



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-312020-21

Strategic Housing Development

Demolition of buildings, construction of 179 no. apartments, creche and associated site works.

Location

Bray Head School and Former North Wicklow Educate Together Secondary School, Putland Road, Co. Wicklow. (www.putlandroadshd.ie)

Planning Authority

Wicklow County Council

Applicant

Denver Valley Developments

Prescribed Bodies

Minister for Housing, Local Government and Heritage
The Heritage Council
An Tasice – The National Trust for Ireland

An Chomhairle Ealaíon
Fáilte Ireland
Irish Water
Wicklow County Council Childcare
Committee

Observer(s)

Bray Head Residents
Jame Dempsey
Jonathan Sexton
Paul Christie
Putland Estate Management
Company CLG (BPS)

Date of Site Inspection

22nd February 2022

Inspector

Rachel Gleave O'Connor

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site has a stated area of 2ha and is situated to the south of Putland Road on the south eastern side of Bray. The site was formerly part of the Presentation College school campus and is currently occupied by a 2-storey over basement building known as Bray Head House, or sometimes *The Monastery*, which is a protected structure (RPS no. B67 'Presentation College Putland Road'). To the west and adjoining the protected structure, is a two storey 1950's wing which extends to a three-storey element at its western end.
- 2.2. The house was once occupied by the Presentation Brothers and the adjoining 1950's wing accommodated the primary school, with the secondary school occupying elevated lands to the west. Upon closure of this primary school, the buildings were occupied by the North Wicklow Educate Together until 2020. The buildings are currently vacant. Bray Head House is in poor condition and door and window openings have been blocked up. The original school entrance avenue from Putland Road, which is now closed, continues south through the lands to Newcourt Road.
- 2.3. To the rear / south of the extant buildings works are underway in association with planning permission PA ref. 20/1004 for amendment to the access to Presentation College from Newcourt Road. A previous planning permission for a nursing home to the south was never implemented on the site.
- 2.4. The southwestern corner of the site includes a wooded area with a number of high-quality trees. The large tree to the front of Bray Head House is also a notable feature of the site. On the eastern side of the site, former tennis courts lie at a lower level than the remainder of the lands.
- 2.5. Adjacent to the subject site is an existing residential development to the east and south of the site, known as The Headlands, which has a separate vehicular and pedestrian access from Putland Road to the north. There is an extensive area of

existing open space to the north of Bray Head House which comprises part of the Headlands open space.

3.0 Proposed Strategic Housing Development

3.1. The proposed development is for 179 residential units as follows:

- Demolition of:-
 - Non-original shed and outbuildings to the rear of Bray Head House;
 - The 1950's 2/3 storey redbrick secondary school extension to Bray Head House;
 - Other sheds and outbuildings to the rear of the site.
- Refurbishment of Bray Head House (Protected Structure RPS no. B67) with internal reconfiguration and change of use from School to Apartments.
- The construction of 3 no. residential apartment buildings (Blocks A, B and C) with common basement under podium amenity space.
- Provision of 179 residential apartment units comprising:-
 - 38 no. 1 bed units;
 - 125 no. 2 bed units;
 - 16 no. 3 bed units.
- The units will be provided across 4 no. buildings arranged around a central landscaped podium as follows:-
 - Block A: 6 storey over partial basement apartment building with a setback at fifth floor level accommodating 59 no. apartments, consisting of 15 no. 1 bed, 40 no. 2 bed and 4 no. 3 bed units with associated balconies / terraces;
 - Block B: 6 storey over basement apartment building with setbacks at 4th and 5th floor levels accommodating 66 no. apartments consisting of 20 no. 1 bed, 39 no. 2 bed and 7 no. 3 bed units with associated balconies / terraces;

- Block C: 5 storey over lower ground floor level apartment building with setback at 4th floor level accommodating 48 no. apartments consisting of 2 no. 1 bed, 42 no. 2 bed and 4 no. 3 bed units with associated balconies / terraces;
- Block D: The existing 2 storey over basement level Bray Head House (Protected Structure RPS no. B67) will accommodate 6 no. apartments consisting of 1 no. 1 bed, 4 no. 2 bed and 1 no. 3 bed units with associated balconies / terraces and internal communal space.
- The under podium basement level will accommodate 148 no. car parking spaces, bicycle parking, bin stores and plant.
- A creche will be located at ground floor level of Block A.
- 12 no. surface level car parking spaces will provide allocation for Bray Head House units and drop-off area for creche along with surface level bicycle parking.
- Widening of the existing vehicular access from Putland Road and adjustments to gates and railings.
- Provision of a continuous 3m. wide cycle / pedestrian link from Putland Road to Newcourt Road.
- Site Landscaping, boundary treatments, infrastructure works, ESB substation and all associated site works and services.

3.2. Key Figures

Site Area in hectares (ha)	2.2ha gross; 2ha net
No. of units	179
Density	89.5 units per hectare (uph)
Plot Ratio	0.9:1
Site Coverage	19%
Height	6
Dual Aspect	109 (60.8%)

Open Space	4,924sqm (24%) public open space 2,873sqm communal open space
Part V	18 (10%)
Vehicular Access	Access from upgraded priority T-Junction on Putland Road.
Car Parking	148 no. basement resident spaces 12 no. surface spaces (including 1 for creche drop-off and 2 disabled accessible bays, the remainder being resident and visitor spaces). Ratio of 0.89 total or 0.82 resident.
Bicycle Parking	442 (350 in basement and 92 at grade).
Creche	340sqm (capacity for 39 children).

Housing Type	1 bed	2 bed	3 bed	Total
No. of Apartments	38	125	16	179
(%)	21.2	69.8	8.9	100

4.0 Planning History

- 4.1. There have been many previous planning applications on these school lands, including the following:
- 4.2. **PA ref. 08/630086:** Permission granted for change of use of the Presentation Brothers residence (*The Monastery*) to school use and associated works. An appeal under PL39.232202 was withdrawn.
- 4.3. **PA ref. 09/147 & ABP ref. PL39.238144:** Permission granted in 2011 for an 88 –bed nursing home, of two to four-storeys with vehicular entrance from ‘The Headlands’,

located to the south of and within the curtilage of *The Monastery*. The appropriate period of this permission was extended under PA ref. 16742, however, this permission was never implemented.

4.4. Adjoining lands:

- 4.5. **PA ref. 28/98 & ABP ref. PL39.108989:** Permission granted for The Headlands residential development to the east of the subject site.
- 4.6. **PA ref 99/240:** Permission granted for modifications to apartment block no. 2 previously proposed under 28/98, PL39.108989.
- 4.7. **PA Ref. 00/85 & ABP Ref. No. PL39.120813:** Permission refused in 2001 for revisions to The Headlands development to provide an additional six number duplex units. The refusal related to the location of the proposed units on an area designated as open space in the original permission, resulting in the loss of a transitional area between the permitted new development and the existing educational uses.
- 4.8. **PA Ref. 06/205:** Permission granted in 2006 for demolition of the existing three-storey secondary school building and swimming-pool to the west of the subject site, and construction of new school buildings, new access road to the school off the existing avenue and associated works.
- 4.9. **PA ref. 10/27 & ABP ref. PL39.236905:** Permission granted for works additional to previously approved development (Planning. Ref. No. 06/205), including a new entrance and access road off Putland Road to the secondary school.
- 4.10. **PA ref. 19/737:** Further information was requested in respect of application by North Wicklow Educate Together Secondary School for temporary post primary school buildings and associated works to the south of the old Monastery residence (protected structure).
- 4.11. **PA ref. 20/1004:** Permission granted on 28th April 2021 for amendments to the existing school entrance from Newcourt Road and internal roads, which will include provision for a separate cycle and pedestrian link between Newcourt Road and Putland Road. (The current application seeks to connect in a pedestrian / cycle link into this road).

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place via video call with An Bord Pleanála on 15th January 2021 in respect of a proposed development of 182 no. residential units.
- 5.2. Copies of the record of the meeting and the inspector's report are on this file. In the Notice of Pre-Application Consultation Opinion dated 29th January 2021 ABP Ref. ABP-308536-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act would constitute a reasonable basis for an application for strategic housing development.
- 5.3. Specific information was requested which is summarised below:
- Consistency with the County Development Plan and Municipal District Local Area Plan in terms of intensity of development and proposed mix;
 - Protection and management of trees on the site, implications for trees subject to Tree Preservation Order, rational for tree removal and woodland management plan;
 - Regard to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities in relation to private amenity space;
 - Proposed access and evidence of landowner consent;
 - Surface water drainage, discharge, connections and flow;
 - Materials and finishes;
 - Views of the northern elevation of Blocks A and C and relationship with Bray Head House;
 - Matters raised in the internal Planning Authority reports from Water and Environmental Services and the Transportation, Water and Emergency Services Section.

Applicant's Statement

- 5.4. The applicant includes a statement of response to the pre-application consultation (Statement of Response to ABP's Opinion ref.ABP-308536-20), as provided for under section 8(1)(iv) of the Act of 2016, which includes a description of how the application responds to each of the above specific items, including identification of specific documentation submitted where relevant.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

- National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

6.1.2. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Housing for All – a New Housing Plan for Ireland 2021.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR)**

6.2.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National

Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- 6.3. Bray is identified as metropolitan key town in the settlement hierarchy under the RSES. Key towns are described as large economically active service and/or county towns, with high quality transport links that play an important service role for their catchments and that have the capacity to act as growth drivers to complement Dublin and the Regional Growth Centres. They are identified as having the capacity and future growth potential to accommodate above average growth in the Region. The settlement strategy states in relation to key towns: 'Provide for the sustainable, compact, sequential growth and urban regeneration in the town core of identified Key Towns by consolidating the built footprint through a focus on regeneration and development of identified Key Town centre infill / brownfield sites.'
- 6.4. Specific regional policy objectives are described for Bray, specifically RPO 4.37 in relation to the continued development of Bray and enhancement of the town centre; RPO 4.38 in relation to supporting development of Bray as a strategic employment location; RPO 4.39 in relation to promoting the consolidation of the town centre; RPO 4.40 in relation to supporting investment in public transport infrastructure; and RPO 4.41 in relation to encouraging a transition towards sustainable low carbon transport modes, including promotion of walkable communities.

6.5. Local Planning Policy

6.5.1. Wicklow County Development Plan 2016-2022

Bray is designated as a Metropolitan Consolidation Town, defined as a Strong active urban place within the metropolitan area with strong transport links, whose population is targeted to increase from 29,339 in 2011 to 40,000 in 2028.

An extract of some relevant objectives of the plan (non-exhaustive) are set out below:

Chapter 4, Housing, promotes development on suitably zoned lands, generally in accordance with the sequential approach. It places a strong emphasis on infill opportunities and better use of underutilised lands.

Housing objectives include (with summary description):

- HD5: new residential development shall be expected to aim for the highest density indicated for the lands.
- HD13: Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.

Cycling and Walking Objective

- TR11: To facilitate the development of foot and cycleways off road (e.g. through open spaces, along established rights-of-way etc), in order to achieve the most direct route to the principal destination while ensuring that personal safety, particularly at night time, is of the utmost priority.

Parking Objectives:

- TR35 New / expanded developments shall be accompanied by appropriate car parking provision, with particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement are available. At such locations, the car parking standards set out in Appendix 1 Table 7.1 shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified.

Table 7.1 requires the provision of 1-2 no. spaces per dwelling unit.

Cycle parking is required on the basis of 1 space per bedroom + 1 visitor space per 2 units.

Heritage objectives (Chapter 10) include:

- BH10: To positively consider proposals to improve, alter, extend or change the use of protected structures so as to render them viable for modern use.
- NH6: Ensure ecological impact assessment is carried out for any proposed development likely to have significant impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Annex I habitats, or rare and threatened species, including those species protected by law and their habitats, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate

avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

- NH14: To promote the preservation of trees, groups of trees or woodlands in particular native tree species, and those trees associated with demesne planting, in the interest of amenity or the environmental, as set out in Schedule 10.08 and Map 10.08 A, B & C of this plan.

(Note: Map 10.08c identifies an existing TPO on the Grounds of Presentation College.)

- NH16: Development that requires the felling of mature trees of environmental and/or amenity value, even though they may not have a TPO in place, will be discouraged.
- NH17: To discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling where possible.
- NH18: To encourage the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development management process, and require the planting of native, and appropriate local characteristic species, in all new developments.
- NH44: To implement the measures set out in the Bray Head SAAO (Special Amenity Area Order) (see map 10.11).

Appendix 1 of the development plan describes Development and Design Standards, including plot ratio and public open space.

6.5.2. **Bray Municipal District Local Area Plan 2018 – 2024**

The site is zoned Objective R-HD New Residential – High Density: To protect, provide and improve residential amenities in a high-density format.

This objective is to facilitate the provision of high quality, high density residential developments with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.

An extract of some relevant objectives of the plan (non-exhaustive) are set out below:

Chapter 2 Vision and Development Strategy -

The residential development strategy includes:

- To promote and facilitate in-fill housing developments, the use of under-utilised / vacant sites and vacant upper floors for residential use and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

Chapter 3, Residential Development, notes the aim to focus new residential development into the existing built envelope. The subject lands at Presentation College have an identified yield of 75 no. units on 2.2 ha. Objectives include:

- R2: new residential development shall be expected to aim for the highest density indicated for the lands. Lands zoned Residential – High Density will be expected to achieve a density of not less than 50 units / hectare.
- R4: To encourage in-fill housing developments, the use of under-utilised and vacant sites, and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

Chapter 9 Built and Natural Heritage

- AH1: To ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- AH2: To positively consider proposals to improve, alter, extend or change the use of protected structures so as to render them viable for modern use, subject to consultation with suitably qualified Conservation Architects and / or other relevant experts, suitable design, materials and construction methods...

Green Infrastructure Map GI1, identifies a Tree Preservation Order on the subject lands. Green Infrastructure objectives include:

- GI4: To promote the preservation of trees, groups of trees or woodlands in particular native tree species, and those trees associated with demesne planting, where considered to be viable, safe and in line with sound arboricultural management, in the interest of amenity or the environmental...

7.0 Statement of Consistency

7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of National Planning Framework, Section 28 Guidelines and the Development Plan and I have had regard to same. A Material Contravention Statement also accompanies the application with respect to the Wicklow County Development Plan 2016-2022 (WCDP), specifically in relation to the following:

- Unit Type: Policy HD13 of the WCDP states that apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station. The proposed development is formed of 100% apartment units outside of the locations described in HD13.
- Plot Ratio: Appendix 1 of the WCDP provides maximum plot ratio standards. The maximum plot ratio for 'Housing only edge of centre' is 0.5. The proposed development has a plot ratio of 0.9.
- Car Parking: Table 7.1 of the WCDP provides a car parking standard of 1-2 car parking spaces per dwelling. For every 5 residential units provided with only 1 space, 1 visitor space shall be provided. The proposed development has a car parking ratio of 0.82 for residents, or 0.89 in total (including 1 space for the proposed creche).

8.0 Third Party Submissions

8.1. 5 no. responses were received from third parties in relation to the application and the main matters raised are summarised below:

8.2. General, nature, principal of the development

- Concern regarding lack of consultation with residents and inaccessibility of plans.

- Not opposed to the principle of development of the site, however the proposal is overdevelopment of the site.
- Proposals for Block B and C do not comply with the Wicklow County Council Development Plan 2016-2022 and Objective R1.

