



Planning and Development Acts 2000, as amended.

Planning Authority: Wicklow County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Coimisiún Pleanála on the 28th day of April 2022 by Silverbow Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin.

Proposed Development comprises of the following:

- Demolition of all existing vacant commercial buildings (Heiton Buckley site) and vacant residential buildings (Saint Anthony's and 20 Dwyer Park) and sections of boundary wall;
- Construction of a mixed-use residential and commercial development in two primary blocks (A and B) ranging in height from one to seven storeys set around a central, podium level amenity space and a separate single storey pavilion building along Castle Street;
- The residential element will accommodate 139 number apartments comprising 33 number one-bedroom units; 91 number two-bedroom units; and 15 number three-bedroom units, with associated balconies;
- Block A (three to seven storeys) will accommodate 93 number apartments at ground to 6th floor, with creche, bicycle store, substation, bin storage and plant rooms at ground floor;
- Block B (one to six storeys) fronting Castle Street will accommodate 46 number apartments at 1st to 5th floor, with two number retail and non-retail

service and restaurant units, communal resident's room and bin storage at ground floor level;

- The separate street level single storey pavilion building will accommodate a community facility on Castle Street;
- Vehicular access from Castle Street to 59 number undercroft car parking spaces and three number creche drop-off spaces with footpath access route to creche;
- Principal pedestrian and cyclist access from Castle Street with secondary access from Dwyer Park;
- New surface water sewer extending along Castle Street from the site to River Dargle at Bray Bridge;
- Landscaped communal open spaces, boundary treatments, bicycle parking, signage, loading bay at Dwyer Park and all associated site works and services all located at the former Heiton Buckley site on Castle Street; Saint Anthony's Dwyer Park and Number 20 Dwyer Park, Bray, County Wicklow.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.

Reasons and Considerations

In coming to its decision, the Commission had regard to the specific legislative preconditions which apply to Strategic Housing Infrastructure (SHD), set out under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act of 2016 and to the definition of SHD under Section 3 as,

- (a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,

- (b) the development of student accommodation units which, when combined, contain 200 or more bed spaces, on land the zoning of which facilitates the provision of student accommodation or a mixture of student accommodation and other uses thereon,
- (c) development that includes developments of the type referred to in paragraph (a) and of the type referred to in paragraph (b), or containing a mix of houses and student accommodation or
- (d) the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) where the proposed alteration relates to development specified in paragraph (a), (b), or (c).

Having regard to the expiration of the Bray Municipal Local Area Plan 2018-2024, which became effective on 10th June 2018 and had a stated duration of 6 years, it is considered that no statutory zoning applies to the subject site. In this context, the proposed development is not consistent with the legislative preconditions for a Strategic Housing Development, insofar as it is not on land the zoning of which facilitates its use for the purposes proposed in the application. In this context, the Commission is precluded from granting permission for the proposed development.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission did not agree that the provisions of the expired Local Area Plan (LAP) (specifically the site's zoning) had been incorporated into the current Wicklow County Development Plan 2022 – 2028 (the CDP) by way of Variation 3, which integrated the land use zoning map from the Blessington LAP (2025-2031) into the CDP.

The Commission considered the case put forward at the Oral Hearing by the applicant and the planning authority, that Variation 3 in effect extended all LAPs until they were replaced, however, determined that the reference was specifically to each new LAP as/when it was integrated into the CDP. There is no statement that the expired Bray LAP has been extended until replaced in Variations to the CDP adopted by the local authority to date.

Note

Notwithstanding the decision of the Commission to refuse permission, based on the requirement for *zoned* land under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act of 2016, the Commission agreed with the Inspector that the proposed development is on a serviced site and presents a high quality of development across a mix of one, two and three-bedroom apartments and served by good quality open spaces.

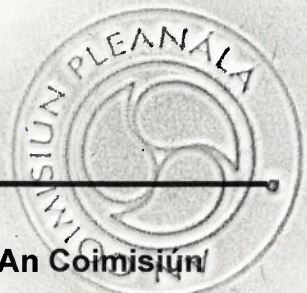
It was considered that the development would not negatively impact on the existing residential and visual amenities of the area, and that suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with national guidance and local policy regarding the provision of residential development, compact growth and regeneration of infill sites, but the land is not currently zoned for the Strategic Housing Development proposed.



Declan Moore

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 9th day of DECEMBER 2025