

An
Bord
Pleanála

Board Order ABP-314686-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire Rathdown County Council and 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 Bord Pleanála on the 26th day of September 2022 by Shankill Property Investments Limited care of RPS Group of West Pier Business Campus, Dun Laoghaire, County Dublin.

Proposed Development comprises of the following:

Change of use of lands from former golf course use to residential and other uses consisting of 586 number residential units and circa 1,583 square metres of other uses comprising of one number retail unit, a childcare facility, a café and one number commercial unit (incorporating a gym and a juice bar). Of these, 234 number residential units, circa 1,071 square metres of the other uses and associated site landscaping and site development works were previously permitted by An Bord Pleanála Reference Number ABP-311181-21, and they form part of this current application again.

The proposed development will comprise: 76 number houses consisting of 13 number two-bedroom two storey terraced houses, 51 number three-bedroom two storey terraced houses and 12 number four-bedroom three storey terraced houses; 52 number apartments in duplex units with balconies and gardens comprising 26 number two-bedroom own door ground floor apartments with 26 number three-bedroom own door duplex apartments over within 26 number three-storey terraced

buildings; and 458 number apartments in four number apartment blocks ranging in height from three to twelve storeys and consisting of 239 number one-bedroom units, 198 number two-bedroom units and 21 number three-bedroom units. The apartment blocks will comprise of:

- Block A (comprising Blocks A1 and A2) which is proposed as Build to Rent development ranging in height from four to seven storeys and containing 162 number units consisting of: 79 number one-bedroom apartments, 76 number two-bedroom apartments and seven number three-bedroom apartments all with balconies or terraces; circa 545 square metres of residential amenity spaces; external communal open space on a central podium; car and bicycle parking spaces; ancillary plant; waste storage and substations and switch rooms at undercroft level.
- Block B (comprising Blocks B1 and B2) ranging in height from five to twelve storeys and containing 190 number units consisting of: 95 number one-bedroom apartments, 85 number two-bedroom apartments and 10 number three-bed apartments, all with balconies or terraces; circa 539 square metres residential amenity spaces; external communal open space on a central podium; car and bicycle parking spaces; one number commercial unit (incorporating a gym and juice bar) circa 512 square metres; ancillary plant; waste storage and substations and switch rooms at undercroft and lower ground levels.
- Block C ranging in height from three to six storeys and containing 80 number units: 45 number one-bedroom apartments, 31 number two-bedroom apartments and four number three-bedroom duplex units, all with balconies or terraces; circa 195 square metres café, circa 249 square metres retail unit and circa 627 square metres childcare facility at ground level with ancillary outdoor space; external communal open space on a central podium; car and bicycle parking spaces; ancillary plant; waste storage and substation and switch rooms at undercroft level.
- Block D is a four storey building and contains 26 number units: 20 number one-bedroom apartments and six number two-bedroom apartments with

balconies; car and bicycle parking spaces, ancillary plant, waste storage and substation and switch rooms at undercroft level.

The proposed development will include:

- 549 number car parking spaces comprising 478 number resident spaces, 36 number residential visitor spaces, 14 number for retail and commercial uses and 21 number for staff, set-down, creche set down and car share. 326 number of these spaces will be at undercroft level with the remaining 223 number at surface, on street or on curtilage. A total of 23 number spaces will be accessible parking spaces; 66 number will be electric vehicle charging spaces.
- 24 number resident motorcycle spaces at undercroft level.
- 1,076 number bicycle parking spaces comprising: 791 number resident apartment spaces at undercroft level and 254 number visitor spaces (of which 134 number at undercroft level and 120 number at surface level) associated with Blocks A, B, C and D; 19 number spaces associated with non-residential uses; and 12 number spaces at creche (staff and set-down). In addition, bicycle parking for the house and duplex units is provided on curtilage as secure bike stores to the front of the units which will accommodate two number bicycles per unit equating to 256 number bicycle storage spaces.

