



An
Bord
Pleanála

Inspector's Report

ABP-314324-22

Development	4 houses, vehicular access, public open space and associated site works.
Location	Sidmonton Court & Sidmonton Park, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22595
Applicant(s)	John Maguire
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First and Third Party
Appellant(s)	John Maguire Sidmonton Court Residents Association
Observer(s)	Fergus and Bernadette Doyle Tony and Claire Foran Eamonn O'Toole Teresa Gantly

Date of Site Inspection

29th January 2024

Inspector

Elaine Power

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. <i>Prescribed Bodies</i>	5
3.4. <i>Third Party Observations</i>	5
4.0 Relevant Planning History	6
5.0 Policy Context.....	6
5.1. Bray Municipal District Local Area Plan 2018 - 2024	6
5.2. Wicklow County Development Plan 2022-2028	7
5.6. Natural Heritage Designations	12
5.7. EIA Screening	12
6.0 The Appeal	13
6.1. First Party Grounds of Appeal.....	13
6.3. Planning Authority Response	16
6.4. Observations	17
6.5. Further Responses.....	18
7.0 Assessment.....	18
8.0 Recommendation.....	32
9.0 Reasons and Considerations.....	32
10.0 Conditions	32
Appendix 1: Form 1: EIA Pre-Screening	
Appendix 2: EIA Preliminary Screening	

1.0 Site Location and Description

- 1.1. The appeal site comprises vacant and overgrown land between Sidmonton Court and Sidmonton Park in Bray. The surrounding area is suburban in nature. The site is located c. 300m west of the sea front, c. 800m south of Bray train station and c. 1km east of Main Street.
- 1.2. The site is irregular in shape with a stated area of 0.2415ha. It is bound to the north by Sidmonston Park access road / laneway, to the south by public open space, to the east by the rear gardens of no. 67 and 67 Meath Road and by the rear and side garden of no. 66B Meath Road and to the west it is bound by the rear gardens of 4 no. dwellings (42 – 45 Sidmonton Road). The sites northern and southern boundary comprises a hedgerow, with a black metal vehicular access gate at the site's southern boundary. The eastern and western boundaries comprise blockwork walls and vegetation.
- 1.3. There is a right of way to the site over the area of public open space at the site's southern boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing low block wall and the construction of 4 no. detached 2-storey houses with car parking, private and public open space and all associated works. Vehicular access is proposed from Sidmonton Court via the right of way over an area of public open space.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. It is considered that the applicant has failed to adequately demonstrate that the proposed vehicular access across the public amenity open space and pedestrian route, from a curved portion of roadway to the site, would not detract from the layout, character and function of this open space, or that it would not set a precedent for similar haphazard development, and would therefore not

seriously injure the amenities of property in the vicinity in Sidmonton Court estate. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Insufficient information has been submitted in relation to the existing stream on site, including any proposed culverting of this stream. This lack of information does not allow a full assessment of the flood risk and proposed surface water drainage system to be carried out by the Planning Authority. To permit the proposed development in the absence of such information and assessment would be contrary to proper planning and sustainable development.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The planners report dated 25th July 2022 recommended that permission be refused for the 2 no. reasons outlined above.

3.2.2. **Other Technical Reports**

Chief Fire Officer: Email dated 24th June 2022 raised no objection subject to conditions.

Senior Engineer, Roads: Report dated 10th June 2022 recommended that the existing footpath and pedestrian movements have priority over the proposed access road and that details / measures to control vehicles should be submitted and agreed.

Water and Environmental Services: Report referenced in the planner's report is not on file.

3.3. **Prescribed Bodies**

Uisce Eireann: The response dated the 10th June 2022 raised no objection.

3.4. **Third Party Observations**

11 no. third party submissions were received by the planning authority. The concerns raised are similar to those summarised in the appeals and observations below.

4.0 Relevant Planning History

There is an extensive planning and legal history on the subject site. The relevant planning history is summarised below:

Reg. Ref. 20/1169: Permission was refused in 2021 for the construction of 4 no. houses on the appeal site. The 2 no. reasons for refusal related to (1) the vehicular access would detract from the layout and character of the public open space and (2) Flood Risk. A third party appeal (ABP.309457-21) in favour of the planning authority's decision to refuse permission was dismissed by An Bord Pleanála due to the nature of the decision to refuse permission.

ABP. 300696-18, Reg. Ref. 17/1263: Permission was refused in 2018 for the construction of 4 no. houses on the appeal site. The reason for refusal related to the impact on the existing public open space on Sidmonton Court.

PL39.240671, Reg. Ref. 11/68: Permission was granted in 2013 for the construction of a house on the appeal site.

PL39.236006, Reg. Ref. 09/112: Permission was refused in 2010 for the construction of a house on the appeal site. The reason for refusal related to the impact on the existing public open space on Sidmonton Court.

Referral RL2861: In 2012 the Board decided that the erection of a metal fence, the placing of a builders' hut/trailer, and the erection of gates, approximately six metres in width, is development and is not exempted development.

5.0 Policy Context

5.1. Bray Municipal District Local Area Plan 2018 - 2024

The subject site is zoned RE – Existing Residential with the associated land use objective *to protect, provide and improve residential amenities of existing residential areas*. Uses generally appropriate for residential zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare, health centres, guest house, bed and breakfast,

places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the CDP.

