



An  
Coimisiún  
Pleanála

# **S. 4(1) of Planning & Development (Housing) and Residential Tenancies Act, 2016**

## **Inspector's Second Addendum Report**

**ABP-313442-22**

**Strategic Housing Development (SHD)** Demolition of existing buildings, construction of 139 no. apartments, creche and associated site works.

**Location** The former Heiton Buckley site on Castle Street, St. Anthony's Dwyer Park and No. 22 Dwyer Park, Bray, Co. Wicklow. ([www.castlestreetshd.ie](http://www.castlestreetshd.ie)).

**Planning Authority** Wicklow County Council

**Applicant** Silverbow Limited

**Prescribed Bodies**

- (1) Irish Water
- (2) National Transport Authority
- (3) Transport Infrastructure Ireland
- (4) Department of Housing, Local Government & Heritage

<b>Observers</b>	8 no. as per the original Inspector's Report (IR) dated 07 <sup>th</sup> November 2022
<b>Date of Site Inspection</b>	
<b>Date of Oral Hearing</b>	18 <sup>th</sup> September 2025
<b>Inspector</b>	Colin McBride

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## 1.0 Introduction

- 1.1. This second Addendum Report (AR) should be read in conjunction with the previous Inspector's Report (IR) on file dated 07<sup>th</sup> November 2022 and the previous AR on file dated 30<sup>th</sup> October 2024 prepared in respect of strategic housing development (SHD) application ABP-313442-22. This SHD application was submitted to the Commission under section 4(1) of the Planning & Development (Housing) and Residential Tenancies Act, 2016 (as amended).
- 1.2. Pursuant to the Commission Direction BD-019507-25 a limited agenda oral hearing was held<sup>1</sup> as provided for in section 18 of the 2016 Act, (as amended). The matters addressed at the limited agenda oral hearing were:
1. Clarity as to the current zoning status of the subject site.
  2. The relevant provisions of the Wicklow County Development Plan 2023-2029 (order incorrectly references 2023-2029, Development Plan is 2022-2028), with particular regards to the 'Core Strategy' and Table A which indicates a Housing Target for 2016-2031 (less completed units 2017-2020) of 4897 units for Bray and a development capacity of 2,000 units on existing zoned land within built up areas.
  3. The Zoning Principles of the Wicklow County Development Plan 2023-2029 (order incorrectly references 2023-2029, Development Plan is 2022-2028), in particular the compact growth, sequential development and phasing principles in relation to the assessment of applications for mixed use developments of which housing forms a significant component, prior to the adoption of new local area plans.
  4. The relevant provisions of the National Planning Framework, First Revision April 2025, with particular regard to National Policy Objective 11 which states, 'Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.'

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<sup>1</sup> Remotely, on 18<sup>th</sup> September 2025.

## 2.0 Relevant Planning Policies

### 2.1 Wicklow County Development Plan 2022-2028

#### Chapter 2: Core Strategy

Zoning Principles Principle 1: Compact Growth In accordance with National Policy Objectives 3c of the National Planning Framework, a minimum of 30% of the housing growth targeted in any settlement is to be delivered within the existing built-up footprint of the settlement.

Levels 1-5 of Settlement Hierarchy For larger towns in Levels 1-5, where more significant growth is targeted that is unlikely to be possible to accommodate wholly within the existing built-up envelope, a minimum of 30% of the targeted housing growth shall be directed into the built-up area of the settlement. In cognisance that the potential of town centre regeneration / infill / brownfield sites is difficult to predict, there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites. In order to ensure however that overall housing and population targets are not exceeded to any significant degree, the amount of land zoned for the housing development outside of the built-up envelope of any existing settlement shall not exceed 70% of the total housing target for that settlement.

#### Principle 2: Delivery of Population and Housing Targets

The zoning provisions of each Local Area Plan and Small Town Plan will be crafted on the basis of ensuring that the population and housing unit targets set out in the tables above can be fulfilled.