The proposed development will also include all associated plant; refuse storage areas; communal open space; public open space; playgrounds; multi-use games area; associated internal roads and drainage arrangements; utility connections, pedestrian and bicycle linkages with adjoining sites; landscaping; public lighting; construction compounds; and all site development works.

The site is generally bounded to the north by existing public open space at Corke Abbey Valley Park, to the east by the Irish Rail Dublin-Wexford and Rosslare main rail line, to the south by the River Dargle and undeveloped lands and to the west by undeveloped lands and the existing Ravenswell school campus. The site falls within the administrative areas of Dún Laoghaire-Rathdown County Council and Wicklow

County Council all located at the former Bray Golf Club Lands off Ravenswell Road and the Dublin Road, Bray, County Wicklow and County Dublin.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

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

- (a) The location of the site within the built-up and serviced urban area and the zoning of the site for residential and ancillary uses;
- (b) The policies and objectives as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the Wicklow County Development Plan 2022-2028, and the Bray Municipal District Local Area Plan 2018-2024;
- (c) 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;
- (d) The National Planning Framework which identifies the importance of compact growth;
- (e) The Climate Action Plan 2024;
- (f) The provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (g) The Greater Dublin Area Transport Strategy 2022-2042 prepared by the National Transport Authority;

- (h) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), issued by the Department of Housing, Local Government and Heritage;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (j) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- (k) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in 2019;
- (l) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (m) The provisions of Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (July 2023) issued by the Department of Housing, Local Government and Heritage;
- (n) The nature, scale and design of the proposed development;
- (o) The availability in the area of a wide range of social, transport and water services infrastructure;
- (p) The pattern of existing and permitted development in the area;
- (q) The submissions and observations received;
- (r) The Chief Executive's Report received from Dún Laoghaire-Rathdown County Council;
- (s) The Chief Executive's Report received from Wicklow County Council; and
- (t) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1

The Board considered the Appropriate Assessment Screening Report and relevant submissions, and concluded that Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000) is the only European Site in respect of which the proposed development has the potential to have a significant effect and must, therefore, be subject to Appropriate Assessment.

Appropriate Assessment: Stage 2

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), in view of the sites' conservation objectives. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the reports of the Inspector and the Inspectorate Ecologist. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In carrying out 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 which are included as part of the current proposal, and
- iii. The conservation objectives of the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the report of the Inspector Ecologist (page 6 on the 25th day of June 2024) and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not adversely affect the integrity of the European Site, in view of the sites' conservation objectives.

The Board noted the views of the Inspector and Inspector Ecologist regarding the consideration of standard mitigation measures during the appropriate assessment screening. However, the Board also noted that Section 6.3 of the applicant's Natura Impact Statement contained mitigation measures that were not otherwise identified in the outline Constructions and Environmental Management Plan or the 'Schedule of Environmental Commitments' set out in Chapter 15 of the Environmental Impact Assessment Report, and that were site-specific and not, therefore, considered of a standard nature. Under these circumstances, the Board decided that undertaking an Appropriate Assessment: Stage 2 was the relevant administrative procedure.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location, and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted with the application;
- (c) The reports and submissions received from the planning authorities, observers, and prescribed bodies; and
- (d) The report of the Planning Inspector.

Reasoned Conclusions on the Significant Effects:

The Board 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. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 planning application. The Board is satisfied that the

Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Potential negative impacts on population and human health at the construction and operational stage as a result of dust generation, contact with contaminated soil, noise emissions, and naturally occurring barium in soils. These will be satisfactorily addressed by the proposed construction mitigation measures and the removal of operational risk associated with the naturally occurring barium and will not result in significant residual impacts.
- Positive effects with regard to population and material assets due to the increase in housing stock and associated services and amenities within the development, as well as the associated indirect socio-economic benefits for the area.
- Potential impacts on biodiversity as a result of the loss of foraging, commuting, and roosting habitat, as well as disruption impacts, which may impact on bats, badgers, otters, bird species, and aquatic ecology. This will be mitigated by proposals to protect and/or replace such features through the proposed design and landscaping scheme, the timing of the proposed works, appropriate lighting design, and construction and operational measures to protect water resources.
- Potential impacts relating to flood risk, hydrology, and hydrogeology which will be mitigated by the design and layout of the proposed development, construction management measures to protect water quality, and operational mitigation measures including the surface water network design and maintenance plans.
- Potential impacts on archaeological heritage relating to the linear earthwork (DU026-124-- /WI004-005-), which will be mitigated through archaeological monitoring and measures to reflect its alignment in the layout and landscaping design of the development.

- Significant impacts on landscape and visual amenity, which will be suitably addressed through conditions requiring the removal of three floors (floors 7-9) in Block B and clarification of existing/proposed landscaping around Block D.

The Board 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 herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the Wicklow County Development Plan 2022-2028, and the Bray Municipal District Local Area Plan 2018-2024, would constitute an acceptable quantum of development at this accessible location which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increasing the risk of flooding to other lands, and would be capable of being adequately served by wastewater, surface water, and water supply infrastructure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. The proposed development shall be amended as follows:
 - (a) The height of the proposed 12-storey element of Block B shall be reduced by three storeys through the removal of floors 7 to 9.
 - (b) Units DO1/0204 and DO1/0205 shall be merged to become a 2 bedroom unit.
 - (c) External storage facilities shall be provided for the apartments within Block D.
 - (d) The floor plans for Block D shall be amended to demonstrate that balconies are included in accordance with the elevation drawings.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and residential amenity.

3. The mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including the Natura Impact Statement (NIS) and the 'Schedule of Environmental Commitments' as set out in Chapter 15 of the Environmental Impact Assessment Report (EIAR), shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

4. Block A is hereby permitted for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

5. Prior to the commencement of Block A, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that Block A hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period, save for any other agreements made under Part V of the Planning and Development Act 2000, as amended. The period of 15 years shall be from the date of occupation of the first residential unit within Block A.

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

6. Prior to expiration of the 15-year period referred to in the covenant (above), the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of Block A as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

7. Unless otherwise agreed with the Planning Authority, prior to the commencement of any house or duplex unit, or any apartment units within Blocks B and C, 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 housing unit / apartment), pursuant to Section 47 of the Planning and Development Act, 2000 (as amended), that restricts all houses, duplex units, and apartments within Blocks B and C 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.

8. The following requirements shall be incorporated and details of drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:
- (a) Proposals for privacy screening between the balconies of apartments and on the roof terraces of Block D shall be clarified.
 - (b) Precise details of the intended use and management of the reinforced grass paving area within the 'Orchard' area.

Reason: In the interest of clarity and residential amenity.

9. 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 mitigation and all monitoring measures relating to ecology as set out in the EIAR, NIS and the outline Construction Environmental Management Plan. The ecologist shall be present during site construction works. 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.

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

10. 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 any development. The phasing scheme shall include the delivery of Block C, the Market Square, and the proposed public open space at an early stage.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

11. Pedestrian/cycle linkages along the eastern perimeter of the site shall be maintained during construction, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: In the interests of residential amenity and permeability.

12. 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.

Reason: In the interest of visual amenity.

13. Details of all external shopfronts, lighting, signage and internal security shuttering shall be as submitted to, and agreed in writing with, the relevant planning authority prior to occupation of the commercial/retail units. No external security shutters shall be erected for any of the commercial premises unless authorised by a further grant of planning permission.

Reason: In the interest of the amenities of the area/visual amenity.

14. 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 residential amenity.

15. No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

16. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the relevant planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

17. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the relevant planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

18. 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 interests of visual and residential amenity.