8.3. Transport

- Seek clarification to confirm that the development will not include a vehicular exist to Newcourt Road and request a condition that vehicular traffic from the development site to Newcourt road be prohibited;
- Concern that proposed development will exacerbate existing traffic volumes and unsafe traffic movements / speed in the area.
- Concerned with the high number of car parking spaces proposed. Parking should have a ratio to reflect other SHD in the area (Shanganagh 1:2). The location is close to public transport.
- Concern regarding the low number of car parking spaces and potential for overspill parking on surrounding streets as a result (creating safety concerns).
- Absence of car share spaces.
- Request a condition to prohibit construction traffic associated with the development from using Cuala, Newcourt and Edward Roads, with access from Putland Road only.
- The increased traffic volumes on the Putland Road and associated streets has not been properly addressed.
- Commend creation of a new cycle/footpath from Putland Road to Newcourt, however the exit is onto area without existing cycle path to join Boghall Road.
- Newcourt Road has narrow footpaths and no dedicated cycle path so it is dangerous for public users.

8.4. Design, height and appearance

- Concerned regarding the height of the development, in particular Block B closest to Newcourt Road and impact on the Headlands properties.

- Request a reduction in height to Block C by a storey, to max. 5 stories in height.
- Request a reduction in height of Building B by 2 stories with setback stories to boundaries.
- Pre-app opinion asked that development design address impact on adjoining open space for the Headlands, the application has not be revised to address this.
- Layout of the proposed development maximises open space, while pushing blocks B and C too close to neighbouring boundaries to the detriment of existing residents.
- Propose that the existing boundary with adjacent existing duplex units is retained, repaired and a 1m timber fence panel added, this is not agreed to by the property owner.
- Request separation distance of 35m between proposed block B and existing duplexes in the Headlands.
- Photomontages are misleading. Visuals should show view from rear of existing duplexes in the Headlands.
- The visuals do not represent the real visual impact. VVM6 should be taken from rear garden to duplexes, it is misleading and implies equivalent 2 storey height.
- Loss of views from the field and Putland road to Bray Head. Putland Road will lose some character as a result.
- Scale of the development is not in keeping with the existing Headlands development and surrounding area.
- Proposed development should be a maximum 5 storeys.
- Contrary to policy R-HD as not a fair balance with existing residents in the Headlands Estate, as block B needs to be re-sited, re-designed and re-scaled and block C needs to be reduced in height.
- Contrary to objective HD3 in terms of poor quality layout and design.

- Contrary to objective HD5 in terms of density and consequent negative impacts.
- Concern regarding the south elevation of proposed block B, in terms of height, width and set back from boundaries to the Headlands. Visually overbearing, obtrusive and intrusive.

8.5. Residential amenity

- Contrary to objective HD2 as blocks B and C fail to enhance and improved residential amenity and reduce to an unacceptable degree amenity in the Headlands Estate's duplex units and open space areas.
- Concerned regarding overlooking from Block B onto back of properties on Newcourt Road. Overlooking from south elevation of block B (windows and balconies) into rear gardens and windows of duplex units.
- Concern regarding shading of back gardens along Newcourt Road from screening trees between the Headlands and Newcourt Road. If tree height is reduced, overlooking would then result.
- Request the apartments on the south and east sides at 4th and 5th floor levels orientated to prevent or reduce overlooking of the back of Newcourt Road houses, with windows on these sides being obscure glass at 4th and 5th floor levels.
- Block B and C are contrary to the Bray Municipal District Local Area Plan 2018's vision and zoning of the site, as they would impact negatively on residential and visual resources and amenities enjoyed by The Headlands estate.
- Height of Block C will block sunlight reaching the internal road to the Headlands, which can be icy in winter, consequently concerned the ice will not be melted and residents will suffer physically (risk of accidents) and financially (cover cost of repairs).
- Request the retention of the two mature Lilandii Trees to be removed beside the composting bays at 17 the Headlands, as they provide screening for the development from Putland Road and the open field used for recreation by residents.

- Concern regarding removal of trees that provide screening to the Headlands Estate from the site. Proposed planting is inadequate to replace the trees removed in terms of screening.
- Concern regarding the overshadowing / blocking of sunlight to gardens and houses in Headlands.
- Note existing residents working from home and the importance of sunshine in this regard.
- Concern properties in Headlands, Cuala Grove and Cuala Road will be in shade November to early March, with calculations provided.
- East elevation of proposed block B would significantly overbear upon, visually dominate, overlook and overshadow the communal open space for the Headlands Estate.

8.6. Construction

- Concern regarding proximity of the proposed basement to the Headlands Estate, in terms of vibration, noise and other construction impacts.
- Request baseline noise and vibration monitoring to establish potential construction impacts and mitigation.
- Request pre-condition surveys of all adjoining duplexes as a baseline in the event of damage arising from proposed works.
- Request an indemnification scheme to compensate for any vibration damage to the duplex units.
- Request mitigation measures to be agreed with Headlands Estate.

8.7. Ecology

- There is lots of wildlife in the grounds at present, query plan to prevent migration of wildlife from the site to the Headlands (infestations of homes) when building work starts.
- Request nature based drainage solutions such as rain gardens and ponds to enhance biodiversity.

- Query the likelihood that replacement tree planting will be successful given proximity to the proposed basement.
- Request more biodiversity measures in the design of the development for bees, swifts, house sparrows, starlings, jackdaws and water features.
- The very tall evergreen tree on the eastern side of the proposed entrance road near the community garden does not appear in visuals. The tree is visually stunning and provides nesting for birds. It should be kept.
- Loss of trees is non-compliant with Bray Municipal District Local Area Plan 2018-2024 (objectives B1, B2, GI1 and GI4) and Wicklow Development Plan (Chapter 10, section 10.3.3, NH14, NH16, NH17 and NH18). Contrary to CD29 due to loss of trees in the areas for proposed blocks B and C.
- Contrary to NH34 as impact negatively on existing green infrastructure in the Headlands Estate, including an area of quality open space adjoining Block B to the east.

8.8. Water Infrastructure and Flooding

- Concern that there is no capacity in the existing sewer system for the surface water discharge from the development. Note general concern from inspector on other applications on this site in relation to waste water and water flows generally.
- The Headlands and Cuala Grove flooded very badly in August 2010 after heavy rainfall, causing the culverted stream flowing under the Headlands Estate to burst the manholes and overflow to the surface water drainage network in the Headlands Estate. Rainwater harvesting would be a preferred alternative to the proposed discharge arrangements.

8.9. Material Contravention

- Proposal is a material contravention of CDP on grounds of density.
- Proposed plot ratio is a material contravention and cannot be justified as the proposed development does not respect the Headlands Estate.

8.10. Other

- Query accuracy of plans. Contest sewer detail shown and contend that it extends to outside the back door of 4 the Headlands. Concern that if inaccurate in this matter, then there might be other inaccuracies in the submission.
- Concern that the proposed development would seriously injure the amenities and depreciate the value of properties in the Headlands Estate.
- There is no consent from the Management Company for the Headlands. The Headlands is not taken in charge and is privately owned. The Headlands estate do not support the creation of linkages into the estate.
- Query the inclusion of the northern pedestrian right of way in the plans as new residents won't have permission to use the Headlands Estate's front field which is what this right of way leads to. Inclusion is misleading.

8.11. Enclosures: Copy of the application covering letter; map indicating planned development in the area (Bray head Hotel – 44 units and Dawson's Carpark – 106 units); Plans and diagrams to illustrate relationship of the site and proposed development with the Headlands Estate.

9.0 **Planning Authority Submission**

9.1. Wicklow County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

9.2. Principle of Development

9.3. The proposal for high density apartment development is acceptable in principle. The proposal for wholly apartments is satisfactory. It is considered that the wording of objective HD13 in relation to the location of apartment development is flexible and that the objective is not materially contravened. In relation to plot ratio, the planning authority is satisfied that the design standard document does not contain objectives and sets out the principal factors to be considered, therefore the objective is not materially contravened.

- 9.4. Flood Risk
- 9.5. The site does not contain a flood zone.
- 9.6. Protected Structure
- 9.7. The proposed demolition of the later 1950s extension is acceptable. The proposed development would not significantly adversely impact the character or setting of the protected structure.
- 9.8. Trees
- 9.9. The development will not adversely impact protected trees. The proposal to remove some trees is satisfactory and the overall approach is satisfactory, the landscape plan is welcomed and will positively impact the development.
- 9.10. Compliance with 2020 Apartment Standards
- 9.11. The design of the apartments is satisfactory.
- 9.12. Residential amenity of adjoining properties
- 9.13. The development would not have a significant adverse impact on the amenity of adjoining properties.
- 9.14. Design, architectural treatment and visual amenity
- 9.15. The scale, massing, height and architectural treatment is satisfactory. The development is in accordance with the 'Urban Development and Building Height Guidelines'. The proposed development can be absorbed into the site and the development would not have an adverse impact on the visual amenities of the area.
- 9.16. Open spaces
- 9.17. The amount and layout of open space is satisfactory.
- 9.18. Access and permeability
- 9.19. Note the applicant proposals in relation to improvement works, and that remaining works are required to remove a blocking wall on third party lands. This section is out of the control of the applicant and could be funded using contributions received under Class I of the scheme. In addition, note that the existing gates are to be removed however these are not the original gates associated with the protected structure.

9.20. Surrounding road network

9.21. The development would not have a significant adverse impact on the surrounding road network. Measures should be introduced to prohibit private car access via the Newcourt Road. Construction traffic should be via Putland Road only.

9.22. Car-parking

9.23. The site is suitable for reduced car parking and the parking proposals are satisfactory. It is considered that there is no material contravention of standards in the Development Plan in relation to parking.

9.24. Cycle facilities

9.25. Proposals accord with the 2020 Apartment Guidelines. Proposals are satisfactory.

9.26. Creche

9.27. Taking into account the Apartment Guidelines which allow the exclusion of one bed / studio units when considering the requirement for childcare provision, the proposal includes capacity as per the guidelines. The creche is at an accessible location and adjoins a drop off parking area. The proposed childcare facilities are satisfactory.

9.28. Archaeology

9.29. The development will not directly impact on any known archaeological feature. There may be potential for archaeological features to be exposed during development. A condition should be applied.

9.30. Part V

9.31. The Housing Section have submitted a report indicating that the proposals are generally satisfactory in terms of location and spread. A condition should be applied to require the developer to enter into the Part V agreement prior to the development.

9.32. Water Services

9.33. Note the proposed arrangements and Irish Waters Statement of Design Acceptance. A condition should be attached.

9.34. Ecology

9.35. Note the Departments considerations and recommendations in terms of biodiversity protection. Recommend conditions in relation to bats, management of invasive

species, management of habitats and detailed specifications of sedum roofs. It is not likely that the development would significantly compromise further restoration of the culverted watercourse. Having regard to objective NH6 and the Departments comments in relation to Bray Head pNHA, it is considered that given the distance to the proposed stie from Bray Head, the existing nature of the development site, the lack of significant direct links between the two sites, the development is not likely to significantly impact on the NHA.

9.36. Opinion on consistency with objectives in the development plan / local area plan

9.37. Noted to be consistent with all objectives.

9.38. Recommendation

9.39. The planning authority recommends that permission be granted subject to 8 conditions.

9.40. Conditions include the following: Phasing details to be approved; surface water details to be approved; details and securing accessibility of the link to Newcourt Road (pedestrian and cycle only); protection of retained trees; landscaping to be carried out; works to be in accordance with conservation method statement for the protected structure; conditions as requested by the Department in relation to archaeology, bats, invasive species, habitat retention and green roofs; and detailed construction and demolition management plan to be approved.

9.41. **Planning Authority Internal Departments**

9.42. Bray Engineer's Planning Report

9.43. Request a special contribution, meeting all essential costs, for the boundary set back east of the main entrance to matching wall and railing detail and the completion of the public footpath at this location, which will facilitate safe active travel (*NB. Written note from the Planning Authority added: Special contribution not warranted and works can be covered through the general development contribution scheme*).

9.44. No works shall be carried out on the public roadway or footway without the prior agreement of the Council.

9.45. Detailed specifications in relation to surface water discharge to be secured.

9.46. Mature trees shall be protected during construction work in accordance with guidelines.

9.47. Housing Directorate – Part V Report

9.48. Detailed comments provided in relation to proposals including reference to oversized units forming part V provision.

9.49. **Elected Members**

9.50. A summary of the views of elected members at the Bray Municipal District meeting on 7th December 2021 are set in the submitted Chief Executive Report and copied below:

- A condition should be included that all units can only be sold to 1st time buyers. Important that the units are not bought by investor funds.
- There should be no vehicular access onto Newcourt Road, which appears to be the case – only pedestrian and cycle access.
- Concerns regarding flooding of gardens on Newcourt Road.
- No issue with the application – ties into the area.
- Fire Safety concerns regarding apartment developments.
- During construction a plan should be put in place to mitigate any Health and Safety issues with school traffic on Putland Road. Road is very busy as it is with school traffic.
- Concerns regarding traffic on the road, entrance is dangerous – something needs to be put in place around the entrance.
- Concerns regarding impact on residents during construction.
- Pedestrian crossing needed on Putland Road.
- Sufficient car parking spaces for the units should be provided.
- Any trees that are required to be replaced should be replaced with native Irish trees.
- Universal design approach should be used. Every part of development should be accessible.

- SHD Process not appropriate.
- Welcome the restoration of the protected structure. Existing gates to be removed will be missed.
- Query whether the area should be the subject of a masterplan.
- Ensure Part V is in accordance with current statutory requirements.

10.0 Prescribed Bodies

10.1. Department of Housing, Local Government and Heritage

- Archaeology: The Department concurs with the conclusions and recommendations in the submitted archaeological impact assessment report. Recommend conditions in relation to archaeological monitoring, measures in the event of archaeological material being found during the course of works and that the Planning Authority and National Monuments Service be furnished with a final report describing the results of the monitoring / subsequent required excavation.
- Nature Conservation: The Department advises An Bord Pleanála to determine whether the proposed development (alone or in-combination with other plans and/or projects) is or is not likely to have significant effects on Bray Head SAC in view of its conservation objectives. The submitted AA Screening Report states there is no potential for likely significant effects on the SAC due to the Special Amenity Area Order in place for Bray Head. The Department advises that the effectiveness of the SAAO as mitigation (if required) for any adverse effects on the integrity of the site must be determined. It is noted that the SAAO was drafted without reference to the SAC's Site Specific Conservation Objectives and is designed to ensure that the natural beauty, heritage and recreational amenities of Bray Head are preserved and maintained. The SAAO was not specifically intended to maintain or restore the favourable conservation status of the SAC's qualifying interest habitats. Mitigation measures must be directly linked to the likely impacts that have been identified and are precluded for consideration at screening stage.

- The Department notes that works will take place within the main building to be retained such as roof repair, replacing damaged slates and repairing and replacing sash windows which may impact Leisler's and other bat species. All bat species are strictly protected under the Wildlife Act, 1976 to 2021 as well as under Annex IV of the EU Habitats Directive (92/43/EEC). Therefore, the Department recommends that a condition of planning permission granted is included that this building is surveyed both inside and outside at suitable times of the year to determine the usage of the building by bat species prior to any work commencing. A Bat Assessment Report, to include mitigation measures and any legal requirements outlined in the above guidance document, must be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. As outlined in the submitted EclA, trees proposed to be felled and identified as Potential Bat Roosts (PBRs), these should be resurveyed in consultation with the tree contractors.
- The Department agrees with the conclusions and recommendations of the submitted Invasive Species Management Plan.
- The Department recommends that a Habitat Management Plan is produced for the south of the site and submitted to the Planning Authority for written agreement prior to the commencement of the development.
- The potential impacts of the development upon the Bray Head pNHA should have been determined in accordance with Wicklow County Development Plan 2021-2027 (*sic*) Objective NH6. The effectiveness of the SAAO in mitigating recreational impacts should be assessed after impacts have been determined and not beforehand.
- The Department recommends that details of the proposed green roofs be submitted to and approved in writing by the Planning Authority prior to any works commencing on the site.
- A culverted and diverted watercourse runs along the eastern boundary of the Site (Eastern CFRAM Study, 2016). As shown in the Site Specific Flood Risk Assessment, the original watercourse can be seen on both old 6 inch and 25 inch OSI mapping. There may be future opportunities to restore this

watercourse in accordance with recently published Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance. It is noted that a short section of this culverted watercourse has been restored north of the proposed development. To facilitate the restoration of watercourses in urban areas, there is a need for local authorities to take a proactive approach. This should involve the consideration of any future requirements that would facilitate such restoration, in line with Water Framework Directive objectives. This is likely to include 'making space' for water bodies within developed areas. The Department recommends that An Bord Pleanála ensures that the proposed development does not impede any future restoration of this culverted watercourse. As noted in the Site Specific Flood Risk Assessment the likelihood of flooding from lands to the east of the site which are at a lower elevation than the site is considered extremely low.