The following objectives are considered relevant:

R2 In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle. Lands zoned Residential – High Density will be expected to achieve a density of not less than 50 units / hectare.

R4 To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

FL1 To implement the ‘Guidelines on the Planning System and Flood Risk Management’ (DoEHLG/OPW, 2009).

FL2 The zoning of land that has been identified as being at a high or moderate flood risk (flood zone A or B) shall be in accordance with the requirements of the Flood Risk Guidelines and in particular the ‘justification test for development plans’ (as set out in Section 4.23 and Box 4.1 of the guidelines).

CD5 In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned ‘RE’ as they form an intrinsic part of the overall residential development. The Council will not normally permit development that will result in a loss of public or private playing fields, parks, children’s play spaces, residential amenity open space or land zoned for recreational or open space purposes. The Council will not normally permit development that would result in a loss of open space within the Municipal District.

5.2. Wicklow County Development Plan 2022-2028

Bray is identified as the only Key Town within the Metropolitan Area. The settlement hierarchy (Table 3.3) notes that a Key Towns are large economically active service and/or county towns that provide employment for their surrounding areas and with

high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.

Table 3.4 indicates that the population of Bray was 29,646 in 2016 with a target population of 38,565 persons by 2028. Table 3.5 indicates that there were 11,232 no. existing residential units in Bray in 2016 with 265 no. estimated completions by Q2 2022. There is a target of 4,026 additional housing units by 2028.

The following policies and objectives are considered relevant: -

Strategic County Outcome: SCO1: Sustainable Settlement Patterns and Compact Growth: The delivery of compact growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy.

CPO 4.2 To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.3 Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

CPO 6.14 To densify existing built-up areas subject to the adequate protection of existing residential amenities.

CPO 6.25: In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form

an intrinsic part of the overall residential development. Such lands will be retained as open space for the use of residents and new housing or other non-community related uses will not normally be permitted.

CPO 14.06 To implement the 'Guidelines on the Planning System and Flood Risk Management' (DoEHLG/OPW, 2009).

CPO 14.08 The zoning of land that has been identified as being at a high or moderate probability of flooding (flood zones A or B) shall be in accordance with the requirements of the Flood Risk Management Guidelines and in particular the 'Justification Test for Development Plans' (as set out in Section 4.23 and Box 4.1 of the Guidelines).

CPO 14.09 Applications for new developments or significant alterations/extension to existing developments in an area at risk of flooding shall comply with the following:

- Follow the 'sequential approach' as set out in the Flood Risk Management Guidelines;
- An appropriately detailed flood risk / drainage impact assessment will be required with all planning applications, to ensure that the development itself is not at risk of flooding and the development does not increase the flood risk in the relevant catchment (both up and down stream of the application site), taking into account all sources of flooding;
- Restrict the types of development permitted in Flood Zone A and Flood Zone B to that which are 'appropriate' to each flood zone, as set out in Tables 3.1 and 3.2 of the Flood Risk Management Guidelines unless the 'plan making justification test' has been applied and passed;
- Where a site has been subject to and satisfied the 'Plan Making Justification Test' development will only be permitted where a proposal complies with the 'Justification Test for Development Management', as set out in Box 5.1 of the Guidelines.
- Flood Risk Assessments shall be in accordance with the requirements set out in the Guidelines and the SFRA.

Where flood zone mapping does not indicate a risk of flooding but the Planning Authority is of the opinion that flood risk may arise or new information has come to light that may alter the flood designation of the land, an appropriate flood risk assessment will be required to be submitted by an applicant for planning permission and the sequential approach shall be applied as the 'Plan Making Justification Test' will not be satisfied.

Chapter 2: Overall Strategy, Chapter 3: Core Strategy, Chapter 4: Settlement Strategy, Chapter 6: Housing and Chapter 14: Flood Management are also considered relevant.

5.3. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES)***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

5.4. ***National Planning Framework***

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

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

5.5. ***Section 28 Ministerial Guidelines***

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Quality Housing for Sustainable Communities: Design Guidelines, 2007
- Urban Design Manual, A Best Practice, 2009

- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

5.6. Natural Heritage Designations

The following designated sites are located within 15km of the appeal site:

- Bray Head SAC (000714) is located c. 600m east of the appeal site.
- Ballyman Glen SAC (00713) is located c. 3km west of the appeal site.
- Knocksink Wood SAC (000725) is located c. 5km west of the appeal site.
- Rockabill to Dalkey Island SAC (003000) is located c. 5.7km north east of the appeal site.
- Glen of the Downs SAC (000719) is located c. 6.2km south of the appeal site.
- The Murrough SPA (004186) is located c. 7.6km south east of the appeal site.
- Dalkey Islands SPA (004172) is located c. 8km north of the appeal site.
- Wicklow Mountains SAC (002122) is located c. 8.2km west of the appeal site.
- Wicklow Mountains SPA (004040) is located c. 8.8km west of the appeal site.
- The Murrough Wetlands SAC (002249) is located c. 10km south east of the appeal site.
- Carriggower Bog SAC (000716) is located c. 10.7km south west of the appeal site.
- South Dublin Bay and River Tolka Estuary SPA (004024) is located c. 11.6km north of the appeal site.
- South Dublin Bay SAC (000210) is located c. 11.6km north of the appeal site.

