



An
Bord
Pleanála

Board Direction
PL27.248705

The submissions on this file and the Inspector's report were further considered at a Board meeting held on November 16th 2017.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to:
 - (a) The location of the subject site remote from existing high capacity public transport services, which would lead to an excessively car-dependant development, and also remote from necessary community, social and educational facilities,
 - (b) The lack of integration between land use and sustainable forms of transport on the overall lands of which the site forms part, and
 - (c) The fact that high capacity public transport services are not currently planned to serve the lands of which the site forms part, notwithstanding the zoning of these lands;

it is considered that the proposed development would represent an unsustainable form of development which would be contrary to National Policy, as set out in "Smarter Travel – A Sustainable Transport Future, A New Transport Policy for Ireland", issued in February 2009. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to:

- (a) the scale of the development proposed,
- (b) the car based nature of the development proposed, resulting from the absence of a high capacity public transport mode conveniently serving the site or plans for the provision of such a service,
- (c) the volume of traffic likely to be generated by the development and the percentage of that traffic likely to use the existing N11 / M11 route, and
- (d) the existing congested nature of this route and the trend of increasing traffic volumes, as set out in the submission made by Transport Infrastructure Ireland, and the anticipated timescale within which such capacity issues will be resolved,

it is considered that the proposed development would have a significant adverse impact on the carrying capacity and strategic function of the N11 / M11. The proposed development would therefore be contrary to the Ministerial Guidelines – “Spatial Planning and National Roads Guidelines for Planning Authorities”, issued by the Department of the Environment, Community and Local Government in January 2012, and would be premature pending necessary improvements to this route. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. By reason of its scale and location, it is considered that the retail component of the proposed development, which is based on a catchment area extending beyond the boundaries of the lands of which the site forms part and significantly in excess of the needs of the proposed local residents, would be excessive in the context of the remainder of the proposed development and would have a potentially significant negative impact on established retail centres, including Bray town centre. The proposed retail development would, therefore, be contrary to the provisions of the Retail Planning Guidelines for

Planning Authorities, issued by the Department of the Environment, Community and Local Government in April 2012, and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the presence of three historic landfills on the subject site, to the requirement that these landfills would be the subject of authorisations from the Environmental Protection Agency, to the location of these landfills in close proximity to proposed residential development and within amenity and service areas of the site, and to the uncertainty with regard to the final requirements of the Environmental Protection Agency and resolution of the issue, it is considered that the Board cannot, beyond reasonable scientific doubt, determine that the proposed development would not have an adverse effect on the integrity of the Ballyman Glen Special Area of Conservation (site code 000713), having regard to the conservation objectives for the site, and that to allow development to proceed would therefore be premature, and could lead to works that would seriously injure the amenities of future residents of the development, and that could affect the conservation objectives of the European Site. The proposed development would, therefore, be contrary to the requirements of the Habitats Directive and contrary to the proper planning and sustainable development of the area.

Board Member

Date: 20th November 2017

Philip Jones