



An  
Bord  
Pleanála

**S. 6(7) of Planning and  
Development (Housing) and  
Residential Tenancies Act 2016**

**Inspector's Report on  
Recommended Opinion  
312257-21**

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**Strategic Housing Development**

564 no. residential units (96 houses and 468 apartments), creche and associated site works.

**Location**

Former Bray Golf Course Lands, off Ravenswell Road and Dublin Road, Bray, Co. Wicklow.

**Planning Authority**

Wicklow County Council &  
DunLaoghaire Rathdown County  
Council

**Prospective Applicant**

Shankill Property Investments Ltd.

**Date of Consultation Meeting**

6<sup>th</sup> May 2022

**Date of Site Inspection**

28<sup>th</sup> April 2022

**Inspector**

F. Fair

## 1.0 Introduction

- 1.1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1.1. The site is located to the northwest of Bray Town Centre and is within the administrative boundary of both Wicklow County Council (southern portion of the site) and Dun Laoghaire Rathdown County Council (northern portion of the site). The Dublin-Bray Railway line is located to the eastern boundary of the site and the M11 and R761 roads are located further west. A new link street from the R761 connects from the east serving the adjoining school sites, with this route connecting south to the Upper Dargle Road (temporary vehicular connection) and to the east to the application lands. The street terminates for vehicles east of the application site at the railway underpass, where there is pedestrian/cyclist connection only to the Harbour, north beach and town centre.
- 2.1.2. The development site is bounded along its eastern extent by the Dublin-Rosslare railway line/Dublin-Bray DART line. On the eastern side of the train line is a coastal path which travels south to Bray Harbour and north towards Shanganagh. The site is approx. 100m back from the coastline. To the immediate north of the site is Corke Abbey Valley Park (public open space) and northwest is Corke Abbey residential development; to the west is the grounds of Ravenswell School Campus (primary and secondary schools) built in recent years; and to the south is the existing access link street which serves the schools and these undeveloped lands. In terms of

topography the site slopes from the north to the south, from c. 11mAOD to 1.5m AOD, dropping more steeply to the south of the link street, onto existing undeveloped lands, which are within the floodplain of the River Dargle. The river Dargle has been subject to flood alleviation works with the delivery along the northern boundary of the river of a formalised promenade and public amenity space, which connects via a pedestrian/cyclist pathway to the application site and railway underpass.

2.1.3. The site comprises mainly grassland, as a result of its former use as a golf course, with a section of hardstanding / gravel surfaced area which has become overgrown. In this area there is an existing underground Irish Water foul storage tank and above ground odour control unit, which is accessed directly off the link street. There is an archaeological site comprising a linear earthwork (Ref. WI004 – DU026-124) running along the administrative boundary of Wicklow County Council and Dun Laoghaire County Council through the centre of the lands. Lands to the south, which are also zoned for development, are currently under grassland.

2.1.4. The wider area to the west/north comprises generally low density two storey residential developments and associated retail/commercial/amenity services to serve this population, with lands to the south comprising a greater mix of uses associated with the town centre of Bray.

### 3.0 **Proposed Strategic Housing Development**

3.1.1. The proposed development consists of a residential development consisting of:

3.1.2. The following development parameters are noted: **Table 1**

<b>Site area</b>	<b>7.66 ha 4.01 ha within WCC and 3.65 with DLRDCC (Net 5.58 ha excluding F zoned lands)</b>	
Site Area	7.66 ha (4.01 within WCC and 3.65 within DLRDCC)	
No. of units	564 units 281 within DLRDCC 283 within WCC	<div style="border: 1px solid black; padding: 5px;"> 412 Apartments Units  96 Housing Units  56 Duplex Units </div>
Density	101 u / ha  DLRD 94 u / ha  WCC 109 u / ha	
Other uses	Café 191 sq. m in Block 1C  Commercial units (GFA of 295 sq. m) within Block 1B	
childcare	669 sq. m to cater for 100 children in Block 1C	
Height	Block 1A: 3 - 7 Storeys  Block 1B: 7 - 8 Storeys  Block 1C: 3 - 5 Storeys  Block 1D: 5 Storeys  2 storey housing  3 Storey duplex	
Dual Aspect	62%  DLRD 72%	

	WCC 54%
Communal Open Space	Requires 2575 sq. m – Proposed 5477 sq. m
Public Open Space	15% (DLRD 12% and WCC 17%)
Car parking	635 no. spaces (231 no. spaces will be provided on street and 404 no. spaces will be provided at basement level)
Cycle Parking	c. 1060
Access	The site is accessed from the R761 (Dublin Road) via the recently constructed Northern Access Road
Part V	10% 56 units

## 4.0 National and Local Planning Policy

### 4.1.1. National

#### **Project Ireland 2040 - National Planning Framework**

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to 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.