5.7. EIA Screening

5.7.1. An Environmental Impact Assessment Screening Report was not submitted with the application.

5.7.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units

- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.7.3. The proposed development comprises the construction of 4 no. residential units and with all associated infrastructure on a site with a stated area of 0.2415 ha. The site is located in the urban area (other parts of a built-up area) and is, therefore, below the applicable thresholds. There are no excavation works proposed. Having regard to the relatively limited size and the urban location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Uisce Eireann and Wicklow County Council, upon which its effects would be marginal.

5.7.4. Given the information submitted by the applicant, having carried out a site visit on the 30th January 2024 and to the nature and limited scale of the proposed development, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. First Party Grounds of Appeal

This is a first party appeal against the planning authority's decision to refuse permission. The applicant notes that the grounds of the appeal are similar to that submitted under an invalid appeal (PL27.309457) and has attached this appeal for consideration. The documents submitted include a Landscape and Visual Impact

Assessment, a Flood Risk Assessment and Drainage Design Report. The appeal is summarised below:

Principle of Development

- The appeal site is located in an urban area, on a site that is zoned and serviced, c. 500m from Bray train station, 350m from Bray promenade and is in close proximity to wide variety of services and amenities.
- The development of the site is in accordance with national policy and guidelines and is in accordance with the provisions of the County Development Plan and the Bray Local Area Plan.
- There is precedent for similar access arrangements.

Access

- There is a long planning history to this site, however, each appeal is treated as a new application. The main issue raised is the changing of an existing vehicular accessway to a driveway that would serve the proposed development.
- The site is accessed daily by vehicles via the right of way. This is the most logical and safety access to the site.
- The proposed vehicular access is across an extended grass verge of limited public open space amenity and value and does not in any way compromise the enjoyment of the pedestrian route and would not detract from the layout and character of this open space.
- The access road is only 4m in width.
- The proposed development would not result in a traffic hazard.
- Wicklow County Councils Roads Department have no objection in principle with the access.
- The layout shows that the footpath would have precedence over the vehicular access route, in keeping with the shared access arrangements advocated for in DMURS where the pedestrian has priority. This can be complemented with road markings.

- The proposed driveway would result in the loss of a limited portion of available open space, which is currently in poor condition.
- The proposed access would establish as a more formal access than the existing muddy driveway. Therefore, improving the visual and landscape quality of the area.
- The driveway would not create an obtrusive feature. It is likely to be perceived as a driveway of a domestic scale, not unlike others in the area.
- Without access the site is effectively sterilised.

Flood Risk

- There is no stream on site. There is a culverted dry stream bed.
- The stream was diverted in the in the 1970's upstream at Putland Road. The majority of the old dry stream bed is now culverted. It is understood that the stream bed is culverted from Sidmonton Road to the Irish Sea.
- It was suggested by Wicklow County Council that an additional section of culvert be located under the sites western boundary to provide a continuous culvert to the Irish Sea. The applicant is happy to accommodate this infrastructure. However, it does not form part of the application. It is considered that any issue could be addressed by way of condition.

Design Approach

- The proposed development would not negatively impact on the existing residential amenities.
- The density, plot ratio and design are in accordance with development plan standards.
- Views of the scheme from surrounding houses are oblique or indirect and are generally screened by walls, mature trees and shrubs.
- The LVIA concludes that the effects on the landscape character and nearby views would be mostly beneficial and at worst neutral in character.

6.2. Third Party Grounds of Appeal

The third party appeal from Sidmonton Court Residents Association is summarised below:

- The appellants fully support the decision of the planning authority.
- A detailed assessment of the planning and legal history of the site is set out, noting a significant number of refusals for planning permission and grants of permission on the site being quashed by the high court.
- The proposed development would have an adverse impact on the character of the existing area of public open space.
- The public open space would become less safe. There is potential for a conflict of interest which would result in a traffic hazard.
- Unauthorised development, including the removal of a hedgerow and the provision of a fence / gate within the area of public open space. The planning authority removed the fence / gate and re-instated the hedgerow.
- In 2005 to provide access onto Sidmonton Court the applicant cleared a mature hedgerow within the area of public open space. This was subject to court proceedings. The planning authority and local residents have reinstated this hedgerow.
- Referral RL 2861 clarified that the erection of a metal fence and gates was unauthorised. The proposed development would reward and consolidate unauthorised development.
- When the land was purchased, access was from Sidmonton Court.
- The proposed development would contravene Objective CD5 of the Bray LAP which does not normally permit development that would result in the loss of residential amenity space.

6.3. Planning Authority Response

No Response

6.4. Observations

4 no. observations were received from (1) Fergus and Bernadette Doyle, (2) Tony and Claire Foran, (3) Eamonn O'Toole and (4) Teresa Gantly. The concerns raised in the observations were similar to each other and to the appeal. To avoid repetition only additional concerns raised are summarised below:

Design Approach

- The proposed dwellings are 2-storeys and c. 1.7m above the existing bungalows in the area. The proposed height would have a negative impact on the existing residential amenities, including undue overlooking.
- The proposed development would result in a negative visual impact.
- Insufficient separation distances, less than 22m, are provided, which contravenes the development plan and negatively impacts on existing properties.
- The dominance of the boundary wall on Sidmonton Park.

Access and car parking

- The applicant has no right of way over Sidmonton Park and have no right to remove the boundary referred to as 'overgrown'.
- The lack of visitor car parking would result in overspill parking onto the surrounding road network, which is at capacity.
- The applicant has tried to establish a legitimate vehicular access way at Sidmonton Couth that does not and never has existed.