Where the targets set out in the tables above can't be fulfilled within the quantum of land identified due the lack of infrastructure as set out in Appendix 9, prioritisation will be given to fulfilling the targets set out in the tables above on land identified

within Local Area Plans and Small Town Plans where infrastructure is or will be available and based on the sequential approach set out in Principle 4.

Town centre regeneration / infill / brownfield developments normally located within the existing built-up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development.

The exact capacity of such lands is not possible to quantify as it is not possible to predict what infill opportunities might arise for new development on existing developed or brownfield lands. However, the Council will utilise all mechanisms available to it to stimulate development in these locations, such that at least 30% of all new development is delivered in these areas.

### Principle 3: Higher Densities

It is an objective of the Council to encourage higher residential densities at suitable locations, particularly in existing town / village centres and close to existing or proposed major public transport corridors and nodes.

In accordance with Specific Planning Policy Requirement 4 of the Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG 2018), in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;
2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

## Principle 4: Sequential approach

The priority locations for new residential development will be:

Priority 1 In the designated 'town' and 'village' / 'neighbourhood centres' or 'primary zone' through densification of the existing built-up area, re-use of derelict or brownfield sites, infill and backland development. In doing so, cognisance will be taken of respecting the existing built fabric and residential amenities enjoyed by existing residents, and maintaining existing parks and other open areas within settlements.

- 2.2 Wicklow County Development Plan 2022-2028 has been subject to a number of variations.

Variation 1: Change of zoning of land within the Rathdrum Town Plan from residential to Open Space.

Variation 2: Integrate land use zoning map from the Rathnew Local Area Plan 2025-2031 into the County Development Plan.

Variation 3: Integrate land use zoning map from the Blessington Local Area Plan 2025-2031 into the County Development Plan.

Variation 4: Proposed variation to integrate Greystones, Delgany and Kilcoole Local Area Plan (Draft stage) into the County Development Plan.

Variation 5: Proposed variation to integrate Arklow Local Area Plan (Draft stage) into the County Development Plan.

## 3.0 Oral Hearing

- 3.1. This section summarises the online Limited Agenda Oral Hearing that took place on Thursday September 18<sup>th</sup> 2025. A complete recording of the oral hearing is available for the Commissions consideration and is attached to the file. It commenced at 10.00am and concluded at approximately 10.50am. The following parties were represented at the hearing:
- 3.2. Applicant – Darran Quaile (Simon Clear Planning & Development Consultants)

- 3.3. Wicklow County Council – Fergal Keogh (Senior Planner).
- 3.4. Third Party Observers– Noeleen McManus, Owen McNestry & Sarah Sheppard, Catherine and David Griffiths, Lorraine & Tony Morey, Billy Griffiths and Vincent & Aisling Doyle.
- 3.5. Submissions were received by the Board from the applicant and third-party observers in advance of the hearing.

#### **Inspector's Opening Statement**

- 3.6. I made an opening statement setting out relevant procedural aspects of the hearing, including the rationale for the holding of the hearing.

#### **Submission to the Hearing on Behalf of the Applicant**

- 3.7. Darran Quaille led the submission on behalf of the applicants. On Agenda item 1 it is indicated that the status of the Bray Municipal District Local Area Plan and its zoning objectives is confirmed in the Wicklow County Development Plan 2022-2028, as varied and specifically Variation 3. It is highlighted that under Variation 3 Volume 2 Part 5 (Local Area Plans Written Statement and Maps), that the existing Local Area Plan will remain in place until that LAP is superseded by a new plan.
- 3.8. In relation to agenda item 2 it was highlighted that Bray is a Level 1 Metropolitan Area Key Town. The Core Strategy Table A is highlighted with a 2028 population target of 38,565, a housing target of 4,897 units to 2031 and capacity of existing zoned land for 2,000 units. The proposal will contribute towards delivery of houses with the built-up area.
- 3.9. In relation agenda item no. 1, Zoning Principles of the Wicklow County Development Plan 2022-2028, the applicant highlighted the development accords with Principle 1, Compact Growth due to its central location, proximity of existing and proposed public transport infrastructure and no core strategy quantitative restrictions applying. In the case of Principle 2, Delivery of Population & Housing Targets, the site is a priority location for new housing development being a town-centre regeneration/infill/brownfield on lands zoned 'Town-Centre'. The proposal accords with Principle 3 for Higher densities with a density of 162uph and a suitable town centre location. The proposal accords with Principle 4, Sequential Approach as the site is a



