



Development

1) Removal of existing disused carparks and hard surfaced areas associated with the former Schering Plough site; 2) Realignment / upgrading of existing access road to provide a new estate through road, with shared foot / cycle path, and connect Boghall Road and Southern Cross Road; 3) Provision of a new signalised junction on Southern Cross Road and upgrading works, inclusive of a new signalised junction and new pedestrian crossing facilities at the existing junction with Boghall Road; 4) Construction of an enterprise and employment park consisting of the following elements: (i) 1 no. three storey contemporary landmark office building (Block K - 3,509 sq.m) comprising 3 no. individual office suites varying in size from 875 - 1,250 sq.m and shared ground floor lobby (134 sq.m) fronting on the Southern Cross Road to the south and the proposed estate through road to the east, (ii) 1 no. single storey enterprise

building (Block H - 2,684 sq.m), consisting of 10 no. enterprise / incubator units varying in size from 260 - 324.6 sq.m, (iii) 1 no. single-storey logistics / distribution building (Block G – 4,373 sq.m) consisting of 5 no. individual units varying in size from 544.1 – 1,042.7 sq.m with additional office space (58.3 sqm) at mezzanine level, (iv) 1 no. single storey storage / logistics / distribution building (Block F - 1,064 sq.m), with ancillary office spaces (58.3 sqm) at ground floor and mezzanine level; and (v) 1 no. single-storey service station (Block J - 467 sq.m) inclusive of forecourt convenience shop (99.5 sq.m retail area), carwash facility, 2 no. café / restaurant concession areas, toilets and ancillary staff area. The employment park will be serviced by 295 no. vehicular parking spaces and 100 no. bicycle parking spaces and,

(5) Associated site development works include: (a) construction of 1 no. single-storey ESB substation (25 sq.m), (b) provision of signage posts including 6 no. wayfinding signposts (2.1m x 1.8m) to be located within the employment park, 1 no. totem sign-post at Boghall Road (2m x 7.5m) and 2 no. totem sign-posts at Southern Cross Road (1 no. 2m x 7.5m & 1 no.

1.6m x 9m), (c) tree planting, hard / soft landscaping and all associated boundary works, (d) provision of street lighting, (e) SuDS drainage infrastructure and (f) all ancillary works necessary to facilitate the development.

Location

Lands at Boghall Road & Southern Cross Road, Bray, Co. Wicklow, situated to west of Bentley Park, Bentley Avenue, Belmont and Oak Glen Park and to the east of the Mountainview Drive residential estate and undeveloped lands fronting onto Southern Cross Road.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

19872

Applicant(s)

Barnaby Investments Limited

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

Appellant(s)

Barnaby Investments Limited

Observer(s)

None.

Date of Site Inspection

11th March, 2020

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the southern environs of Bray, Co. Wicklow, approximately 2km southwest of the DART station in the town centre, and takes in part of the former Schering Plough manufacturing facility at Boghall Road before extending southwards as far as Southern Cross Road (the R768 Regional Road) to include an undeveloped parcel of greenfield lands positioned opposite the IDA Business Park.
- 1.2. The northern extent of the site is bounded by the conventionally suburban Belmont and Mountainview Drive housing estates to the east and west respectively with access obtained via an existing service road that extends southwards from Boghall Road (which previously served as the principal entrance to Schering Plough and continues to provide access to those properties to the east of same, including the former Bray District Courthouse). This part of the site is overgrown and in a somewhat unkempt condition. It can be described as 'brownfield' and comprises an expanse of hardstanding areas and the footprint of a number of structures associated with the former Schering Plough facility (a substantial extent of which has been demolished).
- 1.3. The southernmost and undeveloped expanse of the site adjoins the Belmont and Oak Glen estates to the east with the lands to the west presently being redeveloped as part of a strategic housing development approved under ABP Ref. No. ABP-305058-19 which consists of a mixed-use residential scheme comprising 208 No. residential units (dwelling houses, duplexes and apartment blocks) and a neighbourhood centre. These lands are relatively flat and overgrown with scrubland apparent in places.
- 1.4. The site itself has a stated site area of 4.1349 hectares, is irregularly shaped, and is zoned for employment uses. It also forms part of a larger landbank identified as subject to (SLO6) Specific Local Objective No. 6 in the Bray Municipal District Local Area Plan, 2018.

2.0 Proposed Development

2.1. The proposed development consists of the following:

- The removal of disused car parks and hardstanding areas associated with the former Schering Plough site;
- The realignment, upgrading and extension of the existing access road to provide for a new road link between Boghall Road and Southern Cross Road with associated pedestrian & cycle paths etc;
- The provision of a new signalised junction with Southern Cross Road and associated upgrading works;
- The provision of a new signalised junction and pedestrian crossing facilities at the existing junction with Boghall Road;
- The construction of an enterprise and employment park comprising:
 - (i) 1 No. three-storey contemporary, landmark office building with undercroft car parking (Block K: 3,509m²) comprising 3 No. individual office suites varying in size from 875-1,250m² with a shared ground floor lobby (134m²) fronting onto Southern Cross Road and the proposed service road.
 - (ii) 1 No. single storey enterprise building (Block H: 2,684m²) comprising 10 No. enterprise / incubator units varying in size from 260-324.6m²
 - (iii) 1 No. single storey logistics / distribution building (Block G: 4,373m²) consisting of 5 No. individual units varying in size from 544.1-1,042.7m² with additional office space (58.3m²) at mezzanine level.
 - (iv) 1 No. single storey storage / logistics / distribution building (Block F: 1,064m²) with ancillary office spaces (58.3m²) at ground floor and mezzanine level.
 - (v) 1 No. single-storey service station (Block J: 467m²) inclusive of forecourt convenience shop (99.5m² retail area), carwash facility, 2 No. café / restaurant concession areas, toilets and ancillary staff areas.

The employment park will be serviced by 295 No. car parking spaces and 100 No. bicycle parking spaces.

- Associated site development works, including:
 - a) The construction of 1 No. single-storey ESB substation (25m²);
 - b) The erection of signage, including the provision of 6 No. wayfinding signposts within the employment park, 1 No. totem signpost at Boghall Road, and 2 No. totem signposts at Southern Cross Road;
 - c) Tree planting, hard / soft landscaping and all associated boundary works;
 - d) Street lighting;
 - e) The decommissioning and re-routing of an existing mains foul water sewer;
 - f) The construction and installation of SuDS drainage infrastructure; and
 - g) All ancillary works necessary to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 1st October, 2019 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 3 No. reasons:

- Having regard to:
 - a) The location of the proposed development within the Metropolitan Key Town of Bray as designated under the Regional Spatial and Economic Strategy, 2019-2031.
 - b) The zoning objective for the site E1 Employment as set out under the Bray Municipal District Local Area Plan, 2018.
 - c) Policy Objective E3 under Objectives for Economic Development as set out in the Wicklow County Development Plan 2016 and E3 General Employment Objectives of the Bray Municipal District Local Area Plan 2018-2024 which state: To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas.

- d) The nature of the development which would result in a high percentage of these E1 Employment lands being developed for 'product' intensive industry and commercial use rather than 'people' intensive industry.
- e) The proposed plot ratio.

It is considered that the proposed development would constitute an inappropriate and inefficient use of these E1 employment zoned lands, would undermine the economic function of the settlement, as set out in the Regional Spatial and Economic Strategy, 2019-2031, the Wicklow County Development Plan, 2016 and the Bray Municipal District Local Area Plan, 2018 and would therefore be contrary to the proper planning and sustainable development of the area.

- Having regard to:
 - a) The location of the site within SLO6: Employment Lands Between Boghall Road – Bray Southern Cross Road
 - b) The proximity of the proposed development to SLO9: Bray Southern Cross Neighbourhood Centre
 - c) The nature and scale of the proposed service station which would represent a large commercial building

It is considered that the proposed development would have strong potential to become a significant destination in its own right and thereby directly divert trade away from designated neighbourhood centres within the settlement. The pattern of this development would compromise the vitality and viability of the future plan led facilities on lands zoned for neighbourhood centre development within the Bray Municipal District Local Area Plan, 2018-2024 leading to disorderly unplanned retail and service development. The proposed development would therefore be contrary to the Wicklow County Development Plan Policy Objective RT4 which seeks to promote and facilitate the development of retail developments in a sustainable manner and which requires retail related development to be located on suitably zoned land within settlement boundaries and RT26 which seeks to protect, provide for, and improve the mix of neighbourhood centre services and facilities. The

proposed development would therefore be contrary to proper planning and sustainable development.

- Having regard to:
 - a) The lack of permeability / connectivity between the proposed development and adjoining land uses in particular the lands zoned for a neighbourhood centre within the SLO9.
 - b) The failure of the proposed development to support the delivery of the 'green route' as required by the development objectives set out for these SLO lands.
 - c) The lack of legibility in the layout of the proposed service station which has the potential to lead to conflicts arising from traffic movements.
 - d) The lack of information to support the design and layout of the proposed road and cycle infrastructure.

It is considered that the development of these lands as proposed would contravene the objectives for SLO6 as set out in the Bray Municipal District Local Area Plan, 2018 and the Development and Design standards of the County Development Plan, 2016 and would endanger public safety by reason of serious traffic hazard. The proposed development would therefore be contrary to proper planning and development.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

States that whilst the application site is zoned as '*E1: Employment*', the proposal must also be assessed having regard to Objective EMP3 of the Bray Municipal District Local Area Plan, 2018 which seeks '*to protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas*'. In this respect, it is considered that in light of the designation of Bray as a Metropolitan Key Town in the Regional Spatial and Economic Strategy, 2019-2031, and the wider strategic policy provisions relevant to the future growth of Bray, the subject lands should be prioritised for 'people' intensive industry rather than 'product' based industry in order to ensure their most

efficient and sustainable use. Accordingly, on the basis of the projected employment figures set out in the application documentation, the low plot ratio, and the quantum of the development / site area devoted to 'product' intensive industry, it has been concluded that the proposal would not maximise the development potential of the employment lands in question.

With regard to the proposed service / petrol station, it is not accepted that this aspect of the development is appropriate to the employment lands given the emphasis on 'people' intensive industry. It is also considered that the nature and extent of such a commercial use (which includes a retail area and 2 No. food concessions) would undermine the development potential of the remainder of the employment lands and that of the adjacent lands identified as SLO9 (with specific reference to the provision of a new neighbourhood hub to serve the Bray Southern Cross Road area).

The report also raises concerns as regards the overall layout of the scheme, including the need for adequate connectivity and permeability with adjacent lands, the failure to support the delivery of the 'green route' required by SLO6, and the overall legibility of the access and circulation arrangements for the petrol station. Further reference is made to the need to protect the residential amenity of neighbouring housing from excessive noise and light spillage etc.

