



An
Coimisiún
Pleanála

Commission Direction
CD-001216
PL-500165-WW

The submissions on this file and the Inspector's report were considered at meetings held on 01 September 2026 and 07 September 2026.

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

Planning Commissioner:

Mary Gurrie
Mary Gurrie

Date: 25/9/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate

Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the location of the site on lands predominantly with a zoning objective 'MU – Mixed Use' with the objective 'To provide mixed use development' in the Bray Municipal District Local Area Plan 2018-2024, which, while expired, forms part of the Wicklow County Development Plan 2022-2028, pursuant to Section 3.4 "Zoning" of the development plan, until such time as the Local Area Plan is reviewed,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Wicklow County Development Plan 2022-2028 and appendices contained therein, and the provisions of the Bray Municipal District Local Area Plan 2018-2024,
- (c) the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES);
- (d) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (e) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (f) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (g) the Design Standards for Apartments, Guidelines for Planning Authorities, 2023,

- (h) the Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- (i) the availability of a wide range of physical social, community and transport infrastructure and services in the area,
- (j) the Planning Reports and supporting technical reports of Wicklow County Council,
- (k) the planning history and extant permissions,
- (l) the submissions received including third party submissions,
- (m) the Technical Note of the Senior Ecologist, and
- (n) the report and recommendation of the Planning Inspector.

Appropriate Assessment: Stage 1

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report, supported by the report of the An Coimisiún Pleanála Senior Ecologist that Rockabill to Dalkey Island Special Area of Conservation (Site Code 003000) and Wicklow Mountains Special Area of Conservation (Site Code 002122) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for these sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions, including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Rockabill to Dalkey Island Special Area of Conservation (Site Code 003000) and Wicklow Mountains Special Area of Conservation (Site Code 002122), in view of the sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal,
- (c) the conservation objectives for the European Sites, and
- (d) the Technical Note received from the ACP Ecologist.

In completing the Appropriate Assessment, the Commission accepted and adopted 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 Commission 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 their 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

The Commission completed an environmental impact assessment of the proposed development, considering:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application;
- (c) the submissions from the planning authority, and the prescribed bodies in the course of the application; and
- (d) the report of the Planning Inspector.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment other than with respect to the visual impact as set out below.

The Commission agreed with the examination, set out in the Inspector's Report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application other than with respect to the visual impact as set out below.

Reasoned Conclusion on the Significant Effects

The Commission considered and agreed with the Inspector's reasoned conclusions, with the exception of landscape and visual impacts (where the Commission required additional mitigation by way of a reduction in the height of Block E from 15 storeys to 12 storeys for the reasons set out below), that the main significant direct and indirect effects of the proposed development on the environment are:

Population and Human Health

The construction phase will give rise to increased traffic, noise and vibration impacts and dust generation within the site and general vicinity. Such impacts will be adverse, short-term in duration, limited in extent and not significant. At operation stage much needed housing and amenities including public open spaces and active travel infrastructure are provided. The population will have access to new community facilities including a childcare facility and a medical centre. Proposed new commercial and retail developments will serve the new residents and wider population.

Biodiversity

The impact of the proposed development on habitats would not be significant. Mitigation measures are proposed to reduce any potential impacts on mammals, and it is considered that impacts on terrestrial mammals and marine and coastal

mammals would not be significant. Collision risk is not likely to have a significant effect on birds including Mute Swan and wintering waders. The Technical Note from the ACP Ecologist recommends that a condition be included, that only bored piling methods be used for the construction of proposed blocks E, H and I, given the proximity of the project site to sensitive ecological receptors, specifically marine and coastal mammals. The Commission concurred with this recommendation.

Land, Soils and Geology

On foot of ground gas sampling, elevated concentrations of carbon dioxide were observed at the borehole in one localised area, deemed to be 'at low risk,' in the western portion of the site, in the vicinity of proposed Block H. A mitigation measure through the installation of an appropriate ground gas membrane beneath Block H is proposed to ensure that potential moderate negative permanent impacts do not occur during the operational phase.