10.2. Irish Water

- A Confirmation of Feasibility has been issued to the applicant advising that connection(s) are feasible subject to the following contingencies:
- In respect of water: upgrade works are required to increase the capacity of the Irish Water water network. The works include approx. 260m of new 150mm ID main to replace the existing 6" AC main, a new connection not the proposed 150mm ID main is required and the existing boundary valve to be moved past the site connection. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. The applicant will be required to provide a contribution of a relevant portion of the costs for the required upgrades. It is expected that these will be delivered within the public domain.
- In respect of wastewater: The applicant has engaged with Irish Water in order to assess feasibility of a potential build over/near (Our ref: DIV21085). Irish Water has an ongoing assessment of the design proposal submitted by the applicant for the proposed development. The applicant is required to continue to engage with Irish Water Diversions section to ensure adequate protection and access for maintenance of existing assets. The applicant must obtain a

Confirmation of Feasibility of any proposed diversion and or build over/near of Irish Water Infrastructure prior to connection application.

- Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission.
- Conditions: conditions recommended in relation to requiring connection agreement, no permission to build over assets and conformity with standards, codes and practices.

11.0 Assessment

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Density
- Heritage Considerations
- Height, Scale, Mass and Design
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Ecology
- Material Contravention
- Other Issues

11.2. Principle of Development

11.2.1. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. Bray is

identified as metropolitan key town in the settlement hierarchy under the RSES with capacity and future growth potential to accommodate above average growth in the Region. I also note the Government's new Housing for All Plan which identifies the need to increase housing supply as a critical action.

11.2.2. The subject site is zoned Objective R-HD New Residential – High Density: To protect, provide and improve residential amenities in a high-density format in the Bray Municipal District Local Area Plan 2018 – 2024 (Bray MDLAP). The proposed development for residential units with ancillary childcare facility is therefore in conformity with the land uses indicated in the zoning objective.

11.2.3. I note that the zoning under the Bray MDLAP has the following description: *“To facilitate for the provision of high quality, high density new residential developments with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.”*

11.2.4. Determining whether the application conforms to the description outlined above for R-HD New Residential – High Density lands, necessitates an appraisal of the proposed development against relevant planning policy standards, and I set this assessment out in the subsequent sections below.

11.3. Density

11.3.1. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2020) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) both support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land. Bray is also identified in the RSES as having capacity and future growth potential to accommodate above average growth in the Region.

11.3.2. The subject site is zoned Objective R-HD New Residential – High Density under the Bray MDLAP and the plan states in objective R2 that lands zoned ‘Residential – High

Density' will be expected to achieve a density of not less than 50 units per hectare. Objective HD5 of the WCDP states that unless there are cogent reasons not to, new residential development shall be expected aim for the highest density indicated for the lands.

- 11.3.3. Having regard to the Sustainable Residential Development in Urban Areas Planning Guidelines and Circular NRUP 02/2021, the subject site can be considered an Inner suburban / infill site, where increased density is encouraged (sections 5.4 and 5.9).
- 11.3.4. The Apartment Guidelines also indicate acceptable density ranges for development dependent upon the characteristics of the area. A range of locations is described in the guidelines, however it stipulates that *"The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors."*
- 11.3.5. The subject site is situated a reasonable walking distance (less than 10m) to bus stops serving a number of routes (45a, 45b, 84, 144 and 184). These routes are operated by Go Ahead Ireland, Finnegan Bray and Dublin Bus and would not be described as frequent services as individual routes. However, the availability of a range of services, increases the frequency at which buses stop proximate to the site. The application also states that the site is a c.20 minute walk (1.2km as the crow flies or 1.7km walk) to Bray Dart Station, and less than a 20 minute walk to Bray town centre. Having visited the subject site via Bray Dart Station, I found the walk to the subject site (to a point adjacent to the existing Bray Head house structure) to take closer to 15 mins on a route via Meath Road. However, I recognise that my pace may have been quicker than average, so I am assessing the application against the c.20 minute walk described in the application submission.
- 11.3.6. The Apartment Guidelines list the range of locations that can be described as 'intermediate'. This includes sites within a reasonable walking distance (between 5-10 mins or up to 1,000m) of high frequency (every 10 min peak frequency) urban bus services, or 10-15 mins walk (1,000-1,500m) of DART stations; sites close to principal town centres (10 mins walk / 800-1000m); or sites easy walking distance (5 mins / 400-500m) to reasonably frequent (every 15 min peak) urban bus services.
- 11.3.7. The subject site does not fall neatly into the described locations for 'intermediate urban' areas under the Apartment Guidelines, however as highlighted above, the

guidelines are clear that the range of locations described is not exhaustive, and requires consideration of other relevant planning factors. In my view, this is because the intention is not to exclude higher density development from locations that do not strictly fall within the defined range of locations, but still exhibit appropriate accessibility characteristics to support higher density development.

- 11.3.8. In my opinion, the subject site can be described as an intermediate urban location under the Apartment Guidelines, where densities of >45 dwellings per hectare are indicated as being acceptable. This is because of its proximity to bus stops, the town centre and the DART station. The combination of these characteristics alongside the availability of pedestrian infrastructure in Bray to support walking as an option, supports a conclusion that future occupiers of the proposed development would be likely to rely upon more sustainable travel modes such as walking, cycling and public transport. Particularly, I am satisfied that the walking distance of the subject site to the DART station can be considered reasonable and only slightly outside the range indicated under the guidelines. The route between the subject site and the DART station is also very straightforward and I am satisfied that future occupiers of the proposed development would be likely to utilise DART services as a result.
- 11.3.9. The proposed development has a density of 89.5 units per hectare (uph). In my opinion, this is in accordance with the aforementioned planning policy framework in relation to appropriate density levels for development and is acceptable on this site zoned for high density new residential development, given the characteristics of the site as I have outlined above. In my view the site conforms with the Wicklow County Development Plan 2016-2022 with respect to density, and I also note that the Planning Authority also conclude this to be the case. However, the overall acceptability of the proposal is subject to a wider assessment of development impacts, and I carry out this assessment in subsequent sections of my report.

11.4. **Heritage Considerations**

11.4.1. Built heritage

- 11.4.2. Currently occupying the subject site is Bray Head House a protected structure (RPS. B67 'Presentation College Putland Road') dating from the mid-eighteenth century and extended and remodelled in c.1845. It is listed as being of regional importance in the National Inventory of Architectural Heritage (NIAH). Attached to the original

house is a 1950 extension. The buildings were in use for post-primary education until 2010 when a new school building opened on the adjoining site to the west.

Educational use continued in parts of the building, excluding much of the original historic house, and the condition of Bray Head House has deteriorated substantially. All buildings on the site are now vacant. The original grounds to Bray Head House have been significantly altered as a result of late twentieth century developments.

11.4.3. The applicant has submitted a Conservation Report prepared by qualified conservation architects. This describes the history, heritage value and significance of the buildings and site subject to the application. The report includes extensive photographic record to illustrate the current condition of the buildings on the site, which in the case of the historic Bray Head House is acutely poor, to the point of dereliction in areas. Substantial neglect and vandalism have left the house extensively damaged (including a fire at basement level), although the exterior is intact (albeit in need of repair) and there are features of heritage value that have survived internally. The report concludes that the proposed development which includes the repair and restoration of the house, removal of the 1950's extension wing, and conversion to residential use, will be positive for the appreciation and endurance of Bray Head House into the future.

11.4.4. I note objectives BH9, BH10, BH11, BH12, BH13 and BH14 under the Wicklow County Development Plan 2016-2022 (WCDP), and objectives AH1, AH2, AH3 and AH4 under the Bray Municipal District Local Area Plan (Bray MDLAP) that relate to the protection of structures contained in the RPS, including stating that those applications that improve, alter, extend or change the use of a protected structure so as to render it viable for modern use, be considered positively subject to conservation methods / consultation with conservation architects. The Architectural Heritage Protection Guidelines for Planning Authorities also provide guidance of relevance to applications concerning protected structures. It confirms *that 'the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use'* (pg.93). Section 6.8.14 of the guidelines also state that:

"There may be cases where an existing addition is of little architectural quality, or is even damaging, to the original architectural design. This may arise, for example, where a porch addition has obscured a fine entrance doorway or where a poor-quality extension has unbalanced a good symmetrical façade. Partial demolition may

be permitted in such cases, providing it can be achieved without any adverse structural or architectural impact on the protected structure.” (pg.95).

- 11.4.5. I also note chapter 13 of the guidelines which describe considerations surrounding the curtilage and attendant grounds to protected structures. Of particular interest, I note section 13.3.2 which list matters to be considered in the assessment of the curtilage and attendant grounds to a protected structure, and this has informed my assessment in this report.
- 11.4.6. In relation to the proposed works to Bray Head House the protected structure, in my opinion, the proposals will be a benefit to the house. It is clear to me from the submitted report and from my visit to the site, that the original house is under threat and is likely to be lost in future without intervention. The proposed repair and restoration of the house is proposed to follow conservation principles and will include refurbishment of some surviving features of heritage value in the interior. The 1950's extension building does not contribute to the heritage value of the original house, and in fact detracts from the appreciation of the house as a standalone structure, as it would have been originally conceived. The removal of this 1950's extension is therefore acceptable in my view. Regarding the demolition of this extension, the applicant has submitted a Demolition Justification and Outline Strategy for Related Site Works report. This describes the current condition of the structure for demolition, which is vacant and does not accord with Department of Education requirements. The structure is also concluded to be incongruous to the protected structure and impracticable for adaption to residential use. Structural flaws are also described. Note is also made of the high density zoning of the site, which would be difficult to satisfy if this element were to be retained. There is no risk to the protected structure identified in the report as a result of these proposed demolition works, and I note that the 1950's building is attached to the side elevation wall to the protected structure, with corridor opening connecting the two structures. The submitted Conservation Report confirms that the primary structural walls of Bray Head House remain. It is apparent to me from the submitted documentation that there is no likely structural risk to the protected structure as a result of the proposed works.
- 11.4.7. In relation to the proposed change of use and conversion of the protected structure to apartments, this use is a closer reflection of the original residential occupation of the building (albeit in multi-residential use rather than as a single residents) and this

use and habitation of the building will ensure more sustainable long-term protection and preservation of the building with, residential occupation necessitating ongoing maintenance.

11.4.8. In relation to the impact of the proposed apartment blocks within the setting of the protected structure, in my opinion, the curtilage and attendant grounds to the structure no longer reflect the original landscape that would have surrounded the house. There has been extensive change to the grounds surrounding the original Bray Head House, with the demolition of outbuildings, entrance features and removal of landscape setting. Therefore, in my opinion the proposed apartment buildings, in that context, will not negatively impact the setting of the protected structure. While the proposed apartment buildings are at a greater scale and height when compared to the original house, they will be set back and apart from the Bray Head House, allowing appreciation of the original house. In my opinion, the new apartment blocks as distinct structures, will in this sense, be less impactful upon the protected structure than the current attached 1950's extension. I consider the proposed apartment blocks in more detail as part of my design section of this report below (11.5).

11.4.9. Overall, I am satisfied that the proposed development is acceptable in terms of heritage impact and will impact positively upon Bray Head House as a protected structure. As such, in my view the proposal accords with policies relating to protected structures in the WCDP, Bray MDLAP and the Architectural Heritage Guidelines. My conclusion has been reached following an informed assessment and cognisant of the consultation undertaken by the applicant with prescribed bodies, including An Taisce, Failte Ireland, the Heritage Council and Department of Housing, Local Government and Heritage, with no comments received in relation to the Protected Structure. I also note that the Planning Authority considers the proposed development to be acceptable in relation to the Protected Structure.

11.4.10. Archaeology

11.4.11. I note the Department of Housing, Local Government and Heritage recommendation with respect to archaeology conditions. The Department state that they concur with the conclusions and recommendations outlined in the archaeological report. No

concerns are raised with respect to archaeology by third parties or the Planning Authority.

11.4.12. The subject site is not identified as being situated in an area of known archaeological potential. The Record of Monuments and Places lists eight sites within an approximate 500m radius of the grounds of Bray Head House. Three of these RMP sites have been identified through development-associated archaeological investigation in recent years and are situated within 100m of the boundary of the proposed development site.

11.4.13. The application includes an Archaeological Impact Assessment. This describes the results of archaeological investigations at the site, including the results of test trenches. The report concludes that the proposed development will not directly impact any known archaeological monuments or features. However, in light of Bronze Age features discovered to the east of the site, it is acknowledged that potential remains for the discovery of unexpected archaeology. There is also potential to uncover former structures and features associated with earlier buildings on the site prior to the construction of Bray Head House. As a result, mitigation measures are recommended in the report and form archaeological monitoring during the proposed construction works, with procedures relating to the preservation in situ / recording of any archaeology discovered during the works, to be in agreement with the National Monuments Service. Photographic surveying and recording of the remnants of an outbuilding proposed for demolition is also recommended.

11.4.14. I am satisfied that the recommended mitigation can be secured by condition in the event that the Board determines to grant planning permission, and that the implementation of these measures will ensure that no negative impact to archaeology would result from the proposed development. I am also satisfied that the proposed development will not negatively impact any recorded monuments in the vicinity of the site.

11.5. Height, Scale Mass and Design

11.5.1. Concerns have been raised regarding the height, scale, mass and design of the proposed development in representations received. Concerns centralise around the scale of the development in context of the established built environment.

- 11.5.2. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 11.5.3. SPPR 1 of the Building Height Guidelines supports increased height and density in locations with good public transport accessibility and SPPR 4 relates to the development of greenfield or edge of city/town locations for housing, where a greater mix of building heights should be secured and an avoidance of mono-type building typologies (e.g. two storey or own-door houses only). I have described above my assessment of the public transport accessibility of the site in section 11.3 of this report. Subsequently, I am satisfied that the subject site has good public transport links in accordance with SPPR 1. I consider the proposed typology of housing for the site further below, overall, I am satisfied that SPPR 4 is satisfied and that this proposal will diversify housing typology in the area which is currently dominated by two storey / own door houses.
- 11.5.4. I note that in relation to historic environments, the Building Height Guidelines state in paragraph 2.8 that Planning Authorities must determine if increased height buildings are appropriate and that an assessment of the existing character and setting of a place will assist in a robust framework for decision-making. The application is accompanied by a Conservation Report and Design Statement. My assessment includes focused consideration of the sensitivities of the site and potential impact upon its historic character and this section should be read in conjunction with my assessment at section 11.4 above. As a result, I am satisfied that the Building Height Guidelines are satisfied in this regard, and I am able to continue with an application of the criteria under SPPR 3 and 3.2 as part of my assessment.