In relation to traffic impact and the provision of the link road, it is stated that additional information is required in respect of a number of issues, including the road design, pedestrian and cycle facilities, drainage, trip generation and distribution, the impact on traffic flows and junctions, the need to take account of the findings of the Road Safety Audit, and the excessive parking provision for the service station.

The report thus concludes by recommending a refusal of permission for the reasons stated.

3.2.2. *Other Technical Reports:*

Chief Fire Officer: Advises that elements of the development will require a Fire Safety Certificate and a Disability Access Certificate. It also recommends the inclusion of conditions in any decision to grant permission as regards the provision of an adequate firefighting water supply and fire hydrants.

Waste Management Section: No objection.

Roads Authority: Reference has been made by the case planner to a report having been prepared by the Roads Authority seeking the submission of further information, however, no such report has been included in the documentation forwarded to the Board by the Planning Authority.

3.3. **Prescribed Bodies**

3.3.1. *Irish Water*: No objection, subject to conditions.

3.3.2. *Transport Infrastructure Ireland*: States that it will rely on the Planning Authority to abide by official policy in relation to development on / affecting national roads as outlined in the '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*', subject to the following:

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as conditions of the permission, if granted. The developer should also be advised that any additional works required as a result of the assessment should be funded at their own expense.

3.3.3. *Department of Culture, Heritage and the Gaeltacht*: Given the location and extent of the proposed development, and the potential for archaeological remains, it is recommended pre-development archaeological testing be required as a condition of any grant of permission.

3.4. **Third Party Observations**

3.4.1. A total of 3 No. submissions were received from interested parties and the principle grounds of objection / areas of concern contained therein can be summarised as follows:

- Concerns as regards the inclusion of lands in the ownership of Wicklow County Council without prior discussion with the elected members of the Local Authority.
- The need to protect the residential amenity of neighbouring housing, with particular reference to the hours of construction and the provision of suitable boundary treatment.

- The inclusion of stringent conditions to mitigate any potential noise nuisance arising during the construction or operation of the development.
- The detrimental impact of the proposal on wildlife and biodiversity considerations.
- There is no need / demand for a further service station in the area.
- The proposed service station & car parking etc. is not compatible with the residential amenity of adjacent housing by reason of traffic, noise, light pollution, emissions, disturbance, security, and health & safety concerns etc.
- The over-provision of car parking for the service station.
- The noise, dust & traffic impacts arising during construction and operation of the proposed development.
- The impact on traffic flows & congestion levels along Southern Cross Road, with particular reference to the provision of traffic lights at the junction with the proposed link road.
- The height of the proposed distribution buildings will have a significant visual impact and will detract from the amenity and views of local residents.
- The proposed design is out of keeping with the surrounding pattern of development and will not make a positive contribution to the character of the area.
- Concerns as regards the adequacy of public transport services in the area.
- The lack of consultation with the local community.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. 18822 / ABP Ref. No. ABP-302611-18. Was refused on 31st August, 2018 refusing Barnaby Investments Ltd. permission for a single storey petrol filling station (465m² GFA) comprising a forecourt convenience shop with off licence (97m²), 2 no. café / restaurant concession areas (64m²) with seating area (185m²), public toilets (40m²) and ancillary staff and store areas (79m²). Associated facilities

include 6 no. fuel pumps with canopy over, external seating area, external children's play area, car wash facility, air / water services and associated car parking and bicycle parking. Permission is also sought for building and canopy mounted signage and 1 no. totem sign, boundary treatment, hard and soft landscaping & all associated site and development works. The development will be accessed from a new road connecting Boghall Road and the Southern Cross Road, providing separate access and egress points for the petrol filling station development. Revised access arrangements for existing development and provision for future access points to undeveloped lands (subject to separate future planning applications). The new road comprises a single carriageway (6m) and will include cycle lanes (1.7m) on both sides and footpaths (2m) on both sides as well as crossings, drainage, lighting, landscaping & associated site and development works including reconfiguration and tie in works to the existing public roads at Boghall Road and Southern Cross Road. Traffic signals are proposed at the intersection of the link road and the Southern Cross Road to the south and the Boghall Road to the north.

(The application was subsequently withdrawn on appeal).

4.2. *On Adjacent Sites (to the north):*

PA Ref. No.1889. Was refused on 23rd March, 2018 refusing Murdock Distribution (Ireland) Limited permission for (i) the construction of builder merchants building (1,276.02sqm)/external storage and security hut (11.12sqm) provision of 7 no. external storage racking units (ranging in height from 3.5m - 5m) and new concrete yard; (ii) 11 no. parking spaces and cycle parking spaces; (iii) 2 no. 4.4m high new totem signs on north-eastern section of site, each with an area of 4sqm; (iv) 2.4m high palisade fence around boundary of site; (v) provision of StormTech Water Management System, 225mm storm pipes with concrete surrounds, underground storm drainage 150mm pipe and overground storm drainage 150mm pipe, foul drainage and 2 no. aco channels; (vi) creation of new vehicular entrance to site at northern boundary; and, (vii) all associated site development / landscaping and SUDS drainage works necessary to facilitate the development, all at Boghall Road, Bray, Co. Wicklow.

PA Ref. No. 18927. Was granted on 6th November, 2018 permitting Murdock Distribution (Ireland) Ltd. permission for a builder merchants building (1,471.12m²),

provision of 7 no. external storage racking units (ranging in height from 3.5m - 5m) and new concrete yard; 20 no. parking spaces and 10 no. cycle parking spaces 2 no. 4.4m high new totem signs on north eastern section of the site, each with an area of 4 sqm, 2.4m high palisade fence around boundary of site, provision of Storm Tech Water Management System, 225mm storm pipes with concrete surrounds, underground storm drainage 150mm pipe and overground storm drainage 150mm pipe, foul drainage and 2 no. aco channels, creation of new vehicular entrance to site at northern boundary and all associated site development works including landscaping, road signage / marking and SuDS drainage works necessary to facilitate the development, all at Boghall Road, Bray, Co. Wicklow.

PA Ref. No. 2082. Was granted on 13th March, 2020 permitting Storage Resources Ltd. permission for the part demolition of existing warehouse to provide vehicular access to the rear of the site for use as a storage area and all associated site works, all at Boghall Road, Oldcourt, Bray, Co. Wicklow.

4.3. *On Adjacent Sites (to the west):*

PA Ref. No. 181182 / ABP Ref. No. ABP-304132-19. Was granted on 2nd July, 2019 permitting 1 Southern Cross Lands Limited permission for the development of a single storey retail supermarket measuring c. 2,493sqm gross floor area (including an ancillary off-licence within the supermarket); external loading dock of c. 38.8sqm; a service yard of c. 1,158sqm; 1 no. external plant room of c. 46sqm; 178 car parking spaces; 50 cycle parking spaces; a substation (c. 21sqm); the construction of a new armed roundabout on Southern Cross Road; hard and soft landscaping; lighting, attenuation and drainage and all associated site development, access points, roads, boundary treatment and infrastructural service provision needed, on lands at Southern Cross Road, Bray, Co. Wicklow.

(A third-party appeal was withdrawn).

ABP Ref. No. ABP-305058-19. Was granted on 12th November, 2019 permitting 1 Southern Cross Lands Limited permission for a strategic housing development at Southern Cross Road, Bray, Co. Wicklow, consisting of a mixed-use residential development comprising 208 No. residential units and a neighbourhood centre.

- 30 No. two-storey houses (18 No. two-storey, three-bed houses, and 12 No. two-storey, four-bed houses);

- 18 No. duplex apartments (2 No. one-bed duplex apartments, 9 No. two-bed duplex apartments and 7 No. three-bed duplex apartments);
- 160 No. apartments in 4 No. five-storey blocks (two of which are over podium car park) comprising 22 No. one-bed apartments and 138 No. two-bed apartments.

The proposed neighbourhood centre (total floor area circa 1,484m²) will be located adjacent to the permitted supermarket (register reference 18/1182) and will comprise 3 No. retail units, a creche, and 4 No. community units including youth services centre and health care unit.

Provision of new vehicular access from Southern Cross Road to the residential area. The proposed development includes minor modifications to permission register reference 18/1182 to facilitate an additional road access to the neighbourhood centre from Ard Na Greine (in addition to the permitted roundabout), and associated alterations to the permitted neighbourhood centre car park and service yard.

Provision of landscaping, open spaces and play area, including a new green route connecting Ard Na Greine to the Southern Cross Road via a new neighbourhood centre plaza.

All associated site development works, landscaping, boundary treatments and services provision, including ESB substations.

5.0 Policy and Context

5.1. Development Plan

5.1.1. *Wicklow County Development Plan, 2016 - 2022:*

Chapter 5: Economic Development

Section 5.5: Objectives for Economic Development (incl.):

EMP1: To support all forms of employment creation, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and compliance with all other objectives of this plan.

EMP2: To normally require new employment generating developments to locate on suitably zoned or identified land in settlements. Proposals in settlements with no zoning plan should be assessed on the basis of their individual merits, taking into consideration the objectives set out in this chapter of the plan and all other matters pertaining to the proper planning and sustainable development of the area, including ensuring that the proposal is appropriately sited in a location so that it enhances, complements, is ancillary to or neutral to the existing land uses in the area. All other proposals for employment generating developments outside of settlements will be assessed on the 'Objectives for Wicklow's Rural Economy'.

EMP3: To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas.

EMP4: To permit proposals for employment generating development where it can be demonstrated that the development complies with the relevant development standards and is not detrimental to residential amenity or to environmental quality, and is acceptable with regard to its impact on the character and visual amenity of the area. Regard will be paid to ensuring that existing or planned infrastructure can acceptably accommodate a proposed development. Developments that result in an unacceptably high level of traffic generation, that are detrimental to residential amenity, the character or visual amenity of an area or the existing roads infrastructure will not be permitted.

EMP5: To promote the development of employment generating uses at locations which comply with sustainable transportation objectives, i.e.

- promoting the development of 'product' intensive industries (typically manufacturing and logistics based uses) at locations that are accessible to strategic roads infrastructure;
- promoting the development of 'people' intensive industries (typically office, services and start-up entrepreneur based uses) at locations that are accessible by public transport networks and

substantial residential areas, served by cycle networks and walking routes;

- promoting the intensification of existing employment land uses that are in proximity to good public transport facilities; and
- where appropriate, promoting the integration of employment uses with other land uses, including residential, tourism and retail uses, in an effort to provide mixed use developments, which can reduce the need to travel.