Priority 1 location being town centre, entailing densification of an existing built-up area, being re-use of derelict brownfield land and being a Tier 1 serviced zoned land.

- 3.10. The applicant references a refusal for an SHD development under ABP-313314 at Berryfeild Lane, Bray and that the proposal contrasts to such on the basis it is located in the town centre, contributes to compact growth and is sequentially central and 1<sup>st</sup> priority and Tier 1 lands with capacity to accommodate the development.
- 3.11. In regulation to agenda item no. 4, provisions of the National Planning Framework, First Revision April 2025, with particular regard to National Policy Objective 11, the applicant pointed out that planned growth is considered in the Wicklow County Development Plan 2022 with clear objectives for delivery of compact growth and that the subject site complies with all the planning parameters relating to compact growth, accessibility & modal shift, sequential development, town centre renewal and priority for town centre development and sustainable development of serviced urban land. The applicant highlighted that the need for development plans to be updated to reflect the requirements of the NPF in respect of housing. It was also highlighted that significant additional housing allocation to Wicklow is provided for in the NPF with 2,068 units per year to 2034 with uplift in allocated requirements to be reflected in a Variation of the County Development Plan as quickly as possible.
- 3.12. Fergal Keogh on behalf of Wicklow County Council confirmed they would agree with the submission of applicant that the development would constitute compact growth. Wicklow County Council based on legal advice is of the view that the Local Area Plans do not expire and are only replaced when a new Development Plan is made instead of them. The PA will making a new plan for Bray via the variation process of the County Development Plan. The PA is of the opinion that the Bray Municipal District LAP is still in place and the site is zoned town centre.
- 3.13. Owen McNestry made a submission on behalf of Owen McNestry and Sarah Shepard. The submission related to items no.s 2 and 3 of Oral Hearing. On Zoning Principle 3 it is noted there is no quantitative restrictions but there are qualitative restrictions with infill development in residential areas to respect established character. Concern is highlighted regarding height of Block A and B relative to existing residential development. A condition should be applied reducing heights of such blocks.

- 3.14. Noeleen McManus made a submission, and such referred to flooding in the context of zoning. The submission highlights proximity to the river and historical flooding in the area. Noeleen McManus made a submission. The submission referred to the zoning of the site in the context of concerns regarding flood risk on site. The observer highlighted proximity to the river and historical flooding of the site, as well as concerns regarding the impact of flooding if flood protection defences for the area were to fail.
- 3.15. None of the other third-party observers who attended the hearing and submitted a written submission in support of the proposal prior to the hearing, made an oral submission on the day.
- 3.16. Full detail is contained in the audio recording of the hearing and in the applicant's written submission, which are on file.

### **Questioning**

- 3.17. I asked both Wicklow County Council and the third-party observers, initially, and then the applicants whether they had any questions. No questions were asked.
- 3.18. I had no questions for the applicant.

### **Inspector's Closing Comments**

- 3.19. I made a brief closing statement and then closed the limited agenda oral hearing.

## **4.0 Assessment**

- 4.1. This second AR should be read in conjunction with the IR on file dated 07<sup>th</sup> November 2022 and the AR on file dated 30<sup>th</sup> October 2024.
- 4.2. The reason the Commission directed that a limited agenda oral hearing be held was because the Bray Local Area Plan 2018-2024 under which the application site was zoned mainly 'TC', Town Centre with a small area in the north-east corner zoned 'R-HD' New Residential, has expired. The Commission was precluded from seeking further information and circulating the response to all parties so it took the decision in the interest of natural justice to have a limited agenda oral hearing, as provided for under section 18 of the Planning & Development (Housing) and Residential Tenancies Act, 2016, as it is the only mechanism by which these issues could have been addressed in a public forum.