Water

The stripping of topsoil, excavation on the site and earthworks during the construction phase could result in the potential for fuel spills, polluted run-off and sediment to enter the adjacent watercourse (River Dargle) and Bray Harbour. Works to facilitate a surface water outfall at the flood defences wall at the River Dargle could also give rise to fugitive emissions to the river. Mitigation measures including standard construction phase mitigation measures, preparation of an Outline Construction Surface Water Management Plan to ensure surface water

quality is managed, and implementation of the CEMP are proposed to address the potential release of sediment laden run-off and run-off contaminated with hydrocarbons, cement etc. into the watercourse and nearby water bodies to ensure there is no adverse water quality impacts.

A Flood Risk Assessment (FRA) was prepared by ARUP in 2025 as part of the planning application (presented in Appendix 7.1 of the EIAR) and it was prepared in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009). The applicant's FRA is site specific and detailed. It has considered the current Wicklow County Development Plan 2022-2028 and the Strategic Flood Risk Assessment (SFRA) prepared in support of the Bray Municipal District – Local Area Plan 2018-2024, and it has demonstrated that there would be no unacceptable flood risk.

Air Quality and climate

Cumulative construction dust impacts may occur if other large-scale developments within 500m of the site are under construction simultaneously. There is potential for the construction phase of the proposed development to coincide with that of the permitted Phase 1 development, the sustainable transport bridge project and the potential Phase 3 development. Dust mitigation measures as identified in the EIAR will however be implemented during the construction phase and will avoid significant cumulative impacts on air quality.

In terms of climate change vulnerability, there are no significant risks to the proposed development as a result of climate change. The cumulative impact of the proposed

Development in relation to greenhouse gas emissions is 'direct, long term, negative and slight', which overall is not significant in EIA terms.

Noise and Vibration

When construction works are within 30 metres of the receptors, it is expected that a potentially moderate to significant impact will occur which would impact two Noise Sensitive Receptors (NSL1 and NSL2). Best practice control measures from construction sites, detailed within BS 5228, and noise mitigation impacts detailed in the EIAR will be used to control noise impacts to nearby sensitive receptors, ensuring potential impacts are not significant.

At operational stage, there is increased traffic noise levels predicted for Junction 1, Arm C. While the change in noise level can be described as significant, the overall noise level from this junction is deemed to be typical when considered in the context of an urban area. Overall, a negative, not significant to slight, long term effect is calculated.

During the construction phase, site activities including site clearance, excavation, building works carried out by plant and machinery will result in potential noise impacts on the surrounding environment and adjacent properties. Construction works for other Masterplan phases may be ongoing at adjacent sites simultaneous to this project and therefore construction noise emissions are likely to occur to receptor locations equidistant to both sites. Measures to consider and manage cumulative impacts during construction phase are outlined including a condition requiring that liaison between construction sites occur throughout the

construction period, with work to be scheduled in a cooperative effort in order to limit cumulative impacts on nearby sensitive receptors.

In terms of biodiversity, piling during the construction phase will cause noise and vibration impacts potentially leading to disturbance of marine and coastal mammals, including Harbour porpoise (ex-situ QI of Rockabill to Dalkey Island SAC) and Otter (ex-situ QI of Wicklow Mountains SAC). As detailed in the Biodiversity section above, the Technical Note of the ACP Ecologist recommends that only bored piling methods be used for the construction of proposed blocks E, H and I, given the proximity of the project site to sensitive ecological receptors, specifically marine and coastal mammals. The Commission considered this to be appropriate.

Landscape and visual

The potential townscape effects of the proposed development are significant with the significance of visual effects classified as 'moderate' or 'significant' for 23 out of the 42 viewpoints. Significant effects are intended with Block E deliberately positioned at a very prominent location while other buildings including Block G would also give rise to significant effects in some views, although such effects would be more local.

The Commission noted but did not agree with the conclusion of Chapter 11 of the EIAR in relation to the landscape and visual impacts of the development, as accepted by the inspector, that the proposed development including Block E would not give rise to any unacceptable impacts on the visual amenity of the area.

While Objective BT3 of the Bray Municipal LAP 2018-2024 provides that building heights greater than, 4 storeys may be permitted where the specific site context and building design of the building allow, Objective SLO-3 of the Bray LAP requires that the design of buildings on these lands does not result in jarring distortions of scale. Furthermore CPO 6.17 of the Wicklow County Development Plan requires building heights to be assessed against the criteria set out in Section 3.2 of the 2018 Building Height Guidelines; which at the scale of the relevant city/town requires, inter alia, that development proposals incorporating increased building height should successfully integrate into/ enhance the character of the area.