EMP7: To encourage the redevelopment of brownfield sites for enterprise and employment creation throughout the County and to consider allowing 'relaxation' in normal development standards on such sites to promote their redevelopment, where it can be clearly demonstrated that a development of the highest quality, that does not create an adverse or unacceptable working environment or create unacceptable impacts on the built, natural or social environment, will be provided.

EMP10: To facilitate the provision of a mix of ancillary services such as a shop or food outlet, crèche etc. on large sites zoned for employment at peripheral locations where a detailed justification/need for such facilities has been demonstrated and where it has been demonstrated that the provision of such facilities does not impact on existing facilities, in particular, town centre or local neighbourhood centre activities.

EMP11: To require employment based developments to be of the highest standard of architectural design and layout and comply with the Development & Design Standards set out in this plan.

Chapter 6: Centres and Retailing:

RT26: Within neighbourhood centres, it is the objective of the Planning Authority to protect, provide for, and improve the mix of neighbourhood centre services and facilities, which provide for the day-to-day needs of the local community, to a degree that is akin to their role and function as outlined in the Retail Strategy.

RT34: Proposals for retailing use at motor fuel stations shall be considered in accordance with the 'Retail Planning Guidelines for planning authorities' (DoECLG, 2012).

Appendix 1: Development and Design Standards: Section 3: Business, Commercial and Employment Developments

5.1.2. Bray Municipal District Local Area Plan, 2018 – 2024:

Land Use Zoning:

The proposed development site is zoned as 'E1: Employment' with the stated land use zoning objective 'To provide for the development of enterprise and employment'.

Description: To facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high quality employment and enterprise developments in a good quality physical environment.

Uses generally appropriate for employment zoned land include general and light industry, office uses, enterprise units, appropriate warehousing, petrol filling stations (as deemed appropriate), public transport depots, open space, community facilities, utility installations and ancillary developments for employment and industry uses in accordance with the CDP.

Other Relevant Policies / Sections:

Chapter 2: Overall Vision & Development Strategy:

Section 2.2.4: Economic Development and Employment:

Economic Development and Employment Strategy for Bray MD (incl.):

- To ensure sufficient zoned land is available in appropriate locations capable of facilitating the development of appropriate employment opportunities in accordance with the provisions of the County Development Plan. Maintain existing, developed employment lands and resist changing the zoning or use of such sites, particularly to residential uses, except where local conditions can justify same. In such limited circumstances, employment providing development may still be required as part of the package of development including residential.

- To target that at least 50% of the required jobs growth in any town shall be in the town centre or existing developed employment sites and thereafter, to zone lands for new employment creation at the most optimal locations.
- Facilitate the provision of key infrastructure required for the future development of enterprise and employment.
- To prioritise the existing town centres as the core location for more intensive economic activity and job creation.

Chapter 4: Economic Development & Employment:

Section 4.1: Priority employment areas: Bray: Existing employment areas on Bray SCR, Boghall Road and Killarney Road.

- E1:* To support all forms of employment creation, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and compliance with all other objectives of this plan.
- E2:* To normally require new employment generating developments to locate on suitably zoned land in settlements. Proposals for employment generating developments outside of settlements will be assessed on the 'Objectives for Wicklow's Rural Economy'.
- E3:* To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas.
- E4:* To encourage the redevelopment of brownfield sites for enterprise and employment creation throughout the District and to consider allowing 'relaxation' in normal development standards on such sites to promote their redevelopment, where it can be clearly demonstrated that a development of the highest quality, that does not create an adverse or unacceptable working environment or create unacceptable impacts on the built, natural or social environment, will be provided.

Section 4.2: *Priority industries:*

E6: Large-Scale Employment Generating Developments:

It is the objective of the Council to promote and facilitate the development of large-scale employment generating developments, including industrial, knowledge, high-technology, office and service based and science space developments, at appropriate locations.

E7: Knowledge, High-Technology and Service Based Industries:

To encourage and facilitate the development of knowledge, high-technology and service based specialist industries at appropriate locations, in accordance with the relevant development and environmental standards, and to support and strengthen the capability and quality of research and development functions in the District. The Council will promote the clustering of these type industries and other inter-related industries.

E8: Office Developments and Small-Scale Service Industries:

To encourage and facilitate the provision of office developments and small-scale service industries at appropriate locations. The most suitable location for local or small-scale office developments and small-scale service industries is generally in above-ground floor commercial premises at appropriate locations in town / village centres and neighbourhood centres. The development of these types of uses in neighbourhood centres can reinforce the existing service function of these centres, as well as create new opportunities for local employment in locations that are accessible to residential areas. The Council will permit office development in appropriate employment zoned locations that are deemed suitable with regard to sustainable traffic and land use considerations.

E9: Small and Medium Enterprises

To encourage and facilitate the development of small to medium scale indigenous industries and services at appropriate locations within settlements. The Council acknowledges that the development of small-

scale projects with long term employment potential are important in sustaining both urban and rural settlements in County Wicklow and as such, the Council will adopt a proactive and flexible approach in dealing with applications on a case-by-case basis.

Chapter 8: Infrastructure:

Section 8.1.5: Road Objectives (incl.)

RO9: To promote and support the development of enhanced or new greenways at the following locations and require development in the vicinity of same to enhance existing routes and / or provide new links:

- Bray - Swan River Kilruddery to Dargle River

Chapter 10: Key Development Areas:

Specific Local Objectives (SLO):

The purpose of the SLO is to guide developers as to the aspirations of the plan regarding the development of certain lands where more than one land use is proposed or the lands are zoned for 'mixed use', in a manner similar to Action Areas, but with the exception that no masterplan will be required to be agreed prior to the submission of a planning application.

SLO 6: Employment Lands Between Boghall Road – Bray SCR:

This SLO is located between Boghall Road and the Bray Southern Cross Road (SCR) and is zoned for employment use. This is considered a significant development site that could add substantially to employment creation in the town. Any development on these lands shall accord with the following objectives:

- To accommodate the traffic movements generated by this zoning, the roads / footpaths servicing development on these lands shall access onto both Boghall Road and the Bray SCR;
- Any development on the southern part of the lands shall include landmark buildings, of the highest architectural quality, fronting onto the Bray SCR;
- In conjunction with the development of SLO 9 adjacent, the development shall be so designed as to provide for a 'green route' link between Boghall Road and Bray SCR ('Swan River green route').

SLO 9: Bray Southern Cross – Neighbourhood Centre:

This SLO is located on Bray Southern Cross Road (SCR), with the 'Deerpark' road bounding the site to the west. The site is surrounded by existing housing areas to the west and north, by zoned employment land to the east and by the SCR to the south. The area measures c. 4 ha. This SLO is designated for the development of a new neighbourhood hub to serve the Bray SCR area, and provides an opportunity for both retail and community services as well as the development of new vehicular and pedestrian routes from the SCR to Boghall Road.

The development of the entire site shall be carried out as a single comprehensive development, and in particular, no residential development may occur unless it is accompanied by the 'neighbourhood centre' and open spaces and other community elements as are required by the objectives set out to follow. The development shall be of the highest design quality; the neighbourhood centre building(s) shall form a distinctive and attractive presence along the SCR; high quality urban realm and functional green spaces shall be provided, as well as pedestrian and cycling links to surrounding lands and public roads.

- The neighbourhood centre shall include a supermarket and not less than 5 smaller retail units, as well as provision for other non retail / commercial / professional uses up to a total floor area of 2,500sqm (GFA) for the supermarket and of the order of 500sqm (GFA) for the smaller units / non retail uses;
- The development shall include the provision of community / health / public services / wellbeing floor space of the order of 500sqm;
- Residential development, on the northern part of the site that is zoned R-Special, a higher density format of 40/ha shall be considered only where it is part of an overall project involving the completion of the neighbourhood centre in advance of any residential units;
- Vehicular access to the site shall be from Bray SCR;
- The development shall make provision for a car free green route from the south-eastern corner of the site adjoining the SCR, through to the Deerpark road at the north western corner of the lands.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 1.5km east of the site.
- The Bray Head Proposed Natural Heritage Area (Site Code: 000714), approximately 1.5km east of the site.
- The Dargle River Valley Proposed Natural Heritage Area (Site Code: 001754), approximately 2.1km west of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location in a built-up area of Bray outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The development of the lands in question has been the subject of extensive pre-planning discussions with the Local Authority and, following consideration of the specific concerns raised, it was considered that the subject proposal was reasonable having regard to the employment content, design quality and the absence of any adverse retail impacts, and, therefore, the project was progressed to application stage. It is considered that the decision to refuse permission does not reflect the manner in which the issues raised by the Planning Authority were addressed.

- The proposed development is wholly compliant with the provisions of the Bray Municipal District Local Area Plan, 2018-2024, the Wicklow County Development Plan, 2016-2022 and the Regional Spatial and Economic Strategy, 2019-2031 as regards the applicable zoning objective and the economic development of Bray as a Metropolitan Key Town.
- The Regional Spatial and Economic Strategy, 2019 identifies Bray as a Metropolitan Key Town with high quality transport links and the capacity for increased residential and employment densities at strategic transport nodes. It further supports the town's development as a strategic employment location with a particular focus in attracting high value investment in 'people' based industries at accessible locations. However, given that the appeal site is located 30 minutes walking distance from the DART and is only served by a single bus route, it is not appropriately served by high quality / capacity transport links and thus is more suited to the provision of 'product' based industries.
- The proposed development, which provides for offices, enterprise units, storage / logistics / distribution facilities and a service station, accords with the uses specified for lands zoned as 'E1: Employment'. Furthermore, the design of Blocks 'F' & 'G' (which provide for storage / logistics / distribution uses) are capable of accommodating more employment intensive uses such as manufacturing in conjunction with appropriate warehousing.
- The Planning Authority's rationale that the development of the subject lands should be prioritised for 'people' intensive industry rather than 'product' intensive industry provides for a one-dimensional view towards the development of Bray. The designation of Bray as a Metropolitan Key Town does not address the limitations of the appeal site itself i.e. a noticeable lack of public transport services and its separation from existing 'people' intensive industries.
- Whilst the Planning Authority is of the opinion that the proposal does not provide for a sufficient quantum of 'people' intensive industry, the accompanying correspondence from Jones Lang LaSalle Ltd. advises that the scheme could potentially generate employment for 500+ No. persons. This

equates to in excess of 120 No. workers per hectare and compares particularly favourably with the equivalent of c. 27 No. workers per hectare associated with the Planning Authority's approval of a builder's merchant building on the adjacent lands to the immediate north (PA Ref. No. 18/927). It should also be noted that the Planning Authority did not raise the issue of 'people' intensive industry in its assessment of PA Ref. No. 18/927. Therefore, there is a notable inconsistency in the determination of development proposals on lands zoned as 'E1: Employment'.

