

An
Bord
Pleanála

Board Direction
BD-011310-22
ABP-312652-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/09/2022.

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

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) The policies and objectives of the Wicklow County Development Plan 2016-2022;
- b) The policies and objectives of the Bray Municipal District Local Area Plan 2018;
- c) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness issued by the Department of Housing, Planning, Community and Local Government in July 2016;
- e) The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;

- f) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- h) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- i) The provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) issued by the Department of Environment, Heritage and Local Government in May 2009;
- j) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- l) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- m) The pattern of existing and permitted development in the area;
- n) The planning history of the site;
- o) The provisions of Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development that materially contravenes a Development Plan or a Local Area Plan;
- p) The submissions and observations received;
- q) The Chief Executive's report from the Planning Authority;

- r) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development on serviced lands, the Natura Impact Statement submitted with the application, and the Inspector's report and submissions on file. In completing the the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have significant effect on any European Sites in view of Conservation Objectives of such sites, other than Knocksink Wood SAC European Site Code: 000725, is the only European Site for which there is a likelihood of significant effects.

Appropriate Assessment

The Board considered the Natura Impact Statement, and all other relevant submissions received, including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Knocksink Wood SAC (Site Code: 000725), in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using best available scientific knowledge in the field.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (ii) the mitigation measures, that are included as part of the current proposal, and
- (iii) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended;
- the location of the proposed houses and apartments on lands assigned a specific 'action area 2 (AA2) – Parknasillogue' objective within the Bray Municipal District Local Area Plan 2018 and the results of the Strategic Environmental Assessment of the Local Area Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as amended;

- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction and Environmental Management Plan, Ecological Impact Assessment, the Hydrological and Hydrogeological Assessment and the Engineering Assessment Report.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic and pedestrian safety and convenience, and would provide an acceptable form of residential amenity for future occupants.

The Board considered that with the exception of residential density and unit numbers, and unit mix, the proposed development would be compliant with Bray Municipal District Local Area Plan 2018 and the Wicklow County Development Plan 2016-2022, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the

statutory plans for the area, it would materially contravene objective HD15 of the Wicklow County Development Plan 2016-2022 in relation to unit mix and it would materially contravene the Bray Municipal District Local Area Plan 2018 in relation to residential density and unit numbers. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission, in material contravention of the Bray Municipal District Local Area Plan 2018 and Wicklow County Development Plan 2016-2022, would be justified for the following reasons and consideration.

- the proposed development is considered to be of strategic and national importance given its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland - Action Plan for Housing and Homelessness' (2016). Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the residential density and unit number provisions of the Bray Municipal District Local Area Plan 2018 and the material contravention of the objective HD15 unit mix provisions of the Wicklow County Development Plan 2016-2022;
- it is considered that permission for the proposed development should be granted having regard to Government policies, as set out in the National Planning Framework, in particular national policy objectives 13 and 35, provisions set out in the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, the Sustainable Urban Housing: Design Standards for New Apartments, in particular Specific Planning Policy Requirements 1, and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(iii) are applicable with respect to the material contravention of the residential density and unit number provisions of the Bray Municipal District Local Area Plan 2018 and the material contravention of the objective HD15 unit mix provisions of the Wicklow County Development Plan 2016-2022;
- it is considered that permission for the proposed development should be granted having regard to recent neighbouring permissions in the area,

including the pattern of residential density and unit numbers, as well as unit mix granted permission under An Bord Pleanála reference 310078-21. The proposed development is to an extent, continuing on the pattern of development granted in those permissions. Accordingly, the provisions set out under section 37(2)(b)(iv) are applicable with respect to the material contravention of the residential density and unit number provisions of the Bray Municipal District Local Area Plan 2018 and the material contravention of the objective HD15 unit mix provisions of the Wicklow County Development Plan 2016-2022.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement submitted with this application as set out in Section 6.3, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The applicant shall engage a qualified ecohydrologist as an Ecological Clerk of Works or to work alongside an Ecological Clerk of Works, who shall oversee site set-up, construction of the proposed development and

implementation of all mitigation and monitoring measures and other ecological works listed throughout the submitted documentation. Details to be submitted to and agreed in writing with the planning authority.

Upon completion of works, an audit report of the site works shall be prepared by the appointed ecohydrologist and submitted to the planning authority to be kept on the public record

Reason: In the interest of nature conservation.

4. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The first phase of the development shall consist of not more than 75 residential units and the crèche / childcare facilities, as well as the main spine road (street 1) and upgrade works along Glencree Road (L-1011). The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of parking spaces and open spaces to serve residents, occupants and visitors for each phase of the development, would be provided throughout the construction phases of the development, as well as all services, including drainage and external lighting.
- (b) Work on any subsequent phases shall not commence until substantial completion of Phase 1 or prior phase or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

6. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban roads and Streets. All findings of the submitted Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority. All roads, paths and services on site, intended to facilitate development of adjoining lands, shall extend to the site boundaries to provide for future potential connections to these adjoining lands

Reason: In the interest of amenity, orderly development and traffic and pedestrian safety.