19. The quantity and design of bicycle parking facilities shall comply with the standards of each relevant planning authority. Details of same, to include clarification of resident and visitor parking, shall be submitted to and agreed in writing with the relevant planning authority prior to the commencement of development.

Reason: In the interest of sustainable transportation.

20. The recommendations and alternative measures accepted in the Quality Audit shall be implemented by the developer. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the relevant planning authority and all measures recommended by the Auditor shall be undertaken unless the relevant planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development.

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

21. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit 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.

22. (a) The internal road network serving the proposed development, including the turning bays, junctions, parking areas, footpaths and kerbs, vehicular entrances and undercroft car park shall be in accordance with the detailed construction standards of the relevant planning authority for such works and design standards outlined in DMURS.
- (b) Precise details of the tie-in with the proposed Wicklow County Council Sustainable Transport Bridge project shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of traffic safety, sustainable transport, and orderly development.

23. Prior to the opening or occupation of the development, a Mobility Management Strategy 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 development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

24. Drainage arrangements, including the green roof strategy, attenuation, and disposal of surface water, including where it relates to the DART underpass, 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 relevant 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.

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

Reason: In the interest of public health.

26. A revised comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The landscaping scheme shall include precise details of:

- (a) The proposed methodologies to protect existing trees and hedging on site.
- (b) Proposals to clarify the extent of existing trees/hedgerow to be retained along the northern boundary and in the northwest corner of the site, together with proposals for additional planting to include semi-mature trees.
- (c) Proposals for the protection of water conveyance routes and the design of pedestrian / cycle connections along the northern site boundary.
- (d) Details of the construction methodology for the eastern site boundary to ensure retention of the northeastern hedgerow.
- (e) Proposals along the eastern boundary shall include increased planting of shrub species (including furze) in the 'Coastal Gardens' adjacent to the railway to provide cover for the movement of mammals including badgers through this area and habitat suitable for the stonechat bird species, as well as precise details of the connection with the Irish Rail underpass.

Reason: In the interest of amenity, ecology and sustainable development.

27. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

28. The linear earthwork (identified as Recorded Monument WI004-005 linear earthwork and DU026-124 linear earthwork), referred to locally as the 'Nun's Walk', shall be incorporated into the design of the proposed development from the western to the eastern boundary. Details of any interpretation and/or presentation of this historic feature within the development shall be provided and agreed in advance with the relevant planning authority in consultation with the National Monuments Service in advance of any site development works.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

29. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management.

30. A plan containing details for the management of waste (and, in particular, recyclable materials) 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 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

31. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the relevant planning authority prior to commencement of development. This CEMP shall incorporate the following details:

- (a) Measures set out in the EIAR, NIS, Outline CEMP and Construction Management Plan supporting this application to avoid any pollution through surface water runoff or accidental discharges during the construction of the proposed development reaching the River Dargle and the coastal waters in the vicinity of Bray Harbour.
- (b) Intended construction practice for the development.
- (c) Location of all construction compounds.
- (d) How the railway underpass link for pedestrian and cycle use shall be open for the use of the public during the construction phase.
- (e) A detailed traffic management plan.
- (f) Noise management measures.
- (g) Off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

32. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays 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.

33. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

34. 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.

35. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the development.

36. 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 for Dublin City Council 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 noted and agreed with the Inspector that for an 'existing built-up area' such as this, Table 12.1 outlines apartment mix requirements of: up to 80% studio, one and two bed units; no more than 30% of the overall development as a combination of one bed and studios. The proposed development would meet the above requirements, apart from the proposal to include 33% 1-bed units. The Inspector considered that the DLRCDP allows for flexibility in stating (s.12.3.3.1) and that the proposals shall 'generally' be in accordance with Table 12. The Board in granting permission felt that the merging of units DO1/0204 and DO1/0205 to become a 2 bedroom unit would bring the % closer to the recommended no more than 30% of the overall development of one bed and studios and added an appropriate condition to same.



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *14th* day of *August*, 2024