- In contrast to other potential development sites, Specific Local Objective 6 (SLO6) provides far more limited guidance with regard to the development of the subject site and none whatsoever as regards the manner of industry proposed, specifically whether it should be 'people' or 'product' intensive.
- The proposed development accords with the applicable land use zoning and it is considered that the subject application has been unduly assessed against the context of the Planning Authority's own views for the appropriate development of the wider site which were not sufficiently detailed in the LAP. The application has been contrasted against the potential to provide a 'people' employment zone at this location without any specific requirement for same in the LAP.
- The proposed enterprise park will supplement the proposed and approved developments for the wider undeveloped lands by providing a considerable extent of employment in the form of 500+ jobs for the benefit of the area.
- Contrary to the Planning Authority's approach, it is more appropriate to calculate the plot ratio of the proposed development on the basis of the main bodies of land which are suited to development i.e. excluding that area dedicated to the link road and those pockets of land unsuited to meaningful development. It should also be noted that neither the Local Area Plan nor the County Development Plan provide any indicative figures for appropriate plot ratios. Accordingly, it is submitted that the correct plot ratio for the development is 0.45 with the site coverage extending to 37.2%. These figures are appropriate given the site context and the need to preserve the residential amenity of neighbouring housing. The development has also been affected by

the extensive easements / reservations on site which amount to 0.545 hectares (e.g. wayleaves, the Swan River culvert, the request for a 5m reservation to the link road, and the difficult site topography).

- In respect of compliance with SLO6, the proposed development will:
 - Provide in excess of 500 No. jobs
 - Allow for the connection of Boghall Road with Southern Cross Road thereby improving permeability and connectivity.
 - Provide for a landmark building of a contemporary design fronting onto Southern Cross Road.
- The proposal will not unduly impact on the development of those neighbouring lands subject to SLO9. It is not accepted that the nature and scale of the retail element of the proposed service station will divert trade away from the neighbourhood centre or compromise the vitality and viability of that site in the future. Notably, unlike the approved neighbourhood centre, the proposed service station will not benefit from any adjacent complementary retail-based uses and, therefore, it will not undermine the development potential of the SLO9 lands.
- The retail and food concession components of the proposed service station are entirely ancillary to its main function as a fuel sales outlet and cannot be considered to be of such a size as to detract from the key functions of the adjoining neighbourhood centre or any existing / proposed retail facilities in the wider area. In this regard, the Board's attention is drawn to the findings of the Retail Impact Assessment provided with the application. The proposal is wholly representative of a modern service station in any edge of town location.
- The proposed retail floorspace and associated food concession areas within the service station are minimal and, considering the separation from existing residential development and the ancillary nature of these uses, it is likely that said elements will attract, in order of priority – 1: Customers purchasing petrol; 2: Workers within the enterprise park; and 3: Local residents, thereby

providing for an active use in the enterprise park at all times for the benefit of passive surveillance in the area.

- In response to the suggested non-provision of the retail facilities proposed, it should be noted that the Planning Authority's refusal of the previous proposal for a service station on site under PA Ref. No. 18822 made no comment on the issue of 'people' intensive industry.
- The Planning Authority has suggested that an additional office building in place of the service station would be more appropriate, however, the location of the service station is intended to achieve maximum visibility in the context of the immediate road network. Despite the absence of any requirement for a masterplan with respect to the SLO6 lands and the prescriptive details provided in the Local Area Plan as regards suitable land uses on lands zoned as 'E1: Employment', the Planning Authority has sought to achieve its own revised vision for the development of the subject site.
- The designation of adjacent lands as suitable for a neighbourhood centre does not necessarily mean that the appeal site cannot provide the ancillary retail / food offer commonly associated with service stations sited alongside busy ring roads. The main purpose of the ancillary retail offer will be to address the convenience needs of workers within the proposed enterprise park whilst it will also complement other development given the lack of an existing retail / food offer within the immediate area.
- The location of the service station on a major transport route is appropriate to its efficient function and it will not compromise the ability of the proposed Enterprise Park to provide a considerable number of jobs.
- The service station will be highly visible along SCR whilst its scale and form will ensure that it reads as subordinate to the three-storey office block which forms the western side of the gateway to the enterprise park. Customers of the service station will be able to access it from both SCR and Boghall Road with the location considered appropriate in the context of longer journeys starting and ending in central Bray.

- The service station will be within easy walking distance of the neighbourhood centre and thus should be seen as a positive addition as a result of increased choice and a clustering of similar uses.
- Having regard to the siting, context, and developmental constraints of other service stations within Bray town, it is considered that there is a need for a purpose-built service station at the location proposed.
- There are a number of issues with respect to existing service stations in Bray as follows:
 - Unsuitability for future expansion due to the restricted nature of the site;
 - The potential removal of existing facilities due to road widening projects; and
 - Traffic congestion arising from the provision of service stations in central areas.

In contrast, the subject proposal is suitable for future expansion / adaptation, will not exacerbate traffic congestion in the centre of the town, and will not be compromised by future infrastructural projects.

- Due to the separation of the application site from the town centre and the provision of the new link road, the proposed service station will be accessible from both Boghall Road and Southern Cross Road and will have an imperceptible impact on the local traffic network.
- The design of the service station allows for ease of movement and the provision of over 40 No. parking spaces whilst it can also be adapted to accommodate electrical charging services when necessary.
- It is of relevance to note that a service station was previously approved in 2008 under PA Ref. No. 07630125 on those lands to the west of the appeal site.
- With regard to the need for permeability and the assertion that the proposed development fails to support the delivery of a green route through the SLO6 lands, the Board is advised that there is a contradiction between the Transport

Objectives Map of the Local Area Plan and the written statement with regard to SLO9. Confirmation of this discrepancy was previously provided in correspondence received from Wicklow County Council which stated the following:

'The 'transport objectives' map that includes indicative green routes was not fully updated following the amendment and adoption stages of the plan. During the amendment stage, the indicative route of this green route was altered as shown in the written text of the plan (described in SLO6 and SLO9). As set out in Section 1.3 of the LAP, should any conflict arise between the written statement and the map, the written statement shall prevail. Therefore, the element of the indicative green route that affects your client's site is that part along the frontage (SCR) of the land, that would effectively link the park on the opposite side of the SCR along the Swan River into SLO9.'

Therefore, the proposed development will not compromise the provision of a green route to the front of the site alongside Southern Cross Road and through the SLO9 lands. Moreover, it is evident from a review of the planning documentation submitted in support of ABP Ref. No. ABP-305058-19 that there has been correspondence between that applicant (1 Southern Cross Lands Ltd.) and the Board as regards the provision of a green route through that site in accordance with the provisions of the Bray Municipal District Local Area Plan, 2018. The subject proposal supports a connection to this green route along the southern boundary of the application site in order to allow for the expansion of the Swan River Green Route (please refer to Appendix 'E' of the grounds of appeal).

- There is a body of land within the ownership of the Local Authority situated between the southern boundary of the site and Southern Cross Road. In the event of a grant of permission, the applicant would be amenable to landscaping this space which connects to landscaped lands within the SLO9 site. This landscaping would provide for an improved relationship between the residential and employment zoned lands and would also allow for the enhanced usability of the green route as an area for recreational amenity in conjunction with its primary use as a sustainable transport route.

- The Traffic & Transport Assessment lodged with the application includes a design option for a shared footpath / cycle track of 3m width with a verge of 2m along the roadside and a 1.5m verge along the site boundary which extends for c. 90m west of the junction of the proposed link road with Southern Cross Road. The total width available between the road edge and the site boundary is sufficient to accommodate an alternative design that could be amended to be consistent with the remainder of the greenway, including the adjoining neighbourhood centre site. This greenway link would provide for the main pedestrian and cycle connection between Boghall Road and Southern Cross Road.
- The proposed link road between Boghall Road and Southern Cross Road has been designed to present a visually attractive route through the use of landscaping in order to soften the appearance of the hard-surfaced areas and the commercial built form.
- With regard to the issue of permeability, the Local Area Plan provides no guidance as regards appropriate connections between the application site and neighbouring lands. It is of further note that the Board did not raise any concerns as regards permeability / connectivity with the subject site in its Notice of Pre-Application Consultation Opinion with respect to ABP Ref. No. ABP-305058-19.
- The provision of through routes between the appeal site and neighbouring residential areas could result in negative impacts in terms of safety arising from a lack of passive surveillance and the potential for anti-social behaviour stemming from the accessibility of the enterprise park after hours. Notwithstanding, the applicant is amenable to enhanced connections to adjoining sites as a condition of any grant of permission (if deemed necessary).
- Permeability within the immediate area will be significantly enhanced as a result of the proposed development with new links provided where appropriate to do so. The internal layout and design of the development provides a legible and contemporary aesthetic which will improve the visual amenity offered by

the site along its significant road frontage with the Southern Cross Road. The site is wholly compliant with the LAP as regards the provision of a green route.

- The design and layout of the proposed service station has evolved in response to the Planning Authority's previous assessment of PA Ref. No. 18/822 and subsequent pre-planning discussions. It has been revised to provide for separate entrance and exit points thereby guaranteeing a continuous flow of vehicles through the site (south to north).

The access and egress widths are 6.8m and 9.6m respectively to ensure sufficient turning space for fuel delivery tankers.

The entrance to the service station will be positioned 70m north of the junction of the link road with Southern Cross Road whilst a dedicated right-hand turning lane will be provided. The exit will be located a further 80m north with a one-way circulatory route operating through the station forecourt. The use of road markings and associated signage will provide for legible traffic movements through the service station.

- The layout of the proposed service station has been designed to ensure:
 - A safe and continuous flow of vehicles into the service station, through the forecourt and around the building to the exit. The exit point is located c. 55m north of the forecourt which is considered a reasonable distance to drive. Providing a separate entrance and exit is preferable to a two-way access and is a common arrangement for service stations.
 - The minimum pump distance from the entrance point is c. 14m which leaves enough space for vehicles to align with the fuel pumps and avoids queuing back onto the link road.
 - The location of the car wash is directly accessible from the main entrance. The car wash will include a pay at the entrance arrangement thereby minimising potential conflicting movements on site.
 - The width of the roadway to the east and north of the building is 5.4m and is necessary in order to guarantee the movement and swept path of HGV vehicles. Traffic calming measures can be included to ensure there are no speeding issues.