Flood Risk

- The site is located within an area at risk of flooding. The site was previously used as a vegetable market produce land, which absorbed flood waters. The proposed development would adversely impact adjacent properties.
- There is a lack of justification as outlined in the Flood Risk Guidelines.

Infrastructure

- There is a private sewer for 8 no. houses under the appeal site. The applicant has damaged this existing infrastructure and it is leaking. Insufficient information has been submitted regarding the proposed foul network and surface water drainage for the proposed site.
- Insufficient detail regarding the proposed lighting within the scheme.

6.5. Further Responses

Third Party Response

The response from Sidmonton Court Residents Association (Appellant) to the First Party appeal reiterates the concerns raised in the appeal and considers that there is nothing in the first party appeal that warrants an overturn of the planning authority's decision.

First Party Response

A response from the applicant to the third party appeal reiterates a number of points raised in the appeal. The response includes a response issued to An Bord Pleanála to a third party appeal (ABP. 309457-21) for a similar development. To avoid repetition only additional comments not raised in the appeal are summarised below:

- The applicant is not aware of any on-going enforcement proceedings on the site.
- The Board is not an enforcement authority and any concerns in this regard is a matter for the local authority. The appeal should be assessed on its planning merits.
- The legal history of the site is noted.

7.0 Assessment

- 7.1. The main grounds of the appeals and observations are access, design approach and flood risk. I am satisfied that no other substantial planning issues arise. Appropriate Assessment considerations are also addressed. The main issues can be dealt with under the following headings:

- Principle of Development
- Access
- Design Approach
- Flood Risk
- Appropriate Assessment

7.2. ***Principle of Development***

- 7.2.1. The appeal site is zoned RE – Existing Residential with the associated land use objective *to protect, provide and improve residential amenities of existing residential areas*. The zoning objective outlined in the Bray Municipal LAP states that these lands are to provide for *inter alia* appropriate infill residential developments.
- 7.2.2. Access to the site is from Sidmonton Court via a right of way over an area of public open space. The information submitted indicates that the applicant has a right of way over a c. 6m wide strip of land, in use as public open space, between Sidmonton Court and the appeal site. A letter of consent from Wicklow County Council has also been submitted with application to include a larger section of the area of public open space within the red line boundary to allow for amendments to the layout of the existing public footpath.
- 7.2.3. The existing area of open space is also zoned RE – Existing Residential. Objective CD5 of the Bray Local Area Plan and Objective CPO 6.25 of the Wicklow County Development Plan both note that in existing residential areas, *the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned ‘RE’ as they form an intrinsic part of the overall residential development* and that the Council will not normally permit development that would result in a loss of open space.
- 7.2.4. The planning and legal history of this site are noted. However, given the zoning objective of the area of public open space and the appeal site and the flexibility in the wording of both Objective CD5 of the Bray Municipal Local Area Plan and Objective CPO 6.25 of the Wicklow County Development Plan which state that the councils will not *‘normally’* permit development that would result in a loss of open space, it is my opinion that the access road would not be a material contravention of the zoning objective or the provisions of Objective CD5 or Objective CPO 6.25. Therefore, it is

my view that the 4m access road over an area of public open space should be assessed on its merits.

7.3. **Access**

7.3.1. Serious concerns are raised by the planning authority and the third parties regarding access to the site from Sidmonton Court. It is noted that the site is bound to the north by Sidmonton Park, which is a private access laneway currently serving 4 no. houses. It would appear from the information submitted that the applicant does not have a right of way to over Sidmonton Park to access the site and, therefore, I am satisfied that this is not a potential alternative vehicular access to the site and that the only available vehicular access to the site from Sidmonton Court.

7.3.2. The applicant has a legal right of way over a 6m wide section of the public open space between Sidmonton Court and the southern boundary of the appeal site. There is a distance of c. 12m between the appeal site and Sidmonton Court (public road). I carried out a site visit on the 30th January 2024 and it was evident that the site is currently being accessed via the right of way, with clear track marks across the area of open space. The applicant states that this right of way has been enforced for c. 16 years.

7.3.3. The planning authority's first reason for refusal considered that the applicant failed to adequately demonstrate that the proposed vehicular access across the public amenity open space and pedestrian route, from a curved portion of roadway to the site, would not detract from the layout, character and function of this open space, or that it would not set a precedent for similar haphazard development.

Layout, Character and Function

7.3.4. The planning authority's reason for refusal considered that the applicant had not adequately demonstrated that the vehicular access would not detract from the layout, character and function of this open space.

7.3.5. From the information submitted and from carrying out a site visit is it my view that the main area of public open space comprises a c. 600sqm rectangular portion of open space to the north of no. 10 Sidmonton Court. This section of the public open space is bound to the north by a public footpath path which provides a link between Sidmonton Court and Sidmonton Road. This main portion of the public open space

comprises a grassed area with 2 no. trees. A linear grass verge also runs along both sides of the public footpath between Sidmonton Court and Sidmonton Road. This grass verge varies in width, it is a maximum of c. 3m in width adjacent to no. 9 Sidmonton Road on the southern side of the footpath, and is heavily planted along the northern boundary of the footpath with no. 42 Sidmonton Road. The footpath / walkway reduces to c. 2m in width at its boundary with Sidmonton Road. I am satisfied that the proposed development would not impact on these areas of public open space or on the pedestrian link between Sidmonton Road and Sidmonton Court.