The Commission noted the Inspector's commentary that Block E would be significantly higher than prevailing and permitted heights in the area. The Commission shared the opinion of the planning authority that at 15 storeys Block E would protrude in the skyline not only within Bray but in wider views and would compete with the visual amenities of Bray and its prominent landscape markers (Bray Head, Sugarloaf and little Sugarloaf) particularly in consideration of Viewpoints 24, 25, 34, 35 and 36. The Commission noted the Inspector's assessment of the scheme against Section 3.2 of the Building Height Guidelines but considered that having regard to the proposed height of Block E relative to the prevailing heights and permitted development in the surrounding area that Block E at 15 storeys would be visual jarring and would not successfully integrate with the character of the area. The Commission also considered that while the materials and design are acceptable the overall design of the Block E is not of sufficient architectural merit to justify its consideration as a landmark building of such height at this location.

Having regard to the documents submitted with the appeal including the Appeal Design Statement and Verified Views, and to the scale and height of buildings permitted on the adjoining lands, the Commission considered that a reduction in height of Block E from 15 to 12 storeys, as proposed by the applicant, would mitigate the visual impact while retaining the building as a marker for the area, would not be visually obtrusive and would therefore be acceptable. The Commission was satisfied that the consequent reduction of 22 units would not undermine the viability of the scheme or unduly impact the overall density of development on the lands, or the proposed unit mix, and attached Condition 2 accordingly.

Traffic, Material Assets, Cultural Heritage

The mitigation measures set out in the EIAR will adequately address the potential for significant impacts on traffic, material assets, and cultural heritage.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector, other than with respect to the impact on landscape and visual amenity as set out above. Overall, the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment.

Water Framework Directive Assessment

An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended. The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include river/ surface waterbody Dargle (IE_EA_10D010300) currently classified as 'Good' (and 'Not at Risk'), and ground waterbody Wicklow (IE_EA_G_076) currently classified as 'Good' (and 'At Risk') on EPA mapping (2019-2024 WFD Status). Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of a Construction Environmental Management Plan (CEMP). The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive. It is noted that Uisce Éireann's wastewater capacity register (published in April 2026) states there is spare capacity ('Green') available at Shanganagh WWTP. Furthermore, Shanganagh WWTP operates under licence issued by the EPA and UÉ is

obliged to comply with the conditions of the licence. Based on the foregoing, the Commission is satisfied that the proposed development would comply with the requirements of the Water Framework Directive.

Conclusions on Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would provide much needed housing, as well as community amenities and commercial and retail developments which will serve the new residents and wider population, would constitute an acceptable scale and density of development in this proposed new urban area of Bray, would be acceptable in terms of layout, urban design, height and quantum of development, would not significantly or unacceptably contribute to traffic congestion in the area, would be acceptable in terms of parking provision and traffic and pedestrian and cyclist safety, would be acceptable in terms of flood risk, would be acceptable in terms of proposed tree and vegetation planting and landscaping, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be premature pending the provision of the proposed sustainable transport initiatives or a new Local Area Plan for Bray, would not give rise to adverse ecological or environmental impacts and would not result in adverse effects on the conservation objectives of European Sites or on the quality of receiving waters. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission noted Policy Objective 6.2 of the Wicklow County Development Plan 2023 – 2029 which states *‘the sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment*

bodies shall be prohibited' and the Inspector's recommended Condition 35 which amends the Planning Authority's Condition 10a such that it would align with the Section 28 Ministerial Guidelines on the Regulation of Commercial Institutional Investment in Housing Guidelines (2023). The Commission further noted that in so amending the Condition the Inspector considered that this would give rise to a material contravention of the development plan. The Commission noted that the developer had not appealed the Planning Authority's condition, and in fact had noted in the first party appeal that the apartments had been designed to appeal to an owner-occupier market. The Commission noted that development plan objective CPO 6.2 was referenced in the OPR submission on the Development Plan at material amendment stage. Specifically, the OPR submission stated, *'the proposed policy objective has no statutory national or regional policy framework support, would conflict with the Regulation of Commercial Institutional Investment in Housing Guidelines (2021), and create internal inconsistencies in the development plan resulting in an unsound basis for decision making by your authority in its statutory development management function'*. Nevertheless, the Commission noted and had regard to the fact that objective CPO 6.2 remained in the final adopted development plan and furthermore, that no challenge to the statutory standing of objective CPO 6.2 has occurred, either by way of Judicial Review, or by Ministerial Direction subsequent to a recommendation of the OPR.