- The information contained in the Traffic & Transport Assessment is sufficient to allow for an informed assessment of all road and cycle infrastructure within the proposed development. Notwithstanding, the Board is requested to note the following:
 - The proposed link road will connect Boghall Road with Southern Cross Road and allows for the optimum distribution of traffic arising from the enterprise park within the local road network. This new roadway will directly improve permeability locally and will allow road users to circumvent the over 2km route along existing roads via either Killarney Road or Vevay Road.
 - The link road includes a footpath along its eastern side and a shared pedestrian / cycle path to the west which provide access to all buildings with the proposed enterprise park.
 - The signalised junctions at either end of the link road will include specific crossing facilities for pedestrians and cyclists.
 - The access junctions on the proposed link road have been designed with appropriate widths and corner radii to accommodate the design vehicles and will also ensure appropriate traffic speeds and a safe pedestrian / cyclist environment.
 - The proposal will support the provision of a green route along the southern site boundary with Southern Cross Road thereby allowing for a direct connection between the enterprise park and the residential development and associated neighbourhood centre on the adjacent lands to the immediate west.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Traffic implications
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. The proposed development site is located within the settlement boundary of Bray as identified in the Bray Municipal District Local Area Plan, 2018 on lands zoned as 'E1: *Employment*' with the stated land use zoning objective '*To provide for the development of enterprise and employment*', however, the development of these lands is also governed by Specific Local Objective No. 6 (SLO6), the purpose of which is to guide developers as to the aspirations of the Plan as regards the development of lands where more than one land use is proposed or the lands are zoned for 'mixed use' (in a manner similar to 'Action Area Plans' but with the exception that no masterplan will be required to be agreed prior to the submission of a planning application). The full extent and text of SLO 6: '*Employment Lands Between Boghall Road – Bray SCR*' is set out in Chapter 10: '*Key Development Areas*' of the Local Area Plan and in this respect it is of relevance in the first instance to note that the SLO6 designation (of which the subject site forms part) extends to include the entirety of the former 'Schering Plough' manufacturing facility and adjacent greenfield lands. Moreover, it is stated that the lands in question comprise '*a significant development site that could add substantially to employment creation in the town*' with the remainder of SLO6 setting out a list of development objectives.

7.2.2. From a review of the available information, it is apparent that there is a considerable divergence of opinion between the Planning Authority and the applicant as to the nature of any future development on the application site and, more specifically, the intent of the '*E1: Employment*' land use zoning. In this regard, whilst the decision to refuse permission has asserted that the subject proposal represents an inappropriate and inefficient use of 'employment' lands with a notable emphasis placed on the proportion of the site to be developed for '*product-intensive*' uses as opposed to '*people-intensive industry*', the applicant has sought to stress that all aspects of the development accord with the applicable land use zoning and refers to the sample uses set out in Chapter 10 of the Local Area Plan which are considered to be '*typical*' and '*generally appropriate*' to employment zoned lands e.g. general and light industry, office uses, enterprise units, appropriate warehousing, and petrol filling stations (as deemed appropriate).

(In the interests of clarity, I would advise the Board that whilst the decision to refuse permission mistakenly refers to Objective E3 of County Development Plan as opposed to Objective EMP3, the intended reference is clear with Objective E3 of the Local Area Plan and Objective EMP3 of the Development Plan both seeking '*To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas*').

7.2.3. In assessing the merits of each aspect of the proposed development, it is necessary in the first instance to clarify the purpose of the relevant 'employment' land use zoning and to review it in the context of the wider objectives of the Development Plan and Local Area Plan, including the provisions which seek to protect such lands from inappropriate / inefficient development. In this regard, the applicable land use zoning objective aims '*to provide for the development of enterprise and employment*' whilst the intention of the zoning is further described as seeking '*to facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high quality employment and enterprise developments in a good quality physical environment*'. Notably, although the Local Area Plan does not include a land use zoning matrix, some guidance is provided as to the use types which would typically be considered appropriate for employment zoned lands (as referenced earlier in para. 7.2.2 of this report).

- 7.2.4. In its determination of the subject application, whilst the Planning Authority has taken cognisance of the relevant land use zoning objective, it has placed a considerable emphasis on the need for the efficient use of the employment lands. In this respect, it would appear that parallels have been drawn between Objective EMP3 of the Development Plan (and Objective E3 of the Local Area Plan) which seeks to protect employment lands from inappropriate development that would undermine future economic activity, and Objective EMP5 of the Plan which aims to promote the development of employment generating uses at locations which comply with sustainable transportation objectives. More specifically, I would advise the Board that Objective EMP5 seeks to encourage '*people*' intensive industries (typically office, services and start-up entrepreneur based uses) to develop in locations accessible from public transport networks and substantial residential areas, served by cycle networks and walking routes, whereas '*product*' intensive industries (typically manufacturing and logistics based uses) should aim to locate in areas accessible by strategic roads infrastructure.
- 7.2.5. Whilst I would acknowledge the desire of the Planning Authority to maximise the development potential of certain lands in light of national and regional policy, cognisance must also be taken of the more specific provisions of the Development Plan and Local Area Plan. In this regard, I am inclined to suggest that in its assessment of the subject proposal, the Planning Authority has placed an overt emphasis on a somewhat aspirational policy objective to the detriment of the proposed development.
- 7.2.6. In my opinion, it is apparent that the intent of Objective EMP5 simply aims to 'promote' a certain type / pattern of development and that it should not be so rigidly interpreted as to impose a mandatory requirement or obligation with respect to proposals for the development of employment lands. In support of the foregoing, it is notable that the objective is somewhat generic in that it does not expressly identify any specific sites suited to '*people*' or '*product*' based industries but rather relies on a case-by-case analysis of possible locations. If the alternative mandatory approach were to be taken, it could potentially have more far-reaching and perhaps undesirable implications as regards the siting of industry etc.
- 7.2.7. At this point, it is of relevance to refer to SLO6 which provides further guidance as regards the development of the subject lands. This acknowledges that the wider

landbank comprises a '*significant development site that could add substantially to employment creation*', however, it does not specify that the development of these employment lands is to be limited to '*people intensive*' industry. This is in contrast to those lands governed by SLO4 & SLO7 where it is expressly stated that the employment element of any mixed-use redevelopment is to be of a high intensity format (to the exclusion of low-density manufacturing / warehousing) providing a minimum floorspace yield. Accordingly, in the absence of any clear limitation or restriction on the nature of the employment uses envisaged for the SLO6 lands, it would seem reasonable to conclude that a wider range of development types would be permissible or open for consideration.

7.2.8. Further credence is lent to the need to allow for the consideration of less intensive / product-focused formats of development on lands zoned as '*E1: Employment*' by reference to the absence of any other land use zoning within the Plan area where there would be a reasonable expectation of such uses being favourably considered. For example, it has already been established that those lands zoned as '*MU: Mixed Use*' and subject to SLO4 & SLO7 are to accommodate high intensity formats of employment (the only remaining lands zoned as 'mixed-use' are to be developed as a mixed commercial, residential, education / community facilities and open space zone in accordance with SLO3: 'Former Bray Golf Course'). In addition, although the lands zoned as '*E: Special Employment*' have been identified for general 'employment' use within SLO1: 'Kilruddery', the requirement for access to be obtained via the existing Bray Business Park places an onus on any new development to be compatible with the established pattern of use on those adjacent lands (whilst also taking cognisance of the relationship with Kilruddery House) thereby limiting potential development options (it is also of note that the SLO1 lands are somewhat comparable to the subject site given their location relative to Southern Cross Road and existing / approved residential development and, therefore, it would seem reasonable to conclude that the SLO6 lands would similarly be suited to 'general employment use'). Other land use zonings such as '*TC: Town Centre*', '*E3: Retail Warehousing*' and '*F1: Film Industry*' are also unsuitable given the nature of the proposed development.

7.2.9. Whilst the Planning Authority has sought to draw attention to the presence of lands specifically zoned for warehousing and logistics purposes in the Wicklow Town -

Rathnew Development Plan, 2013 – 2019 (i.e. E2: Enterprise and Employment: ‘*To provide for enterprise and employment development in the form of light industry, warehousing and logistics development*’), I would suggest that this may not be a viable alternative to the subject site given the increased separation distance from the Greater Dublin Area and key transport routes. Moreover, I would not accept that the absence of any such land use zoning within the Bray Municipal District LAP could be purposively construed as directing any such development away from the area.

7.2.10. Having regard to the foregoing, it is my opinion that a reasonable interpretation of the ‘*E1: Employment*’ land use zoning and the provisions of SLO6 would not preclude the development of the subject lands for less intensive employment uses nor would it demand that any particular proportion of the site should be developed for such purposes. Indeed, the Planning Authority’s own assessment has conceded that ‘product’ based industry (such as warehousing / logistics) is not strictly prohibited within the ‘E1’ lands. Whilst I would acknowledge the desirability in economic terms of maximising the employment yield from any such lands, market forces will inevitably play a key role, and whilst land use planning can be used as a tool in directing development to a particular location (as evidenced by the express requirement for the high-intensity employment uses on those lands governed by SLO4 & SLO7), I am not satisfied that a reliance on a more aspirational policy objective (EMP5) which seeks to ‘promote’ a particular format of development can reasonably be used as the basis on which to refuse permission for a proposal that would otherwise conform with the applicable land use zoning objective. Accordingly, I am inclined to suggest that there is merit to the case put forward by the applicant that the subject application has been unduly assessed against a vision for the development of the subject lands which has not been sufficiently detailed in the Local Area Plan.

7.2.11. Therefore, having established that there is no explicit obligation for the subject site to be developed for ‘people intensive’ employment purposes, the principle of the individual components of the overall development can be assessed as follows:

7.2.12. *The realignment, upgrading and extension of the existing access road to provide a new link road connecting Boghall Road and Southern Cross Road:*

The provision of the new link road (with its associated footpaths and cycleway) accords with the requirement of SLO6 that access be provided onto both Boghall Road and Bray Southern Cross Road in order to accommodate the likely traffic movements consequent on the development of the wider SLO6 landbank. Accordingly, its inclusion as part of the subject proposal is acceptable in principle.

7.2.13. *The Proposed Office Building (Block 'K'):*

Chapter 10 of the Local Area Plan includes a list of development types which are considered to be 'typical' and 'generally appropriate' to employment zoned lands. By reference to the inclusion of 'office use' as such an 'appropriate' use, I am satisfied that the principle of same on the subject site is acceptable.

7.2.14. *The Proposed Enterprise Building (Block 'H'):*

The provision of an 'enterprise building' comprising 10 No. enterprise / incubator units as part of a wider proposal entailing the construction of an 'enterprise park' clearly accords with the land use zoning objective which aims *'to provide for the development of enterprise and employment'*.

