



Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 16/999

Appeal by Bray Clay Pigeon Club of 3 Hazelwood, Shankill, Dublin and by others and by Cosgrave Property Group care of RPS of Innishmore, Ballincollig, County Cork against the decision made on the 23rd day of May, 2017 by Wicklow County Council to grant subject to conditions a permission to the said Cosgrave Property Group in accordance with plans and particulars lodged with the said Council.

Proposed Development: A mixed use development consisting of 658 number residential units (comprised of 390 number apartments and 268 number houses), a neighbourhood centre (total gross floor area of 2,963 square metres approximately), comprising a convenience food store (including an area for off-licence sale of alcohol) (1,727 square metres approximately), six number retail/commercial units (1,058.5 square metres approximately) and a café (178 square metres approximately), security kiosk (8 square metres approximately), three number three-storey office blocks (total 9,177 square metres approximately), a two-storey crèche (768 square metres approximately), a district park (12.1 hectares approximately) including a kiosk (21 square metres approximately), residential public open space, realignment of part of existing road and provision of new road through the site connecting to Ballyman Road (total length 2.9 kilometres approximately), a new pedestrian/cycle bridge across the N11 connecting to Dargle Road, the diversion and rerouting of a twin 110kV ESB electricity line and two number 38kV electricity lines, demolition of an existing dwelling at Berryfield Lane, parking and cycling facilities

throughout, remediation works for historic landfill locations within the site, ancillary site development, drainage and landscaping works. The application site is approximately 48.59 hectares and located at Fassaroe and Monastery, Bray, County Wicklow, as amended by the further public notice received by the planning authority on the 29th day of March, 2017.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to:
 - (a) the location of the subject site remote from existing high capacity public transport services, which would lead to an excessively car-dependant development, and also remote from necessary community, social and educational facilities,
 - (b) the lack of integration between land use and sustainable forms of transport on the overall lands of which the site forms part, and

- (c) the fact that high capacity public transport services are not currently planned to serve the lands of which the site forms part, notwithstanding the zoning of these lands;

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

2. Having regard to:

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

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

3. By reason of its scale and location, it is considered that the retail component of the proposed development, which is based on a catchment area extending beyond the boundaries of the lands of which the site forms part and significantly in excess of the needs of the proposed local residents, would be excessive in the context of the remainder of the proposed development and would have a potentially significant negative impact on established retail centres, including Bray town centre. The proposed retail development would, therefore, be contrary to the provisions of the Retail Planning Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in April 2012, and would be contrary to the proper planning and sustainable development of the area.