- 4.3. Having regard to the contents of both the IR and the AR, and the information presented at the limited agenda oral hearing, I am satisfied that the only outstanding matters to be addressed are the four matters for which the limited agenda oral hearing was held. These are individually considered in this section.

**1. Clarity as to the current zoning status of the subject site.**

- 4.4. The first issue on the agenda of the Oral Hearing was to clarify the status of zoning of the site. The applicants' submission highlights how the development despite expiration of the LAP, conforms to the core strategy, and development objectives of the County Development Plan, whereas Wicklow County Council are of the view that despite expiration of the LAP, the site is still zoned as per the zonings under the LAP. In my view the Local Area Plan has expired and it has not been extended. There is a statement under Section 3.5, Zoning of the County Development Plan providing for the preparation of Local Area Plans for 5 no. settlements in order of priority between 2022-2025 with Bray Municipal District (including Enniskerry and Kilmacanogue), listed as number 5 in order of priority. At the time of writing there is no LAP in place, with public consultation for such having begun at the end of 2024 (05<sup>th</sup> December 2024).

Variation 3 of the County Development Plan was adopted on the 16 June 2024. Volume 2, Part 5 relates to Level 1, 2 and 3 Settlements, which include Bray Municipal District (Level 1). This part of the County Development Plan provides the local planning policies and objectives for the Level 1, 2 and 3 settlements in the County which are being adopted into the County Development Plan via variation process during the lifetime of the plan. Under the section relating to Local Area Plans Written Statement and Maps it is stated that "the existing Local Area Plan will remain in place until that LAP is superseded by a new plan". The applicant is of the view that this provision means the zoning under the Bray Local Area Plan 2018-2024 is still in place on site. The Local Authority are also of the same view.

- 4.5 Having examined Variation 3 it is notable that such was adopted on the 16<sup>th</sup> June 2024 and the Bray and Municipal District Local Area Plan was adopted on the 14<sup>th</sup> May 2018 becoming effective on the 10<sup>th</sup> of June 2018 with it indicated the plan shall have a duration of 6 years. On this basis the Local Area Plan has now expired. I would note

that Variation 3 relates to integration of the Blessington Local Area Plan 2025-2031 into the Wicklow County Development Plan 2022-2028. As outlined above there are other variations that have been adopted or at draft stage with Variation no. 2 providing for integration of the Rathnew Local Area Plan 2025-2031 into the County Development Plan and variations 4 and 5 proposing to integrate the Greystones, Delgany and Kilcoole Local Area Plan and Arklow Local Area Plan respectively, which are at draft stage into the County Development Plan. It is clear based on the variations adopted that they do not relate to the Bray Local Area Plan with a new LAP planned but not yet at draft stage.

- 4.6 At question is whether the zonings on site are still in place despite expiration of the Bray Municipal District Local Area Plan and whether the proposal can be considered on the basis of the County Development Plan currently in place. Despite the expiry of the Local Area Plan there are clear policies and objectives within the County Development Plan that advocate for development of the site for the purposes of the uses proposed (residential and childcare). In particular I would refer to the Zoning Principles of the County Development Plan, which are under Chapter 2, Core Strategy. I would refer to the later section of this report, which assesses the proposal in the context of these principles. In addition to such there are other notable references to the appropriateness of the redevelopment of sites of this nature in the context of Development Plan policy. I would highlight the following from the current County Development Plan.

## Chapter 5, Town & Village Centres-Placemaking & Regeneration

### Section 5.4 Compact Town & Village Centres

“A greater proportion of residential development will be located within existing built-up areas. In accordance with NPO3c of the NPF, County Wicklow is required to deliver a minimum of 30% of all new homes within the built-up footprint of our existing towns and villages. This includes infill sites, brownfield sites and repurposing existing buildings”.

