



An  
Bord  
Pleanála

## Record of Meeting ABP-307479-20

<b>Case Reference / Description</b>	1161 no. residential units (496 no. houses, 662 no. apartments), creche and associated site works. Fassaroe and Monastery, Bray, Co. Wicklow.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	11th September 2020	<b>Start Time</b>	02.30 pm
<b>Location</b>	Via Microsoft Teams	<b>End Time</b>	05.15 pm
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Hannah Cullen

### Representing An Bord Pleanála:

Conor McGrath, Senior Planning Inspector
Tom Rabbette, Assistant Director of Planning
Hannah Cullen, Executive Officer

### Representing Prospective Applicant:

Michael Cosgrave, Cosgrave Property Group
William Cosgrave, Cosgrave Property Group
Ronan Rooney, Cosgrave Property Group
Maria Lombard, RPS
Stephen Manning, MCORM Architects
Mark Craven, MCORM Architects
Kieran Boyle, Atkins
Garry Hanratty, Atkins
Axel Hens, Mitchell + Associates

### Representing Planning Authority

Edel Bermingham, Senior Executive Planner
Marc Devereux, Senior Engineer
Michael Flynn, Senior Engineer

## **Introduction**

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) via Microsoft Teams having regard to the Covid-19 virus.

The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public once the Opinion has issued,
- ABP received a submission from the PA on 30<sup>th</sup> July, 2020 providing the records of consultations held pursuant to section 247 and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 6<sup>th</sup> July, 2020 formally requesting pre-application consultations with ABP. Prospective applicant advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

## **Agenda**

- 1. Fassaroe Action Area Plan and sequential approach to phasing of development.**
- 2. Densities – sustainable densities having regard to infrastructure and public transport requirements.**
- 3. Transport – phasing of development and alignment with published plans and studies.**
- 4. Transport Assessment – Assumptions of modal split; Demonstrated capacity and sustainability of public transport provision.**
- 5. Accessibility and connectivity.**
- 6. Ballyman Glen SAC – in particular, impacts on groundwater.**
- 7. Landfill remediation – responsibility and scope of works.**
- 8. Residential amenity and community facilities.**
- 9. Scope of application and alignment with the objectives of Strategic Housing legislation.**
- 10. Any other business**

- 1. Fassaroe Action Area Plan and sequential approach to phasing of development.**

**ABP sought further elaboration/discussion on:**

- LAP provides objectives for the lands.
- Status of the proposed AAP submitted.
- Infrastructural constraints within the phasing plan.

**Planning Authority comments:**

- Action Area Plan has not been agreed upon yet however a draft has been submitted. A final plan would have to be agreed with WCC and signed off by the Chief Executive.

**Prospective Applicants comments:**

- Draft Action Area Plan was issued to adjoining landowners (Roadstone), currently not fully in agreement.
- Historic landfills on-site and the route of the link road direct development to the northern side of the overall lands.
- Neighbourhood centre and school required to be delivered in 1<sup>st</sup> phase under the LAP.
- The connection to Ballyman Road has been already constructed as part of a permitted development and will facilitate servicing of the full development lands.
- Keep phasing at high level was the request of WCC and a sequential approach is proposed.

**Further ABP comments:**

- In the absence of an agreement between parties further information will need to be provided.
- At application stage, address the overall development of lands at Fassaroe and how development would fit into a phasing plan / be phased.

**Further Applicant comments:**

- We will ensure to include the information requested at application stage.

**2. Densities – sustainable densities having regard to infrastructure and public transport requirements.**

**ABP sought further elaboration/discussion on:**

- What is accounted for in the density figure within the red line boundary?
- Errors of phasing figures in the documentation submitted, ensure consistency throughout.
- Overall objectives of the lands.
- Design approach based on current densities.

**Planning Authority comments:**

- Specific topography of the overall site has a bearing of the proposed development. It is particularly steep at its eastern end.
- Greater intensity of development at the hub would be appropriate.

**Prospective Applicant comments:**

- Previous plan had different zoning objectives in place, the current plan has an objective of 50 units per hectare.
- The development achieves 57 per hectare. They are satisfied that they can deliver a good unit typology/mix.
- The proposed development is located on a greenfield site however it is served by a bus corridor and well served by public transport.
- The proposals are based on no Luas / light rail connection to the site.
- Solutions to transport issues are set out in the Bray Transport Strategy/Study (BTS)
- Site is within 400metres from a bus stop, if there is an increase in demand, higher frequency can be rolled out in accordance with the BTS.