The Commission also noted that CPO 6.2 meets the minimum required by the Section 28 Guidelines and that the Guidelines do not explicitly prohibit the extension of the provision to apartments. In view of the above the Commission did not share the view of the inspector that the Commission should depart from the substance of CPO 6.2 in this instance and amended the recommended Condition 35 accordingly (now Condition 36). In these circumstances no material contravention of Objective 6.2 of the development plan arises.

The Commission noted CPO 7.37 of the WCDP 2022-2024, and CD3 of the Bray LAP, which state that a Multi-Use Games Area (MUGA) shall be included in all new neighbourhood parks. As no MUGA is proposed as part of this application, which includes provision of a new neighbourhood park, the Commission considered, as noted by the Inspector, that this could be considered to materially contravene the development plan. However, having regard to the high quality design of the proposed development which offers future residents a very good standard of recreational amenity, that a variety of play spaces to cater for different age groups are proposed at various locations across the proposed Central Park and in communal open spaces, and that a MUGA has previously been provided and is operational in Phase 1 of Sea Gardens to the north of and proximate to the project site and which forms part of the overall masterplan for the lands, it is considered that while the lack of a MUGA in the proposed park would contravene CPO 7.37, the contravention in the particular circumstances of this case was not material and the proposed development should be granted.

The Commission noted the Inspector's assessment of the proposed car parking provision for the development and also the objective in SLO-3 of the LAP that no more than 20% of the total overall parking provision required for the entire MU area may be located on open surface locations. While noting the opinion of the inspector that overall compliance with that specific element of the objective cannot be fully assessed until the entire former Bray Golf Course lands had been developed the Commission considered that having regard to the quantum of overground parking provided for the houses and duplexes in this phase of the development that it may be challenging to comply with the objective in the

event of Phase 3 proceeding. Having regard to the fact that the provision in SLO 3 requires car parking to 'generally' be below ground and that the vast majority of the car parking serving the apartments and commercial elements of the scheme are underground and below the maximum standard set out in the CDP, that the vast majority of the quantum of overground parking consists of in-curtilage spaces serving individual dwellings and that SLO-3 requires a variety of unit sizes and formats which could reasonably be considered to have an associated requirement for car parking, the Commission considered that the overall provision of car parking for both the residential and commercial elements of the proposed development was reasonable and acceptable. The Commission further considered that the quantum of car parking for the residential development accorded with SPPR3 of the Compact Settlement Guidelines for an accessible location where a maximum of 1.5 car parking spaces per dwelling applies and that these guidelines were relevant and applicable to the scheme.

The Commission noted and agreed with the Inspector's recommendation in relation to the first party appeal regarding the planning authority's Conditions 5(i) and 5(ii) with respect to the Fran O'Toole Bridge upgrade and Condition 6 with respect to financial contribution.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of August 2025, and received by An Coimisiún Pleanála on 24th day of October 2025, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The height of Block E shall be reduced to 12 storeys as per the drawings submitted with the appeal, received by An Coimisiún Pleanála on 24th day of October 2025. Revised drawings demonstrating compliance with this condition shall be submitted to the planning authority for the public file prior to the commencement of development.

Reason: In the interest of visual amenity.

3 (a) The phasing of the development hereby permitted shall be as submitted with the application as indicated on Drawing number BRA-HWS-02-ZZ-D-A-10107-P01.

(b) No residential and commercial units shall be occupied before completion of the Southern Access Road unless otherwise agreed in writing by the planning authority.

(c) The creche shall be constructed and completed to operational standard prior to the occupation of any units constructed in Phase 2 unless otherwise agreed with the planning authority.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

4. The developer shall ensure that all mitigation and monitoring measures set out in the Environmental Impact Assessment Report (EIAR) submitted with the application, shall be implemented in full.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

5. The developer shall ensure that all mitigation and monitoring measures set out in the Natura Impact Statement (NIS), submitted with the application, shall be implemented in full.

Reason: To protect the integrity of European Sites.

6. Bored piling methods only shall be used for the construction of Blocks E, H and I. Details of same shall be incorporated into the mitigation measures in the Final Construction Environmental Management Plan.