- 11.5.5. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the proposed building height for the site does not represent a material contravention of the development plan or local area plan, with height being considered on a case-by-case basis, and therefore SPPR 3 is not relied upon in respect to any material contravention in this instance. However, the criteria described in section 3.2 of the guidelines still provides criteria for consideration in the assessment of higher buildings compared to surrounding context and therefore I have regard to it as part of my assessment of the proposed height as set out below.
- 11.5.6. The first criteria under section 3.2 of the Building Height Guidelines relates to the accessibility of the site by public transport. I note that the Building Height Guidelines refer to 'public transport with high capacity, frequent service'. I have described above in section 11.3 the accessibility of the site to public transport. I note that the National Transport Authority (NTA) describe in their 'Transport Strategy for the Greater Dublin Area' which includes Bray, that *"Heavy rail (DART and Commuter Rail) provides the core high capacity infrastructure and services that are central to the Greater Dublin Area's public transport system."* Figure 3.1 'Dublin Frequent Transport Services Map' of the strategy also includes the DART service to Bray. As such, I am satisfied that the DART service for Bray can be described as a high capacity, frequent service, as per the NTA strategy. I am also satisfied that Bray DART station can be accessed from the subject site via pedestrian links, being a reasonable walking distance (see my assessment at 11.3 above) and utilising a straightforward route over easy terrain. The DART services provide direct connections into Dublin City as well as interconnections to other public transport options via other stops, including to frequent bus services (as illustrated in figure 3.1 of the strategy).
- 11.5.7. I am content that the scale of development is appropriate in light of the accessibility of the site. This is particularly in light of the identification of Bray in the RSES for future growth potential to accommodate above average growth in the Region. It should also be noted, as outlined above, that as this application does not form a material contravention of the Development Plan or Local Area Plan with respect to height, SPPR 3 of the guidelines is not relied upon in that sense.

11.5.8. The second criterion relates to the character of the area in which the development is located. The area around the site is characterised by a mix of architectural styles and heights. The Headlands forms the most proximate residential context to the site, with 2 storey houses, 3 storey duplexes and 5 storey apartment buildings that were constructed in the post 2000 years. The wider residential area is dominated by 2 storey housing. The new Presentation College secondary school and playing fields are situated to the west of the site, in a 3 storey building set in green field and hardstanding area. The subject site itself is occupied by the Bray Head House protected structure, and I have assessed potential impact upon that heritage asset in detail in section 11.4 above.

11.5.9. The proposed development comprises 3 new apartment blocks to a maximum 6 storey height, set around the converted Bray Head protected structure for residential occupation. In my view, the proposed heights are in keeping with the emerging urban character to Bray, which is also reflected in the existing apartment blocks at The Headlands. I recognise that the proposed development will be taller than the apartment blocks in The Headlands, and this is a concern to those existing residents, however I do not consider the proposed scale to be inconsistent with the surrounding context. The existing apartments at The Headlands are c.+43m AOD with reference to spot heights indicated on the submitted drawings, while the proposed apartment blocks are c.+50m AOD. Therefore, while there is a difference in height, this is not extreme in my view and is consistent with emerging urban context for Bray with regard to the planning policy context which encourages compact growth. The proposed development does represent a more significant change in scale when considering the existing 2-3 storey dwellings surrounding the site. However, I am mindful of the approach taken in the Building Height Guidelines which identifies that increased building height has a critical role to play in addressing the delivery of more compact growth in urban areas. These existing 2-3 storey dwellings are in that sense reminiscent of traditional, limited, low-rise building heights (as described in the guidelines) which is limiting the growth and development need of the urban areas.

11.5.10. The proposed development incorporates set back top storeys which I am satisfied will assist with the transition in height from the surrounding context. Block A has its sixth storey set in over 1.5m from all elevations and the sixth storey (fifth floor) to block C is set in over 2m from the west where it is closest to The Headlands estate.

11.5.11. In relation to block B, this is set over a partial basement level, which transitions from below grade in the west, to ground level in the east, due to the change in levels across the site. To the west 6 storeys are proposed above this basement, while to the east, 5 storeys are proposed. This means that the overall height remains 6 storeys. To the west the sixth storey (fifth floor) is set in over 8m from the south elevation, and to the east the fifth floor is set in over 5m from the south elevation. To both the west and east to top storey is over c.17m to the boundary with properties in The Headlands. While there is concern at the perception of the maximum height of block B as it appears from The Headlands, in my opinion, the design approach to addressing the change in levels across the site and the set back to the upper storey in the block, is sufficient to ensure an appropriate transition in scale from the established contexts to the south and east of the block.

11.5.12. In terms of an assessment of the contribution of the proposed development to the urban neighbourhood (a 3.2 criterion), the proposed development will bring back into use a protected structure which is currently at risk of dereliction in my view. The removal of the 1950s extension to the protected structure is positive and allows refurbishment of the original Bray Head House as a stand-alone structure as it was originally intended. The construction of 3 apartment blocks around the protected structure will assist in framing views of the original house, and while these proposed apartment blocks are a larger scale than the protected structure, they are adequately set back to ensure suitable separation to the heritage building. It is also necessary to consider the overall benefits that result from the proposed development in terms of ensuring longevity of the protected structure. On balance the proposed increased scale in the setting of the protected structure is acceptable in my opinion and is a benefit to the urban neighbourhood in general.

11.5.13. In terms of the wider context, the proposed development will create a new pedestrian and cycle link into Newcourt Road. New public open space will be created alongside this link, with the retention of some existing trees and planting of new vegetation to create a woodland parkland. This will be publicly accessible to existing residents and users of the area. As a result, connectivity to the surrounding area is improved through the site and the scale of the proposed apartments will also contribute towards legibility in the area, creating a visible marker adjacent to the secondary school site. While I note third party concern regarding links through into The

Headlands from the proposed development site, there are no formal routes created in the submitted drawings. The landscaping indicates potential informal routes, but the practicality of realising these routes will require further liaising with all relevant land owners. My assessment does not assume the delivery of these informal links, however in the event they were provided, this would be beneficial in my view (but not required as part of my assessment). I am satisfied that for these aforementioned reasons, the proposed development responds positively to the urban neighbourhood and streetscape.

11.5.14. In terms of the detailed appearance of the blocks (3.2 criteria including avoidance of uninterrupted walls, contribution to space and materials). The proposed apartment blocks use a consistent material palette and design approach, incorporating a variation in height with a set back top storey. The proposed elevations also incorporate large fenestration and balconies which alongside the varied heights, also contribute to breaking up the scale and mass of the blocks. The elevations are proposed to be finished in a light coloured brick and mortar, powder coated aluminium window frames and metal railings. Materials are described in detail in a submitted Building Lifecycle Report. In my opinion, the proposed materials are robust and will create a solidity to the blocks that will harmonises well with the restored protected structure. The top storey to all blocks is proposed to be finished in zinc cladding in a nod to the slate tiled roof to the protected structure and is therefore acceptable in my view.

11.5.15. The proposed development will provide increased diversification of housing typology in the area where low rise and self-contained houses dominate. The incorporation of apartments on the site will therefore be a positive contribution to the mix of typologies in the area (a 3.2 criterion).

11.5.16. Lastly, the section 3.2 criteria under the Building Height Guidelines refers to considerations on daylight and overshadowing. In relation to Building Research Establishments (BRE) criteria for daylight, sunlight and overshadowing, I discuss this in detail below in sections 11.6 and 11.7 of this report. The submission of specific assessments is also referenced in the guidelines and reports sufficient to assess a development of the scale proposed have been submitted. I note the applicant's documents that have informed my assessment, including (but not limited to) the Wind Analysis and Pedestrian Comfort Report, Ecological Impact Assessment Report (with

consideration of potential impact to birds and bats) and Appropriate Assessment Screening Report. I address these specific reports as part of my wider assessment below.

11.5.17. I am satisfied that the proposed development appropriately incorporates the criteria described in section 3.2 of the Building Height Guidelines which I have had regard to above. As part of this, I note that the proposed development does not amount to a material contravention of the WCDP or Bray MDLAP in relation to height. I also note that no concerns have been raised by the Planning Authority or prescribed bodies regarding the proposed height. In relation to third party concerns regarding the proposed height, I have described above conformity with the planning policy framework for consideration of height, and I consider amenity impacts in further detail below. Overall, I am satisfied that the proposed development would not have negative visual impacts given the emerging urban context for Bray and the quality of design as outlined above.

11.6. Neighbouring Residential Amenity

11.6.1. Daylight and Sunlight

11.6.2. I note third party objections to the proposed development in relation to overshadowing and loss of sunlight as a result of the proposed development.

11.6.3. Criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. The Wicklow County Development Plan 2016-2022 states in its design quality standards, that the layout of new development should be in accordance with BRE guidelines. These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

11.6.4. Section 5 of the BRE guidance notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

11.6.5. The BRE guidelines state that in relation to daylight to existing buildings:

“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small...” (para. 2.2.4)

11.6.6. The guidelines also states that if a proposed development is taller or closer than this, a 25° line can be drawn from 1.6m above ground from adjacent properties, and if the proposed development is below this line, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

11.6.7. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) to less than 27%, or where this is the case, not more than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property *‘is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.’* Therefore, the preservation of a minimum VSC of 27% and/or reductions to no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21st March.

- 11.6.8. The application includes a Daylight and Sunlight Report. This explains the potential impact upon those properties that, following BRE methodology as described above, could be affected by the proposed development in terms of daylight and sunlight conditions. The report identifies properties in the Headlands to the south and east of the proposed development. With respect to daylight, all of the windows assessed will retain either a VSC in excess of 27% (19 of the 26 windows tested), or where the VSC is less than 27% in the existing condition, the reduction will be less than 20% (7 of the 26 windows tested). The proposed development therefore complies with the BRE guidelines with respect to daylight impact to existing properties.
- 11.6.9. In relation to sunlight, only those properties to the south of the site require assessment (as outlined in BRE methodology described above). The assessed windows to these properties will experience a marginal change to sunlight access in the proposed condition, with both annual and winter APSH complying with levels set out in the BRE guidelines (reductions to between 0.97 and 0.99 times the former value and not less than 0.8).
- 11.6.10. In terms of overshadowing of neighbouring amenity areas, the submitted report does not provide discussion of the results of this analysis, with purely diagrammatic illustrations of proposed conditions provided. There are no baseline diagrams provide to compare these proposed diagrams too. However, the BRE guidelines focus on potential conditions in amenity areas from overshadowing on the 21st March, and it is clear from the submitted diagrams that there is insignificant overshadowing of adjacent amenity areas (both communal and private) for much of the day on the 21st March, and that certainly, over 50% of these adjacent spaces will still received in excess of 2hrs sunlight on that date. I note third party concern regarding the impact from overshadowing at other times of year / day, however the proposed development satisfies the criteria described in the guidelines, which are concerned with equinox shading. In terms of the summer and winter solstice, it is apparent that more shading will result from the development to areas to the east from the early evening times, but this is still not significant in my view, as illustrated in the submitted diagrams. I note third party comments in relation to increased icy conditions and subsequent damage to surfacing, however I do not consider there to be any likely significant impact in this regard and the focus of my assessment is in relation to measurable impact as described in the BRE guidelines. Overall, I am satisfied that the proposed

development would not have significant negative impact upon adjacent occupiers' amenity as a result of overshadowing.

11.6.11. Overlooking (Privacy)

11.6.12. I note third party concern regarding the potential for overlooking (and associated privacy impact) from the proposed development to adjacent existing windows and garden areas. Concern is also raised regarding the loss of existing trees on the site that provide a screening function on the boundary.

11.6.13. Taking each of the proposed blocks in turn, I consider the separation to boundaries and adjacent windows below.

11.6.14. At its closest, block A has a proposed external creche play area which is situated approximately 5m away from the boundary with the Presentation College secondary school site. Block A itself is situated approximately 10m away from this edge. There is then a change in topography, tree planting and access road, before the school building itself appears. There is over 50m between the proposed development blocks and the school building, as well as its external playing areas and pitches. I am therefore satisfied that no undue overlooking results. As Presentation College is a new school, it is unlikely that it would be redeveloped in the foreseeable future, but in any case, my assessment considers that eventuality and future development potential of that neighbouring site. The 10m distance to the boundary is sufficient in my view in that sense.

11.6.15. Block B is situated in the south east corner of the site closest to The Headlands Estate. To the south, the block is 8.4m on a diagonal to the boundary, but separation is generally between 10m and 12m. Rear garden areas for duplex units in The Headlands estate are located here to the south, with separation to the existing duplex block themselves of generally 22m, with slightly closer proximity where proposed projecting bay windows in block B (windows facing east or west, not south), as well as between the block and the terrace areas for these existing duplexes. In terms of potential overlooking from windows in the proposed block, there are no windows within the south elevation of proposed block B that directly overlook either windows or the amenity spaces to the duplex units in The Headlands to the south of the site. With a combination of only high level windows or projecting bay windows facing east or west preventing overlooking to the south. I discuss the consequences of the

proposed design in relation to the internal quality of accommodation in proposed development in section 11.7 below.

11.6.16. To the east, the balconies and terraces for proposed block B are between 3m and 4m (approx.) to the boundary, while the proposed block itself is between 4.5m and 6m away from the boundary. An open space area and access road for The Headlands estate is situated to the east of the boundary here, with separation between the proposed development and dwellings in The Headlands here being over 45m as a result.

11.6.17. Block C has terraces and balconies situated between 7m and 8m from the boundary to the east, while the proposed apartment block itself is 8.9m and 9.4m to the boundary. An open space area and access road is situated to the other side of this boundary to The Headlands estate, with separation to existing dwellings exceeding 35m as a result.

11.6.18. The proposed development therefore complies with standards described in the County Development Plan, with separation distances of more than 22m between opposing windows serving living areas. I note third party comments with respect of overlooking of the rear of properties on Newcourt Road. My assessment has focused on proximity to properties in The Headlands as the closest existing neighbour. In my view, there is no potential for undue looking further afield and specifically to properties in Newcourt Road, which are well over 50m away from the location of the proposed apartment blocks.

11.6.19. In terms of considering future development potential, as The Headlands is a relatively new estate, it is unlikely that it would be redeveloped to any substantial extent in future. The open space areas are required amenity for that estate and are therefore expected to remain undeveloped. However, I have still given consideration to the compatibility of the proposed development with future development potential to the east. In this sense, any future development to the east of the subject site would need to be situated away from the boundary with the subject site to ensure suitable separation. I am satisfied that there is sufficient space to accommodate separation in an imagined future development scenario to the east of the site.

11.6.20. In terms of screening from existing trees, the proposed footprint to block B necessitates the removal of areas of vegetation and trees labelled 'scrub area' and

'tree group no.1 seedling trees'. These trees are identified as category C2 and include Lawson Cypress which is identified by third parties as being particularly useful at screening along the boundary. The screening value of this scrub / group is recognised in the submitted arboricultural report. As identified above, I am satisfied with the separation to the existing duplex units in The Headlands from the proposed development along this edge. Therefore, in my view, screening from this existing vegetation is not necessary to mitigate the impact of the development. However, I note that the proposed landscaping scheme does include new tree planting along this edge, and this will go some way to replace the existing trees to be lost. I assess the potential impact of the proposed development in terms of tree lost specifically in section 11.9 below, in terms of screening, given the separation distances that I have already identified, the proposed development is acceptable in my view and the replacement boundary planting is adequate mitigation for trees along this boundary with respect to visual impact.

11.6.21. In relation to boundary treatment in general and agreement to the proposed works, I note third party concern that details have not been agreed with adjacent occupiers. It will be necessary for the developer to ensure all relevant landowners' consent to works, and planning permission does not override landowner consent in that regard.

11.6.22. Construction Impacts

11.6.23. Concern has been raised in third party submissions about impacts during construction. A Construction Environmental Management Plan, Outline Construction Management Plan, Demolition Justification and Outline Strategy for Related Works, and Construction and Demolition Waste Management Plan have been submitted with the application. Measures for the management of vibration, noise and suppression of dust are described. Vehicle site access and traffic management is also addressed.

11.6.24. I note third party concern that site access during construction should be from Putland Road only. The submitted Outline Construction Management Plan identifies access as being from Putland Road and a traffic management plan is intended to be prepared to describe detailed traffic arrangements, the access to the site can be secured by condition.

11.6.25. Concern is also expressed in third party submissions regarding potential for damage to surrounding dwellings as a result of vibration and construction of the basement.