**Further ABP comments:**

- Clear breakdown to be provided at application stage of the uses within the red line boundary. This should include a breakdown of uses and densities in each character area.
- Generating a critical mass of development is critical to this scheme.

**3. Transport – phasing of development and alignment with published plans and studies.****ABP sought further elaboration/discussion on:**

- Origin of the phase 1 threshold set out in the Bray Environs Transport Study (650 units).
- Status of the Traffic Management Measures Framework identified in BETS to facilitate Phase 1.
- What is the position of the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII) in relation to this development.
- Barriers to the bus access to the site.
- Consideration for any impacts on national road networks, address further at application stage.

**Planning Authority comments:**

- The Phase 1 threshold seems to be based loosely on the original application figure (PL27.248705) rather than the result of traffic modelling.
- The limit of 650 units in the first phase was what was agreed with the NTA.
- Hopeful the traffic management measures framework will be signed off with the NTA by the end of the year.
- The objectives of BETS provide a pathway - if development was to occur on these lands they identify what the prescribed bodies would find acceptable.
- TII have concerns with impacts of congestion on the N11 and require traffic management measures at the interchange.
- Studies carried out demonstrate that signalisation will cause delay and other methods of management and monitoring their performance are being explored.
- The issue is getting the bus through the interchange without delay.
- Introduction of ramp metering at the main junction.
- Site should be not be car dependant.

- The issue on the N11 is the southbound exit at Junction 5. There is capacity north of Junction 6 in the peak hour.
- Bus priority scheme to be delivered on the Upper Dargle Road, bus frequency will be based on customer demand. A consultant has been appointed to deliver these priority measures.
- WCC are currently working with TII on upgrades to the N11 including option selection for the N11 upgrade and safety works at Kilmacanogue to the south to increase speeds to 100kph and relieve backlog at Bray in the evening peak.
- Before the occupation of 650 units the bus service must be in place.
- A greenway route is being examined along the Dargle.
- An interim measure pending N11 upgrade is a bus lane on the N11.

**Prospective Applicant comments:**

- Believe that the site and public transport provision are aligned. Development build-out will involve significant infrastructure.
- Significant analysis has been undertaken at the junction in question through testing of different scenarios. Modelling shows that 1161 units can be accommodated based on the framework measures.
- Do not feel there is a need to carry out bus priority works at the junction as there is sufficient spare capacity at the roundabouts.
- Traffic signalling testing created significant delay issues for buses through the junction.
- The absence of a BETS implementation plan is not required to facilitate this development.
- Bus stops are currently on situated on Fassaroe Road.
- Possibility of introduction of the 84X bus route to serve the are of the proposed development.

**Further ABP comments:**

- All background information and any details of arrangements or agreements from the prescribed bodies (NTA & TII) and planning authority to be provided at application stage.
- All stakeholders need to be engaged and on-board with these proposals.
- It must be very clear what measures are to be implemented, who is responsible for their implementation, when they will be provided and who is paying for them. The requirement for any separate consents / approvals for the works should be clearly identified.

**Further Applicant's comments:**

- More detail will be provided at application stage in relation to traffic management.
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**4. Transport Assessment – Assumptions of modal split; Demonstrated capacity and sustainability of public transport provision.**

**ABP sought further elaboration/discussion on:**

- Modal splits are a key element for sustainable transport.
- Phasing of the bus services and how they link into the transport services.

**Planning Authority comments:**

- Nothing further to add take report as read.

**Prospective Applicant comments:**

- Transport provision based on current modal splits in the Bray area as detailed in BETS.
- Working alongside the guidance by the NTA in relation to bus demand.

**Further ABP comments:**

- Detailed modelling and analysis to be submitted at application stage.
- Justification for modal splits chosen should be provided.
- Report should consider realistic best and worst case scenarios for transport.
- Bus phasing needs more detail.

**Further Applicant's comments:**

- At application stage we will include a breakdown of units per bus services/spaces in our transport statement.

**5. Accessibility and connectivity.**

**ABP sought further elaboration/discussion on:**

- The connectivity of the site to services in Bray town for pedestrians and cyclists which currently appears to be deficient.
- The requirement for pedestrian and cycle audits as set out in DMURS.
- The potential for a green route to improve the connectivity of the scheme.

**Planning Authority comments:**

- In reference to the table three presented in the BTS, Upper Dargle Road is not regarded as being suitable for a cycleway.
- Further consideration need to be given to the suitability of the cycle route for the users.
- A greenway has been identified along the Dargle and other measures at the main street bridge, which will improve connectivity to the town. This is key to the development of these lands.