The directly relevant National Policy Objectives as contained within the NPF include:  
National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

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 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 sets out to enhance water quality and resource management, this includes the requirement to ensure that 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. Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2020),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

#### 4.1.2. **Regional Policy**

- Regional Spatial and Economic Strategy (RSES) for Eastern and Midland Assembly, 2019

#### 4.1.3. **Local Policy**

Bray Municipal District Local Area Plan 2018 & Dun Laoghaire Rathdown Development Plan 2022 – 2028.

The portion of the site located within Wicklow County Council is zoned "TC", Town Centre. The zoning Objective is: "To provide for the development and improvement of appropriate town centre uses incl. retail commercial, office and civic use, and to provide for 'Living Over the shop' residential accommodation, or other ancillary residential accommodation.'

SLO3 relates

The portion of the site within Dun Laoghaire Rathdown County Council to the north is zoned objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’ and objective ‘F’ – ‘To preserve and provide for open space with ancillary active recreational amenities.’

Specific Objective 119 refers.

To provide a permeability link between the Green Area/Linear Park between Corke Abbey and Woodbrook Glen, and any development on the Former Bray Golf Club lands to allow access towards Bray Harbour.

**SLO3: Former Bray Golf Course** (of which a portion of the application site relates):  
‘This MU zoned area measures c. 17ha. It is an objective that this land be developed as a mixed commercial, residential, education / community facilities and open space zone. While only c. 5ha has been developed to date (schools / sports zone) there is an extant permission on the remainder valid until 2020. If this permission is not taken up the plan sets out a number of requirements for the development of the SLO3 lands, which are noted below: -

The lands shall be developed as a extension to the existing town centre and shall involve the creation of a number of new streets and squares, where pedestrians and non-motorised forms of transport have priority, where buildings front directly onto streets and squares with active, attractive ground floor frontage;

The design, finishes etc of all buildings shall draw reference and inspiration from the existing traditional town centre and the development shall flow from ‘old’ to ‘new’ without jarring distortions of scale, format or design;



Excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river;

Car parking shall generally to located under or within buildings; not more than 20% of the total overall parking provision required for the entire MU area may be located on open surface locations;

The residential element shall generally be delivered in a high-density format with the target provision of 1,000 units in a variety of unit sizes and formats;

Retail development shall be integrated into the development in a manner that flows from the existing retail core of the town and brings vitality and vibrancy to the streets and squares of the new development. Retail floor space (including retail services such as restaurants, hairdressers etc) of not less than 20,000sqm (of which a minimum of 10,000sqm shall be comparison floorspace) will be required;

Non retail commercial floor space, such as offices, professionals services etc of not less than 5,000sqm shall be integrated into the development at both ground and above retail levels;

The existing schools / sports zone shall be retained; excellent access shall be retained to the schools and associated sports facilities and such access shall avoid the need to bring traffic through new residential areas or town shopping streets;

Not less than 2ha shall be developed as public open space;

Any application shall include a detailed phasing programme that ensures the timely delivery of all elements of the SLO. In order to 'kick start' the development, a first phase of housing, being those units that are not integrated into the mixed use retail / commercial element, in conjunction with the public park, may be developed as a 'Phase 1' of the overall development, strictly on the basis of the remaining housing being delivered in tandem with the retail / commercial element.

## 5.0 Planning History

### 5.1.1. ABP 311181 – Split Decision

Permission be REFUSED for proposed Blocks A and B, for the reasons and consideration marked (1) below and I recommend that permission be GRANTED for the remainder of the development, as proposed, in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.

1. Having regard to the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing Planning and Local Government in December 2018, it is considered that the proposed Blocks A and B by reason of their design, scale, bulk and mass would be visually obtrusive and would seriously detract from the visual amenities and character of the area when viewed from the east, and in combination with the poor design in terms of façade treatment and architectural expression would not constitute an adequate design response to the context and opportunity of this coastal urban site, and would not, therefore, be in accordance with the criteria set out under section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018 and would not be in accordance with the proper planning and sustainable development of the area.

**311071** – EIA Screening Determination under Article 140, related to LA proposal for construction of the Bray Sustainable Transport Bridge, link road and associated works.