7.3.6. There is also a c. 150sqm area of public open space located on the northern side of the public footpath and to the south of the appeal site. This area is c. 30m in length by c. 5m in width. There is also a smaller rectangular area of grass verge along Sidmonton Court and the public footpath which accommodates a lighting pole. There are clear track marks across both these areas of open space, and the public footpath, between Sidmonton Court and the southern boundary of the appeal site. The proposed formalisation of this existing access track would result in the loss of c. 61sqm of public open space and footpath area. The proposed development includes a 278sqm area of public open space along its southern boundary, which it is envisioned would connect to the existing area of public open space. The proposed scheme also includes a revised footpath arrangements.

7.3.7. In my view the loss of c. 63sqm of public open space would be adequately compensated for with the proposed 278sqm of public open space within the scheme. Due to the existing use of the right of way across the area of public open space it is my view that this existing area provides limited recreational amenity to local residents and negatively impacts on the visual amenity of the open space area. It is also noted that there are no existing active recreational facilities provided in this area of public open space. The proposed scheme incorporates a natural seating bench, which in my view would improve the existing amenities of the area. While it is acknowledged that the proposed development would result in an alteration to the layout of the public open space and footpath, I am satisfied that it would not detract from the character and function of this open space and that the provision of additional open space with a seating area would improve the recreational and visual amenity of the space.

7.3.8. Concerns are also raised by the third parties regarding the loss of the existing hedgerow along the site's southern boundary. The loss of a c. 20m row of hedgerow

is acknowledged. However, the Landscape Masterplan drawing submitted with the application indicates that existing shrubs would be transplanted where possible and that a new hedgerow, c. 30m in length, would be provided along the proposed open spaces northern and western boundary. Having regard to the site's urban location, the sites zoning objective, to the limited loss of hedgerow and the proposals to provide additional planting within the scheme I am satisfied that it is acceptable in this instance and that if permission is being contemplated that final details could be agreed by way condition.

Visual Impact

- 7.3.9. To address the concerns raised regarding the negative impact on the open space to the south of the appeal site, the applicant included a Landscape and Visual Impact Assessment with the appeal, which references the Landscape and Visual Statement submitted with the application (attached to the Planning Statement). A separate booklet of 5 no. verified views of the scheme were submitted with the application. The verified views provide a comparison of the existing site and the proposed development. It is my view that the submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear.
- 7.3.10. Section 6 of the LVIA outlines the characteristics of the receiving environment. I agree with the assessment that due to the overgrown nature of the site and the vehicular tracks across the areas of public open space that the existing landscape quality and condition are poor and of limited value from a landscape and ecological perspective. I also agree that the surrounding residential area is in good condition and valued by the local community.
- 7.3.11. The 5 no. viewpoints are all short distance views and I am satisfied that the scheme would not be visible from medium and long distance views. Table 3 of the LVIA summarises the potential impact of the scheme on the existing views. The significance of ranges from slight (View 1 from Meath Road) to very significant (View 4 from no. 10 Sidmonton Court). The LVIA considers that all impacts are beneficial having regard to the improved townscape and the repair of the damage caused by the existing vehicular movements over the grass verge.

7.3.12. I agree with the findings of the LVIA that the proposed scheme, which includes the vehicular access, would not significantly detract from the visual amenities of the area and would not be visually obtrusive from short range views and would be generally positive due to the current vacant nature of the site, the existing track marks across the area of open space and the design and layout of the scheme, which includes public open spaces adjacent to the existing area of public open space.

Traffic Hazard

7.3.13. The planning authority's first reason for refusal also considered that the applicant failed to adequately demonstrate that the proposed vehicular access across the public amenity open space and pedestrian route, from a curved portion of roadway to the site would not set a precedent for similar haphazard development. The third parties also raised concerns regarding a potential for a traffic hazard.

7.3.14. The proposed access comprises a 4m wide shared surface over the existing 6m wide right of way. The width of the access road increases to 5.5m within the site. Works are also proposed to amend existing footpath where it intersects with the proposed access road.

7.3.15. Concerns are raised that the proposed access road is located on a curved section of Sidmonton Court. It is noted that the access road links to a curved section of Sidmonton Court. However, I am satisfied that there are sufficient sightlines for vehicles accessing onto Sidmonton Court. I have also had regard to the fact the Sidmonton Court is a residential cul-de-sac serving 12 no. houses and the limited number of additional vehicular movements that would be generated by the proposed development.

7.3.16. Section 4.3.4 of DMURS notes that shared surface streets are integrated spaces, where pedestrians, cyclists and vehicles share the main carriageway and that shared surface streets and junctions are particularly effective at calming traffic. Shared surface streets and junctions are considered to be highly desirable where (1) movement priorities are low and there is a high value on promoting more liveable streets (i.e homezones) such as on local streets within neighbourhoods and suburbs and (2) where pedestrian activities are high and vehicles movements are only required for lower level access or circulatory purposes. DMURS sets out a number of design

measures and recommendations to ensure safety including use of materials and finishes, reduces carriageway widths, tactile paving, pedestrian only zones, flush kerbs etc. I am satisfied that the proposed access has been designed in accordance with the principles of DMURS and it is noted that the Roads Department of Wicklow County Council raised no objection in principle to the proposed access.

