SPA	Dalkey Islands SPA is of particular importance as a post-breeding/pre-migration autumn roost area for Roseate Tern, Common Tern and Arctic Tern. The recent nesting by Roseate Tern is highly significant. All three tern species using the site are listed on Annex I of the E.U. Birds Directive.
004186	The Murrough SPA	The Murrough SPA is an important site for wintering waterbirds, being internationally important for Light-bellied Brent Goose and nationally important for Red-throated Diver, Greylag Goose, Wigeon, Teal, Black-headed Gull and Herring Gull. It is probably the most important site in the country for nesting Little Tern. The regular occurrence of Red-throated Diver, Little Egret, Whooper

2.4 Assessment Criteria

Table 2.1 and 2.2 list the Natura 2000 sites within 15km of the proposed development area. As noted there are 9 SAC's and 4 SPA's within this boundary. Given the distances between the subject site and the nearest Natura areas and the nature of the proposed works no direct impacts will occur through land take or fragmentation of habitat.

Table 2.3 Identifies the potential direct, indirect and secondary impacts of the proposed development on Natura 2000 sites within a 15 km radius of the proposed development.

Site Name	Direct Impacts	Indirect / Secondary	Resource Requirements (Drinking Water Abstraction Etc.)	Emissions (Disposal to Land, Water or Air)	Excavation Requirements	Transportation Requirements	Duration of Construction, Operation, Decommissioning
South Dublin Bay SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
Glen of the Downs SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
Wicklow Mountains SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
Bray Head SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
The Murrough Wetlands SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
Carriggower Bog SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
Knocksink Wood SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
Ballyman Glen SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
Rockabill to Dalkey Island SAC	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
South Dublin Bay and	No impact on qualifying	No impact on qualifying	No impact on qualifying	No impact on qualifying	No impact on qualifying	No impact on qualifying	No impact on qualifying habitat or species

Site Name	Direct Impacts	Indirect / Secondary	Resource Requirements (Drinking Water Abstraction Etc.)	Emissions (Disposal to Land, Water or Air)	Excavation Requirements	Transportation Requirements	Duration of Construction, Operation, Decommissioning
Tolka Estuary SPA	habitat or species	habitat or species	habitat or species	habitat or species	habitat or species	habitat or species	
Wicklow Mountains SPA	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
Dalkey Islands SPA	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species
The Murrough SPA	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species	No impact on qualifying habitat or species

2.4.2 Likely Changes to the Site

The likely changes that will arise from the proposed development have been examined in the context of a number of factors that could potentially affect the integrity of the identified Natura 2000 Sites. Overall, it has been found that the implementation of the proposed development will not affect the integrity of the Natura 2000 Sites (see Table 2.4).

Table 2.4 Likely Effects on Natura 2000 Sites

Site Name	Reduction of Habitat Area	Disturbance to Key Species	Habitat or Species Fragmentation	Reduction in Species Density	Changes in Key Indicators of Conservation Value (Water Quality Etc.)	Climate Change
South Dublin Bay SAC	None	None	None	None	None	None
Glen of the Downs SAC	None	None	None	None	None	None
Wicklow Mountains SAC	None	None	None	None	None	None
Bray Head SAC	None	None	None	None	None	None
The Murrough Wetlands SAC	None	None	None	None	None	None
Carriggower Bog SAC	None	None	None	None	None	None

Site Name	Reduction of Habitat Area	Disturbance to Key Species	Habitat or Species Fragmentation	Reduction in Species Density	Changes in Key Indicators of Conservation Value (Water Quality Etc.)	Climate Change
Knocksink Wood SAC	None	None	None	None	None	None
Ballyman Glen SAC	None	None	None	None	None	None
Rockabill to Dalkey Island SAC	None	None	None	None	None	None
South Dublin Bay and Tolka Estuary SPA	None	None	None	None	None	None
Wicklow Mountains SPA	None	None	None	None	None	None
Dalkey Islands SPA	None	None	None	None	None	None
The Murrough SPA	None	None	None	None	None	None

2.4.4 Elements of the Project where the Impacts are Likely to be Significant

No elements of the proposed development within the subject lands are likely to cause significant impacts

2.5 CUMULATIVE AND IN-COMBINATION IMPACTS

It is a requirement of the Birds and Natural Habitats Regulations, 2011 that when considering whether a plan or project will adversely affect the integrity of a European site the assessment must take into account in-combination effects with other current or reasonably foreseeable plans and projects.

- If it can be clearly demonstrated that the plan or project will not result in any effects at all that are relevant to the integrity of a European site then the plan or project should proceed without considering the in-combination test, further;
- If there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered ‘in-combination’ with the effects arising from other plans and projects.

A search of approved planning applications within the Parnell Road area over the previous 3 years has identified 2 no. applications. Both applications were for vehicular access and associated parking/site works to existing residential properties on Parnell Road. Both applications were refused. Given the nature and scale of these applications it is not considered that there is potential for cumulative or in-combination impacts with the proposed development.

It is not considered likely that the proposed project will have any significant effects on any European sites given the scale, nature and distance from designated sites from the proposed development. As such it can be concluded that the development either on its own or in-combination with other developments will have no impact on European sites.

Any new applications in the area should be assessed on their individual merits by Wicklow Co.Co. and determine the requirements for AA screening as necessary under Article 6(3) of the Habitats Directive.

3 Screening Conclusions and Statement

The likely impacts that will arise from the proposed development have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 network. The screening exercise concludes that there is no potential for significant impacts on the Natura 2000 sites within a 15km range of the proposed site due to:

- The fact that the lands which will be disturbed as part of this work have been previously developed and all works will take place within the existing site boundary
- The nature of the proposed works allied with the distance to the nearest designated habitats.

Therefore, the structure and functioning of the biological communities and habitats for which they are designated will remain intact. A finding of No Significant Effects Matrix has been completed and is presented in Section 4 of this Screening Statement, therefore a Stage 2 Appropriate Assessment is not deemed to be required.

4 Finding of No Significant Effects Report Matrix

Name of Project	Proposed Development at Parnell Road, Bray, Co. Wicklow
Name and Location of Natura 2000 Site	None
Description of the project or plan:	Proposed residential development and associated site works
Is the project or plan directly connected with or necessary to the management of the site?	Yes
Are there other projects or plans that together with the project or plan being assessed could affect the site?	No
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.	The proposed development is not likely to affect any site that makes up the Natura 2000 network.
Explain why these effects are not considered significant.	The fact that the lands which will be disturbed as part of this work have been previously developed and all works will take place within the existing site boundary. The nature of the proposed works allied with the distance to the nearest designated habitats.
List of agencies consulted: provide contact name and telephone or e-mail address.	-
Response to consultation.	-
Data Collected to Carry Out the Assessment	
Who carried out the assessment?	WCC
Sources of data	NPWS database
Level of assessment completed	Desktop
Overall Conclusion	Stage 1 Screening indicates that the proposed development will not have a significant negative impact on the Natura 2000 network. Therefore, a Stage 2 'Appropriate Assessment' under Article 6(3) of the Habitats Directive 92/43/EEC is not required.