#### Section 5.4.2 Infill & Brownfield Development

“The redevelopment of infill and brownfield lands within town and village centres presents a significant opportunity to consolidate the town and village centres”.

The County Development Plan

Chapter 6, Housing

Section 6.3.2, Location of new residential development

“The priority for new residential development shall be in the designated town / village / neighbourhood centres, in the ‘primary zone’ or in the historic centre of large and small villages, through densification of the existing built-up area, re-use of derelict or brownfield sites, infill and backland development. In doing so, particular cognisance must be taken of the need to respect the existing built fabric and residential amenities enjoyed by existing residents and maintaining existing parks and other open areas within settlements”.

- 4.7 There are clear policies and objectives under the County Development Plan advocating the development of infill brownfield sites located centrally such as this under the current County Development Plan. I would be of the view that the proposed development is consistent with the provisions of the County Development Plan. It is not stated under the Development Plan or elsewhere that this development site would no longer be zoned on expiry of the Local Area Plan. It can be implied in policies of the Development Plan that the existing zonings would continue until the preparation of a new Local Area Plan. In the case of the variations adopted (2 and 3), such integrate the current Local Area Plans into the County Development Plan and under the section relating to Local Area Plans Written Statement and Maps it is stated that “the existing Local Area Plan will remain in place until that LAP is superseded by a new plan”. The variations do refer to specific Local Area Plans that are currently in place, however the County Development Plan provides for growth of population and housing for the settlement of Bray and not a cliff edge where no growth could happen as evidenced by Table A of the Core Strategy. The Development Plan also provides that a new Local Area Plan will be enacted for Bray (Section 3.5 of the Core Strategy). This brings with it the implication that zoning continues and the conclusion that the Commission is not precluded from granting permission for the proposed development.

## **2. Provisions of the Wicklow County Development Plan 2023-2029, with particular regards to the 'Core Strategy' and Table A.**

- 4.8 In regard to the second part of the agenda, the relevant provisions of the Wicklow County Development Plan 2023-2029, with particular regard to the 'Core Strategy' and Table A which indicates a Housing Target for 2016-2031 (less completed units 2017-2020) of 4897 units for Bray and a development capacity of 2,000 units on existing zoned land within built up areas. The proposal entails the provision 139 apartment units on a vacant brownfield site within the existing built-up area of Bray. The Core Strategy identifies Bray as a Level 1, Metropolitan Area Key Town under the Wicklow Settlement Hierarchy (Table 3.3). There is capacity for the proposed development based on the housing and population targets set down under the Core Strategy and Table A.

## **3. The Zoning Principles of the Wicklow County Development Plan 2023-2029, in particular the compact growth, sequential development and phasing principles in relation to the assessment of applications for mixed use developments of which housing forms a significant component, prior to the adoption of new local area plans.**

- 4.9 In relation agenda item no. 3, the Zoning Principles of the Wicklow County Development Plan 2023-2029, there are four zoning principles, which are outlined in the planning policy section above.

Principle 1 relates to compact growth. The proposal is consistent with this principle based on the fact that the site is located in a central location in Bray and on an infill brownfield site. Under this principle it is stated that for Levels 1-5 settlements "there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites".

Principle 2 relates to delivery of Population and Housing Targets.

Under this principle it is stated that "town centre regeneration / infill / brownfield developments normally located within the existing built-up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing

residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development". In this case the application site falls within this category of development based on its central location, infill nature and the fact it is a brownfield site.

Principle 3 relates to Higher Densities.

It is an objective under this principle "to encourage higher residential densities at suitable locations, particularly in existing town / village centres and close to existing or proposed major public transport corridors and nodes". The proposal entails provision of housing development with a density of 162uph. I would refer to the previous IR report (07<sup>th</sup> September 2022) in, which the appropriateness of the development in terms of density, scale and design was assessed and considered to be in accordance with planning policy, relevant national guidelines and the proper planning and sustainable development of the area. In this case the proposal is in accordance Principle 3 of the County Development Plan.

