

An
Coimisiún
Pleanála

Direction
CD-020105-25
ABP-313314-22

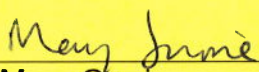
The submissions on this file and the Inspector's report were considered at a meeting held on 01/07/2025.

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

Planning

Commissioner:

Date: 03/07/2025



Mary Gurrie

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. The proposed development is the first phase of the comprehensive development of Fassaroe (Action Area 1) in accordance with Objective R5 of the Bray Municipal District Local Area Plan 2018 and Section 4.2 of the Wicklow County Development Plan 2022-2028. The Core Strategy of the Wicklow County Development Plan 2022-2028 outlines that there is a surplus of zoned residential land in Bray and that, prior to the adoption of new Local Area Plans reflecting the targets set out in the Development Plan, the assessment of such residential

proposals will strictly adhere to the compact growth, sequential development and phasing principles, as set out in the Development Plan. Having regard to the nature, scale and design of the proposed development, its current peripheral location given the distance to Bray town centre and the lack of public transport serving the area, the excess of residential zoning in the area and the availability of undeveloped residential zoned land in the built up area of Bray, and noting the uncertainty regarding the precise arrangements for delivery of bus services to serve the development as set out in the submission of the National Transport Authority, it is considered that the proposed development would not adhere to the compact growth, sequential development and phasing principles, as set out in the Development Plan, and would be contrary to the implementation of the Core Strategy in accordance with Objective CPO 4.1 of the Development Plan and contrary to Objective CPO 4.5 of the Development Plan which requires, inter alia, that development should support a compact urban form and the integration of land use and transport. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the designation of Bray as a Metropolitan Town in the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019 - 2031 and the Wicklow County Development Plan 2022-2028, and the characteristics of this location which, notwithstanding the concerns above regarding the location and uncertainties in relation to its future development, are consistent with a 'strategic and sustainable development location' as referenced in the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' issued by the Department of Housing, Local Government and Heritage in January 2024, it is considered that the development, as proposed, would constitute an insufficient and unacceptable level of density which would be contrary to Policy and Objective 3.1 of the Compact Settlements Guidelines. The proposed density would not secure compact growth, would encourage further urban sprawl, could undermine the public transport objectives for the area resulting in a car dependent development, and would not represent an efficient or sustainable use of strategically zoned land. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

1. The Commission noted the Inspector's third recommended reason for refusal in relation to the potential impact of the proposed development on the Ballyman Glen Special Area of Conservation (Site Code: 000713). The Commission noted the comments in Section 3.17 of the Chief Executive's Report which outlines that the remediation of the existing landfill sites has been authorised by the EPA and the approval of the Certificates of Authorisation concluded that the works will not adversely affect the integrity and conservation status of any of the qualifying interests of the Ballyman Glen SAC. The Commission also noted the submission of the Department of Housing, Local Government and Heritage which notes that capping of the landfills will lead to water quality improvements, including likely at some petrifying springs, but also raises concerns in relation to its impact of the development on the hydrogeological regime which could have an adverse impact on the SAC's conservation objectives. The Commission noted the Department's recommendations in relation to surface water management measures to retain groundwater recharge, the need for maintenance of any SUDS measures, and the recommendation that a Project Ecohydrologist be employed at construction stage to oversee mitigation measures. Having regard to the entirety of the information on file the Commission considered that concerns in relation to the impact of the proposed development on the Ballyman Glen SAC might be capable of being addressed by way of additional information, or by condition in accordance with the Department's recommendations, and that this therefore was not grounds for refusal. Any future application for development at the site should however address the concerns raised and include measures to address them.

2. The Commission noted the Inspector's recommended fourth reason for refusal in relation to archaeology. Having regard to the submission of the Department of Housing, Local Government and Heritage which, while stating a preference for geophysical survey and archaeological testing to be done in advance of a decision, indicates that testing can be done in advance of any site preparation or construction works, and which does not recommend permission be refused, the Commission considered that the findings and recommendations of the

Archaeological Impact Assessment Report could have been implemented by condition in the event of a grant and that this was not grounds for refusal in itself.