7.2.15. *The Proposed Storage / Logistics / Distribution Buildings (Blocks 'F' & 'G'):*

Whilst I would acknowledge the comparatively low employment generation likely to be attributable to the development of storage, logistics and distribution facilities on site, it has already been established elsewhere in this report that whilst a higher intensity format of 'people'-centred employment would perhaps be desirable on the subject lands, it is not a mandatory obligation for development on site.

In accordance with Chapter 10 of the Local Area Plan, *'appropriate warehousing'* is typically suited to this land use zoning and, in my opinion, the proposed storage, logistics and distribution buildings comprise a comparable format of use that is therefore acceptable in principle.

In further support of this element of the proposal, it is notable that permission was previously granted for a builders merchants with associated external storage areas under PA Ref. No. 18927 on those adjacent 'employment' lands to the immediate north of the site pursuant to the same provisions of the current Local Area Plan.

7.2.16. *The Proposed Service Station (Block 'J'):*

Chapter 10 of the Local Area Plan states that the development of petrol filling stations may be appropriate on lands zoned for employment purposes thereby implying that any such proposal is open for consideration having regard to the proper planning and sustainable development of the area.

The proposed service station comprises a canopy-covered forecourt area (with 6 No. pump islands and 12 No. refuelling bays), a car wash facility, and an associated service building incorporating a convenience shop / retail unit with ancillary off-sales (floor area: 99.5m²), 2 No. café / restaurant concession areas (with a combined seating area of 208.5m² exclusive of the service counters), customer toilets, and ancillary staff / service areas.

Section 4.11.9: '*Retailing and Motor Fuel Stations*' of the '*Retail Planning, Guidelines for Planning Authorities, 2012*' imposes a floorspace cap of 100m² with regard to the net retail area of petrol filling station shops. The term 'net retail floorspace' is defined as the area within the shop which is visible to the public and to which the public has access including checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer service areas, and internal lobbies in which goods are displayed, however, it specifically excludes storage areas, circulation space to which the public does not have access, cafes, and customer toilets.

In the subject instance, the proposed development provides for a stated retail floorspace of 99.5m² (including the proposed off-sales) as shown outlined in yellow on Drg. No. 1636-1200 and thus would appear to accord with government guidance however, I would have some reservations that this calculation excludes the circulation space forward of the proposed off-licence and thus the actual retail area proposed would likely exceed the floorspace cap specified by the Guidelines with the result that the sequential approach to retail development should be applied.

With regard to the proposed food concession uses and the associated seating areas, whilst I would acknowledge that the inclusion of such facilities within motor fuel stations has become increasingly commonplace and has previously been viewed as an ancillary component in the normal operation of such premises, I would be of the opinion that the overall scale and size of this aspect of the development relative to

the forecourt shop is excessive and more akin to a 'traditional' restaurant / café. In this regard, I would be of the opinion that the scale of the food offering proposed would likely serve as the primary use with the petrol filling station forecourt shop becoming a subsidiary use and thus would not be consistent with the retail policy of the local area plan. Moreover, concerns arise that the scale and form of the food concession, with its extensive seating areas, could represent a destination in its own right that would seriously injure the vitality and viability of other retail centres in the area and thus would be contrary to the proper planning and sustainable development of the area.

Having regard to the foregoing, I would draw the Board's attention to the SLO9: 'Bray Southern Cross Neighbourhood Centre' which requires the development of a new neighbourhood hub to serve the Bray SCR area on those lands to the immediate west of the application site. In this respect, it is of further relevance to note that works have commenced on the construction of the mixed-use residential development and neighbourhood centre (comprising 3 No. retail units, a creche, and 4 No. community units, including a youth services centre and a healthcare unit) approved under ABP Ref. No. ABP-305058-19 whilst permission has also been issued for the development of a supermarket on adjacent lands (PA Ref. No. 181182) which will form a constituent part of the wider neighbourhood hub.

Given the proximity of the approved Southern Cross Neighbourhood Centre to the application site and its accessibility via existing footpath connections and the 'green route' permitted as part of that development, in addition to other contributory factors such as the significant provision of on-site car parking proposed for the service station, I would have serious concerns that the subject proposal would serve to detract from the vitality and viability of that centre and thus would be contrary to Objective BT4 of the Local Area Plan which states that '*Within designated neighbourhood centres at . . . Bray Southern Cross Road, it is the objective of the Planning Authority to protect, provide for, and improve the mix of neighbourhood centre services and facilities, which provide for the day-to-day needs of the local community, to a degree that is akin to their role and function as outlined in the Retail Strategy and the objectives of this plan*'.

Therefore, on balance, whilst the 'E1: Employment' land use zoning allows for consideration to be given to the development of petrol service stations, having

regard to the scale and form of the proposed service station, which includes a notable retail component in combination with 2 No. food concession offerings and associated communal seating / dining areas, it is considered that these proposed uses would be the primary use, with the petrol filling station representing a subsidiary use, and in particular would provide a service which would extend beyond any local working population arising from within the proposed enterprise park or beyond. The proposed development would, therefore, contravene materially the land use zoning objective for the site. Furthermore, the nature and scale of the proposed service station would undermine the role and function of the nearby Southern Cross Road neighbourhood centre / hub and would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3. Overall Design and Layout:

- 7.3.1. The overall design and layout of the proposed development has been influenced by a number of factors such as the constraints arising from the specifics of the site context, including its relationship with neighbouring properties, the presence of existing and permitted development on adjacent lands, and the alignment of the existing service roadway extending from Boghall Road, however, certain key aspects of the proposal derive from the requirements of SLO6 as set out in the Local Area Plan.
- 7.3.2. With respect to the proposed link road between Boghall Road and Southern Cross Road, it is a specific requirement of SLO6 that in order to accommodate the traffic movements generated by the 'employment' land use zoning, any development of these lands should be accessible from both Boghall Road and Southern Cross Road. In this regard, whilst I would acknowledge the concerns raised by the Planning Authority that the selected alignment of the new roadway may not maximise the development potential of the lands and that the retention of an area to the east of the link road to facilitate the delivery of the proposed service station may not be justified, I am mindful that an alternative layout could potentially serve to further undermine the developability of the SLO6 lands.
- 7.3.3. The alignment of the northernmost stretch of the link road is essentially fixed at present due to the position of the existing service roadway, the siting of the builder's merchants approved under PA Ref. No. 18927, and the extent of the landbank

outside the control of the applicant. Consequently, a 'pinch-point' arises on accessing the southernmost extent of the developable site area from Boghall Road. The designer's response has been for the new link road to meander through the narrowest point of the site and to extend broadly along the eastern extent of the southernmost site area. Although this alignment will result in the creation of a parcel of land between the roadway and the eastern site boundary (i.e. that area proposed for the service station), it is perhaps preferable to any alternative routing of the link road through the site in that it serves to minimise the degree to which the southernmost extent of the SLO6 lands will be severed from the remaining landbank to the north (should same become available for redevelopment). For example, if the new roadway were to extend westwards from the 'pinch-point' before subsequently running alongside the western site boundary to open onto Southern Cross Road, it would sever much of the former Schering Plough lands from the remainder of the site area. It is also notable that the proposed positioning of the signalised junction with Southern Cross Road serves to maximise the separation / queuing distance from the three-way priority junction approved under ABP Ref. No. ABP-305058-19 to serve the SLO9 lands.

7.3.4. Accordingly, I am of the opinion that the alignment of the link road as proposed is acceptable and serves to satisfy the objectives of SLO6.

7.3.5. A further element of SLO6 is the requirement that any development on the southern part of the lands should include landmark buildings of the highest architectural quality fronting onto the Bray Southern Cross Road. In this regard, the proposed development includes for the construction of a three-storey office building with undercroft car parking alongside the site frontage onto Southern Cross Road which is intended to serve as a landmark structure at the entrance to the enterprise park from the public road. The contemporary design of this building will include a stepped construction facing towards the main carriageway and will utilise a combination of selected brickwork, a metal curtain wall glazing system, and a metal 'brise soleil' shading system in order to break up the massing of the structure and to enliven its appearance. In my opinion, the contemporary aesthetics of this construction will provide for a suitable 'gateway' feature to the wider SLO6 lands as envisaged in the Local Area Plan and will also be compatible with the design principles of the six-storey apartments blocks approved on the adjacent lands under ABP Ref. No. ABP-

305058-19. Furthermore, the overall height of the office building will screen from view the less architecturally interesting aspects of the wider development from Southern Cross Road.

- 7.3.6. With regard to Buildings 'F', 'G' & 'H' (i.e. the enterprise units and the storage / logistics / distribution buildings), given the nature of these buildings and their intended use, the overall design of the construction is typical of warehousing and industrial development, however, I would concede that efforts have been made to provide for a heightened degree of visual interest through the inclusion of features such as curtain wall glazing to define entrance lobbys and office space and the use of metal cladding of differing colours.
- 7.3.7. The design of the proposed service station (Building 'J') and its associated forecourt is relatively standard and could perhaps be improved upon, however, some concerns have been raised by the Planning Authority as regards the overall legibility of its layout and the potential for conflicting traffic movements. From a review of the submitted plans and particulars, it is apparent that the intention is to utilise a one-way circulatory route through the forecourt and the wider service station site with separate access and egress points from the new link road. However, due to the elongated nature of the site, potential difficulties arise due to the siting of the car wash facility and services area (in addition to a number parking spaces) south of the proposed entrance and forecourt area and the likelihood that vehicles may seek to exit the site via the entrance point rather than negotiating the forecourt etc. In this regard, the applicant has submitted that the use of clear road markings and associated signage will provide for legible traffic movements through the service station. Further concerns arise with respect to the need to ensure the safe movement of pedestrians through the site e.g. to / from parking areas etc.
- 7.3.8. In relation to the requirement of SLO6 that the development of the lands be designed to provide for a 'green route' link between Boghall Road and Southern Cross Road (the 'Swan River green route') in conjunction with the development of the adjacent SLO9 lands, at the outset, I would advise the Board that there would appear to be some degree of discrepancy between this provision and the proposal to route a new greenway between Boghall Road and Southern Cross Road through the application site pursuant to Roads Objective RO9 (to promote and support the development of the Bray - Swan River Kilruddery to Dargle River greenway) as shown on the

Transport Objectives Map of the LAP. In this respect, whilst the decision to refuse permission has expressly referenced *'the failure of the proposed development to support the delivery of the 'green route' as required by the development objectives set out for these SLO lands'*, the applicant has sought to emphasise that the Planning Authority has previously clarified in correspondence that the Swan River green route is not intended to extend through the application site and that the indicative green route shown on the *'Transport Objectives'* map was not updated in response to changes made during the amendment stage of the LAP. Therefore, it has been asserted that the written text of the Plan as set out in SLO6 & SLO9 should prevail.