Reason: To protect sensitive ecological receptors including marine and coastal mammals in the vicinity of the site.

7. The developer shall ensure that all mitigation measures set out in the Flood Risk Assessment, submitted with the application, shall be implemented in full.

Reason: In the interest of flood risk management

8. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

9. Prior to the occupation of each commercial and retail unit, the developer shall submit, for the written agreement of the planning authority, details of the proposed hours of operation for each individual unit.

Reason: To protect the amenities of the area.

10. Security shutters, if necessary, for the retail and commercial units shall have their shutter boxes located entirely behind the fascia and no part of the shutters, their supports or fittings shall encroach on the public footpath. The said shutters shall be open mesh or see-through, shall be finished in a single colour and shall not be left unpainted or used for advertising.

Reason: In the interests of visual amenity.

11. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall

be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of public health and to protect the amenities of the area.

12. No amplified music or other specific entertainment noise emissions shall be permitted within external areas associated with the public house, the hotel and retail units.

Reason: To protect the amenities of residential properties and occupants of the proposed development.

13. Proposals for the public house, hotel, retail units and other commercial units in terms of identification, numbering scheme, shopfront design and shopfront signage shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The signage shall be lit by external illumination only. Thereafter, all such names, numbering and signage shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

14. Appropriate measures to manage cumulative impacts, including noise impacts, during the construction phase shall be submitted and agreed in writing with the planning authority prior to commencement of development. These shall include liaison and regular contact between the site managers of the relevant

masterplan phases which may be ongoing at adjacent sites, in addition to the scheduling of work in a cooperative way.

Reason: To manage cumulative impacts on sensitive receptors which may arise during the construction phase of the development.

15. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

Reason: In the interests of amenity, permeability and traffic and pedestrian safety.

16. (a) Prior to commencement of development, a Stage 2 Road Safety Audit for the proposed development together with associated entrances, prepared in accordance with Transport Infrastructure Ireland's publication 'Road Safety Audit GE-STY-01027 (2025)', shall be submitted for the written agreement of the planning authority.

(b) Prior to commencement of development, a Stage 3 Road Safety Audit for the proposed development together with associated entrances, prepared in accordance with Transport Infrastructure Ireland's publication 'Road Safety

Audit GE-STY-01027 (2025), shall be submitted for the written agreement of the planning authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

17. The developer shall monitor the proposed southern access junction upon this junction becoming operational, and such monitoring shall accord with the requirements of the planning authority. Where necessary, adjustments shall be made to junction operations as required by the planning authority, and under their supervision.

Reason: In the interests of traffic and pedestrian safety.

18. Prior to the occupation of the proposed development a revised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the proposed development. The Mobility Management Plan shall be prepared and implemented by the management company for all units within the development and shall be overseen by an appointed Mobility Manager.

Reason: In the interests of encouraging sustainable modes of transport.

19. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the mixed use development as indicated and shall be reserved solely for that purpose. The designated residential spaces and commercial/retail spaces shall not be utilised for any other purpose, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the proposed retail/commercial development.

20. Functioning EV charging stations/points for car parking spaces shall be provided at least in accordance with the requirements of Table 2.2 'Car Charging Point Provision' in Appendix 1 of the Wicklow County Development Plan 2022-2028, and ducting shall be provided for all remaining car parking spaces. Where proposals relating to the installation of EV ducting and charging stations/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 prior to the occupation of the development.

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

21. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

23. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

24. Proposals for a development, estate/street name, house and apartment 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/apartment 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 placenames for new residential areas.

25. (a) A suitably qualified ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of all mitigation and all monitoring measures relating to ecology as set out in the Environmental Impact Assessment Report, the Natura Impact Statement and the Construction Environmental Management Plan. The ecologist shall be present during site construction works.

(b) Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

(c) The developer shall submit a report from the ecologist to the planning authority post installation of the lighting scheme, confirming it is operating according to the specification and their satisfaction.

Reason: In the interest of nature conservation and the protection of the environment.

16. (a) Prior to commencement of development, any trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

27. (a) The landscaping design strategy and landscape plan, submitted with the application, shall be implemented within the first planting season following substantial completion of external construction works in each phase.

(b) 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 planning 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.