- 7.3.17. Having regard to the limited number (4 no.) dwellings that would be served by this access road, the existing right of way over the area of public open space, the design and layout of the access, which is in accordance with the provisions of DMURS I am satisfied that the proposed access road would not endanger public safety by reason of a traffic hazard.

Conclusion

- 7.3.18. In conclusion, having regard to the sites zoning objective, to the existing right of way over the area of public open space and public footpath and to the nature and scale of the proposed scheme, I am satisfied that the proposed vehicular access from Sidmonton Court, with associated alterations to the existing public footpath, would not detract from the layout, character and function of this open space, negatively impact on the visual amenities of the surrounding area or endanger public safety by reason of a traffic hazard.

7.4. ***Design Approach***

- 7.4.1. The proposed development comprises the demolition of an existing low block wall and the construction of 4 no. detached houses. 3 no. dwellings (units 2, 3 and 4) are located in a row at the site's northern (rear) boundary with Sidmonton Court, with frontage into the scheme. Unit 1 is located at the sites western (side) boundary with the rear gardens of no. 42 and 43 Sidmonton Road. An area of public open space is provided to the south of Unit 1 and would connect to the existing open space at the site's southern (front) boundary. The access road from Sidmonton Court runs along the site's eastern (side) boundary.
- 7.4.2. The scheme incorporates 3 no. house types (Type A, B and C). All houses have a traditional design approach. The predominate external material is render with slight variations on the elevational treatments. House Type A (unit 1) is c. 207sqm and

House Types B and C (units 2, 3 and 4) are c. 151sqm. The drawings submitted with the appeal indicates that all houses reach and exceed the minimum requirements set out in the Quality Housing for Sustainable Communities Guidelines. It is noted that an alternative internal ground floor layout was provided for House Type B (Units 2 and 3). I have no objection to either layout. If permission is being contemplated it is recommended that a condition be attached that the applicant notify the planning authority of the final layout prior to occupation of the 2 no. dwellings.

7.4.3. The observers raised concerns that the proposed height of the dwellings would negatively impact on the existing residential amenities. The proposed dwellings are 2 storey dormer style, with a maximum height of c. 7.7m. The existing dwellings on Sidmonton Court, Sidmonton Road, Sidmonton Park and Meath Road are generally single storey dwellings with a limited number of 2-storey dormer style dwelling. Drawing no. P-004 provides contextual cross sections. The drawing indicates that the proposed dwellings would be between 0.4m and 1.5m higher than existing adjacent dwellings. It is acknowledged that the proposed scheme would be visible from adjacent existing dwellings, however, given the urban nature of the site and the relatively limited height difference I am satisfied that the proposed scheme would not negatively impact on the visual amenities of the area. As noted above, an LVIA was submitted with the scheme and I agree with the conclusions that the proposed scheme would not significantly detract from the visual amenities of the area and would not be visually obtrusive from short range views and would be generally positive due to the current vacant nature of the site.

7.4.4. The observers also raised concerns regarding the proposed separation distances between the proposed and existing houses and the potential negative impact on existing residential amenities. Neither the development plan nor the Local Area Plan set out recommended separation distances. However, SPPR 1- Separation Distances of the Sustainable and Compact Settlement Guidelines requires a minimum separation distance of 16m between opposing windows serving habitable rooms above ground floor level. It further states that a separation distance below 16m may be considered acceptable in certain circumstances.

7.4.5. The rear elevation of House Type A (unit 1) is located c. 7m from the site's western boundary and c. 25m from the rear elevation of no. 43 Sidmonton Park. It does not

directly oppose the rear elevation of no. 42 Sidmonton Road. The rear elevation of House Type A has been designed with no first-floor rear facing windows. Therefore, the proposed house would not overlook any dwelling on Sidmonton Park. The front elevation of House Type A is located c. 15m from the gable end of no. 66B Meath Road. I am satisfied that due to the separation distance and orientation of the dwellings that the House Type A would not overlook 66B Meath Road.

- 7.4.6. The rear elevation of House Types B and C (units 2, 3 and 4) are located c. 22m from the front elevation of the existing houses on Sidmonton Park. Having regard to the separation distances and the orientation of the dwellings I am satisfied that House Types B and C would not result in any undue overlooking of existing dwellings on Sidmonton Park.
- 7.4.7. The gable end of House Type C (Unit 4) is located c. 17m from the rear elevation of existing dwellings fronting on to Meath Road. There are no windows located on the gable side of House Type C. Therefore, I am satisfied that the proposed scheme would not overlook any dwellings to the west of the appeal site, fronting onto Meath Road.
- 7.4.8. There is a separation distance of c. 12m between proposed House Types B and C (Units 2, 3 and 4) and the rear elevation of no. 66B Meath Road and the side elevation of House Type A (Unit 1). It is noted that House Types B and C have been designed with no windows on the first floor front elevation. Therefore, these dwellings would not result in in any overlooking of proposed House Type A (Unit 1) or no. 66B Meath Road.
- 7.4.9. Having regard to the limited (7.7m) height of the proposed residential units, the separation distances between existing and proposed dwellings, the internal layout of the houses and the orientation of the scheme I am satisfied that it would not result in any undue overlooking or have an overbearing impact on the existing or proposed dwellings.
- 7.4.10. A daylight, sunlight and overshadowing assessment was not submitted with the application. Section 5.3.7 of the Sustainable and Compact Settlements Guidelines notes that the provision of acceptable levels of daylight in new residential developments is an important planning consideration. However, planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases and that in the case of low-rise housing with good separation

distances, it should be clear from the assessment of architectural drawings that undue impact would not arise. Given the characteristics of the proposed development I am satisfied that it would not result in overshadowing of any existing or proposed residential dwellings and a technical assessment of daylight, sunlight and overshadowing performance is not necessary in this instance.