Principle 4 relates to Sequential Approach.

Under this principle a hierarchy of priority areas is included with the highest priority being Priority 1. Priority 1 areas are defined as "in the designated 'town' and 'village' / 'neighbourhood centres' or 'primary zone' through densification of the existing built-up area, re-use of derelict or brownfield sites, infill and backland development. In doing so, cognisance will be taken of respecting the existing built fabric and residential amenities enjoyed by existing residents, and maintaining existing parks and other open areas within settlements". In this case the application site is clearly a priority 1 area given its central location, the proposal will entail densification within the existing built-up area and the proposal is re-use of derelict or brownfield site, which is an infill site. The proposed development would be consistent with Principle 4.

The proposed development is fully consistent with the Zoning Principles set down under Chapter 2, Core Strategy of the County Development Plan.

#### **4. Relevant provisions of the National Planning Framework, First Revision April 2025, with particular regard to National Policy Objective 11.**

- 4.10 Objective 11 states that "planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The

consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment”.

- 4.11 The proposal would comply with Objective 11 of the NPF with the proposal consistent with the Core Strategy of the County Development Plan with provision for additional dwellings within Bray under such, with Bray being a Level 1 Metropolitan Key Town under the settlement strategy, the site being a zoned (under the Bray Municipal District LAP) serviced site in a Priority 1 location under the Zoning Principles of the County Development.
- 4.12 The third-party observers who made submission to the hearing, Owen McNestry & Sarah Shepard and Noeleen McManus raised issues concerns overall regarding design and scale of the proposal in the context of existing development and flooding. I would refer to the IR report dated the 07<sup>th</sup> September 2022, which deal with the issue of overall design and scale with it concluded that the proposal is satisfactory in this regard and takes adequate cognisance of the established pattern of development. In relation to flooding the application is accompanied by a Site-Specific Flood Risk Assessment and the IR report dated the 07<sup>th</sup> September deals with this issue concluding that the proposal would be satisfactory in the context of flood risk.

### *Conclusion*

- 4.13 It is clear that the development of the site in an appropriate manner is wholly consistent with the policies and objectives of the Wicklow County Development Plan 2022-2028 and the National Planning Framework, First Revision April 2025. I would refer to the earlier IR report dated the 07<sup>th</sup> of September 2022, which deals with the detailed design and scale of the proposal and under which it was concluded that the proposal is of appropriate design and scale and would be in accordance with the proper planning and sustainable development of the area.
- 4.14 In relation to zoning the County Development Plan provides for growth of population and housing for the settlement of Bray and not a cliff edge where no growth could happen as evidenced by Table A of the Core Strategy. The Development Plan also provides that a new Local Area Plan will be enacted for Bray (Section 3.5 of the Core



Strategy). This brings with it the implication that zoning continues and the conclusion that the Commission is not precluded from granting permission for the proposed development.

## **5.0 Other Matters**

- 5.1 The AR report dated 30<sup>th</sup> October 2024 reached the conclusion that no statutory zoning applies to the subject site. In this context, the proposed development it was deemed that the proposal was not consistent with the legislative preconditions for a Strategic Housing Development, insofar as it is not on land the zoning of which facilitates its use for the purposes proposed in the application and that the Board (now the Commission) was precluded from granting permission for the proposed development. I would refer to the conclusion reached above regarding zoning in the context of the current Wicklow County Development Plan 2022-2028 and I would be of the view that the Commission would not be precluded from granting permission in this case.