8. (a) Prior to commencement of development a Stage 2 Road Safety Audit, for the proposed development shall be prepared and submitted to the Planning Authority in accordance with Transport Infrastructure Ireland guidance. Where this Audit identifies the need for design changes, revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out necessary works in accordance with the agreed revised design.

(b) Prior to occupation of development a Stage 3 Road Safety Audit, including a Final Audit Report, for the proposed improvement to Glencree Road, internal access and spine roads and the entrances to the development from the public road, shall be prepared and submitted to the Planning Authority in accordance with Transport Infrastructure Ireland guidance. Where this stage 3 Audit identifies the need for design changes, revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out necessary works in accordance with the agreed revised design

Reason: In the interest of traffic safety and proper planning and sustainable development.

9. Prior to the commencement of any duplex unit or house in the development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority and such agreement must specify the number and location of each house, pursuant to Section 47 of the Planning and Development Act 2000, as amended, which restricts the houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and or by those eligible for the occupation of social and/or affordable housing, including cost-rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description, in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

10. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations or points, and ducting shall be provided for all remaining car parking spaces, to facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority before making available by the developer for occupation of the residential units in the proposed development..

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

11. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

12. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.
- d) A maintenance and monitoring policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

Reason: In the interest of public health, the environment and surface water management.

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting for play areas, opens spaces and pedestrian / cycle routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the development phasing arrangements and the existing public lighting in the surrounding area, as well as the requirements of the Ecological Impact Assessment submitted with respect to bat species. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

15. The landscaping scheme shown on the Landscape Masterplan (drawing no.0293 100) and Landscape Report and Outline Landscape Specification, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- a) The site shall be landscaped, using only indigenous deciduous trees and hedging species and there should be no encroachment during construction on those hedgerows.
- b) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application, unless otherwise agreed in writing with the planning authority.
- c) Details of hard landscaping materials.
- d) All details of the play facilities and passive recreation facilities shall be submitted for the agreement of the planning authority prior to commencement of development.
- e) Compliance with the requirements and standards of the Planning Authority in relation to the lighting and tree planting within the public open space.
- f) The public open spaces areas on residential lands within the development shall be retained for the use of the residents.
- g) A report clarifying the status or absence of invasive species on the site and method to address same should invasive species be found to be present.
- h) Details of landscaping measures to address impacts on foraging / feeding bats.

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or

diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In the interest of residential and visual amenity.

16. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

17. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the duplex/apartment's dwellings. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation

and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To ensure the provision of adequate refuse storage.

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements:-

- (a) an archaeological excavation shall be carried out on the site in accordance with the requirements of the National Monuments Service section of the Department of Housing, Local Government and Heritage and agreed with the Planning Authority. The archaeological excavation shall be carried out prior to commencement of development;
- (b) satisfactory arrangements for the execution and supervision by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works, shall be agreed with the Planning Authority. The project archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimised. In this regard, the proposed locations of excavations works shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be submitted to and agreed in writing with the planning authority in advance of their incorporation within the development;

(c) satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be agreed with the Planning Authority. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared and submitted to the planning authority within a period of six months or within such extended period as may be agreed with the Planning Authority.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

20. The construction of the development shall be managed in accordance with a site specific detailed Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures indicated in the report titled 'Information for Stage 1 Screening & Stage 2 Appropriate Assessments' submitted with this application, and within the application documentation, including the project Construction and Environmental Management Plan, Ecological Impact Assessment, Hydrological and Hydrogeological Assessment and Engineering Assessment Report, provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority;
- o) Complete specification of cut and fill works to the site;
- p) Details of pre-construction inspection of the works areas for bat roosts, including along Glencree Road.

Reason: In the interest of amenities, the environment, public health and safety.

- 21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

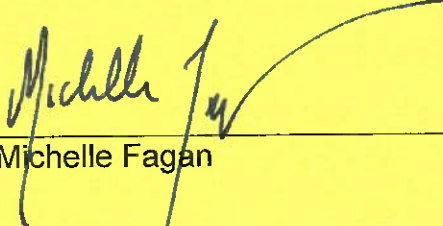
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Note: The Board had regard to the phasing objectives of Area Action Plan 2: Parknasilloge of the Bray Municipal Local Area Plan 2018, and considered that subject to compliance with Condition number 4 set out above, the proposed development would be in keeping with the spirit and intent of the phasing provisions, and would not materially contravene the Local Area Plan.

Board Member


Michelle Fagan

Date: 07/10/2022