The following two history applications were submitted at the same time and granted permission by ABP-

This following application relates largely to the area of the current application (excluding a section to the southwest):

**PL06D.230215 (DLR Ref Ref D07A/1495)** – Permission GRANTED for a period of 10 years for 338 residential units. The scale of development permitted ranged between 2 and 8 storeys, with the predominant height being 5 to 6 storeys. The form of development centred around a central boulevard running north – south and Blocks to the east facing the coast were U or L shaped with courtyards facing east towards the sea.

**D07A/1495/E1** – Extension of duration of application lodge. FI requested on 25th November 2020 but a response was not received.

The following application relates largely to the land mainly to south of the current application site (part of site application site boundary with area of permitted application):

**ABP Ref. PL39.230246 (Bray TC Reg Ref. 07630194)** – Permission GRANTED in June 2010 for a mixed use development comprising 601 no. residential units, c.58,243 sq. metres of retail, c.5,800 sq. metres of office, cinema (5,237 sq. metres), hotel, bars, restaurants, 2 x creches, medical surgery, community building, and GAA pitch, on the former Bray Golf Club lands. Permission was granted by the Planning Authority and ABP.

**Reg Ref 20672** – Extension of duration of permission granted until 2025.

## 6.0 **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicant that a Section 247 pre-planning meeting took place with Wicklow County Council (WCC) on 22nd July 2020.

No consultation regarding the current proposal was undertaken between DLRDCC and the applicant. Record of relevant meeting in the case of history file ABP-308291-20 is appended to the CE report.

## 7.0 Submissions Received

Irish Water (report dated 27<sup>th</sup> January 2022)

Irish Water has reviewed the plans and particulars submitted and confirms that a Confirmation of Feasibility was issued to the applicant on 14th July 2020 relating to the provision of a multi/mixed use development, including the provision of 524 no. residential units on the subject site.

Irish Water notes the current SHD planning application proposes 564 no. residential units, 40 no. in excess of our previous consultation response. Irish Water therefore considers the previous Pre-Connection Enquiry is not relevant to the subject development.

Irish Water therefore requests the applicant re-engage with Irish Water to obtain a Confirmation of Feasibility for all 564 no. residential units proposed. It is further noted that the previous Pre-connection Enquiry response identified the following capacity issues in the area.

### **In respect of Water:**

The proposed water connection is feasible for 524 no. residential units subject to upgrades, namely;

To connect this development to Irish Water's water network significant upgrades are required, these include but are not limited to the replacement of approx. 450m of existing 6inch watermain to 200mm ID main. In addition to this approx. 190m of new 200mm ID main is required to connect the existing network to the development. 2 Uisce Éireann Irish Water Given the nature of these works, Irish Water would request the applicant engage with Irish Water, prior to the submission of a full SHD planning application to agree these upgrade works.,

### **In respect of Wastewater:**

The proposed wastewater connection is feasible for 524 no. residential units subject to upgrades, namely;

The connection is feasible subject to the completion of the Old Connaught LNRP. Your site layout and connection point does not align with the proposed LNRP route and existing infrastructure, these issues will need to be addressed between the applicant and the Irish Water Asset Delivery Project Manager. The applicant was advised to contact Irish Water to discuss further.

While the above assessment identifies issues surrounding the proposed connections, this information should be used for guidance purposes only. As noted above, given the previous Pre-Connection Enquiry did not consider the full extent of the subject SHD planning application, a new Pre-Connection Enquiry will be required to confirm feasibility.

Should the applicant wish to proceed with the subject 564 no. unit development, a new Pre-Connection Enquiry, obtained from Irish Water is required, prior to the submission of the Final SHD application.

## 8.0 **Forming of Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

## 9.0 **Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- Architecture Drawings (including A3 booklet)
- Engineering Drawings

- Landscape Drawings
- Development & Unit Schedules
- Harbour Point, Bray Masterplan Document prepared by Glenn Howell Architects
- Architectural Design Statement prepared by Reddy A&U
- Landscape Design Strategy prepared by Park Hood Landscape Architects
- Infrastructure Statement prepared by Atkins
- Irish Water Confirmation of Feasibility
- Engineering & Energy Report including Public Lighting Report
- Building Life Cycle Report
- Daylight and Sunlight Assessment
- Tree Survey Report
- Balcony Assessment and Historical Weather Data Analysis
- Flood Risk Assessment – Stage 1
- Technical Note Statement of Consistency (Flood Risk Guidelines)
- Transport Statement
- DMURS Statement prepared by Atkins
- Appropriate Assessment Screening Report
- Archaeological and built heritage assessment
- Outline Construction Waste Management Plan
- Operational Waste Management Plan
- Verified Views
- Planning Report & Statement of Consistency
- Statement of Material Contravention

- Record of Pre-Application Consultation Meeting with Wicklow and Dun Laoghaire-Rathdown County Councils
- Part V Information

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## 10.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located Wicklow County Council, submitted copies of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 20th of January 2022. The DLRDCC CE report was also received on the 20<sup>th</sup> of January 2022.