The submitted Construction Environmental Management Plan (CEMP) identifies the best practice guidelines to be followed for the control of construction noise and vibration. It is also intended that a Noise and Vibration Management Plan will be prepared prior to the commencement of works, and this can be secured by condition as part of details requested in a final CEMP. The proposed basement structure itself is situated approximately 5m away from the boundary to the south of the site, and over 15m to the existing duplex buildings to the south in The Headlands. To the east, the proposed basement is between c.35m and c.43m to existing properties in The Headlands. The submitted Outline Construction Management Plan states that the proposed excavation works (including for the basement) are not anticipated to have any effect on existing surrounding boundary features.

11.6.26. I am satisfied that sufficient separation is demonstrated to surrounding properties and that with the application of best practice construction management measures as outlined in the submitted reports, damage to surrounding properties is unlikely. As a result, I do not think that pre-condition baseline surveys of surrounding areas / properties are required. It would also be inappropriate in my view, to require mitigation measures to be agreed with The Headlands estate, and I am satisfied that the application of recognised best practice and management plans is sufficient in this regard. A detailed CEMP is the appropriate mechanism for outlining mitigation measures in my view and can also be required by condition should the Board determine to grant planning permission. Furthermore, I do not agree with third parties that an indemnification scheme should be required for the same aforementioned reasons.

11.6.27. With the application of mitigation measures through a detailed Construction Management Plan and CEMP, I have no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development. I acknowledge that the application will result in some disturbance to adjacent residents, however this will be on a temporary basis and mitigated through measures in the construction management plan. This type of disturbance is an inevitable and typical consequence of any development and I am satisfied that impact will be within acceptable parameters. All contractors on the site will be required to adhere to mitigation described in the Construction Management Plan / CEMP.

11.6.28. Compatibility with Objective HD2 and the Zoning of the Site with Respect to Amenity

11.6.29. Third parties state that the proposed development will not be in conformity with objective HD2 of the Development Plan or the zoning objective for the site with respect to amenity impact.

11.6.30. Objective HD2 of the Wicklow County Development Plan states the following:

“New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.”

11.6.31. The zoning Objective R-HD New Residential – High Density for the site is ‘To protect, provide and improve residential amenities in a high-density format’ in the Bray Municipal District Local Area Plan 2018 – 2024 (Bray MDLAP).

11.6.32. I have identified above that in my opinion, the proposed development will not result in adverse amenity impact beyond a temporary construction period, during which time, impacts will be within acceptable parameters. I am satisfied that the proposed development is visually acceptable, will not be visually incongruous or overbearing upon adjacent areas, will not reduce to unacceptable levels the daylight or sunlight conditions of adjacent areas / dwellings, and will incorporate mitigation to limit impact during construction. Overall, I am satisfied that the proposed development will not reduce amenity of existing residents to an unacceptable degree and will protect, provide and improve residential amenity through the creation of new good quality development with publicly accessible routes and open spaces. As such, the proposed development is in accordance with objective HD2 and the zoning objective for the site in my view. Overall, I am satisfied that the proposed development is in conformity with all relevant policies in Chapter 4 ‘Housing’ of the Wicklow County Development Plan 2016-2022 and the assessment I have set out above with respect to amenity impacts and design considerations is in light of those policies in the Development Plan.

11.7. Proposed Residential Standards

11.7.1. In this section of my report, I address the range of applicable standards guiding an appraisal of the quality of proposed accommodation.

11.7.2. Daylight, Sunlight and Overshadowing

- 11.7.3. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The Design Standards for New Apartments states that levels of natural light in new apartment developments is an important planning consideration and regard should be had to BRE standards. I also note that Wicklow County Development Plan 2016-2022, Development Standards, Section 1, Design Quality, states that *“Layouts shall ensure adequate sunlight and daylight in accordance with ‘Site layout planning for daylight and sunlight: a guide to best practice’ (BRE 1991).”*
- 11.7.4. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the proposed apartment blocks in the development against BRE guidelines in relation to daylight and sunlight. BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. In the proposed development, where kitchens and dining spaces form part of open plan living areas, the applicant has provided analysis against the 2% ADF target alongside alternative targets described further below.
- 11.7.5. When considering the targets set out in the BRE guidelines as described above, 87% of the rooms (431 of 495 rooms) in the proposed development meet target ADF levels. Both the Building Height and Apartment Guidelines both state that where a proposed development cannot demonstrate that it meets the BRE daylight provisions, compensatory measures should be described:
- “Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.”* (page 14 section 3.2 criteria Building Height Guidelines).

11.7.6. The applicant describes compensatory measures in section 6.2 of the submitted report. This includes floorspace areas that exceed minimum standards, aspects onto landscaped green spaces and access to extensive open space areas. In addition, the applicant describes the incorporation of private amenity space to units in the form of a balcony areas which are also larger than minimum standards. I also note that the inclusion of balcony areas will also inevitably reduce daylight to any windows that they project over. Balconies are required to be attached to living spaces, and in a stacked floorplan arrangement this invariably means that the window below the balcony will also serve a living space. The stacking of floorplans can be beneficial to prevent conflict between different room uses between neighbours and also influences the external design appearance of the façade. Therefore, in such arrangements, it is invariable that there will be some reduction to daylight in some open plan living rooms. It would be inappropriate to require their removal of balconies to prioritise daylight conditions my view, and the consequential impact of balconies should be recognised in the analysis of proposed daylight conditions in the development.

11.7.7. The submitted report also includes application of alternative targets to the proposed accommodation, with the results of an ADF of 1.5% to the open plan kitchen / living / dining rooms provided. In these results, the kitchen area is also excluded with results provided for the living and dining floorspace zone only. The floor area analysed in this alternative target section of the report is also restricted to the minimum floorspace area that would be required to the rooms, rather than the total floorspace area proposed for the room which exceeds minimum standards. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well-daylit living room. The BRE guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. However, Section 5.6 of the BS8206 – Part 2: 2008 Code of Practice for Daylighting states that, where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%.

11.7.8. In this alternative target section of the report, the areas excluded from the analysis is illustrated diagrammatically (Fig. C2 of the report). Justification is set out for this within the report and, in summary, reference is made to the original intention that the target of 2% ADF for kitchens was developed for residential housing, where the kitchen would be an identifiable space with seating and where occupants would be expected to eat and spend time in, and is not an appropriate target for combined kitchen/living/dining layouts within apartments where the dining zone in the open plan room fulfils those function. With application of the alternative target and restriction of analysis to the minimum floorspace area required, 100% of the rooms in the proposed development have an ADF of at least 1% (bedrooms) or 1.5% (open plan living / kitchen / dining).

11.7.9. Overall, and with reference to the performance of the proposed development against the minimum ADF levels set out in BRE methodology of 1% (bedrooms) and 2% (open plan rooms), I am satisfied that the applicant has demonstrated adequate daylight levels within the proposed development. This is specifically in light of the identification of compensatory measures as required in section 28 guidelines. In reaching this conclusion I am mindful that the BRE guidelines state in paragraph 1.6 that:

“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer.

11.7.10. **And, specifically that:**

*“Although it gives **numerical guidelines**, these **should be interpreted flexibly** since natural lighting is only one of many factors in site layout design.”* (My emphasis).

11.7.11. While I am satisfied that the proposed development as submitted demonstrates adequate daylight conditions for the proposed units, there are 3 bedrooms in the proposed scheme which would further benefit from a slight increase in light. This is as a result of the proposed design solution to prevent overlooking from proposed block B towards existing dwellings to the south (as described in section 11.6 above). This design solution results in a window arrangement for bedroom 2 in units B2.09, B2.14 and B2.19 which could be improved in my opinion, albeit I note that minimum ADF targets under the BRE guidelines are still achieved. Bedroom 2 in these units has a projecting bay window facing west while the majority of the room is set behind

a blank wall without access to natural light. An alternative solution is shown for unit B2.04 at ground level, which also includes a high level window to the room providing natural light into the area of room that is away from the bay window, but without increasing overlooking to the south. In my opinion, this solution should be repeated for the other units above (B2.09, B2.14 and B2.19), and with the addition of obscure glazing to further reduce any perception of overlooking. I have therefore included a condition suggesting the same, should the Board agree with this approach, and determine to grant planning permission. This would further increase the level of light to those bedrooms.

11.7.12. Dual Aspect

11.7.13. The Apartment Guidelines state in SPPR 4 that a minimum of 50% dual aspect apartments is required in suburban or intermediate locations, such as where the subject site is located. The proposed development comprises 61% dual aspect apartments and therefore is in accordance with this requirement.

11.7.14. Internal Space Standards

11.7.15. The minimum apartment floorspace standards are described in the Apartment Guidelines and the proposed development meets or exceeds the minimum floor areas set out in the guidelines.

11.7.16. Floor to Ceiling Heights

11.7.17. The proposed development conforms with SPPR 5 of the Apartment Guidelines which states that a minimum of 2.7m floor to ceiling height should be provided at ground level to apartment blocks.

11.7.18. Privacy

11.7.19. I note the design standards set out in the Wicklow County Development Plan with respect to privacy. I have already described the separation to surrounding existing dwellings in section 11.6 above. In my opinion, the specified 22m separation between opposing windows is not reflective of established patterns in apartment development and is more related to self-contained housing development. With respect to privacy between proposed units in the development, I also note that this design standard is specifically stated in the plan to require application 'flexibly'. The Planning Authority have also confirmed that design standards only set out principal factors to be

considered, and therefore material contraventions do not arise with respect to conformity of those development plan standards.

11.7.20. In the proposed development, at their closest, Block A is c.21m away from Bray Head House (block D); Block B is over 30m away from Bray Head House; Block C is c.18.5m away from Bray Head House; and Blocks B and C are c.11m apart, increasing to c.14m when considering opposing windows. These distances are all adequate in my view when considering apartment development, where levels of separation and privacy will differ to that of traditional self-contained houses, particularly as there is no defined 'back' to the units. I also note that there are other parts of Bray (and urban areas in general) where homes are located directly adjacent to the pavement and with only a road providing separation, of circa 12m or so. Therefore, in my opinion, the proposed development will ensure suitable separation and preservation of the privacy of future occupiers in accordance with established development patterns.

11.7.21. Private and Communal Amenity Space

11.7.22. All of the proposed apartments are provided with a private balcony or terrace which all comply with the minimum size standards described in the Apartment Guidelines. The proposed development also incorporates 2,873sqm communal open spaces in the form of courtyard and perimeter spaces to the proposed apartment blocks and converted Bray Head House building. The quantum exceeds the minimum standard set out in the Apartment Guidelines.

11.7.23. The Wicklow County Development Plan states in its design standards that within apartment development private and communal amenity space shall be in accordance with the now superseded 2015 Apartment Guidelines. The proposed development exceeds the standards set out in the current 2020 Apartment Guidelines. In my opinion, the development plan intention is for apartment development to conform with the most up to date National planning policy standard, which the proposed development does. I also note that the Planning Authority confirms that the design standards only set out principal factors to be considered, and therefore material contraventions do not arise with respect to conformity of those development plan standards.

11.7.24. Public Open Space

11.7.25. The Wicklow County Development Plan asks for 15% of a sites area to be provided as public open space. The proposed development incorporates 4,924sqm (24%) public open space, which in my view are formed of areas that are useable, good quality, overlooked and easily accessible to the public for use.

11.7.26. Mix

11.7.27. SPPR 1 of the Apartment Guidelines states that up to 50% of a proposed development may comprise 1 bedroom units, with no more than 20-25% being studio units. The proposed development does not include any studio units and only 21.2% 1 bedroom units, in conformity with SPPR1.

11.7.28. I note objective HD13 of the Wicklow County Development Plan. This states that apartments *'generally will only be permitted within the designated centres in settlements (i.e designated town, village or neighbourhood centre), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes distance of a train or a light rail station.'* The subject site does not fall within the described locations in HD13, however the objective is described as a 'general' requirement and the Planning Authority have confirmed that the location of apartment development is flexible and that the objective is not materially contravened. In my opinion, the site is suitable for the density proposed as I set out in section 11.3 above and is identified for higher density development which will be most efficiently achieved through apartments. Overall, I am satisfied that the locational characteristics of the site are appropriate for apartment development of the site.

11.8. Traffic and Transport

11.8.1. I note third party concerns with respect to traffic and transportation considerations, and I address those matters as part of my assessment below.

11.8.2. Traffic

11.8.3. A Transportation Assessment Report is submitted with the application. This identifies that the proposed development will have a negligible impact upon the surrounding road network and that junctions will operate within capacity with the proposed development in place, including consideration of anticipated growth in movements up

to the year 2038. I am satisfied that the proposed development will not have any adverse impact upon traffic movements in the area.

11.8.4. Access and Internal Routes

11.8.5. The proposed vehicular access to the site is from Putland Road and the applicant has confirmed throughout submitted documents that no other vehicular access is proposed into the site. To the south, a new pedestrian and cycle link is proposed from Newcourt Road and preventing vehicular use of this route can be secured by condition through the use of bollards or some other form of barrier, and I have included a suggested condition describing the same.

11.8.6. The application includes a DMURS compliance statement, confirming that the development conforms with that guidance and prioritises the safe movements of pedestrians and cyclists through the design of the proposed street environment. The proposed vehicular access from Putland Road is designed with a road surface finish with a footpath on one side and combined cycle / footpath on the other side. The road surface terminates at the proposed parking area, where permeable paving is then proposed throughout the rest of the site, signalling the shared nature of the internal site area. I am satisfied that the proposed design and material finish will encourage slow vehicle movements and allow safe and convenient pedestrian and cycle movements throughout the site.

11.8.7. In terms of cycle connections, to the north, the combined cycle / pedestrian footpath links to Putland Road where there is existing cycle lane infrastructure. To the south, planning permission was granted in March 2021 for the construction of a new cul-de-sac from Newcourt Road to provide access to the school via the existing entrance (PA Ref. 201004). A cycle / pedestrian link is proposed to connect into this new cul-de-sac access. There is no existing cycle lanes / infrastructure for the proposed cycle / pedestrian link to the south via Newcourt Road to connect into, however I am satisfied that the road infrastructure to the south is suitable for shared vehicle / cycle use in the absence of specific cycle lanes, and it is outside of the scope of this planning application to extend the cycle network in the wider area.

11.8.8. Car Parking

11.8.9. I note third party representations regarding the quantum of car parking, and that this is either deficient or excessive. Objective TR35 of the Wicklow County Development

Plan states that the car parking standards set out in table 7.1 of the design standards in the plan, should be applied as a maximum. This is unless public transport or parking enforcement is not available, in which case the standards are to be applied as a minimum, unless specific circumstances can be demonstrated, including consideration of all situations on a case-by-case basis. The car parking standards in table 7.1 describe a ratio of 1 to 2 spaces per a dwelling, with an indication throughout the standards that 2 spaces per a dwelling is acceptable in locations where alternative transport is not available. In relation to the proposed creche, the WCDP describes a standard of 0.5 spaces per staff member and 1 space per 10 children. The Apartment Guidelines state that for Intermediate Urban Locations such as the subject site, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

11.8.10. The proposed development includes a total of 160 car parking spaces, including a space for the proposed creche, car-share space and mobility impaired spaces. Of this, a total of 148 basement spaces are proposed for the residential units, equating to a ratio of 0.82. This is less than the standards described in the WCDP.

11.8.11. I have described in detail in section 11.3 the accessibility of the site and connections to public transport. I am satisfied that the car parking quantum proposed is reflective of the site characteristics where public transport is accessible in the wider area. The parking standards described in the WCDP are clearly expressed as a maximum or to be applied on a case-by-case basis, and therefore there is flexibility in applying the WCDP standards. On this basis, I am satisfied that the proposed development is acceptable and reflects a national planning policy approach to reduce car parking in appropriate locations, as set out in the Apartment Guidelines. I note third party concern regarding the number of car share spaces proposed, however I am satisfied that for a development of this scale, the provision of a single car share space is acceptable.

11.8.12. In relation to electric vehicle (EV) charging, the proposed development does not incorporate dedicated points, with flexibility described in relation to provision on demand for an EV charging point. However, the WCDP describes a standard of 10% of proposed residential car parking bays being provided with EV charging points, with all spaces capable of adaption in future (equipped with necessary wiring and ducting). In my view, this is the established approach to provision of EV charging

points, and I have suggested a condition requiring the same should the Board agree and determine to grant planning permission.

11.8.13. Bicycle Parking

11.8.14. The Apartment Guidelines describe a general minimum standard of 1 cycle storage space per bedroom and 1 visitor space per 2 units, however this is not a specific planning policy requirement and standards are specified to be at the discretion of the planning authority. The WCDP also describe a standard of 1 space per bedroom and 1 visitor space per 2 units, however this is not an objective of the plan. The proposed development incorporates 442 bicycle spaces which includes 92 surface spaces that visitors can also utilise, alongside 350 secure basement spaces.

11.8.15. I am satisfied that the proposed cycle storage is acceptable in light of the standards set out in both the Apartment Guidelines and WCDP.

11.9. **Ecology**

11.9.1. Third parties have raised concern regarding the impact upon wildlife at the site, including from loss of trees. I also note the Department of Housing, Local Government and Heritage comments with respect to ecological considerations. I have set out a Screening for Appropriate Assessment in section 12 of this report below, which specifically addresses potential impact upon European Sites, including Bray Head SAC. In this section of my report I address other ecological and biodiversity matters, including consideration of potential impact upon bats, a protected species.

11.9.2. Objective B4 of the Bray Municipal District Local Area Plan asks for the protection and enhancement of biodiversity and ecological connectivity within the area, in accordance with Article 10 of the Habitats Directive, and including woodlands, trees and other landscape features.

11.9.3. The application includes an Ecological Impact Assessment Report (EclAR). This includes the existing habitats on the site as follows: Buildings and artificial surfaces (BL3); amenity grassland (GA2); scrub (WS1); recolonising bare ground (ED3); mixed broadleaved woodland (WD1); dry meadows and grassy verges (GS2); treeline (WL2); mosaic of scrub/hedgerows; and mosaic of mixed broadleaved woodland / dry meadows and grassy verges / scrub. All of these habitats are

identified as of being of local importance, with the woodland, meadow, verges and treelines areas identified as being of higher importance and key ecological receptors (KER), due to their habitat value for birds and small mammals.

- 11.9.4. Bat Surveys undertaken in June 2020 and March & May 2021 are appended to the EclAR. The surveys indicate that there was no evidence of current use of buildings on the site for roosting and that mature trees to the rear of the site represent the principle potential habitat for foraging bats. Three bat species were recorded on the site (Leisler's bat, Common pipistrelle and Soprano pipistrelle) all Annex IV species listed at Least Concern. While droppings were found in the attic space to the 1950's building to be demolished on the site, these were not fresh and there were no roosts observed. The survey results also state that while trees and walls on the site have features suitable for roosting, no roosts were observed on the site. The submitted EclAR concludes that the subject site is not utilised by bats for roosting and forms commuting and foraging habitat.
- 11.9.5. Mitigation is outlined in the submitted EclAR following recommendations from the appended bat surveys in that report. The proposed mitigation includes the incorporation of bat boxes into the development, the resurvey of trees prior to felling, tree removal during September, October, November, February and March only, implementation of lighting sensitive to bats and monitoring during the post construction phase of bat boxes and other mitigation works.
- 11.9.6. I note that the June 2020 survey was inconclusive in determining whether bats were roosting in buildings on the site, and inferred potential given the number of bat movements adjacent to the buildings. However, subsequent survey works was undertaken as a result, and the March & May 2021 survey did not find evidence of current bat roosts in the buildings, with only older droppings found. The buildings are noted to have roosting potential, particularly given the condition of roof areas with missing slates allowing for entrance points. However, following examination by a qualified ecologist, there was no evidence of bat roosting in buildings on the site.
- 11.9.7. While the Department requests further survey work is required to determine the usage / or not, of the buildings on the site by bats, prior to demolition or refurbishment works. I am satisfied that this survey work has already been carried out in the 2021 survey appended to the EclA and this concludes that the buildings on

the site do not form roosting habitat. This type of survey work is necessary prior to the assessment of a planning application, and that is the approach for the current application. If evidence of roosting had been discovered on the site / in buildings, a derogation license would be required. However, for the current application, following examination of the site by qualified ecologists, there is no evidence of roosting on the site. I am also satisfied that in general, that habitats on the site do not represent a significant habitat for bat populations, with numbers of local significance only, and utilisation of the site for commuting and foraging only. The submitted EclAR includes mitigation in terms of further examination of trees for roosts. The mitigation described in the EclA can be secured by condition, and I have included suggested wording in my recommendation, should the Board agree and determine to grant planning consent.

11.9.8. The EclAR identifies that the greatest potential impact arising from the proposed development will be from the loss of trees and vegetation on the site which are identified as KERs. These woodland and scrub areas represent habitat for birds and small mammals, and in the absence of mitigation, the loss of this habitat could have negative impact that would be permanent in the operational phase, temporary in the construction phase, ranging from slight to significant (varying in relation to the area of vegetation to be lost). No mammals of conservation concern were recorded within the subject site, although the potential for species such as Pygmy Shrew and Hedgehog to use the site is recognised. In the absence of mitigation, there is potential for negative, permanent and significant impact during operation and negative and temporary / short-term ranging from slight to significant effect during construction. In relation to birds, the EclAR identifies that Greenfinch, an amber listed species, may be breeding at the site, as well as a number of green listed species. In the absence of mitigation, removal of trees and vegetation on the site could have negative, permanent, moderate impact upon the local bird population in the operational phase, and negative, temporary, slight impact during construction. The EclAR does not identify any significant risk of bird collision associated with the proposed development, with material composition of the proposed buildings breaking up reflective areas of the structures. The buildings are also not of a scale that would represent a risk to migrating birds.

- 11.9.9. Ten invasive plant species were recorded during a field survey of the subject site, including two 'High Impact Species', Japanese Knotweed and Cherry Laurel. Six are 'Medium Impact Species', Sycamore, Butterfly Bush, Himalayan honeysuckle, Holm oak, Turkey Oak and Russian-vine. Winter Heliotrope and Montbretia were also recorded on the site. Removal of invasive species is identified as a positive, permanent, significant effect of the proposed development.
- 11.9.10. The EclAR identifies the potential for cumulative impact in light of development granted permission in the surrounding area, however given the distance to these developments, the mitigation to be implemented through a construction management plan and the short-term nature of construction activity, no significant in-combination effects are identified.
- 11.9.11. Mitigation and enhancement measures to be implemented in the proposed development are described in section 7 of the submitted EclAR. Measures focus on the replacement landscape scheme, safe removal of invasive plant species, application of measures in a construction management plan, implementation of a lighting scheme sensitive to bats and clearance of vegetation during appropriate months. Design measures are also incorporated into the proposed development, including bat boxes and bird friendly façade design. With the incorporation of the mitigation as described, the EclA concludes that no significant negative residual impact will result on ecology.
- 11.9.12. I concur with the conclusions of the EclA and I am satisfied that with the implementation of the mitigation measures described, no significant negative impact would result upon ecology.
- 11.9.13. Specifically in relation to tree removal, an Arboricultural Assessment of the subject site has been submitted. This describes that a total of 62 no. trees were surveyed on the site, along with one tree group and some overgrown scrub area. Of these existing arboricultural features, 17 no. trees are proposed for removal, equating to 27.4% of the total surveyed trees.
- 11.9.14. The Bray Municipal District Local Area Plan includes Map no. GI1 'Green Infrastructure' which includes identification of trees covered by Tree Preservation Orders. This covers tree numbers 0057-0064 on the eastern side of the entrance avenue within the site area, tree numbers 6-8 and tree group numbers 2&3 on the

west side of the entrance avenue outside of the application red line boundary (as identified in the submitted Arboricultural Assessment). These trees are retained in the proposed development. I note third party concern regarding the lack of inclusion in visuals of an existing tree along this entrance, however the arboricultural and landscape details submitted with the application confirm retention of these trees along the entrance as I have described.

11.9.15. Of the proposed 17 no. trees for removal, there are no category A trees included; 1 category B tree (no.0024); 13 no. category C trees, 1 tree group and scrub area; and 3 category U trees. The majority of these trees for removal are located towards the southern end of the site, with large scrub / tree group area for removal to the south east to accommodate proposed block B.

11.9.16. I am satisfied that the trees of most value in terms of visual amenity and those protected under Tree Preservation Order are retained along the entrance avenue to the proposed development. Those trees for removal have limited visibility from public street areas, although I note visibility from The Headlands of the south east vegetation proposed for removal and concerns raised by third parties relating to this. New boundary tree planting is proposed along this edge, and I am satisfied that this is adequate mitigation in this regard.

11.9.17. The proposed landscaping plan is described in the submitted Landscape Report which includes a Woodland Management Plan. The retention of trees to the south west of the site, along with new planting, is intended to create a woodland open space public amenity area. Extensive new tree planting is also proposed along site boundaries and within the site, reinforcing existing tree lines to be retained and replacing trees proposed to be removed. This is illustrated in the submitted landscape masterplan (drawing no.100). I am satisfied that the proposed landscape works describe suitable replacement of trees to be lost and the management / protection of trees to be retained in line with best practice arboricultural management. I note third party concern regarding the proximity of trees / planting to the proposed basement area and potential consequential impact upon the success of this planting. I am satisfied that the proposed landscape plan is achievable and I have suggested a condition in the event that the Board determines to grant planning consent, that will ensure the replacement of any trees / planting should it fail in the establishment phase.

- 11.9.18. I note that the Department and Planning Authority also recommend that conditions be included concerning habitat management and details of sedum roofs and I agree with this approach. I have included conditions regarding the same should the Board concur and determine to grant planning permission.
- 11.9.19. In relation to the Departments comments concerning potential impact upon Bray Head proposed Natural Heritage Area (pNHA), I note objective NH6 in the Development Plan concerning the carrying out of EclA and incorporation of mitigation. The applicant has referenced the special amenity area order for Bray Head (objective NH44) and that the implementation of measures under that order will ensure adequate protection. In my opinion, the proposed development is not located so proximate or of such a scale, that adverse impact upon the pNHA would be likely to result. I also note that the Planning Authority state in their Chief Executive Report that it is considered that *'given the distance to the proposed stie from Bray Head, the existing nature of the development site, the lack of significant direct links between the two sites, the development is not likely to significantly impact on the NHA.'* I concur with the Planning Authority in this regard and I am satisfied that no negative impact is expected in relation to Bray Head pNHA.
- 11.9.20. Overall, I am satisfied that the proposed development is acceptable in light of objectives in the Bray Municipal District Local Area Plan, including objective B1 relating to biodiversity impact, the tree preservation order described in map no. GI1 and objective GI4 relating to the promotion and preservation of trees or woodlands. I am also satisfied that the proposal is in accordance with objectives under the Wicklow Development Plan concerning ecology and biodiversity, including in Chapter 10, section 10.3.3, and objectives NH14, NH16, NH17, NH18 and NH34 concerning tree preservation, replacement and enhancement of green infrastructure, and objective CD29 concerning retention of trees. I consider impact upon European Sites (as required under objective B2 of the Bray MDLAP) in section 12 below.

11.10. **Material Contravention**

- 11.10.1. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that subject to paragraph (b), the Board may decide to grant a permission for strategic housing development in respect of an application under section 4, even where the proposed development, or a part of it, contravenes

materially the development plan or local area plan relating to the area concerned. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.

11.10.2. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.

11.10.3. The applicant has submitted a Statement of Material Contravention with the application. This identifies potential areas that may be considered material contraventions in relation to the following:

- Unit Type: Policy HD13 of the WCDP states that apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station. The proposed development is formed of 100% apartment units outside of the locations described in HD13.
- Plot Ratio: Appendix 1 of the WCDP provides maximum plot ratio standards. The maximum plot ratio for 'Housing only edge of centre' is 0.5. The proposed development has a plot ratio of 0.9.
- Car Parking: Table 7.1 of the WCDP provides a car parking standard of 1-2 car parking spaces per dwelling. For every 5 residential units provided with only 1 space, 1 visitor space shall be provided. The proposed development has a car parking ratio of 0.82 for residents, or 0.89 in total (including 1 space for the proposed creche).

11.10.4. I note third party concern that the proposed development represents a material contravention with respect to density and plot ratio, and I specifically address objectives under the development plan and local area plan relating to density in

section 11.3 above. I also note that the Planning Authority state in their Chief Executive Report that they consider that the proposed development complies with all objectives in the WCDP. The Planning Authority highlight that in their view, objective HD13 with regard to the location of apartment development is to be applied flexibly, as indicated by the word 'generally', and that the design standard document does not contain objectives and sets out the principal factors that should be considered in new developments. They also note that the car parking standards are described as a maximum. They conclude that no material contraventions arise with respect to the current planning application.

11.10.5. I have described the applications adherence to relevant policies throughout section 11 of this report both above and below. There are no matters which would represent a material contravention of the Wicklow County Development Plan 2016-2022 (WCDP) or Bray MDLAP in my view. While the proposed development may not conform with the plot ratio set standard in the Development Plan, this is not an Objective of the plan. Similarly, there is flexibility in the application of Objective HD13 and car parking standards are expressed as a maximum. As a result, it is my view that no material contravention arises. I note that the Planning Authority has recommended that the application be approved and that no material contraventions of the WCDP are identified. Overall, I am satisfied that there are no material contraventions of either the WCDP or Bray Municipal District Local Area Plan as a result of the proposed development.

11.11. Other Issues

11.11.1. Water and Flood Risk

11.11.2. The subject site does not have any surface watercourse located within the red line area. I have considered potential impact upon water quality as part of my Screening for Appropriate Assessment in section 12 below. The implementation of appropriate surface water management and drainage solutions on the site will control and prevent harmful discharges and therefore no change to surrounding water quality is expected to result from the proposed development. I note the Department of Housing, Local Government and Heritage's comment in relation to an existing culverted and diverted watercourse along the eastern boundary of the site. The Department recommends that An Bord Pleanála ensures that the proposed

development does not impede any future restoration of this culverted watercourse. The Planning Authority have stated in their Chief Executive Report that it is not likely that the development would significantly compromise further restoration of the culverted watercourse. I am not aware of any reason why the proposed development would compromise future restoration of this culverted watercourse and I am satisfied that there is no conflict with the proposed development and the potential opportunity to restore this watercourse in future.

11.11.3. In relation to water supply and wastewater, upgrade works are required to facilitate connection to public infrastructure. The applicant has confirmed in the submitted Engineering Services Report the nature of these upgrade works, which would be carried out by an Irish Water nominated contractor under a Public Works Service Agreement between the developer and Irish Water. Irish Water have confirmed feasibility of connection subject to these works and identified that in terms of design acceptance, the applicant is responsible for delivering these works in agreement with Irish Water. Irish Water recommend conditions in relation to securing connection agreements and adherence to Irish Water standards. I am satisfied that the site is an area well served by existing public water and wastewater infrastructure, and that the connection works described are feasible and in agreement with Irish Water. I have included a condition regarding the same should the Board determine to grant planning permission.

11.11.4. In relation to flood risk, I note third party concerns with respect to the potential for flooding and the location of sewers / capacity for additional surface water run-off from the site, as well as historical flooding / water flows over the site and in the area. I have no reason to doubt the submitted survey details regarding existing drainage details for the site and surrounds. The application is assessed, and any approval would be issued, on the bases of the submitted detail. Any change to the submitted detail would require approval from the Planning Authority. In relation to capacity, overall wastewater discharge would be to the Shanganagh-Bray wastewater treatment plant which has no capacity issues. Upgrade works are required to facilitate connection to local wastewater infrastructure points, and this is subject to agreement with Irish Water who have confirmed feasibility. With respect to surface water management, details are submitted with the application and would improve attenuation capacity within the site.