- 7.3.9. On balance, I am amenable to accepting the applicant's position as regards the intended routing of the proposed green link. In this regard, I would also acknowledge that although the indicative siting of the green route through the application site would perhaps provide for a more direct link between those sections of the planned greenway to the north and south of Southern Cross Road, I am inclined to suggest that the rationale for siting a greenway through prospective employment lands is somewhat questionable given the potential for conflict and the need to ensure compatible land uses.
- 7.3.10. Having established that the proposed greenway is to be routed as per the concept map appended to SLO9, from a review of the plans and particulars submitted with the initial application, it would appear to be the applicant's intention to route the greenway along the public footpath with Southern Cross Road (as opposed to siting it within the confines of the application site itself). This would seem to accord with the indicative routing for the *'green route from the south-eastern corner of the site adjoining the SCR through to the Deerpark road at the north-western corner of the lands'* shown on the 'greenway concept plan' for SLO9 and would also provide for a continuation of that green route between Ard Na Greine and Southern Cross Road as approved on the adjacent lands under ABP Ref. No. ABP-305058-19 (thereby linking into the three-way signalised junction proposed as part of the subject development with a controlled pedestrian crossing of the Southern Cross Road allowing for the greenway to continue southwards).
- 7.3.11. Therefore, on the basis of the foregoing, it is my opinion that the subject proposal satisfactorily accords with the requirements of SLO6 as regards the provision of a

new green route linking into the SLO9 lands. I am also cognisant of the likely benefits arising from the inclusion of a new pedestrian and cycle accessway between Boghall Road and Southern Cross Road in tandem with the new link road.

7.3.12. On balance, I am satisfied that the overall design and layout of the proposed development represents an acceptable response to the site context and adheres to the stated intent of the LAP.

7.4. Traffic Implications:

7.4.1. Access to the wider SLO6 lands is presently available via Boghall Road to the north, however, in order to accommodate the additional traffic movements likely to be generated through the development of these employment lands, it is a requirement that access be provided onto both Boghall Road and the Bray Southern Cross Road. In this regard, it is of particular note that although SLO6 does not expressly refer to the creation of a new road link through the site, the proposed development does include for the provision of a new connecting roadway with associated pedestrian and cycle facilities between Boghall Road and the Bray Southern Cross Road (with signalised junctions at each end). The benefits accruing from such a road link are clear in that it will likely result in an increased distribution of traffic with reduced congestion at key junctions (such as at Boghall Road / Killarney Road, Boghall Road / Vevay Road & Vevay Road / Southern Cross Road) whilst it will also serve to improve connectivity and permeability for all road users, with particular reference to pedestrians and cyclists, within the wider area. The existing street network is characterised by a lack of inter-connectivity and I would concur with the applicant's assessment that this arrangement causes significant severance between areas and acts as a barrier to local movement. Moreover, the subject site represents the last remaining opportunity to provide a direct road link between Boghall Road and Southern Cross Road with a view to creating smaller and more permeable urban blocks thereby shortening travel distances.

7.4.2. In support of the proposed development, the subject application has been accompanied by a Traffic & Transport Assessment which has analysed the potential traffic impact of the trip generation attributable to the proposed development, in addition to that associated with the planned redevelopment of the remainder of the SLO6 lands in line with a submitted masterplan (please refer to Table 4.1:

'Development Masterplan' which references the existing parcel centre, the permitted builder merchants, and a proposal for a new auto service centre / showroom), on the surrounding road network at specified key junctions for design years of 2020 and 2035. Cognisance has also been taken of the impacts attributable to the likely redistribution / diversion of traffic from the existing road network following completion of the link road and background traffic growth forecasts.

- 7.4.3. In terms of trip generation, I would refer the Board to Section 6 of the Traffic & Transport Assessment which details the traffic volumes and flows at 6 No. survey points in the vicinity of the application site during the AM & PM peak hours (based on traffic counts undertaken on 23rd March, 2017). In this regard, it is of relevance to note that Survey Site Nos. 1 & 2 were positioned proximate to the junctions of the proposed link road with Boghall Road and Bray Southern Cross Road (the R768 Regional Road) respectively whilst the remainder of the traffic counts were undertaken at key junctions along the perimeter of the urban block formed by Boghall Road, Vevay Road, Southern Cross Road and Killarney Road. Section 7 of the TTA proceeds to consider the trip generation rates consequent on the proposed development (and the development of the wider SLO6 masterplan lands) by reference to the TRICS database (as detailed in Appendix 'C' of the TTA). This analysis would appear to have disregarded any potential modal split of the predicted trip generation rates (attributable to the use of alternative modes of transport given the site location within walking distance of surrounding housing, the availability of local bus services, and the network of dedicated cycleways in the area, including those alongside Boghall Road and planned for Southern Cross Road) and thus could be considered to provide for a robust assessment on the assumption that all generated trips will be way of private car / vehicle. However, I would have some reservations that the predicted trip generation rates for the service station may have been underestimated in light of the considerable 'ancillary' services to be provided as part of same i.e. the retail and food concession components. There are also some minor discrepancies between the figures set out in Table 7.2: *'Full Masterplan Development and Service Station Traffic Generation'* and the equivalent data derived from Appendix 'C', although these are unlikely to have any significant impact in terms of the broader traffic analysis.

- 7.4.4. Reference is made to the distribution of traffic flows from the development of the SLO6 lands onto the public road having been ascertained through the use of a gravity traffic model, however, it is regrettable that a more in-depth explanation of this modelling scenario has not been provided. It has simply been submitted that in allowing for a split in traffic at the two junctions of the new link road, the development traffic will equate to a 10% increase along Boghall Road and an 8% increase on Southern Cross Road (this includes the service station traffic, the majority of which is considered to be pass-by traffic rather than new trips). At this point, the Board is advised that the Roads Section of the Local Authority has raised a number of concerns as regards the estimations of the likely trip generation and traffic distribution, including the preference for the modelling of a number of traffic flow scenarios, in addition to the wider traffic impact on key junctions within the surrounding road network.
- 7.4.5. Having established the total number and distribution of trips likely to be generated by the subject proposal and the development of the remainder of the SLO6 lands, the TTA proceeds to assess the impact of same on existing traffic conditions. In this respect, consideration has been given to the likely redistribution of traffic flows following completion of the link road i.e. the likelihood that some traffic currently accessing Boghall Road and Southern Cross Road via either the R767 Killarney Road and the R761 Vevay Road, will instead divert onto the new link road. The estimated traffic diversion onto the proposed link road is stated to be 167 No. vehicles / hour in the AM peak and 219 No. vehicles / hour during the PM peak, which equates to a design year Average Annual Daily Traffic (AADT) volume of 2,509 No. vehicles. In extrapolating this data, it has been estimated that over half of the traffic using the proposed link road will be through-traffic diverting onto it from either Killarney Road or Vevay Road.
- 7.4.6. Section 8 of the TTA subsequently provides a junction analysis of the wider development of the SLO6 lands, however, this is focused on an examination of the capacities and delays at the two junctions at either end of the link road on the basis that the traffic impact of the overall masterplan development on the wider road network including the Vevay Road and Killarney Road will be offset by the benefits resulting from the provision of the new link road.

- 7.4.7. The assessment of the proposed link road junctions was carried out using LinSig software based on the traffic survey data, with future traffic conditions estimated from background traffic growth forecasts, traffic redistribution on completion of the link road, and the traffic volumes generated by the full development of the SLO6 lands. This analysis has predicted that in both the modelled scenarios i.e. a 2020 Base Year post-development and a Design Year of 2035 post-development, the maximum Degree of Saturation at the junctions of the link road with both Boghall Road and Southern Cross Road will be between 64% and 82% and thus will accord with good practice in that no arm of either of the junctions will operate above 90% of its theoretical capacity. No instances of significant queuing or delays are predicted to occur although it has been acknowledged that some 'modest' queuing will arise at the junction with Southern Cross Road in the Design Year of 2035, however, it has been submitted that the turning lanes on this junction have been designed to accommodate the queue lengths so that through traffic is not unnecessarily delayed and traffic will fully clear during each cycle of the traffic lights.
- 7.4.8. With regard to the proposed service station entrance off the link road, an analysis of this junction has asserted that it will operate well within capacity following completion of the masterplan with a maximum Ratio of Flow to Capacity of 0.05 and no measurable queuing for traffic turning right into the site. It is also stated that the access arrangement with a dedicated right-hand turning lane off the link road into the service station will ensure that there are no delays to traffic turning off Southern Cross Road into the new link road. Circulation through the service station will also be facilitated by way of separate entrance and exit points with a one-way circulatory route operating northbound from the forecourt area thereby minimising impacts on the link road.
- 7.4.9. In view of the foregoing, it is apparent from the available information that the proposed development (and the development of the wider SLO6 lands) will certainly increase traffic volumes within the surrounding road network when compared to the current baseline scenario and that this is unavoidable. However, it is only reasonable to take cognisance of the former use of part of the site as a manufacturing facility and the fact that the wider landbank is zoned for employment purposes. Moreover, SLO6 includes a specific requirement for development on these lands to be accessed from both Boghall Road and the Bray SCR. There are no other options by

which to access the lands in question other than through neighbouring housing schemes (which would be undesirable in light of the land use zoning and the nature of the development envisaged for same) and although it would be possible to service the lands by way of two entirely separate and unconnected access / egress points from Boghall Road and Southern Cross Road, in my opinion, the proposal to provide an interconnecting link road is beneficial from a traffic management perspective.

- 7.4.10. Whilst I would concur with the Local Authority that it would have been preferable if the TTA had included a greater level of explanation as regards the predicted trip generation and traffic distribution, I note that no such concerns were raised during its earlier assessment of the previous application lodged on site under PA Ref. No. 18822 which also included for the provision of a new link road (albeit in the absence of any set proposals for the development of the wider SLO6 landbank / masterplan area). I would also suggest that the traffic impact arising from the development of the subject lands is likely to have been given due consideration in the preparation of the Local Area Plan in light of the decision to zone the lands for employment purposes and to include the SLO6 designation.
- 7.4.11. Therefore, having reviewed the available information, including the Transportation & Traffic Impact Statement, on balance, I am satisfied that the wider traffic impact of the proposed development is permissible in this instance.
- 7.4.12. With respect to the specific design of the link road, the broader design criteria, including its siting, alignment, design speed (40kph) and signalisation, are directly comparable to those previously considered by the Planning Authority in its assessment of PA Ref. No. 18822. However, whereas the earlier proposal provided for a 1.75m wide cycleway and a 2m footpath along both sides of the carriageway, the subject proposal consists of a 6m wide carriageway with a 2m wide footpath along its eastern side and a 3m wide shared footpath / cycle track along its western side (to be separated from the carriageway by a 1.5m wide grass verge). In this regard, I am inclined to concur with the concerns expressed by the Roads Section of the Local Authority that it would be preferable to provide for dedicated cycle facilities along both sides of the roadway as such a design would allow for an ease of transition with the existing cycleway along Boghall Road as well the planned cycle lanes alongside Southern Cross Road. It would also be necessary to ensure a

suitable relationship with the proposed 'green route' that will extend westwards along Southern Cross Road.