## **6.0 Recommendation**

- 6.1. I consider the principle of development as proposed to be acceptable on this site. Having regard to the provisions of the Wicklow County Development Plan 2022-2028 which states that the existing Local Area Plans will remain in place until that Local Area Plan is superseded by a new plan and having regard to the zoning of site as 'TC', Town Centre with a small area in the north-east corner zoned 'R-HD' New Residential under the Bray Municipal District Local Area Plan 2018-2024, and the fact such is a serviced site, where public transport, social, educational and commercial services are available. The proposed development is of a suitably high quality and provides for a mix of one, two and three-bedroom apartments which are served by high quality communal and public open space.
- 6.2. I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with

National Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area.

- 6.3. The proposed development accords with the policies and objectives of the Wicklow County Development Plan 2022-2028 regarding provision of residential development, compact growth and regeneration of infill sites. The proposal is also compliant with policies and objectives of the National Planning Framework, First Revision April 2025, in regards to provision of residential development, compact growth and regeneration of brownfield infill sites and in particular is compliant with National Policy Objective 11.
- 6.4. I recommend that section 9(4)(a) of the Act of 2016 be applied, and that permission is **GRANTED** for the development, for the reasons and considerations and subject to the conditions set out below.

## 7.0 Reasons and Considerations

Having regard to

(i) the provisions of the Wicklow County Development Plan 2022-2028 which states that the existing Local Area Plans will remain in place until that Local Area Plan is superseded by a new plan and having regard to the zoning of site as 'TC', Town Centre with a small area in the north-east corner zoned 'R-HD' New Residential under the Bray Municipal District Local Area Plan 2018-2024

(ii) the policy and objective provisions in the Wicklow County Development Plan 2022-2028 in respect of mixed-use development,

(iii) the nature, scale and design of the proposed development which is consistent with the provisions of the Wicklow County Development Plan 2022-2028 and appendices contained therein,

(iv) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(v) to Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021,

(vi) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,

- (vii) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (viii) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, July 2023,
- (viv) the Climate Action Plan 2025,
- (x) The Planning System and Flood Risk Management, Guidelines for Planning Authorities, November 2009,
- (xi) the Climate Action Plan 2025,
- (xii) the availability in the area of a wide range of social and transport infrastructure,
- (xiii) to the pattern of existing and permitted development in the area,
- (xiv) Chief Executive's Report and supporting technical reports of Wicklow County Council,
- (xv) the comments made at the elected member of the Bray Municipal District meeting,
- (xvi) to the submissions and observations received,
- (xvii) the submissions and observations made to the oral hearing on the 18th day of September 2025, and
- (xviii) the Inspector's reports dated 07<sup>th</sup> November 2022 and the first addendum report dated the 30<sup>th</sup> October 2024,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, density, height and quantum of development, would be acceptable in terms of traffic and pedestrian safety and convenience, and would be acceptable in the context of flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 8.0 Recommended Coimisiun Order

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 28<sup>th</sup> April 2022, as amended by plans and particulars lodged with An Bord Pleanála as part of the limited agenda oral hearing on the 18<sup>th</sup> September 2025, by Silverbow Limited.

### **Proposed Development:**

The provision of 2 no. commercial units, 139 no. apartment units comprising 33 one-bed units, 91 two-bed units and 15 no. two-bed units within five blocks in two blocks, and a single-storey community building. 59 no. car parking spaces are provided throughout the site and parking for 330 bicycles is also provided throughout the site. Vehicular access is via a new access onto Castle Street. Communal open space is provided throughout the site.

### **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.

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

(i) the provisions of the Wicklow County Development Plan 2022-2028 which states that the existing Local Area Plans will remain in place until that Local Area Plan is superseded by a new plan and having regard to the zoning of site as 'TC', Town

Centre with a small area in the north-east corner zoned 'R-HD' New Residential under the Bray Municipal District Local Area Plan 2018-2024

(ii) the policy and objective provisions in the Wicklow County Development Plan 2022-2028 in respect of mixed-use development,

(iii) the nature, scale and design of the proposed development which is consistent with the provisions of the Wicklow County Development Plan 2022-2028 and appendices contained therein,

(iv) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(v) to Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021,

(vi) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,

(vii) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),

(viii) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, July 2023,

(viii) the Climate Action Plan 2025,

(x) The Planning System and Flood Risk Management, Guidelines for Planning Authorities, November 2009,