11.11.5. A Site Specific Flood Risk Assessment has been submitted with the application and confirms that the site is located in Flood Zone C. The assessment details that the site is not subject to Fluvial Flooding and that there is little risk of Pluvial Flooding, as the natural topography of the site would direct any flood water away from the site towards Putland Road to the north. The proposed development incorporates sustainable urban drainage system (SuDS) measures that will reduce surface water discharges from the site and ensure only limited risk of flooding as a result of surface water failure. Having considered all potential sources of flooding in relation to the site and potential impact on surrounding areas, no negative impact is identified in the submitted assessment. Mitigation is also incorporated in the form of raised floor levels to reduce risk to future occupiers of the development.

11.11.6. In relation to potential impact upon surrounding properties, the submitted assessment confirms that the proposed development incorporates SuDS that minimise flood risk upstream and downstream of the subject site, with allowance for a 20% climate change factor. The design also includes permeable surface areas, green roofs and attenuation storage, with surface water management designed in accordance with the Greater Dublin Strategic Drainage Study and The Planning System and Flood Risk Management Guidelines for Planning Authorities.

11.11.7. Overall, I am satisfied that the submitted flood risk assessment demonstrates that the proposed development would not expose future occupants to risk of flooding from any sources, and that it also would not increase the risk of flooding elsewhere. As a result, I am satisfied that the proposed development is acceptable in terms of flood risk.

11.11.8. Energy

11.11.9. The application includes an Energy Statement. This describes the inclusion of a CHP (combined heat and power) district heating network in the proposal. Within the proposed apartments, air to water heat pumps are also proposed. These measures will reduce the overall carbon emissions associated with the development. The proposed building fabric itself, has also been considered in terms of increasing energy efficiency and demand. All units in proposed blocks A, B and C will have a BER rating A2/A3. As proposed block D is the protected structure Bray Head House to be retained, the performance of that building will be limited by the perseveration of

existing built form and refurbishment in conservation appropriate materials. This is acceptable, given the overall heritage benefits from retention and refurbishment of the building and block D is exempt from the 2019 Part L Building Regulations in relation to efficiency. All remaining blocks will comply with the regulations.

11.11.10. Wind

11.11.11. A Wind Analysis and Pedestrian Comfort Report is submitted with the application. I note that the criteria under section 3.2 of the Building Height Guidelines includes consideration of microclimatic conditions. In my opinion, the proposed scale of buildings is not so great that significant alteration to wind conditions, or adverse conditions for proposed residents, would be expected. However, I have examined the submitted report in relation to this. The report includes diagrams and analysis of air flow simulation tests of the proposed development to predict wind patterns. The results indicate that pedestrian comfort levels will be good in terms of wind conditions and that no negative impact is anticipated on surrounding areas. The expected wind conditions for proposed balcony areas are also concluded to be suitable for use of these amenity spaces. I am satisfied that there are no significant negative impacts resulting from the proposed development in relation to wind conditions.

11.11.12. Property Values

11.11.13. I note submission of third party representations relating to the impact of the proposed development upon property values in the area. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.

11.11.14. Social Infrastructure

11.11.15. Objective R3 of the Bray MDLAP and HD8 of the WCDP require a social infrastructure audit to determine if adequate social and community facilities are in place to support the future population of development. A Social Infrastructure Audit has been submitted with the application. This describes childcare, education, healthcare, community, recreation / open space, transport and retail facilities in the area surrounding the site. These facilities are all located within the Bray area and a relatively short distance from the subject site. The proposed development also incorporates a creche with capacity to accommodate 39 childcare places, which meets

the demand generated by anticipated children associated with the development. New public open spaces and a pedestrian / cycle link through the site, will also contribute to recreational infrastructure in the area. Overall, I am satisfied that there is adequate social infrastructure both within the existing area, as well as in the proposed development itself, to support the proposed development.

11.11.16. Part V

11.11.17. The applicant has submitted Part V proposals as part of the application documents.

18 no. units are currently identified as forming the Part V housing. The Planning Authority have confirmed they have no concerns with relation to the Part V proposals.

11.11.18. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

12.0 **Screening for Appropriate Assessment**

12.1. This section of the report considers the likely significant effects of the proposal on European sites. Where likely significant effects cannot be excluded, appropriate assessment is required to assess the likely effects on a European site in view of its conservation objectives and assesses whether adverse effects on the integrity of the site will or might occur in respect of each of the European site(s) considered to be at risk, and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening Report submitted with the application.

12.2. I have had regard to the submissions of third parties in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites.

12.3. The Project and Its Characteristics

12.4. See the detailed description of the proposed development in section 3.0 above.

12.5. Likely significant effects on European Sites (Stage I Screening)

- 12.6. The subject site comprises lands that were formally part of the Presentation College campus. The site is now distinct from the school site, with the modern Presentation College situated to the west of the subject site. The subject site itself is formed of grassland areas with mature tree and dense vegetation in areas. Currently located on the site is a two storey over basement building with hardstanding areas.
- 12.7. The subject site is within the Ovoca-Varty catchment and Dargle sub catchment. The Dargle river flows into Killiney Bay approximately 1.7km north of the site. The most recent EPA monitoring data (2019) indicates that near Bray town the River Dargle has been assigned a Q-Value of 4, indicating Good status. The river is 'At Risk' of not meeting its Water Framework Directive Status objectives. A tributary of the Dargle, The Swan stream, runs approximately 845m to the west. A culvert runs along the eastern boundary of the site. The subject site lies within the Wicklow groundwater body, which is classified as a poor aquifer.
- 12.8. I have had regard to the submitted Appropriate Assessment Screening Report, which identifies that while the site is not located directly within any European site, there are a number of European sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:
- Bray Head SAC (0714) 0.4km;
 - Ballyman Glen SAC (0713) 2.7km;
 - Knocksink Wodd SAC (0725) 4.5km;
 - Glen of the Downs SAC (0719) 5.6km;
 - Wicklow Mountains SAC (2122) 7.9km;
 - The Murrough Wetlands SAC (2249) 9.3km;
 - Carriggower Bog SAC (0716) 10.1km;
 - Rockabill to Dalkey Island SAC (3000) 6.0km;
 - South Dublin Bay SAC (0210) 11.8km;
 - Dalkey Islands SPA (4172) 8.3km;
 - South Dublin Bay and River Tolka Estuary SPA (4024) 11.7km;

- Wicklow Mountains SPA (4040) 8.4km;
- The Murrough SPA (4186) 10.3km;

12.9. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

12.10. The qualifying interests of all European sites considered are listed below:

Table 11.1: European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
Bray Head SAC (0714) 0.4km; To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Ballyman Glen SAC (0713) 2.7km; To restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.	Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230]

<p>Knocksink Wodd SAC (0725) 4.5km; To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>
<p>Glen of the Downs SAC (0719) 5.6km; To restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>
<p>Wicklow Mountains SAC (2122) 7.9km; To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p>

	<p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>
<p>The Murrough Wetlands SAC (2249) 9.3km; To restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]</p> <p>Alkaline fens [7230]</p>
<p>Carriggower Bog SAC (0716) 10.1km; To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Transition mires and quaking bogs [7140]</p>
<p>Rockabill to Dalkey Island SAC (3000) 6.0km; To maintain the favourable conservation condition of qualifying interests/species of conservation interest for</p>	<p>Reefs [1170]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p>

<p>which the SAC has been selected.</p>	
<p>South Dublin Bay SAC (0210) 11.8km; To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p>
<p>Dalkey Islands SPA (4172) 8.3km; To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (4024) 11.7km; To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193]</p>

	Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]
Wicklow Mountains SPA (4040) 8.4km; To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]
The Murrough SPA (4186) 10.3km; To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Red-throated Diver (<i>Gavia stellata</i>) [A001] Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Herring Gull (<i>Larus argentatus</i>) [A184] Little Tern (<i>Sterna albifrons</i>) [A195] Wetland and Waterbirds [A999]

12.11. The above Table 11.1 reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

12.12. Potential Effects on Designated Sites

12.13. The submitted report identifies any pathways or links from the subject site to European Sites considered in this screening assessment, and I summarise this below.

12.14. There are no hydrological pathways or other pathways to the Ballyman Glen SAC, Knocksink Wood SAC, Glen of the Downs SAC, Wicklow Mountains SAC, The Murrough Wetlands SAC or Carriggower Bog SAC from the subject site, which is either downstream or in a separate surface water catchment to these aforementioned European Sites.

- 12.15. In relation to Rockabil to Dalkey SAC, South Dublin Bay SAC, Dalkey Island SPA and South Dublin Bay and River Tolka SPA, these European Sites are located in Dublin Bay and the hydrological pathway is insignificant given the considerable open marine water buffer between the subject site and these aforementioned European Sites. Any potential discharges would therefore be diluted to non-discernible levels. Wastewater from the proposed development would be treated at Shanganagh-Bray Wastewater Treatment Plant which is currently operating with no capacity issues.
- 12.16. Wicklow Mountains SPA and The Murrough SPA are located in a separate river catchment to the subject site. The hydrological pathway to these European Sites is insignificant given the dilution effect that would occur over the considerable water buffer between the subject site and the aforementioned European Sites. There is also an absence of any suitable ex-situ habitat for the QI/SCI species related to these European Sites.
- 12.17. The intervening distance to all of the above-mentioned European Sites is also sufficient to discount the likelihood of effects. I concur with the conclusions in the submitted Appropriate Assessment Screening Report in relation to the above European Sites. In my opinion, impacts on these European Sites are considered unlikely, due to the distance and/or the lack of hydrological connectivity or any other connectivity with the application site in all cases.
- 12.18. The subject site has a land pathway with Bray Head SAC which is situated approximately 400m to the south east. While impacts during construction are discounted due to the lack of hydrological link or any other link, the submitted report considers the potential for increased footfall and visitors to this European Site during the operational phase, which could result in habitat loss / alteration / erosion.
- 12.19. The report links policies in the Wicklow Development Plan relating to the protection of Bray Head, and specifically the Bray Head Special Amenity Area Order (SAAO), to the prevention of potential habitat loss / alteration / erosion from increased population associated with the proposed development. I note the Department of Housing, Local Government and Heritage comments in relation to this matter. In my opinion, the policies from the Development Plan identified in the submitted report, are not relied upon as mitigation for potential impacts arising from the proposed development. The policies and approach to the protection of Bray Head exist

regardless of whether this development takes place or not. This existing framework is however identified in the submitted report as creating an approach to preventing harm to the Bray Head area, which ultimately reduces potential harm from recreational use in general from populations of the area, which would also include future populations of the proposed development.

12.20. I agree with the Department that the policies described in relation to the Bray Head SAAO do not reflect the conservation objectives for the Bray Head SAC. However, in my view, the existing status quo regarding encouraging recreational use of this area in a managed environment can be considered when determining the likelihood of potential impact arising from future populations of the proposed development. This framework does not need to be directly linked to the conservation objectives for the European Site as it is not presented as a mitigation measure and merely forms a description of the current status regarding managed recreational use of the area. This managed approach is supported by both the Development Plan and Local Area Plan. It should also be noted that Bray Head SAAO dates from 2007 and therefore was prepared prior to the designation of Bray Head SAC in 2017, and as such, it is not possible for the content of the SAAO to have been devised or intended to form mitigation with respect to the European Site.

12.21. In my AA Screening, I have considered the conservation objectives for Bray Head SAC (as well as the other European Sites identified above). In my opinion, the population of the proposed development is not so significant that it would fundamentally alter the intensity of use of Bray Head and the subject site is sufficiently distant to the Bray Head SAC area that there would be no direct reliance upon it for recreational or amenity use by populations of the development, with open spaces, communal gardens and private amenity spaces provided within the development itself. I also note that the inclusion of this amenity provision within the proposed development is a consequence of meeting design criteria required under planning policy concerning residential amenity standards, and it does not form a mitigation measure in relation to the European Site. In addition, I note that there is no hydrological pathway or any other link from the subject site to the Bray Head SAC.

12.22. The submitted report concludes that there would be no habitat fragmentation, disturbance or displacement of species, no changes to population density of species

or changes to water quality and resource at Bray Head SAC as a result of the proposed development.

12.23. I concur with the conclusions reached in the submitted report, and for the reasons I outline above, I am satisfied that impact on all European Sites is unlikely during both construction and operation phases, due to the distance and/or the lack of hydrological connectivity or any other connectivity with the application site in all cases.

12.24. In combination / cumulative effects

12.25. The submitted report considers the potential for cumulative impacts arising from the proposed development, with reference to other planning permissions in the area. There are no potential impacts identified beyond general construction impacts. The implementation of any planning permission for development in the area, including the proposed development in the event that the Board determines to grant permission, will require adherence to best practice construction measures. These measures are not designed or intended specifically to mitigate any putative potential effect on any European Site(s). They constitute the standard approach for construction works in an urban area. It would be expected that any competent developer would deploy them for works on a site whether or not they were explicitly required by the terms or conditions of a planning permission. These operational procedures will control the possibility of potential pollutants exiting the site during construction. As a result, it is not expected that cumulative impacts would arise from the proposed development.

12.26. I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to any European Sites.

12.27. AA Screening Conclusion

12.28. In conclusion, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, the lack of hydrological or any other pathway and/or the dilution effect that would occur to any discharges from the site, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.29. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

13.0 Screening for Environmental Impact Assessment

13.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIAR Screening Report and I have had regard to the same. The report concludes that the proposed development is below the thresholds for mandatory EIA and that a sub threshold Environmental Impact Assessment Report (EIAR) is not required in this instance as the proposed development will not have significant impacts on the environment.

13.2. Section (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

(i) Construction of more than 500 dwelling units;

(iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other built-up area and 20ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

13.3. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that an EIA is required for:

“Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

13.4. The proposed development is for 179 no. residential units, creche and associated site works. The overall site area is approximately 2ha and is formed of former educational grounds and buildings. The site is currently zoned for residential use and can be serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b)(i) and (iv) of the Planning and Development Regulations 2001 (as amended), in that it is less than 500 units and is below 10ha (that would be the applicable threshold for this site, being outside a business district but within an urban

area). Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. I would note that the uses proposed are in keeping with land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. In relation to habitats or species of conservation significance, the AA screening set out above, concludes that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites.