The Planning Authorities have identified a number of considerations which may have a bearing on the Board's decision as to whether the proposal constitutes a reasonable basis for an application. They are summarised as follows:

### WCC Opinion

- Previous report stands
- Visual impact of the development, particularly, need to look at how it impacts visually from the Promenade in Bray.
- Viewpoints Identified on drawings would appear acceptable. Previous permission CGI's showing impact on Bray Prom etc, these would be required again.
- Consider that materials are key, particularly given prominence and coastal location.
- hat heights and massing was similar to that permitted under previous permitted application in '07.
- Need to justify the density given core location

- Concern as to impact of height of Block 1B on POS/Communal areas – shadow analysis required.
- Inaccuracies in unit Mix between supporting information and plans and drawings.
- More active frontages to Market Sq

### **DLRDCC Opinion**

- Generally acceptable in principle with respect to zoning and density.
- Concern regarding height of Block 1D north-western corner of the site requires further consideration.
- Concern with respect to Block 1A in the north-eastern portion of the site. 56m in length to north and south and principle length of the western façade 43m with overall eastern and western elevations 110m
- Inaccuracies in dual aspect ratio
- Private amenity spaces would not accord with DRDCDP for some of the houses.
- Siting layout and separation distances – concern.
- External finishes and elevations

I have reviewed and considered all of the documentation submitted by the relevant planning authority's relating to this case.

## **11.0 Consultation Meeting**

A Section 5 Consultation meeting took place via Microsoft Teams on the , 6<sup>th</sup> May 2022 commencing at 10.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Compliance with statutory Development Plan policies and Bray Municipal District LAP 2018. (Height, massing and SLO3)



2. Previous Split Decision under 311181 (omits two apartment Blocks A and B) and justification that the reason for refusal has been overcome.

3. Residential Amenity (proposed and existing)

- Sunlight and Daylight and Overshadowing
- Overlooking to the northwest
- Open Space and public realm

4. Transportation, permeability, connectivity and pedestrian flow.

5. AOB

11.1.1. In relation to, compliance with statutory Development Plan policies for both the DLRDCC CDP 2022 – 2028 and Bray Municipal District LAP 2018, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further clarity with respect to red line boundary and what precisely is being proposed under any future application, cognisance being had to information submitted with the pre application and the subsequent information presented at the meeting.
- How any future proposal differs from that of the recent history file on this site SHD 311181-21, in terms of site area, site boundary, nature of the proposal, density and how it all ties in with the permitted portion of that permission.
- Clarity is of utmost importance. Consistency between all drawings and documentation, no room for inaccuracies, drawings need to be sufficiently detailed, accurate, have regard to one another and legible.
- Further consideration with respect to design rationale for the proposed height, density, design and character of residential units and details of the materials and finishes of the proposed development. Particular regard should be had to the

requirement to provide high quality, robust and sustainable finishes and details which seek to create a distinctive character for the development, having regard to the coastal and highly visible location of the site and its interface with Bray seafront.

- Further consideration and justification of how the proposal is consistent with and has regard to the new DLRDCDP 2022 – 2028 and how SLO3 objectives within the Bray MD LAP are met.
- A report that addresses and provides a justification for the proposed housing mix.
- A building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

11.1.2. In relation to the recent split decision under 311181, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Justification that the reason for refusal has been overcome.
- There is cross over between issues on the agenda and the issues raised under Item 1, with respect to design, scale, bulk and mass being visually obtrusive are pertinent to this item. Clarity is of utmost importance in any proposal submitted. Applicant to indicate what is to be included within the red line boundary and how this relates to the permitted part of the previous application ABP – 311181-21.
- Further CGI's and photomontages are required to assess visual impact, in particular, from the east.
- Further consideration of design in terms of façade treatment and architectural expression given the context and opportunity of this coastal urban site and Bray seafront.
- Further justification of the proposal with respect to the criteria set out under section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018.