7.4.11. Specific concerns are also raised by the third parties regarding the dominance of the boundary wall on Sidmonton Park. It is noted that the appeal site has a c. 45m long boundary with Sidmonton Park. Drawing no. P-004 indicates that a 1.8m high boundary wall would be provided at the site's northern boundary with Sidmonton Park. Given the nature of the scheme it is considered appropriate that the rear gardens of the proposed scheme would be adequately secured. The landscape masterplan submitted with the application indicates that screen planting comprising shrubs and medium sized trees could be provided along the sites northern boundary, external to the sites boundary, which would be subject to agreement of the landowner. If permission is being contemplated it is recommended that the final details of the boundary treatment with Sidmonton Park be agreed with the planning authority.

7.4.12. Overall, given the infill nature of this site, its size, proximity to public transport and services and amenities it is my opinion that the proposed design and layout, height, successfully integrates into the streetscape and would support the consolidation of the urban environment. It is also noted that the planning authority raised no objection in principle to the proposed design approach.

7.5. ***Flood Risk***

7.5.1. The planning authority's second reason for refusal considered that insufficient information was submitted in relation to the existing stream on site and that the lack of information did not allow a full assessment of the flood risk and proposed surface water drainage system.

7.5.2. In the appeal the applicant clarified that there is no stream on site. However, there is a culverted dry stream bed. It is stated that the Kilruddery stream was diverted in the 1970's, up-stream at Putland Road. Section 7 of the FRA submitted with the application notes that the majority of the Kilruddery Stream is culverted. However, it is open where it enters and exits the site. The applicant notes in the appeal that Wicklow

County Council suggested that a culvert be provided under the sites western boundary to provide a continuous culvert of the Kilruddery Stream to the Irish Sea. The applicant is happy to accommodate this infrastructure. However, it does not form part of the application.

- 7.5.3. Flood Risk zones are determined on the probability of river and coastal flooding only, other sources do not affect the delineation of flood risk zones. The applicant submitted a Site-Specific Flood Risk Assessment with the application. The same FRA was attached to the appeal. The FRA notes the following potential sources of flooding: -

Tidal / Coastal Flooding: The site is located c. 300m east of the Irish Sea. The maximum high tide is c2.95m. The appeal site is located c. 7m above the highest tide on record. The estimated rise in sea level is 23mm in 100 years. The risk of tidal flooding is considered to be extremely low.

Fluvial Flooding: A large portion of the appeal site is indicated as being at risk from a 0.1% AEP fluvial flood event from the Kilruddery Stream, which runs in an west – east direction under the southern portion of the site, as indicated on the Site and Drainage Layout Plan. The OPW flood mapping indicates that there are recorded flood events in the vicinity of the appeal site. The FRA notes that the Kilruddery Stream has the potential to overflow the culvert and with flow spilling directly onto the appeal site. It also notes that the Kilruddery Stream is currently draining a relatively small catchment area and is capable of carrying surface water flow, subject to being kept in a good state of repair and maintenance.

The FRA notes that the appeal site is not within the catchment of the River Dargie, which is prone to frequent flooding in the Bray area.

Pluvial Flooding: The proposed drainage infrastructure, which includes SuDS, will control the discharge rate of surface water runoff. Provided these measures are properly maintained the risk from on-site surface water run-off is considered to be low.

Surface water generated off site has the potential to impact on the proposed site. The natural levels in the site fall in a north east direction. Any off site flood water entering the site unobstructed would flow to the north east corner. A flood event in 2008 accumulated flood water levels of 9.8m OD. This is at least 600mm below the proposed lowest finished floor level of 10.6m OD.

It is noted that works carried out by Wicklow County Council have significantly reduced the risk of a similar event occurring.

Groundwater Flooding: The site is not considered to be at risk from groundwater flooding and no basement levels are proposed as part of the development.

Human / Mechanical: The site is not considered to be at risk from flooding from human or mechanical error.

7.5.4. The Planning System and Flood Risk Management Guidelines, 2009 outlines in Table 3.1 the 'vulnerability of different types of development'. The proposed development is residential in nature and, therefore, classified as 'Highly Vulnerable Development'. As a large portion of the site is considered to be located in Flood Zone B, a Justification Test is required in accordance with the guidelines.

7.5.5. Section 11 of the applicants FRA considers that the proposed scheme is in accordance with each of the criteria set out in Box 5.1 of the guidelines. Having regard to the concerns raised by third parties and the planning authority it is considered appropriate to address each of the criteria.

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

7.5.6. The appeal site is zoned RE – Existing Residential. The zoning objective outlined in the Bray Municipal LAP states that these lands are to provide for *inter alia* appropriate infill residential developments.