13.5. The criteria at Schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. Section 299B(1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The submitted EIA Screening Report address the information under Schedule 7A. It is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts regarding other permitted developments in proximity to the site, and demonstrates that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to Schedule 7A and all other submissions, and I have considered all information which accompanied the application including inter alia:

- EIA Screening Report
- Section 299B Statement
- Statement of Consistency
- Material Contravention Statement

- AA Screening Statement
- Arboricultural Impact Assessment Report
- Architectural Design Statement
- Building Lifecycle Report
- Climate Change Impact Assessment
- Conservation Report
- Construction and Demolition Waste Management Plan
- Construction and Environmental Management Plan
- Daylight and Sunlight Report
- Demolition Justification Report
- DMURS Design Statement
- Ecological Impact Assessment
- EIA Screening
- Energy Statement
- Engineering Services Report
- Housing Quality Assessment
- Landscape Report
- Operational Waste Management Plan
- Outline Construction Management Plan
- Materials & Finishes Report
- Planning Context Report
- Property Management Strategy report
- Public Lighting Report
- Site Specific Flood Risk Assessment
- Social Infrastructure Audit

- Transportation Assessment Report
- Wind and Pedestrian Comfort Analysis

13.5.1. In addition I have taken into account the SEA of the Development Plan. Noting the requirements of Article 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union Legislation other than the EIA Directive have been taken into account, I would note and have considered that the following assessments / reports have been submitted:

- A Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 as amended, providing an assessment of relevant EU legislation in relation to the proposed development and identifying the consideration of relevant EU legislation in the preparation of plans / reports as follows;
 - Directive 92/43/EEC, The Habitats Directive, in the submitted AA Screening Report and Ecological Impact Assessment, Landscape Report and Arboricultural Assessment Report;
 - Directive 2000/60/EU, EU Water Framework Directive, in the submitted AA Screening Report, Ecological Impact Assessment, Site Specific Flood Risk Assessment Report, Outline Construction Management Plan and Engineering Services Report;
 - Directive 2001/24/EC, SEA Directive, in the Wicklow County Development Plan 2016-2022, Wicklow Biodiversity Action Plan 2010-2015 and Appropriate Assessment Screening Report for Variation no. 1 to Wicklow County Development Plan 2016-2022, as well as the submitted EIA Screening Report and Planning Context Report;
 - Directive 2002/49/EC, Environmental Noise Directive, in the submitted Outline Construction Management Plan, Construction Environmental Management Plan and Demolition Justification and Outline Strategy for Related Site Works;

- Directive 2008/50/EC on ambient air and cleaner air for Europe, in the submitted Outline Construction Management Plan, Construction Environmental Management Plan and Demolition Justification and Outline Strategy for Related Site Works;
- Directive 2007/60/EC on the assessment and management of flood risks, in the submitted Site Specific Flood Risk Assessment Report;
- Directive (EU) 2018/850 on the landfill of waste, in the submitted Outline Construction Management Plan, Operational Waste Management Plan, Construction and Demolition Waste Management Plan;
- Directive 2008/98/EC on waste and repealing certain Directives, in the submitted Outline Construction Management Plan, Operational Waste Management Plan and Construction and Demolition Waste Management Plan;
- Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors, in the submitted Outline Construction Management Plan, Construction Environmental Management Plan and Demolition Justification and Outline Strategy for Related Site Works;
- Directive 2012/27/EU on energy efficiency, in the submitted Energy Statement, Demolition Justification and Outline Strategy for Related Site Works and Building Lifecycle Report;
- Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) no.525/2013, in the submitted Energy Statement, Demolition Justification and Outline Strategy for Related Site Works and Building Lifecycle Report;
- The Bern and Born Convention, and Ramsar Convention, in the Ecological Impact Assessment;
- Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, in the submitted Energy Statement;

- Regulation (EU) no.517/2014 on fluorinated greenhouse gases, in the submitted Energy Statement.

13.5.2. The EIAR Screening Statement prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purposes of EIA Screening.

13.5.3. I have completed a screening assessment as set out in Appendix A of this report and recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report (EIAR) would not therefore be required. The conclusion of this is assessment is as follows:

13.5.4. Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Objective R-HD New Residential – High Density: To protect, provide and improve residential amenities in a high-density format in the Bray Municipal District Local Area Plan 2018 – 2024 (Bray MDLAP) where residential with ancillary childcare facility is in conformity with the land uses.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).

(g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Conservation Report, Outline Construction Management Plan, Construction and Environmental Management Plan, Construction and Demolition Waste Management Plan, Engineering Report, Landscape Report and the Site Specific Flood Risk Assessment.

13.5.5. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. I recommend that a screening determination be issued accordingly, confirming that no EIAR is required.

14.0 Conclusion

14.1. The proposed demolition of buildings and construction of the residential development is acceptable in principle at this site, with regard to the relevant zoning Objective R-HD New Residential – High Density: To protect, provide and improve residential amenities in a high-density format in the Bray Municipal District Local Area Plan 2018 – 2024. The proposed development will retain and refurbish Bray Head, a protected structure, and remove a later 1950's addition building that does not positively contribute to the heritage value of the structure. The design of the proposed development is sensitive to the protected structure, will bring this structure back into residential use, and prevent its further dereliction. The provision of increased height and higher density residential development at this location is also desirable with regard to its accessible location and proximity to public transport and surrounding infrastructure.

14.2. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The

overall provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

14.3. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

15.0 Recommendation

Planning and development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 23rd Day of November 2021 by Denver Valley Developments Limited, on behalf of Simon Clear & Associates Planning and Development Consultants, 3 Terenure Road West, Terenure, Dublin 6.

Proposed Development

The proposed development will consist of 179 residential units as follows:

- Demolition of:-
 - Non-original shed and outbuildings to the rear of Bray Head House;
 - The 1950's 2/3 storey redbrick secondary school extension to Bray Head House;
 - Other sheds and outbuildings to the rear of the site.
- Refurbishment of Bray Head House (Protected Structure RPS no. B67) with internal reconfiguration and change of use from School to Apartments.
- The construction of 3 no. residential apartment buildings (Blocks A, B and C) with common basement under podium amenity space.
- Provision of 179 residential apartment units comprising:-
 - 38 no. 1 bed units;

- 125 no. 2 bed units;
- 16 no. 3 bed units.
- The units will be provided across 4 no. buildings arranged around a central landscaped podium as follows:-
 - Block A: 6 storey over partial basement apartment building with a setback at fifth floor level accommodating 59 no. apartments, consisting of 15 no. 1 bed, 40 no. 2 bed and 4 no. 3 bed units with associated balconies / terraces;
 - Block B: 6 storey over basement apartment building with setbacks at 4th and 5th floor levels accommodating 66 no. apartments consisting of 20 no. 1 bed, 39 no. 2 bed and 7 no. 3 bed units with associated balconies / terraces;
 - Block C: 5 storey over lower ground floor level apartment building with setback at 4th floor level accommodating 48 no. apartments consisting of 2 no. 1 bed, 42 no. 2 bed and 4 no. 3 bed units with associated balconies / terraces;
 - Block D: The existing 2 storey over basement level Bray Head House (Protected Structure RPS no. B67) will accommodate 6 no. apartments consisting of 1 no. 1 bed, 4 no. 2 bed and 1 no. 3 bed units with associated balconies / terraces and internal communal space.
- The under podium basement level will accommodate 148 no. car parking spaces, bicycle parking, bin stores and plant.
- A creche will be located at ground floor level of Block A.
- 12 no. surface level car parking spaces will provide allocation for Bray Head House units and drop-off area for creche along with surface level bicycle parking.
- Widening of the existing vehicular access from Putland Road and adjustments to gates and railings.
- Provision of a continuous 3m. wide cycle / pedestrian link from Putland Road to Newcourt Road.

- Site Landscaping, boundary treatments, infrastructure works, ESB substation and all associated site works and services.

Decision

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

Matters Considered

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

16.0 Reasons and Considerations

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

(a) the location of the site in the urban settlement area of Bray on a site zoned for residential (under Objective R-HD New Residential – High Density: To protect, provide and improve residential amenities in a high-density format in the Bray Municipal District Local Area Plan 2018 – 2024);

(b) the policies and objectives of the Wicklow County Development Plan 2016-2022 and the Bray Municipal District Local Area Plan 2018 – 2024;

(c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All – A New Housing Plan for Ireland;

(d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

(e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) The Architectural Heritage Guidelines for Planning Authorities and Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999;
- (i) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (j) The pattern of existing development in the area;
- (k) The planning history of the site;
- (l) The submissions and observations received;
- (m) The Chief Executive Report from the Planning Authority; and
- (n) The report of the inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would enhance the protected structure on the site, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the

applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Objective R-HD New Residential – High Density: To protect, provide and improve residential amenities in a high-density format in the Bray Municipal District Local Area Plan 2018 – 2024 (Bray MDLAP) where residential with ancillary childcare facility is in conformity with the land uses.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).

(g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Conservation Report, Outline Construction Management Plan, Construction and Environmental Management Plan, Construction and Demolition Waste Management Plan, Engineering Report, Landscape Report and the Site Specific Flood Risk Assessment.

The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

Having regard to the zoning objective for the site as set out in the Bray Municipal District Local Area Plan 2018-2024, the pattern of existing development in the immediate vicinity of the site, the AA Screening Report submitted with the application and subsequent Appropriate Assessment Screening in the Inspectors Report, the location in an existing urban area and a reasonable walking distance to the town centre and DART station, it is considered that the proposed development would enhance the protected structure on the site, and would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, and in terms of pedestrian and traffic safety. It was also concluded that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Proposed apartment units labelled B2.09, B2.14 and B2.19 on the submitted plans shall be amended to incorporate a high level south facing window (reflecting the design of unit B2.04).
 - (b) The high level south facing window to all units referenced in part (a) of this condition shall be obscure glazed.

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

Reason: In the interests of residential amenity.

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

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

4. The mitigation measures contained in the Ecological Impact Assessment (EclA) which was submitted with the application shall be implemented in full (including in relation to invasive species, phasing/construction/demolition timing and landscaping/vegetation clearance timing).

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure ecological best practice.

5. A Habitat Management Plan shall be submitted, and approved by the Planning Authority, for the south of the site, specifically in relation to the woodland open space, prior to the commencement of the development.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure ecological best practice.

6. Detailed specifications of the sedum roof areas to be submitted to, and approved by the Planning Authority prior to the commencement of the development.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure ecological best practice.

7. 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,
 - (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,
 - (d) should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to the necessary mitigating action (e.g. preservation in situ or excavation) and should facilitate the archaeologist in recording any material found, and

(e) the Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

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.

8. All works to the protected structure, shall be carried out in accordance with the submitted Conservation Report and under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise (RIAI Grade 2 or higher).

Reason: To secure the authentic preservation of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. The development shall not be commenced above grade until details of a Stage 2 Quality Audit have been approved by the Planning Authority.

Reason: In the interest of amenity and of traffic and pedestrian safety.

11. The pedestrian / cycle link to Newcourt Road shall be kept open at all times for the use of members of the public. The link shall not be used for vehicular use, with the exception of use by emergency vehicles. Prior to the commencement of the development, details of the treatment, surface finish, boundary appearance, lighting and bollards (or other mechanism to prevent vehicular access), shall be submitted to, and approved by the Planning Authority.

Reason: In the interest of amenity and of traffic and pedestrian safety.

12. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and future proof the development such as would facilitate the use of Electric Vehicles.

13. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

15. The construction of the development shall be managed in accordance with a Construction Environmental 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 with measures to reflect mitigation described in the submitted EclA for the application, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity, which shall be from Putland Road only;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

16. 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.

17. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length,

and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees / shrubs / hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

19. The landscaping and earth works scheme shown on the landscape masterplan drawing, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. 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 residential and visual amenity.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement

of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

21. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

22. Details of signage for the creche unit shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

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

23. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes and through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house. Such lighting shall be designed in accordance with guidance contained in the Institution of Lighting Professionals (ILP) (2018) Guidance Note 08/18 Bats and artificial lighting in the UK. The approved lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

24. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development. All works are to be carried out in accordance with Irish Water Standards codes and practices, including in relation to separation distances and restrictions on

the building up over assets.

Reason: In the interest of public health.

25. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

26. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

27. The public open space areas shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the revised landscape scheme to be agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

28. Proposals for an estate name and numbering scheme with associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or

other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

29. 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 residential amenities of property in the vicinity and the visual amenities of the area.

30. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

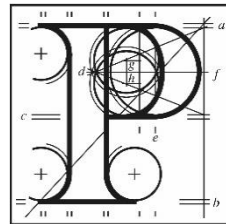
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

31. 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.

18.0 Appendix A: EIA Screening



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-312020-21
Development Summary		Demolition of buildings, construction of 179 no. apartments, creche and associated site works
	Yes / No / N/A	

1. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Wicklow County Development Plan 2016-2022. An AA Screening Report and Ecological Impact Assessment (EclA) under the Habitats Directive and with reference to the River Waterbody Water Framework Directive. A Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive. The submitted EIA Screening Statement also refers to the Habitats Directive. A Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 as amended was also submitted, providing an assessment of relevant EU legislation in relation to the proposed development and identifying the consideration of relevant EU legislation in the preparation of plans / reports.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The residential use proposed and the size and design of the proposed development would not be unusual for this part of Bray. While the height of the proposed apartment blocks is 6 storeys and the maximum height of adjacent apartment blocks in The Headlands is 5 storey, the proposed scale is not exceptional, relative to the established urban context.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The works will involve levelling out in some areas, but with no significant change to topography. Changes in land use and form are not considered to be out of character with the pattern of development in the surrounding area, and	No

		the site is situated in an existing residential area.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such development. While the development will result intensity of land coverage by buildings and loss of trees/vegetation, this is not on a significant scale at either national or county level. The proposed landscape works also incorporate mitigation measures through landscape planting.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Construction waste can be managed via a Construction Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>Surface water management systems as required of a project of this scale will prevent the escape of potential pollutants from the site.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction and Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction and Environmental Management Plan to include traffic movements, would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the scale of the development, its situation in an existing urban area and the surrounding pattern of land uses.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is a stand-alone development, comprising renewal of a site. The Wicklow County Development Plan 2016-2022 and Bray Municipal District Local Area Plan plans for the expansion of the county and has been subject to SEA. This application and those developments in the vicinity are catered for in the plan through land use zoning. Other developments in the wider area alongside the proposed development, are not considered to give rise to significant cumulative effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	No	An AA Screening Assessment Report and Ecological Impact Assessment are submitted with the application. Having	No

<p>1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and pNHA, the lack of hydrological or any other pathway and/or the dilution effect that would occur to any discharges from the site, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have any potential impact. A Tree Preservation Order is in place for trees adjacent to the avenue entrance road to the site, and these trees will be retained in the proposed development.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>Existing habitats have been surveyed in the submitted Ecological Impact Assessment and AA Screening Assessment Report. Surveys support a conclusion that the site does not form an ex-situ area for European sites. Surveys also demonstrate that while bats utilise the site for commuting and foraging, evidence supports a conclusion that they do not roost in existing buildings or trees on the site. Mitigation is also outlined in the submitted EclA, including the periods during which vegetation and demolition works will take place, to limit potential effects.</p>	<p>No</p>

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>The site is currently occupied by Bray Head House a protected structure. The Record of Monuments and Places lists eight sites within an approximate 500m radius of the grounds of Bray Head House. Three of these RMP sites have been identified through development-associated archaeological investigation in recent years and are situated within 100m of the boundary of the proposed development site. The application includes a Conservation Report and Archaeological Assessment. Works include the demolition of a 1950's building attached to Bray Head house which is not historically significant and currently detracts from the heritage value of the protected structure. Mitigation is described in the Archaeological Report in the event of discovering of unexpected features.</p>	<p>No</p>
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<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>The subject site is formed of former educational grounds and buildings that are no longer in use.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>A culverted watercourse is situated to the eastern boundary of the site. This is not impacted by the proposed development which incorporates surface water management systems to limit and control discharges from the site. Opportunity to potentially restore this watercourse in future is unimpacted by the proposed development.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands proposed for development are susceptible to landslides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No.</p>	<p>The site is adjacent to minor local traffic routes.</p>	<p>No</p>

<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>The subject site is situated adjacent to a school and forms former educational grounds and buildings. The existing buildings on the site are derelict and have not been in use for education for some time. The lands are zoned for residential. No adverse impact upon the operational school to the west of the site is anticipated. A submitted social infrastructure audit identifies community facilities in the wider area that would support future populations of the development.</p>	<p>No</p>
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3. Any other factors that should be considered which could lead to environmental impacts

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>Developments have been identified in the vicinity, however these are all of a scale and nature that would be anticipated under the Wicklow Development Plan 2016-2022 and would not give rise to significant cumulative environmental effects alongside this development.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No trans boundary considerations arise</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>No</p>		<p>No</p>

C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Objective R-HD New Residential – High Density: To protect, provide and improve residential amenities in a high-density format in the Bray Municipal District Local Area Plan 2018 – 2024 (Bray MDLAP) where residential with ancillary childcare facility is in conformity with the land uses.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).

(g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Conservation Report, Outline Construction Management Plan, Construction and Environmental Management Plan, Construction and Demolition Waste Management Plan, Engineering Report, Landscape Report and the Site Specific Flood Risk Assessment.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Rachel Gleave O'Connor
Senior Planning Inspector

08 March 2022