11.1.3. In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- It is noted given the nature of the discussion at the meeting and how the proposal has evolved from that submitted with the pre application with the planning authority to that now proposed by the applicant with respect to red line boundary and splitting of the site to omit the portion previously permitted on foot of SHD-311181-21 overlooking to the northwest and public realm of the overall scheme, is not of particular relevance.
- Regard should be had, however, to any possible/perceived impacts on existing / proposed residential properties, setbacks, site slope, landscaping and boundary treatments.
- There is a requirement to carry out a daylight and sunlight assessment as part of any future application. The assessment should set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.
- Further consideration of over shadowing to amenity spaces within the development and to adjoining properties and their amenity spaces.
- Residential amenity in the context of separation distances between proposed blocks.

11.1.4. In relation to transportation, permeability, connectivity and pedestrian flow, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further consideration and clarity with respect to the permeability of the proposed development.
- Consideration of a detailed up to date Traffic and Transportation Report and a Mobility Strategy and details of any consultation with NTA regarding planned improvements to public transport and cognisance to same.
- It is essential that indicative possible future pedestrian and cycling connections are shown to link the proposed development with the surrounding road network.

11.1.5. In regard to any other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.
- A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces and Part V provision.
- Further consideration that where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
- Further consideration and clarity that issues raised by IW are addressed.
- Consideration that further information is only sought in exceptional circumstances and that all technical issues need to be resolved prior to an application being submitted. All plans, drawings and supporting documentation needs to have account to one another, no room for inaccuracies. The information needs to be clear and accurate for an informed assessment and decision to be forthcoming from the Inspector and the Board within the timeframe for an SHD application.

## 12.0 Conclusion and Recommendation

12.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the

Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

12.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

12.1.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Development Strategy.

- (a) Further clarity / consideration / justification of the documents as they relate to what precisely is being proposed as part of any future proposed development, what the redline boundary encompasses. Regard being had to portion of the site permitted under SHD – 311181 and how any future proposal links with the approved portion of that permission. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
- (b) Further consideration with respect to design rationale for the proposed height, density, design and character of residential units and details of the materials and finishes of the proposed development. Particular regard should be had to the previous reason for refusal on foot of SHD 311181-21 and justification of the proposal in terms of urban design such as height, scale, massing in the context of the site's location and architectural design treatment and interface with Bray seafront and the requirement to provide high quality, robust and sustainable finishes and details which seek to create

a distinctive character for the development, having regard to visual amenity given the coastal and highly visible location of the site and its interface with Bray seafront.

2. Intensity of Development: Further consideration and / or justification of the documents as they relate to the height, scale, massing, plot ratio, tenure mix and tenure type and overall intensity of development given the provisions of the DLRDCDP 2022 – 2028 and the Bray MD LAP 2018.

12.1.4. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with the zoning objectives of the DLRDCDP 2022 – 2028 and the Bray MD LAP 2018.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the DLRD County Development Plan 2022 - 2028 and Bray MD LAP 2018 other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
3. A visual impact assessment of the proposed development that addresses, inter alia, the height, scale and massing of the proposal in the context of the nature of the receiving environment. Long range views / photomontages of the proposed development from the surrounding area, in particular from the east.

4. An assessment on how the proposed scheme ties in with the expansion of the overall Bray seafront area in particular in light of recent split decision on foot of SHD 311181-21. It is important that the proposed scheme should be highly visually and functionally connected to the portion of the scheme permitted under the recent SHD 311181-21. There needs to be strong permeability within the scheme and into adjoining lands.
  
5. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartments which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect, single aspect north facing and which apartments exceeds the floor area by 10%.
  
6. A Traffic and Transportation Impact Assessment.
  
7. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
  
8. A report that addresses issues of residential amenity, specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and any adjacent existing or permitted development.

9. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies. Impact to any neighbouring properties.
10. A full response to matters raised within the PA's CE Opinion's (both Wicklow County Council and Dun Laoghaire Rathdown County Council) and addendum reports submitted to ABP.
11. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
12. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge.
13. An AA screening report which considers potential impacts on the Qualifying Interests of any Natura 2000 site.
14. An up to date Ecological Impact Assessment, inclusive of a Bird and Bat Survey.
15. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.
16. A Microclimate Impact Assessment.



17. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

18. Site Specific Construction and Demolition Waste Management Plan.

19. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

20. Details of public lighting.

12.1.5. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water (IW)
2. The Commission for Railway Regulation
3. Iarnrod Eireann
4. Transport Infrastructure Ireland (TII)
5. National Transport Authority (NTA)
6. Dun Laoghaire Rathdown County Council Childcare Committee.

7. Wicklow County Childcare Committee.
8. The Minister for Culture, Heritage and the Gaeltacht,
9. The Heritage Council
10. An Taisce — the National Trust for Ireland
11. Fáilte Ireland

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Fiona Fair

Senior Planning Inspector

09.05.2022