(xi) the Climate Action Plan 2025,

(xii) the availability in the area of a wide range of social and transport infrastructure,

(xiii) to the pattern of existing and permitted development in the area,

(xiv) Chief Executive's Report and supporting technical reports of Wicklow County Council,

(xv) the comments made at the elected member of the Bray Municipal District meeting,

(xvi) to the submissions and observations received,

(xvii) the submissions and observations made to the oral hearing on the 18th day of September 2025, and

(xviii) the Inspector's reports dated 07<sup>th</sup> November 2022 and the first addendum report dated the 30<sup>th</sup> October 2024,

and considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, density, height and quantum of development, would be acceptable in terms of traffic and pedestrian safety and convenience, and would be acceptable in the context of flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

#### **Appropriate Assessment (AA):**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development 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.

#### **Environmental Impact Assessment:**

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

## **Reasoned Conclusions on the Significant Effects**

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective “TC”, Town Centre with an objective “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” and “R-HD”, residential High Density with a zoning objective “to protect, provide and improve residential amenities in a high density format” in the Bray Municipal District Local Area Plan 2018-2024, and the results of the strategic environmental assessment of the Wicklow County Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- 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),

- 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),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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.

### **Conclusions on Proper Planning and Sustainable Development:**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, density, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience, and would be acceptable in the context of flood risk. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Commission considered that the proposed development is compliant with the current Wicklow County Development Plan 2022 - 2028 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Commission considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Bray Municipal District



Local Area Plan with respect to building height limits for the site. The Commission considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Bray Municipal District Local Area Plan 2018-2024 would be justified for the following reasons and considerations:

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.
- With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, First Revision, specifically NPO 11, NPO 14 and NPO 45, and is in compliance with the Urban Development and Building Height Guidelines, in particular SP3.

## 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 Coimisiún Pleanála for determination.

**Reason:** In the interest of clarity.

2. The use of the 2 no. units at ground floor level described in the public notices as retail/non-retail service/restaurant units shall be agreed with the Planning Authority in writing prior to the occupation.

**Reason:** In the interests of clarity.

3. The number of residential units permitted by this grant of permission is 139 no. units in the form of 33 no. one bedroom units, 91 no. two bedroom units and 15 no. three bedroom units.

**Reason:** In the interests of clarity.

4. a) All elevations shall be finished in brick or similar material but shall not include the use of self-coloured or coloured render.  
b) Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority 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.

5. 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.

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

**Reason:** In the interest of urban legibility.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

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

8. 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.

9. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas and the undercroft car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

- 10.(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All 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.

(b) Two of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.

(c) Provision shall be made for some dedicated motorcycle parking on site.

Amended plans detailing the above amendment shall be submitted and agreed in writing with the planning authority prior to the commencement of the development.

(d) 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.

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

11. A minimum of 10% of all 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. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

12. A total of 330 no. bicycle parking spaces and room for four cargo bicycles shall be provided within the site. Details of the layout, marking demarcation and

security provisions for these spaces shall be as submitted to An Coimisiún Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

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

**Reason:** In the interest of public health.

15. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

16. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning

authority before any of the residential units are made available for occupation.

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

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. 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.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) 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;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) 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;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) 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;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

m) 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.

20. 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.

21. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún 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.

22. The recommendation of the Bat Survey report shall be carried out on the site in accordance with the details submitted to the planning authority on the 28<sup>th</sup> day of April 2022.

**Reason:** In the interest of wildlife protection.

23. The two no. invasive species identified on site in the form of Japanese Knotweed and Three-Cornered Leek shall be given specialist treatment prior to the commencement of development. Details of shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

**Reason:** In the interests of prevention of the spread of invasive species.

24. 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 Coimisiún 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.

25. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. 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 Coimisiún 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Colin McBride

Senior Planning Inspector

05<sup>th</sup> November 2025