**Prospective Applicant comments:**

- We welcome the idea of a green way as it will be of benefit to the scheme, we can discuss this further with the planning authority.

**Further ABP comments:**

- Further details to be provided in relation to the green way and cycle route consider items such as topography /gradients and range of users.
- Stakeholders should confirm the delivery of the greenway with the development.

**6. Ballyman Glen SAC – in particular, impacts on groundwater.**

**ABP sought further elaboration/discussion on:**

- Constraints on the site include groundwater recharge.
- Ground water modelling.

**Planning Authority comments:**

- Nothing further to add.

**Prospective Applicant's comments:**

- Most springs within the SAC are located at the upper / western end of the lands.
- Capping of landfills will improve water quality in the SAC.
- The development will implement SUDS measures and will seek to return as much ground water back at the source as possible, to mirror the current scenario.
- The previously refused application on the lands was not based on detailed groundwater modelling.

**7. Landfill remediation – responsibility and scope of works****ABP sought further elaboration/discussion on:**

- Accountability/responsibility in relation to these works.
- Gas management/monitoring results.

**Planning Authority comments:**

- Nothing further to add take report as read.

**Prospective Applicant's comments:**

- Remediation works will form part of the planning application.
- Responsibility will lie with the planning authority to implement the works, which will be undertaken by the developer on their behalf.
- Authorization received from the EPA places an obligation on the PA to monitor the landfill.
- Environmental risk assessment and gas monitoring results will be documented in the application.
- Results of testing shows it is likely a flare will be required due to levels above 15%, in discussions with land owners on how a regime can be implemented.

**Further ABP comments:**

- Include full details at application stage on who will be carrying out the works/ any agreements made to be documented.
- Details on flaring should be submitted as part of the Engineering Report and detail the relationship between flaring and adjoining amenity and residential landuses.

**8. Residential amenity and community facilities.****ABP sought further elaboration/discussion on:**

- Connectivity between the site and community services and amenities.
- Provision of community facilities for future residents, including the provision of the neighbourhood centre as part of Phase 1 of the LAP.
- Design considerations for dual aspect units.

**Planning Authority comments:**

- Should give consideration to the potential for retail development which can be adapted for other uses later.
- Retail development is difficult to deliver on a piecemeal basis / partial site and the topography of the site is tricky.
- Residential amenity concerns have been pointed out in our report submitted.
- The planning authority identifies areas of concern in the layout of development.

**Prospective Applicant's comments:**

- Subsequent application proposed to deliver neighbourhood centre, further facilities and a school, located on Cosgraves lands.
- A retail kiosk is proposed as local retail facility for phase 1, pending delivery of the neighbourhood centre in later phases.
- The previous application on the lands was refused partly on the basis of excessive retail provision.
- Once housing is delivered then other services can be developed.
- A number of childcare spaces have been identified to be provided, and they will refer to Wicklow childcare committee and get any further confirmation/details.
- All comments from the Board are noted.

**Further ABP comments:**

- Appropriate scale of community facilities to be documented and provided at application stage.
- Clarity on aspect of units being proposed when submitting an application.
- The site is remote from existing services and amenities and no other landuses are proposed as part of the development. The scheme should be reviewed to address such the single use nature of the development .
- The development should set out a vision for this significant development, and the creation of a serviced, sustainable community and neighbourhood.
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**9. Scope of application and alignment with the objectives of Strategic Housing legislation.****ABP sought further elaboration/discussion on:**

- The nature and overall scope of the proposed development in the context of this significant area for the expansion of Bray and how this can be achieved through the SHD process.

**Planning Authority comments:**

- There is scope for the inclusion of employment opportunities within the scheme however TII have raised issues objection due to the potential traffic impacts on the N11.

**Prospective Applicant's comments:**

- They can make clear what is in Cosgrave's ownership and what can be delivered straight away.



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## 10. Any other business

### ABP sought further elaboration/discussion on:

- Noted that connectivity back into Bray is the critical element to the proposed development. This needs to be clearly set out in terms of what measures are to be delivered, by whom and when.

### Planning Authority comments:

- Nothing further to raise.

### Prospective Applicant's comments:

- There is a need for expansion of these lands.

## Conclusion

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at [cdsdesignqa@water.ie](mailto:cdsdesignqa@water.ie) **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is [spatialplanning@water.ie](mailto:spatialplanning@water.ie)

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Tom Rabbette  
Assistant Director of Planning  
May 2021