7.4.13. Given that the footprint of the proposed link road is generally comparable to that considered in PA Ref. No. 18822, I am satisfied that a re-design of the proposal to provide for segregated cycleways and footpaths along both sides of the carriageway can be accommodated. However, I would acknowledge that the extent of land included within the confines of the application site at the junctions with both Boghall Road and Southern Cross Road has been lessened somewhat thereby narrowing the space available, although it would appear that the adjacent lands at both locations is within the control of the Local Authority thus adding scope for a revised junction design. Accordingly, I would suggest that the foregoing matters can be satisfactorily resolved by way of condition in the event of a grant of permission.

7.4.14. At this point I would also reiterate my earlier comments that the road layout as proposed limits severance of the SLO6 lands and also maximises the separation distance from the three-way priority junction approved under ABP Ref. No. ABP-305058-19 serving the SLO9 lands.

7.4.15. In relation to the Stage 1 Road Safety Audit (and the designer's response as per the road safety audit feedback form) appended to the Traffic & Transport Assessment, I note that this analysis is outdated in that it refers to the road link as previously proposed under PA Ref. No. 18822 i.e. with cycle lanes on both sides of the carriageway. Notwithstanding, several of the problems identified and the recommendations made remain relevant to the subject proposal, such as the relocation of the bus stops proximate to the junction of the link road with Boghall Road and the need to provide physical measures to prevent overrunning of the hatched areas separating opposing right-hand turning lanes (i.e. at the junction of the entrance to the service station and at the staggered junctions of Southern Cross Road / Hollybrook Park & Southern Cross Road / Link Road). In this regard, having considered the wider benefits arising from the proposed link road, in addition to the revisions required to accommodate the provision of dedicated cycle lanes on both sides of the carriageway, in my opinion, concerns pertaining to the final junction designs, including the provision of all necessary road markings, signage and other safety measures, can be satisfactorily addressed by way of condition in the event of a decision to grant permission.

7.5. **Appropriate Assessment:**

7.5.1. From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that although the proposed development site is not located within any Natura 2000 designation, there are a number of Natura 2000 sites within the wider area with the closest such site being the Bray Head Special Area of Conservation (Site Code: 000714), approximately 1.5km east of the site. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Chapter 10 of the Wicklow County Development Plan, 2016, to avoid negative impacts upon the natural environment and to promote the appropriate enhancement of the natural environment as an integral part of any development. Furthermore, Objective NH2 of the Plan states that no projects which would give rise to any significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects will be permitted on the basis of the plan (either individually or in combination with other plans or projects). By way of further clarity, Objective NH4 also states that all projects and plans arising from the Development Plan (including any associated improvement works or associated infrastructure) will be screened for the need to undertake Appropriate Assessment pursuant to Article 6 of the Habitats Directive whilst any such plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment, where necessary, that:

- 1) The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or
- 2) The Plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type and / or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and

undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or

- 3) The Plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

7.5.2. In effect, broadly speaking, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive. Accordingly, it is necessary to screen the subject proposal for the purposes of 'appropriate assessment'.

7.5.3. Having reviewed the available information, including the 'Appropriate Assessment Screening' exercise and the Ecological Impact Assessment submitted with the application documentation, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location on lands within an established urban area outside of any protected site, the limited ecological value of the lands in question, the absence of any pollution pathways between the application site and any Natura 2000 sites, the separation distances involved between the subject site and nearby Natura 2000 designations, and the availability of public services, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of any Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

7.5.4. Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. Having considered the contents of the application, the decision of the planning authority, the grounds of appeal, and my assessment of the planning issues, I recommend that a split decision be issued as follows:

- **GRANT** permission for 1) Removal of existing disused carparks and hard surfaced areas associated with the former Schering Plough site; 2) Realignment / upgrading of existing access road to provide a new estate through road, with shared foot / cycle path, and connect Boghall Road and Southern Cross Road; 3) Provision of a new signalised junction on Southern Cross Road and upgrading works, inclusive of a new signalised junction and new pedestrian crossing facilities, at the existing junction with Boghall Road; 4) Construction of an enterprise and employment park consisting of the following elements: (i) 1 no. three storey contemporary landmark office building (Block K - 3,509 sq.m) comprising 3 no. individual office suites varying in size from 875 - 1,250 sq.m and shared ground floor lobby (134 sq.m) fronting on the Southern Cross Road to the south and the proposed estate through road to the east, (ii) 1 no. single storey enterprise building (Block H - 2,684 sq.m), consisting of 10 no. enterprise / incubator units varying in size from 260 - 324.6 sq.m, (iii) 1 no. single-storey logistics / distribution building (Block G – 4,373 sq.m) consisting of 5 no. individual units varying in size from 544.1 – 1,042.7 sq.m with additional office space (58.3 sqm) at mezzanine level, and (iv) 1 no. single storey storage / logistics / distribution building (Block F - 1,064 sq.m), with ancillary office spaces (58.3 sqm) at ground floor and mezzanine level; The employment park will be serviced by 295 no. vehicular parking spaces and 100 no. bicycle parking spaces and, (5) Associated site development works include: (a) construction

of 1 no. single-storey ESB substation (25 sq.m), (b) provision of signage posts including 6 no. wayfinding signposts (2.1m x 1.8m) to be located within the employment park, 1 no. totem sign-post at Boghall Road (2m x 7.5m) and 1 no. totem sign-post at Southern Cross Road (2m x 7.5m), (c) tree planting, hard / soft landscaping and all associated boundary works, (d) provision of street lighting, (e) SuDS drainage infrastructure and (f) all ancillary works necessary to facilitate the development, for the reasons and considerations, and subject to the conditions, marked (1) hereunder.

- **REFUSE** permission for the construction of 1 no. single-storey service station (Block J - 467 sq.m) inclusive of forecourt convenience shop (99.5 sq.m retail area), carwash facility, 2 no. café / restaurant concession areas, toilets and ancillary staff area, and 1 no. totem sign-post at Southern Cross Road (1.6m x 9m), based on the reasons and considerations marked (2) hereunder.

Reasons and Considerations (1):

Having regard to the nature, design and scale of the proposed development, the location of the site within the development boundary of Bray town on lands zoned 'E1: Employment' and identified as a key development area by SLO 6: 'Employment Lands Between Boghall Road – Bray SCR' of the Bray Municipal District Local Area Plan, 2018-2024, to the pattern of existing and permitted development in the surrounding area, and to the provisions of the Wicklow County Development Plan, 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety and convenience, and would constitute an appropriate form of development at this location. 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit revised drawings showing the provision of dedicated cycleways and footpaths along both sides of the new link road between Boghall Road and Southern Cross Road, to the planning authority for written agreement. This shall be accompanied by detailed specifications, including marking, signage and layouts, of the junction designs with the public road, existing cycleways and footpath arrangements, and the planned green route and cycleway improvements alongside Southern Cross Road. These works shall be completed at the developer's expense and to the satisfaction of the planning authority prior to occupation of the development.

Reason: In the interests of traffic management, pedestrian and vehicular safety and convenience, and proper planning.

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

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

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. 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. All existing over ground cables shall be relocated underground as part of the site development works

Reason: In the interest of visual amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

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

8. Prior to opening 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 car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management of the company for the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

9. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging.

Reason: In the interest of sustainable transport.

10. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with

the planning authority, before the proposed development is made available for occupation.

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

11. Proposals for a development name, office/unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the 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.

12. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along the new link road between Boghall Road and Southern Cross Road, and pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Public lighting within the proposed development shall be directed and cowled such as to reduce as far as possible the light scatter to adjacent properties and the public road.

Reason: In the interests of amenity and public safety.

14. A comprehensive boundary treatment scheme 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 the proper planning and sustainable development of the area.

15. The landscaping scheme detailed in the plans and particulars lodged with the planning application shall be carried out within the first planting seasons

following substantial completion of external construction works. Tree protection measures including fencing shall be erected before construction works commence and shall be maintained in place until completion of external construction works, or as otherwise agreed in writing with the planning authority. 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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

16. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed buildings.

Reason: In the interest of visual amenity.

17. No additional floorspace shall be formed by means of internal horizontal division within the buildings hereby permitted unless authorised by a prior grant of permission.

Reason: In order to control the intensity of development in the interest of residential amenity and to ensure that adequate car parking and service facilities will be provided within the development.

18. No additional development shall take place above roof parapet level, 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 amenities of property in the vicinity and the visual amenities of the area.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance

with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

20. The construction of the development shall be managed in accordance with a Construction Management Plan, 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

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

21. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

22. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

- b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

23. 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 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.

Reasons and Considerations (2):

1. The proposed development site is situated on land zoned for E1: Employment in the Bray Municipal District Local Area Plan, 2018 – 2024. Such zoning permits, in principle, petrol stations, as deemed appropriate. Having regard to the scale and form of the proposed development, which includes a substantial retail component and the provision of 2 No. café / restaurant concession offerings and associated communal seating / dining areas, it is considered that these proposed uses would be the primary use, with the petrol filling station representing a subsidiary use, and in particular would provide a service which would extend beyond any local working population arising from within the proposed enterprise park or beyond. The proposed development, would, therefore, contravene materially the land use zoning objective for the site and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to Objective BT4 of the Bray Municipal District Local Area Plan, 2018 – 2024, it is considered that the retail element and proposed café / restaurant concession offerings on this site, by reason of their scale and form, would be the primary use with the petrol filling station representing a subsidiary use. Due to its scale and form, with an extensive communal seating / dining area, it is considered that the proposed development would represent a destination in its own right that would seriously injure the vitality and viability of existing and permitted retail centres, including the Bray Southern Cross Neighbourhood Centre, and would not, therefore, be in accordance with the proper planning and sustainable development of the area.

Robert Speer

Planning Inspector

16th April, 2020