(c) The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded and landscaped in accordance with the landscaping design strategy and landscape plan submitted to the planning authority. This work shall be completed before any of the residential units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

28. Public lighting shall be provided in accordance with the Lighting Report submitted to the planning authority with the application. Such lighting shall be provided prior to the making available for occupation of any residential, commercial or retail unit.

Reason: In the interests of amenity and public safety.

29. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. All areas not intended to be taken in charge by the Local Authority, shall be maintained by a legally constituted management company.

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

30. Drainage arrangements including the green roof strategy, attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

31. The development shall comply with the following requirements from Iarnród Éireann:

(a) The Railway Safety Act 2005 places an obligation on any third party working near the railway to ensure no danger or hazard is posed to railway operations. Due to the proximity of this site to the railway corridor, the developer must take due consideration of this obligation during the planning and construction of the development.

- (b) The existing boundary between the development site and the railway corridor must not be removed in any way without seeking prior consent from Iarnród Éireann.
- (c) At no point should the applicant or their representatives enter railway property, at track level, to undertake the construction of this development. It is imperative that the railway always remains inaccessible to prevent trespassing, both during the construction phase and in the future. This includes safeguarding against unauthorized access, especially through scaffolding or any other means.
- (d) The development shall not undermine the integrity of the embankment supporting the public road and the bridge structure to the east of the development, for which Iarnród Éireann has a statutory obligation to maintain.
- (e) No additional liquid, either surface water or effluent shall be discharged to, or allowed to seep onto, the railway property or into railway drains / ditches.
- (f) Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnród Éireann / CIÉ regarding this issue.
- (g) No overhang of any part of the development over the railway property is allowed.
- (h) Lights from the proposed development, either during the construction phase or when the development is completed, should not cause glare or in any way impair the vision of train drivers or personnel operating on track machines.
- (i) No deciduous trees are to be planted directly along the railway boundary as they may impair the vision of train drivers or their views of signals. Furthermore, falling leaves and/or leaf litter on rails can adversely affect the operation of trains by causing poor wheel / rail adhesion.

j) The cutting of trees in proximity to the railway line can result in blockage of the railway line. The developer must engage with the Third-Party Co-ordinator at Iarnród Éireann to establish a safe system of work for the completion of such tasks.

(k) The railway operates 24 hours a day with maintenance activity taking place at night and during shutdowns of passenger services. The development is in close proximity to the live railway and therefore must take account of the potential noise and vibration impact that an operational railway may have on sensitive receptors. Residential units should be designed, orientated and located to limit the impacts of noise and vibration from transportation traffic and maintenance activities.

Reason: In the interest of railway operational safety and ensure a satisfactory standard of development.

32. A detailed site-specific Operational Waste Management Plan containing details for the management of waste within the apartments, 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 shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

33. The construction of the development shall be managed in accordance with a detailed site-specific Construction Environmental Management Plan, a final version of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) the 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 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 mitigation measures for noise, dust and vibration, and monitoring of such levels;

- j) the 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;
- (k) the off-site recovery and disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) an Invasive Species Management Plan
- (n) Develop and implement a public liaison plan and the appointment and responsibilities of a community liaison officer for the duration of the construction period.

The Final CEMP shall include input from the appointed ecologist for biodiversity elements and shall address the following:

- (i) All of the mitigation and enhancement measures relating to the subject site, as set out in the EIAR, the NIS, the Landscape Plan / Strategy and Specifications.
- (ii) The detailed programme for monitoring mitigation and enhancement measures, for agreement with the planning authority.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

34. Prior to commencement of development, an updated, detailed site-specific RWMP as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

35. Upon completion of the development, and prior to its taking in charge, as constructed drawings of the development, at a scale of 1/500 or larger shall be supplied to the planning authority in a format agreeable to it. They shall show the as constructed position of each site, house, road, watermain (including the location of sluice valves, scour valves, air valves and hydrants), foul and surface water sewers (including gullies, and invert levels of manholes to ordnance datum) and all pipe sizes. They shall also show the Irish National Grid co-ordinates of the four corners of the drawing and shall be relative to the Irish National Grid.

Reason: In the interests of the proper management and maintenance of the roads and services.

36. (a) Prior to the commencement of any apartment, house or duplex unit, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each apartment, house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all relevant houses and duplex units 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.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified apartment, house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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.

37. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

38. 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 Coimisiún Pleanála for determination.

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

39. 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 Coimisiún 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.