7.5.7. The Strategic Flood Risk Assessment (SFRA) carried out as part of the Bray Municipal LAP acknowledges that a portion of the appeal site is located within Flood Zone B. The appeal site is referred to as site B2(k) in the SFRA. In accordance with the Flood Risk Guidelines Section 3.2 of the SFRA provides an assessment and justification for the sites zoning objective. The assessment acknowledges that proposed zoning objective fails the justification test. However, it notes that these lands are currently developed for permitted housing. As such, it is considered appropriate to retain the RE zoning objective. It further states that applications for minor development (e.g. extensions) are unlikely to raise significant flooding issues and should expansion of

existing uses be proposed, flood mitigation measures are required. Recommended Mitigation Objectives are set out in Section 3.4. These include implementation of the Justification Test as set out in the Flood Risk Guidelines.

I am satisfied that the proposed scheme is considered to be in accordance with criteria 1.

2. The proposal has been subject to an appropriate flood risk assessment that demonstrates:

(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;

The Drainage Design Report submitted with the application and attached to the first party appeal states that surface water will be attenuated and discharged to the existing public surface water drainage network located to the south of the site. The proposed development would include SuDS measures. Underground storage for 74m³ is proposed and apply a discharge rate of 0.7l/s.

I am satisfied that the proposed development would not increase the flood risk elsewhere. However, if permission is being contemplated it is recommended that final details of the attenuation tank be agreed with the planning authority.

I am satisfied that the proposed scheme is considered to be in accordance with criteria 2(i).

(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;

Section 10 of the applicants FRA sets out mitigation measures to minimise flood risk. In this regard the lowest finished floor level is set at 10.6m OD., the incorporation of SuDS measures into the design of the scheme and the culverting of a section of the Kilruddery Stream. The site Drainage Layout Plan indicates that the direction of overland flow would generally be towards the public network to the south. I am satisfied that the proposed development includes appropriate measures to minimise flood risk, as far as is reasonably possible and is in accordance with criterion 2(ii)

- (iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and**

As noted above, the finished floor level of the houses would be above the 1 in 1,000 year flood event level. This is a small infill site in the existing urban area of Bray. Emergency service would not be impeded during a flood event. Therefore, it is my opinion that the proposed is in accordance with criteria 2(iii).

- (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.**

The proposed development is located on zoned and adequately serviced lands in the urban area and is contiguous to existing residential developments. It is my opinion that the proposed development generally contributes to the wider objective of consolidating the urban environment and incorporates high quality urban design which would support and enhance the development of the area. Therefore, it is my opinion that the proposed scheme is in accordance with criteria 2(iv).

7.5.8. It is acknowledged that a significant portion of the appeal site is located within Flood Zone B. However, following an assessment carried out in the Bray Municipal LAP the lands the residential land use objective was considered acceptable for the site. I am satisfied that due to the minor nature and scale of the scheme that it is unlikely to raise significant flooding issues and that the risks identified in the applications FRA can be adequately mitigated against.

7.5.9. In conclusion, the concerns of the planning authority and the third parties are noted. However, I am satisfied that sufficient information has been submitted with the application and the appeal to fully assess the risk of flooding within the site and its environs. If permission is being contemplated it is recommended that conditions be attached that the final details of culverting the stream running under the site and the

proposed storage capacity of the attenuation tank be agreed with the planning authority.

7.6. ***Appropriate Assessment***

7.6.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distances to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

It is recommended that permission be granted subject to conditions.

9.0 **Reasons and Considerations**

9.1. Having regard to the zoning objective of the subject site, the provisions of the Wicklow County Development Plan 2022-2028 and the Bray Municipal District Local Area Plan 2018-2024, to the sites location within an existing urban area, to the existing pattern of development in the area and to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of flood risk and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation measures outlined in the plans and particulars, including the Flood Risk Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of development the developer shall submit for the written agreement of the planning authority proposals to reconstruct and extend the existing Kilruddery Stream culvert under the site. All works shall be carried out in accordance with the requirements of the planning authority at the developer's expense.

Reason: In the interest of protecting the environment and in the interest of public health.

4. Prior to occupation of Units 2 and 3 (House Type B) the developer shall submit details of the proposed internal layout of these houses to the planning authority.

Reason: In the interest of clarity

5. The formation of the vehicular access and public footpath along the front (southern) boundary of the site, from Sidmonton Court, shall be constructed in accordance with the requirements of the planning authority, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of pedestrian and traffic safety

6. Prior to commencement of development a comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority,

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and 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 and to ensure an appropriate high standard of development.

8. Car parking spaces shall be provided with functioning electric vehicle (EV) charging stations / points.

Reason: In the interests of residential amenity and of sustainable transportation.

9. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, 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 house.

Reason: In the interests of amenity and public safety.

10. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment

numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS) (and not those in "Recommendations for Site Development Works for Housing Areas".)

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

12. 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.

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

Reason: In the interest of public health.

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

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

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

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

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

17. 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

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Elaine Power
Senior Planning Inspector

14th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	314324-22		
Proposed Development Summary	Demolition of a low block wall and the construction of 4 no. houses and all associated works to facilitate the development.		
Development Address	Lands at Sidmonton Court and Sidmonton Park, Bray, Co. Wicklow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required
Yes	10 (b)(i): Construction of more than 500 dwelling units	The proposed scheme falls below the	Proceed to Q.4

	<p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	<p>applicable thresholds.</p>	
--	---	-------------------------------	--

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	314324-22		
Development Summary	Demolition of a low block wall and the construction of 4 no. houses and all associated works to facilitate the development.		
Examination			
			Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required		X
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required		No
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects