



An
Bord
Pleanála

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

Inspector's Report ABP-314686-22

Strategic Housing Development

Change of use from former golf course, construction of 586 no. residential units (76 no. houses, 348 no. apartments, 162 no. Build to Rent apartments), creche and associated site works.

Location

Former Bray Golf Club Lands, Off Ravenswell Road and Dublin Road, Bray, Co. Dublin and Co. Wicklow.

Planning Authorities

Wicklow County Council & Dun Laoghaire Rathdown County Council

Applicant

Shankill Property Investments Ltd.

Prescribed Bodies

Department of Housing, Local Government and Heritage; Irish Water; TII.

Observer(s) Anne Marie Byrne; Avril & M Power;
Dominic Gillan; Felix Gibbins; Joan
Conway; Howard Gibbins; John
Conway and the Lough Environmental
Group; Lorraine Flanagan; Noeleen
McManus; Rachel Gibney; Rachel
Immel.

Date of Site Inspection 19th March 2024

Inspector Stephen Ward

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. I am satisfied that the proposed development comes within the definition of 'Strategic Housing Development' as set out in Section 3 of the Act and that the application has been made in accordance with all relevant legislative requirements.
- 1.2. Although the application is for the construction of 586 no. units and all associated facilities and works, it should be noted that 234 of the proposed units are currently under construction on foot of a previously permitted SHD (ABP Ref. 311181-21 applies). Further details in this regard are outlined throughout this report.

2.0 Site Location and Description

- 2.1. The site is located to the north of Bray Town Centre and is within the administrative boundaries of both Wicklow County Council (southern portion of the site) and Dun Laoghaire Rathdown County Council (northern portion of the site). The Dublin-Bray Railway line runs along the eastern boundary of the site. The M11 motorway and R761 (Dublin Road) are located further west. The site is served via a new road network (Northern Access Road & Southern Access Road) off the R761 which serves lands to the south and west of the application site, including schools and community services.
- 2.2. The site is currently under construction (see section 4 of this report for details) and public access is not permitted. A former public access road serving the site has been realigned and is now restricted to construction access only. A pedestrian route has been maintained along the rail line to the east to the railway underpass at the southeast corner of the site. From here, there is pedestrian/cyclist access to the Harbour, north beach, and town centre.
- 2.3. The development site is bounded along its eastern extent by the Dublin-Rosslare railway line/Dublin-Bray DART line. On the eastern side of the train line is a coastal path (currently gated near the underpass) which runs south to Bray Harbour and north towards Shanganagh. The site is setback up to c. 100m from the coastline. To the immediate north of the site is Corke Abbey Valley Park (public open space) and

to the northwest is Corke Abbey residential development. To the west is the grounds of Ravenswell School Campus (primary and secondary schools) built in recent years. To the south is other undeveloped lands which are part of the Masterplan for the overall former Golf Club lands. Parts of these lands are currently in use as the construction office/compound. Further south is the River Dargle, which has benefitted from flood alleviation works including a promenade and public amenity space along its northern banks. This connects via a pedestrian/cyclist pathway to the application site and railway underpass.

- 2.4. The site levels gradually fall from north to south. The site was formerly used as a golf course, but the majority of the site is now under construction. The western section of the site, comprising the permitted houses/duplex units and Blocks C & D, is at an advanced stage of construction, although Block C is still at groundworks stage. The eastern portion of the site, comprising proposed Blocks A & B and associated spaces, comprises mainly grassland and some temporary construction-related material. There are trees along the northern boundary and in the northwest corner of the site. In the southwest corner there is an Irish Water underground emergency overflow foul storage tank and above ground odour control unit. The surface above this infrastructure has been developed as an open space. The site boundaries also extend to the southwest in a linear fashion along the road network and adjoining lands to facilitate infrastructural works.

3.0 **Proposed Strategic Housing Development**

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 586 residential units, a retail unit, 1 no. commercial unit (incorporating a gym and juice bar), a childcare facility and a café. It includes 76 no. houses and 510 no. apartments / duplexes (162 of which (Block A) are 'Build To Rent' apartments). The following tables set out some of the key elements of the proposed scheme as stated by the applicant:

Table 1 Key Figures

Site Area	8.81 ha gross / 7.28 ha net
Residential Units	586
Density	Net site area (7.28ha) / 586 = 80 uph (net density)
Other Uses	Childcare Facility (627m ²), Retail unit (249m ²), Commercial unit (Gym & Juice Bar - 512m ²), Cafe (195m ²)
Height	Block A – 4-7 storeys (162 BTR apts) Block B – 5-12 storeys (190 apts) Block C – 3-6 storeys (80 apts) Block D – 4 storeys (26 apts) Duplexes – 3 storeys (52 duplexes) Houses – 2-3 storeys (76 houses)
Dual Aspect	56%
Communal Open Space	c. 8,190m ²
Public Open Space	13,465 sq.m (not including c.5,630 sq.m under the 'F' zoning objective as per the DLRCC Development Plan).
Part V	62 units (28 in DLRCC and 34 in WCC)

Table 2 Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Apts.	239 (79 BTR)	198 (76 BTR)	21 (7 BTR)		458
Duplexes		26	26		52
Houses		13	51	12	76
Total	239	237	98	12	586
% of total	41% (13.5% BTR)	40% (13% BTR)	17% (1% BTR)	2%	100%

Table 3 Parking

Car Parking	549 no. spaces comprising 478 no. resident spaces, 36 no. residential visitor spaces, 14 No. for retail / commercial uses and 21 No. for staff, set-down, creche set-down and car share.
Motorcycle	24 no. resident spaces

Bicycle Parking	1,076 no. spaces comprising 791 no. resident apartment spaces and 254 no. visitor spaces; 19 no. spaces associated with non-residential uses; and 12 No. spaces at creche. Bicycle parking for the houses and duplex units is provided on curtilage (2 no. bicycles per unit).
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3.2. It is proposed to provide water supply via a 225mm diameter watermain to run 675m east from the existing 225mm watermain on the Upper Dargle Road. Foul drainage will be facilitated by a new 225mm diameter foul sewer with a single outfall to a proposed manhole that will be constructed as part of the future foul network reinforcement project to be carried out by Irish Water. Part of the existing Irish Water foul infrastructure will be diverted away from the proposed buildings. The application includes Confirmation of Feasibility and Statements of Design Acceptance from Irish Water for the proposed water and wastewater proposals. Surface water drainage proposals will employ SuDS techniques including permeable paving, swales in park areas adjacent to roads, green roofs, filter drains to rear gardens, modular underground attenuation and flow control devices, and will outfall via attenuation / storage tanks to the Dargle River.

3.3. In addition to the standard drawings and documentation requirements, the application was accompanied by the following reports and documentation:

- Planning Report & Statement of Consistency
- Statement of Material Contravention
- Statement of Proposals & Response (to pre-application consultation)
- Childcare Demand Analysis
- School Demand & Concentration Report
- Housing and Tenure Type Mix Report
- Harbour Point, Bray Masterplan Document
- Architectural Design Statement
- Housing Quality Assessment
- Landscape Design Strategy

- MEP Engineering Report & Energy Statement (including Public Lighting Report & Telecommunications Impact Assessment Report)
- Flood Risk Assessment
- Traffic and Transport Assessment
- Mobility Management Plan
- DMURS Statement
- Stage 1 Quality Audit (including Stage 1 Road Safety Audit)
- Engineering Planning Report
- Building Lifecycle Report
- Stormwater Impact Assessment Report
- Natura Impact Statement
- Environmental Impact Assessment Report
- Construction Resource and Waste Management Plan
- Construction Environmental Management Plan
- Operational Waste Management Plan
- Construction Management Plan
- Daylight and Sunlight Assessment Report
- Tree Survey Report (see EIAR, Volume 3, Appendix 5)
- Wind Microclimate Modelling
- Property Management Strategy Report.

4.0 Planning History

Application Site and adjoining lands

ABP Ref. 311181-21: On a site substantially consistent with the current application site, the Board issued a split decision on 9th December 2021 for an SHD application for 591 no. residential units (76 no. houses, 515 no. apartments), childcare facility and associated site works. The Board refused permission for blocks A and B (357 no. units) and granted permission for the remainder of the development (234 no. units).

The current application includes the elements as previously permitted by ABP-311181 (including the requirements of condition nos. 4d, 4e, 4f, 4h, 5a, and 11). As previously outlined, this portion of the development is currently under construction. The houses/duplex units are at an advanced stage of construction, including some show houses. Block D is at an advanced stage of construction, while groundworks have commenced on Block C. The 'Orchard' area at the southwest corner of the site has been developed as an open space including a MUGA.

ABP Ref. PL39.230246 (WCC/Bray Town Council Reg. Ref. 07/630194): On a site including the southern portion of the current application site and adjoining lands to the south, permission was granted on 3rd June 2010 for a mixed use development which comprised the demolition of existing buildings and the construction of 603 no. residential units, 57,967 sq.m of gross retail floor area (excluding storage), 5,797 sq.m of office, 8 screen cinema with floor area of 5,237 sq.m, a 103 no. bedroom hotel, 6 no. bars, 11 no. restaurants, 2 no. crèche, 1 no. doctor's surgery, 1 no. community building, 1 no. dentist surgery, GAA pitch; community elements; ancillary parking and other infrastructure. An extension of duration was granted under WCC Reg. Ref. 20672, and this consent will now expire in 2025.

ABP Ref. PL06D.230215 (DLRCC Reg. Ref. D07A/1495): On a site including the northern portion of the current application site and other lands, permission was granted on 3rd June 2010 for a mixed-use development to include 348 no. residential units; 1 no. retail unit (80 sq.m); 1 no. cafe; associated parking, roadworks, landscaping, site development and service works. The permission has now expired.

WCC Ref. 21689: On a site partly overlapping with the southern margins of the application site, a WCC Part 8 application for the Bray Sustainable Transport Bridge, link road and associated works was advertised (21st July 2021). Under **ABP Ref. HD27.311071**, the Board decided (4th April 2022) that EIAR was not required.

However, under **ABP Ref. JN27.313685**, the Board decided (5th December 2022) that NIS is required.

Other Sites in the surrounding area

ABP Ref. PL06D.244874, P.A. Reg. Ref. D15A/0112: Permission granted in 2015 for an access road to serve schools within the former Bray Golf Club lands.

ABP Ref. PL39.YA0003 / XA0001 – Permission granted by the Board for the undertaking of the River Dargle (Bray) Flood Defence Scheme, including Boardwalk – approved by ABP in 2008. Completed in 2017 by WCC and OPW.

HA0020/KA0013 - The Board approved the application by DLRCC for the Dublin Road Improvement Scheme (DRIS) and confirmed the compulsory purchase order. The scheme extended over a distance of one kilometre following the route of the existing Dublin Road.

5.0 Section 5 Pre-Application Consultation

5.1. Pre-Application Consultation ABP-312257-21

- 5.1.1. A Section 5 pre application consultation took place remotely via Microsoft Teams on 6th May 2022. The consultation related to a proposal for 564 no. residential units (96 no. houses, 468 no. apartments). Representatives of the prospective applicant, the planning authorities, and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinions of the planning authorities, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The applicant was advised that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for Strategic Housing Development.

1. Development Strategy

- a) Further clarity / consideration / justification of the documents as they relate to what precisely is being proposed as part of any future proposed development, what the redline boundary encompasses. Regard being had to portion of the

site permitted under SHD – 311181 and how any future proposal links with the approved portion of that permission. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

- b) Further consideration with respect to design rationale for the proposed height, density, design and character of residential units and details of the materials and finishes of the proposed development. Particular regard should be had to the previous reason for refusal on foot of SHD 311181-21 and justification of the proposal in terms of urban design such as height, scale, massing in the context of the site's location and architectural design treatment and interface with Bray seafront and the requirement to provide high quality, robust and sustainable finishes and details which seek to create a distinctive character for the development, having regard to visual amenity given the coastal and highly visible location of the site and its interface with Bray seafront.

2. Intensity of Development

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

- 5.1.2. Furthermore, Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, specific information should be submitted with any application for permission, which can be summarised as follows:

1. A detailed statement of consistency and planning rationale, clearly outlining how the proposal is consistent with the zoning objectives of the DLRDCDP 2022 – 2028 and the Bray MD LAP 2018.
2. A detailed and justified Material Contravention statement relating to the DLRD County Development Plan 2022 - 2028 and Bray MD LAP 2018.
3. A visual impact assessment.

4. An assessment on how the proposed scheme ties in with the expansion of the overall Bray seafront area in particular in light of recent split decision on foot of SHD 311181-21.
5. A Housing Quality Assessment.
6. A Traffic and Transportation Impact Assessment.
7. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
8. A report that addresses issues of residential amenity.
9. A Daylight and Shadow Impact Assessment.
10. A full response to matters raised within the PA CE Opinions.
11. Detailed landscape drawings.
12. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge.
13. An AA screening report.
14. An up-to-date Ecological Impact Assessment, inclusive of a Bird and Bat Survey.
15. Where an EIAR is not being submitted, all necessary information for the purposes of EIAR screening.
16. A Microclimate Impact Assessment.
17. A site layout plan indicating what areas, if any, are to be taken in charge.
18. Site Specific Construction and Demolition Waste Management Plan.
19. A life cycle report.
20. Details of public lighting.

5.2. Applicant's Statement of Proposals/Response to ABP Opinion

- 5.2.1. A 'Statement of Proposals' in response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under Article 297(3) of the

Planning & Development Regulations 2001 (as amended). The response is summarised in the following sections.

5.2.2. 1(a) - Development Strategy – Scope of the application

- The application includes all the development as previously permitted (ABP-311181) along with changes having regard to any relevant conditions.
- It also includes new design responses for Blocks A and B (previously refused) and the immediately associated site development and landscaping works.
- The site excludes an area that had previously been proposed for a construction compound (in line with a condition of ABP-311181).
- The reason for including the full extent of development within this current application is due to the fact that the pre-application procedures were requested on the basis of the full site development.

5.2.3. 1(b) - Development Strategy - Height, density, design, and character

- The proposals for Blocks A and B respond to the concerns expressed by ABP in its previous refusal.
- A detailed design rationale for the proposed height, density, design and character of the overall development including in particular the current proposals for Blocks A and B is set out in the Architectural Design Statement.
- The design team has broken blocks A and B into 4 No. distinct architectural styles with increased scale at the eastern edge reducing to 4 storeys to the west in response to the consented 3 storey duplexes.
- Blocks A and B's eastern facades step from 5 storeys to 12 storeys as the site gets closer to Bray town centre, creating a key marker in the southeast corner at a key nodal point within the overall masterplan.
- The design strategy builds on Bray's historical character and uplifting pastel coloured context, introducing light coloured brick to the apartment buildings and duplexes and light pastel-coloured renders to the houses, as well as well-detailed expressive metal work to balconies and light-coloured window frames. The massing of the buildings step along with the eastern façade to blocks A and B creating an informality to the four sea front buildings.

- The approach to material finishes has been determined by the need for robust, easy to maintain brickwork to be used on all apartment and duplex buildings, as well as the need to successfully blend into the sea-side character of Bray.

5.2.4. 2 – Intensity of Development

- The proposed density is 80 units/ha, which is substantially higher than the 50/ha minimum density recommended in the Sustainable Residential Densities for Urban Areas (2009). This is acceptable in principle given the proximity of the site to public transport services and Bray town centre.
- Buildings have been carefully arranged to minimise overlooking and overshadowing whilst also taking advantage of spectacular views.
- The proposal places the taller and denser buildings along the coastal edge of the site and the general arrangement responds to its context.
- The Architectural Design Statement (ADS) presents a detailed design rationale, particularly for Blocks A and B and why the form was considered the most appropriate for the site with reference to its coastal location and existing / proposed development surrounding.
- Section 3 of the ADS presents a height (and massing) study with reference to the Building Height Policy of the DLRCDP 2022 and the Wicklow CDP.
- The Planning Report assesses the proposed density and intensity with reference to the provisions of the DLRCDP and the Bray MD LAP.
- The Housing and Tenure Types Mix Report addresses the policy requirements of the DLRCDP 2022, the Wicklow CDP 2016-2022, and the Draft Wicklow CDP 2022-2028; and the suitability of the tenure types proposed.

5.2.5. In addition to the issues identified by the Board in this pre-application consultation, the applicant also addresses the issues identified in the Board's pre-application opinion (ABP Ref. 308291-20) for the previous SHD (ABP Ref. 311181-21). The response outlines that the issues were generally addressed in the previous application and were ultimately to the satisfaction of the Board, and that they have been replicated in the current application. Some additional comment has been provided in relation to the following issues:

Issue 3 – The Orchard: As per condition No. 4(d) of Ref 311181-21, the car parking has been omitted and replaced by an area of open space/recreation, bicycle facilities, and car-sharing spaces, with controlled vehicular access for maintenance.

Issue 5 – Storm Water Management: Issues are addressed in the Engineering Planning Report, the Storm Water Impact Assessment, and site-specific Flood Risk Assessment (FRA).

Issue 6 – Foul Water Drainage: Issues are addressed in the Engineering Report.

- 5.2.6. With regard to the ‘specific information’ requested by the Board, the applicant’s ‘Statement of Response’ outlines that the requested information has been submitted for both the current and previous pre-application consultation.

6.0 Relevant Planning Policy

6.1. National Policy/Guidance

- 6.1.1. ‘Housing For All - a New Housing Plan for Ireland (September 2021)’ is the government’s housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,
- Built to a high standard in the right place,
- Offering a high quality of life.

- 6.1.2. ‘Project Ireland 2040 – The National Planning Framework’ (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (c) aims to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate towns and villages of all types and scale as environmental assets.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

6.1.3. The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.1.4. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, 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), Department of Housing, Local Government and Heritage.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, (December 2020, updated in July 2023) (hereafter referred to as the '*Apartments Guidelines*').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the '*Flood Risk Guidelines*').

- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018 (hereafter referred to as the '*Building Height Guidelines*').
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the '*Childcare Guidelines*').
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (July 2023).

6.1.5. Other relevant national Guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

6.2. **Regional Policy**

- 6.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. Bray is designated as a 'Key Town' within the Dublin Metropolitan Area.
- 6.2.2. The Dublin Metropolitan Area Strategic Plan (MASP) promotes compact sustainable housing delivery and integrated transport and land use. It seeks to focus on several large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Bray is identified as a key node on the north-south DART corridor.
- 6.2.3. Lands at the former Bray Golf course are identified for development of new residential communities and it is stated that the delivery of new high-density mixed-use development will provide for consolidation within the established town. With

regard to infrastructure, Table 5.1 notes that short term aims include access to Bray station and Public Transport bridge.

- 6.2.4. The relevant aspects of Regional Policy Objectives (RPOs) relating specifically to Bray Key Town can be summarised as follows:

RPO 4.37: Support the continued development of Bray including the enhancement of town centre functions, development of major schemes at the former Bray golf course and Bray harbour.

RPO 4.40: To support ongoing investment in public transport infrastructure, including the appraisal, planning and design of the LUAS extension to Bray.

RPO 4.41: Encourage transition towards sustainable and low carbon transport modes with alternative modes of transport and 'walkable communities'.

- 6.2.5. Other relevant RPOs can be summarised as follows:

RPO 5.4: Development of strategic residential development areas shall provide for higher densities and qualitative standards set out in national guidance documents.

RPO 5.5: Residential development 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.

- 6.2.6. The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible, and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

6.3. Local Planning Policy

6.3.1. Dun Laoghaire Rathdown Development Plan 2022 - 2028

The DLRCDP 2022-2028 came into effect on the 21st of April 2022 and is the operational plan for the northern end of the site.

Zoning

The majority of the application site is zoned 'Objective A', which is '*To provide residential development and improve residential amenity while protecting the existing residential amenities*'. The northern and eastern peripheries of the site are zoned

‘Objective F’, which is ‘*To preserve and provide for open space with ancillary active recreational amenities*’.

Mapped Objectives

An objective 'To protect and preserve Trees and Woodlands' applies at the northwest corner of the site.

Specific Local Objective SLO119 is identified at the eastern end of the site, which is ‘to provide a permeability link between Green Area/Linear Park between Corke Abbey and Woodbrook Glen and any development on the Former Bray Golf Club lands to allow access towards Bray Harbour’.

An area of archaeological potential (Linear Earthworks) is identified along the administrative boundary between DLRCC and WCC.

A proposed Core Bus Corridor and proposed LUAS Line Extension are identified along Dublin Road further west of the site.

The National East Coast Trail Cycle Route is identified to the east of the site.

Neighbourhood – People, Homes and Place

Chapter 4 aims to increase delivery of housing subject to alignment with the NPF and RSES; the Core Strategy, Housing Strategy, and Housing Need Demand Assessments; and embedding the concept of neighbourhood and community into spatial planning. Relevant policies/objectives can be summarised as follows:

PHP3: Ensure that supporting neighbourhood infrastructure/land is provided in conjunction with, and as an integral component of, residential development.

PHP4: Implement a strategy for residential development based on a concept of sustainable urban villages and ‘10-minute’ neighbourhoods.

PHP6: Encourage childcare facilities as an integral part of new residential developments. In general, at least one facility for all new residential developments.

PHP18: Promotes increased density on suitable sites subject to suitable design which respects the character of the surrounding area.

PHP20: Seeks to protect the residential amenity of existing properties.

PHP27: Encourages an appropriate mix of housing.

PHP28: Facilitate Build-to-Rent residential development in suitable locations in accordance with the 'Apartments Guidelines' (2020) and any amendments. A proliferation of Built-to-Rent should be avoided in any one area.

PHP42: Aims to ensure high quality design of all new development and compliance with the Building Height Strategy for the County (consistent with NPO 13 in NPF).

Mobility and Transport

Chapter 5 outlines a range of policies and objectives which aim to integrate land use and transport policy, thus promoting compact sustainable growth, traffic demand management, and modal change towards increased use of public transport and active travel. Relevant policies/objectives include the following:

T9: Promote, facilitate and cooperate with other agencies in securing the extension of the Luas network.

T19: Manage parking in accordance with the standards in Section 12.4.5.

Green Infrastructure and Biodiversity

Chapter 8 adopts the principle of sustainable development and identifies green infrastructure as a key strategic asset for the County, and one which can aid in the creation of a climate resilient County. It includes a range of policies for the protection, creation, and management of this resource in an integrated manner. Appendix 14 includes a Green Infrastructure Strategy.

Open Space, Parks and Recreation

Chapter 9 outlines the importance of such resources in terms of health and well-being, social interaction, connectivity, and biodiversity. Policy objective OSR4 promotes public open space standards in accordance with the 'Sustainable Residential Development Guidelines'.

Development Management

Chapter 12 includes the following relevant sections:

12.3 outlines guidance on criteria for residential developments and neighbourhood infrastructure. It aims for high quality design to improve the living environment and facilities for residents.

12.4 sets out Transport guidance, including standards relating to traffic management, road safety, and parking.

12.8 deals with Open Space and Recreation, including quantitative and qualitative standards for residential developments.

6.3.2. **Wicklow County Development Plan 2022-2028**

The WCDP 2022-2028 was adopted on 12th of September 2022 and came into effect on 23 October 2022.

Core Strategy

Bray is designated a Level 1 Key Town in the Metropolitan Area and population should grow from 29,646 (2016) to a target of 38,565 (2028). Bray has a housing growth target of 4,026 houses between Q3 2022 to Q2 2028. Table A outlines that Bray has a surplus of 40 hectares zoned lands outside of the existing built-up area and that this will be addressed in the next LAP.

Town & Village Centres

Chapter 5 aims to activate the potential for regeneration and renewal of town and village centres, creating resilient, adaptable and vibrant places with a strong focus on creating compact towns and villages. Under CPO 5.6, the 'Town and Village Regeneration & Rejuvenation Priorities' aim to harness the potential of the former Bray golf course, Bray harbour and key town centre development sites.

Housing

Chapter 6 builds on the Core Strategy to put in place a framework to guide the delivery of new housing. Relevant policies/objectives can be summarised as follows:

CPO 6.2 The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.

CPO 6.13: Require that new residential development achieves the minimum densities as set out in Table 6.1 subject to further assessment and consideration of national guidance.

CPO 6.17: Facilitate higher buildings subject to compliance with the assessment criteria set out in the Building Heights Guidelines.

CPO 6.26: Avoid abrupt transitions in scale and use at the boundary of adjoining land use zones.

CPO 6.30: The maximum size of any single 'housing estate' shall be 200 units and developments that include more than 200 units should be broken into a number of smaller 'estates', which shall be differentiated from each other by the use of materially different design themes.

Social & Community Development

Chapter 7 outlines how the enhancement of community infrastructure and facilities will contribute to CDP Strategy. Relevant policies/objectives can be summarised as follows:

CPO 7.5 Housing development shall be managed and phased to ensure that infrastructure is adequate or is being provided to match the needs of new residents, including requirements for a Social Infrastructure Audit and Accessibility Report.

CPO 7.29 Where considered necessary, require the provision of childcare facilities in all residential developments comprising 75 houses or more.

CPO 7.46 To require open space to be provided in tandem with new residential development (in accordance with the standards set out in the Development & Design Standards Appendix).

Tourism & Recreation

Chapter 11 acknowledges that tourism and recreation make a positive contribution to the economic and social wellbeing of Wicklow. CPO 11.38 is to encourage and facilitate a range of routes/trails, including an amenity and active travel route between the Bray Harbour area northwards to the Dun Laoghaire Rathdown administrative area to provide for future connection to the proposed Woodbrook DART station.

Sustainable Transportation

Chapter 12 outlines the aim to craft land use policies to produce settlements of such form and layout that facilitates and encourages sustainable forms of movement and transport, prioritising active travel modes of walking and cycling, and for larger settlements, public transport. It outlines that the Bray and Environs Transport Study (April 2019) identifies a range of transportation interventions required to serve the full build-out of Bray Golf Club and harbour lands.

Relevant policies/objectives can be summarised as follows:

CPO 12.8 To require the implementation of standards for EV charging.

CPO 12.21 To promote a range of transport objectives, including the Luas extension or other mass transit to Bray town centre, Bray train station and Fassaroe.

CPO 12.22 To continue to work with Iarnrod Eireann and the NTA on the improvement of mainline train and DART services into Wicklow.

CPO 12.56 Outlines parking standards to comply with Objective CPO 12.8 and Appendix 1 Table 2.3.

CPO 12.64 To support the development of the Strategic Sites identified in the RSES MASP at Fassaroe and the former Bray golf course and Bray harbour lands and the delivery of the transport infrastructure required for the full build-out for each site.

Water Services & Flood Risk

Chapters 13 & 14 outline policies and objectives relating to water infrastructure, water quality, and flood risk management. Relevant aspects can be summarised as follows:

CPO 13.21 Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy.

CPO 14.09 Outlines the requirements for applications in areas at risk of flooding.

Natural Heritage & Biodiversity

Chapter 17 sets out strategies and objectives with regard to natural heritage, biodiversity, and landscape conservation. The Landscape Category Map places the site within an 'Urban Area' which is deemed suitable for development.

Green Infrastructure

Chapter 18 highlights the importance of Green Infrastructure and its overlap with many other aspects of the CDP.

Coastal Zone Management

Chapter 19 outlines that the county has been divided into coastal 'cells'. It acknowledges that 'Cell 1 Bray Town' has huge symbolic, cultural, social and economic importance and that its character must be preserved. Relevant aspects can be summarised as follows:

CPO 19.8 To protect the character and visual potential of the coast.

CPO 19.9 To strictly control the nature/pattern of development within coastal areas.

CPO 19.16 To enhance the visual, recreational and natural amenities of the Bray coastal area, in accordance with the CDP and the LAP for Bray.

Development & Design Standards

Volume 3 (Appendix 1) contains standards and guidance setting out the principal factors that should be considered in the design of new development. The relevant sections include the following:

1 – The overarching requirements to ensure that new developments meet the highest standards of quality design and amenity, contribute to the creation of beautiful and healthy places, address climate change and protect existing amenities and character.

2.1 – Roads and Transport, including parking standards.

2.2 – Water Services, including water supply/demand, wastewater, and stormwater.

3 – Mixed Use and Housing Developments, including density, building height, and other standards/guidance.

7 – Social & Community Developments, including requirements for social infrastructure audits, childcare facilities and others.

8 – Open Space, including requirements for a range of spaces with quantitative and qualitative standards.

6.3.3. Bray Municipal District Local Area Plan 2018-2024

The 6-year LAP was adopted on 14 May 2018 and came into effect on 10 June 2018. Relevant aspects are summarised under the headings below.

Zoning and Context

The lands are part of a larger area zoned Mixed Use: 'To provide mixed use development'. The plan outlines that 35% of all new housing is targeted to occur on greenfield/brownfield/vacant sites, including 1,000 units on the former Bray golf club.

Section 2.2.3 Population and Housing:

Residential Development Strategy for Bray MD: To promote and facilitate the rapid delivery of the maximum number of housing units in the key development areas of Fassaroe and the former Bray golf club.

Chapter 3 Residential Development

R2 - New residential development shall be expected to aim for the highest density indicated for the lands. Lands zoned Residential – High Density will be expected to achieve a density of not less than 50 units / hectare.

R14 – A full range of unit sizes, including smaller 2 and 3 bedroomed units shall be provided in all new housing developments (i.e. developments exceeding 4 units). Generally, no more than 50% of the units in any new development shall exceed 3 bedrooms or 120sqm in size.

Chapter 5 Town / Neighbourhood Centres & Retail

TC1 To direct new development and investment into settlement centres (i.e. the 'town centres' and 'primary development areas') in the first instance.

BT2 To promote and support the development of significant new retail, retail services, commercial and cultural / community floorspace at locations including - 'Former Bray golf club lands' (see Objectives for SLO 3).

Section 6.1 Open Space and Play Objectives

CD2 In all new residential development (>50 units), where considered necessary by WCC, the developer shall provide a dedicated children's play area.

CD3 All new neighbourhood parks or active open space zones shall include a 'mixed use games area' (MUGA).

Section 8.1.5, Road Objectives:

R05 With respect to the major development area at the former Bray Golf Course, excellent linkages shall be provided to surrounding areas; multiple access points for

both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river.

RO9 To promote and support the development of enhanced or new greenways at the following locations and require development in the vicinity of same to enhance existing routes and / or provide new links: - Bray - Dargle River south bank...

R10 To improve existing or provide new foot and cycle links (as funding allows) at the following locations in Bray MD, and ensure developments along these routes are so designed as to allow for / not impede the delivery of required improvements: - Across the River Dargle in Bray town centre via improvements to Bray Bridge or a new pedestrian / cycle only bridge.

Section 8.2 Flooding:

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).

FL3 Applications for new developments or significant alterations/extension to existing developments in a flood risk area shall comply with stated requirements.

Section 9.3 Green Infrastructure & Recreational Use of Natural Resources:

GI5 To promote the development of a series of major open spaces and recreational areas linked by green corridors where feasible (see Map GI1), in the Bray MD area as follows: ... - on the former Bray golf course lands / Ravenswell Road, linked to harbour and north beach to the east and the People's Park to the west.

SLO3: Former Bray Golf Course:

This MU zoned area measures c. 17ha. It is an objective that this land be developed as a mixed commercial, residential, education / community facilities and open space zone. The plan sets out a number of requirements for the development of the lands, which are noted below: -

- The lands shall be developed as an extension to the existing town centre and shall involve the creation of a number of new streets and squares, where

pedestrians and non-motorised forms of transport have priority, where buildings front directly onto streets and squares with active, attractive ground floor frontage;

- The design, finishes etc of all buildings shall draw reference and inspiration from the existing traditional town centre and the development shall flow from 'old' to 'new' without jarring distortions of scale, format or design;
- Excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river;
- Car parking shall generally to located under or within buildings; not more than 20% of the total overall parking provision required for the entire MU area may be located on open surface locations;
- The residential element shall generally be delivered in a high-density format with the target provision of 1,000 units in a variety of unit sizes and formats;
- Retail development shall be integrated into the development in a manner that flows from the existing retail core of the town and brings vitality and vibrancy to the streets and squares of the new development. Retail floor space (including retail services such as restaurants, hairdressers etc) of not less than 20,000sqm (of which a minimum of 10,000sqm shall be comparison floorspace) will be required;
- Non retail commercial floor space, such as offices, professionals services etc of not less than 5,000sqm shall be integrated into the development at both ground and above retail levels;
- The existing schools / sports zone shall be retained; excellent access shall be retained to the schools and associated sports facilities and such access shall avoid the need to bring traffic through new residential areas or town shopping streets;
- Not less than 2ha shall be developed as public open space;

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

Views and Prospects

Map H2 of the LAP outlines that there are no protected views within the site. However, there are 3 no. protected views in close proximity, i.e. 2 no. views south and 1 no. view west from the coast (positioned south of the application site).

6.3.4. Other Study of Note:

The Bray and Environs Transport Study (2019) was prepared by the NTA in conjunction with the TII and both WCC and DLRCC. It sets out the transportation interventions needed to support the development of Bray, including the strategic site at the former Bray Gold Club lands.

6.4. Applicant’s Statement of Consistency

- 6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv)(I) of the Act of 2016, which states how the proposal is consistent with the DLRCDP 2022-2028, the Wicklow County Development Plan 2016-2022 (subsequently replaced), the Draft Wicklow County Development Plan 2022-2028 (subsequently adopted), and the Bray MD LAP 2018-2024.

6.5. Applicant’s Statement on Material Contravention

- 6.5.1. A Statement of Material Contravention has been prepared in accordance with Section 8 (1)(iv)(II) of the Act of 2016. It outlines some aspects that may be deemed to represent a material contravention of the statutory plans. However, it is submitted that the overall development content and design intent is to achieve the objectives of

the planning authorities. The issues identified by the applicant are outlined in sections 6.5.3 – 6.5.5 below.

6.5.2. The applicant's justification for any material contravention is based on the criteria in Section 37(2)(b)(i-iv) of the Act of 2000. And while criteria (ii-iv) are addressed more specifically in relation to various aspect of the statutory plans, the applicant in the first instance addresses criterion (i), i.e., that '*the proposed development is of strategic or national importance*' having regard to:

- The categorisation of the application as SHD to address housing supply in accordance with national policy.
- The designation of Bray as a 'Key Town' in the RSES and the objective to develop the site in accordance with RPO 4.37.
- The slowdown of housing delivery due to the Covid-19 pandemic.

6.5.3. **Dun Laoghaire-Rathdown County Development Plan 2022 – 2028**

Car Parking: Quantum of car parking when compared with Policy Objective T19.

- The reduced parking provision may be deemed to be a material contravention of the 'standard' for residential parking requirements within Parking Zone 2.
- It is submitted that the quantum of car parking for the proposed residential development which is less than the 'standard' requirements is appropriate.
- The array of caveats attached to the application of the car parking standards (as per s. 12.4.5) mean that the objectives are not clearly stated, insofar as the proposed development is concerned and therefore can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.
- The proposed quantum of car parking is appropriate and should be granted under section 37(2)(b)(iii) of the Act of 2000 having regard to the NPF (Objectives 11 & 13), the general presumption in favour of active travel across all policy documents, and the specific policies set out in the Apartment Guidelines which allow for lower levels of car parking at appropriate locations.
- The proposals are consistent with development permitted under ABP Ref. 305844-19 and ABP Ref. 311181-21, which were below the maximum car parking standards set out in Table 8.2.3 of the DLRCDP. It is also consistent with

the lower standards permitted under ABP Ref. 306583-20. Permission can be granted under the provisions of section 37(2)(b)(iv) of the Act of 2000.

Residential Mix: Proportion of 1-bed units proposed when compared with Section 12.3.3.1 and Table 12.1.

- Excluding the BTR proposals, the proposal for 20 no. 1 bed units (or 33%) is a minor deviation from that set out in Table 12.1 (i.e. no more than 30%). It is submitted that there is a lack of clarity given that proposal is “generally” (as per section 12.3.3.1 of the Plan) in accordance with Table 12.1.
- It is not clear that the rigid application of Table 12.1 standards will deliver “a wide variety of housing and apartment types, sizes and tenures is provided throughout the County” in accordance with Policy Objective PHP 27.
- The NPF highlights the increasing demand for smaller units and the proposal is supported by SPPR 1 of the Apartment Guidelines in the absence of an evidence based HNDA. The proposal should be granted permission having regard to other more strategic policy and / or planning guidance provisions in accordance with section 37(2)(b)(iii) of the Act of 2000.
- The proposals are consistent with development permitted under ABP Ref. 306583-20 (33% of units are studio or 1-bed units) and the unit mix deemed acceptable under ABP Ref. 311181-21 (29% 1- bed units). The Housing and Tenure Type and Mix Report identifies a relatively low proportion of smaller units and very little purpose-built apartment units. Permission can be granted under the provisions of section 37(2)(b)(iv) of the Act of 2000.

External Storage: Quantum of external storage space when compared with Section 12.3.5.3.

- While the development does include some external storage, it is unclear if it complies with the requirements of s.12.3.5.3.
- No quantitative standard is prescribed and section 12.3.5.3 appears to be a recommendation rather than a mandatory requirement. It is submitted that the policy is unclear and therefore can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.

- The Apartment Guidelines do not require that external storage space be provided. The Apartment Guidelines take precedence on this matter over CDPs and permission can be granted under section 37(2)(b)(iii) of the Act of 2000.
- The absence of additional external storage areas for apartments was not considered problematic by ABP under ABP Ref. 311181-21. Permission can be granted under section 37(2)(b)(iv) of the Act of 2000.

6.5.4. **Draft Wicklow County Development Plan 2022 – 2028**

Car Parking: Quantum of car parking proposed when compared with Appendix 1 Development Design Standards.

- The area is well served by public transport and car parking can be controlled and managed. Therefore, the car parking standards as per Table 7.3 (*sic*, should be 2.3) of Appendix 1 are 'maximum'. It is proposed to provide parking at rates lower than the 'maximum' and this is considered appropriate.
- The array of caveats attached to the application of the car parking standards mean that the objectives are not clearly stated, insofar as the proposed development is concerned and therefore can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.
- The proposed quantum of car parking is appropriate and should be granted under section 37(2)(b)(iii) of the Act of 2000 having regard to the NPF (Objectives 11 & 13), the general presumption in favour of active travel across all policy documents, and the specific policies set out in the Apartment Guidelines which allow for lower levels of car parking at appropriate locations.
- The proposals are consistent with development permitted under ABP Ref. 305844-19 and ABP Ref. 311181-21, which were below the maximum car parking standards set out in Appendix 1 of the Wicklow CDP. It is also consistent with the lower standards permitted under ABP Ref. 306583-20. Permission can be granted under the provisions of section 37(2)(b)(iv) of the Act of 2000.

6.5.5. **Bray Municipal District Local Area Plan**

Public open space layout when considered in the context of SLO 3.

- It is not clear if the requirement for at least 2ha of public open space must be provided in the form of a single 'public park'. Neither is it clear if a public park of less than 2 hectares can be provided in Phase 1 or indeed if 2 ha of public open space is required to be delivered as part of Phase 1.
- Within the WCC area, an area of 7,717 sq.m public open space and a further 4,145 sq.m of communal open space is proposed, resulting in an overall area of 1.19ha, which complies with the LAP objective to provide a public park within Phase 1. The second phase (the River Quarter development) shall provide further public open spaces and parks to provide well in excess of 2ha on the SLO3 lands.
- It is submitted that the objectives are not clearly stated, in respect of the form, size and timing of open space provision, and that therefore it can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.
- The proposed public open space in both DLR and Wicklow accords with the quantitative and qualitative standards set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the Apartments Guidelines, and NPO4 of the NPF. Permission can be granted under section 37(2)(b)(iii) of the Act of 2000.

7.0 **Observer Submissions**

- 7.1. A total 11 submissions were received from third-parties. The submissions cover many common issues which can be cumulatively summarised under the headings below. Where relevant, the pertinent issues are discussed in more detail in the 'assessment' section of this report.

Principle of the development

- The development does not have the required mix of uses (almost 100% housing) under Major Town Centre Zoning Objectives to justify such tall buildings.
- The suitability of the site for development is questioned on grounds of climate change, ecology, and biodiversity, and the more important value of the current site use as a casual and informal amenity area.

- The proposed units would not meet housing needs and affordability.
- The proximity of the development to schools and associated child protection concerns are raised.
- The proposed development is not of strategic or national importance and cannot be justified by s. 37(2)(b) of the Act. Purported reliance on the definition in the 2016 Act is erroneous.
- There is insufficient infrastructure capacity including public transport, drainage, water services and flood risk.
- The school figures are outdated, and the additional population will impact on school capacity.
- BTR projects do not play a role in addressing the long-term housing crisis.
- The former Bray Golf Club lands is one site, owned by one developer, and should be treated as such, instead of allowing piecemeal applications, which include multiple references to future plans/projects, including those by WCC presently under Judicial Review.

Design, Layout, and Visual Impact

- The proposed 12-storey height will have a negative impact on the coastline, the harbour, and the heritage value of the seafront.
- There are concerns about references to a future marker/landmark building and a lack of clarity about its impact.
- The site is located in close proximity to good transport and other infrastructural services, the coast, and the town centre, and has benefitted from public investment. One submission contends that the proposal should have a higher density in accordance with national and regional objectives.
- The building height would detract from the 'town' personality and would fail to appropriately contribute to the town centre.
- DLRCC has followed a low-rise policy in its developments, maintaining the integrity of its surroundings. However, WCC appears to approve of such high-rise development on Bray seafront.

- The proposal materially contravenes the development plan and local area plan in relation to the following aspects, which would not be justified by reference to s. 37(2) of the Act or s.28 Guidelines:
 - density requirements/provisions
 - housing mix
 - public open space
 - building height and visual impact
 - Car parking
 - The provision of childcare
- The proposal does not comply with the Building Height Guidelines and the mandatory criteria and specific assessments therein, including SPPR 1, 2, and 3.
- The new design does not mitigate the visual impact of blocks A and B from the harbour and coastal path, thereby still causing substantial character change to the North Beach.
- Building taller and denser is not the path to sustainability as such buildings have a higher carbon footprint and far greater embodied energy.

Traffic & Transport

- Most of the transport options presented are still only at the 'proposed' stage, including proposed public transport bridge (WCC Part 8 ref. PRR 21/869); Bus Connect Core Corridor 13; Pedestrian and cyclist bridges adjoining the Fran O'Toole bridge; a link road to the Dublin Rd. junction with the Upper Dargle Rd.; and a Luas line extension. At least some of the proposed infrastructure should be in place either prior to or in concurrence with the build. Without this, all 549 parking spaces will be utilised, leading to even more traffic chaos.
- School walking distance times are underestimated, and the significant distances will inevitably lead to additional car use, traffic congestion, and air pollution.
- The childcare facility will generate additional traffic and the use of pedestrian/cyclist infrastructure for drop-off/collections.

- The proposal would exacerbate existing traffic congestion problems, including restricted access/egress from existing homes, adverse impacts on recreational value, and depletion of air quality.
- The EIAR notes that the junction of R671 Dublin Road, Old Connaught Avenue & Corke Abbey Avenue “is expected to operate over capacity during both peak hours” even without development, and to increase a further 5.5% due to the proposed development. This impact and other cumulative impacts need to be factored into the decision.
- Retention of pedestrian access to the seafront throughout the entire process should be a condition for any development.

Ecology / Biodiversity

- The NIS fails to encapsulate the wide-ranging and diverse flora and fauna that exist on the site and surrounding area. Reference is made to the presence of a range of birds, waterbirds, otter, and fish species.
- The timing of the wildlife surveys (July 2022) can provide no assurance that over-wintering birds have been assessed.
- The presence of several bat species and a badger population is a significant and serious matter in terms of the protections they are afforded under legislation.
- The impacts on Corke Abbey Valley Park (including increased population) have not been adequately considered, including impacts on badgers, Leissler’s bat, and otters. The cumulative impacts also need to be considered, including the recently commenced works on the Corke Abbey Valley Masterplan.
- The biodiversity value of the site needs to be considered in accordance with the new draft National Biodiversity Action Plan.

Surface Water and Flooding

- The LAP clearly shows almost all of the former Bray Golf Club lands – both above and below the schools’ road – as Flood Zones A and B. If the applicant’s flood zoning is correct (i.e. that the majority of the site is flood zone ‘C’), then the Justification Test on which the LAP allows Mixed Use development throughout this site fails. In any case, the application fails on flood zoning.

- The application (including flood risk measures) is built around and is inextricably linked to a proposed access road to a proposed Sustainable Transport suspension bridge (WCC Part 8 proposal Ref. PRR 21/869). The Board's decision that an EIAR is not required for the project is the subject of a Judicial Review and the SHD proposal cannot go ahead unless the proposed bridge is approved. However, the application simply assumes the project will go ahead and shows no regard for the flood risk of building up the ground level across the floodplain. There is also a lack of clarity regarding references to the inclusion of the Market Square/Plaza and a future 'landmark' building within Flood Zone B.
- The flood assessment pays no attention to the topography of the surrounding area and the potential for upstream flooding as a result of building on a flood plain/flow path.
- The flood defences will push flooding further upstream and would result in the flooding of homes.
- The Justification Test in the FRA simply rests on the present Flood Defence Scheme, which must be ignored when assessing flood risk. It does not account at all for the possible failure of the flood defences upstream and the consequences for existing properties.
- Almost all of the existing natural permeability will be removed and there is no guarantee that the drainage plans will offer full protection from flooding.

Environmental Impact Assessment

The EIAR is inadequate and deficient by reason of:

- Public consultation requirements are not met.
- The Board lacks ecological and scientific expertise.
- The criteria considered does not comply with the Act of 2000, the Act of 2016, the associated Regulations, or the EIA Directive.
- Failure to provide a comprehensive cumulative assessment.
- The Population and Human Health chapter fails to assess the impact of an increased population on services including schools, childcare and medical care.

- The impact on biodiversity and human health is inadequate and lacking in terms of detail.
- Inadequate consideration has been given to climate change.

Appropriate Assessment

The information is insufficient, contains lacunae, is not based on appropriate scientific expertise, and the Board cannot comply with the requirements of the Habitats Directive. The following concerns are highlighted:

- There are inadequacies and lacunae in the AA Screening Report and the Board does not have sufficient information to complete an AA Screening.
- The AA Screening assessment does not provide sufficient reasons or findings in respect of sites 'screened out'. It is further flawed as it rules out certain protected sites on the basis of mitigation measures.
- The NIS is flawed as it does not consider all aspects of the development, including the construction phase.
- The NIS seeks to rely on an assessment of collision/flight risks in the EIAR.
- Insufficient surveys have been carried out to assess potential impacts arising from bird collision/flight risks.
- The Zone of Influence in the NIS is not reasoned or explained.
- The NIS fails to identify and consider all potential impacts on protected bird species, including potential collision flight risk during construction and operation.
- No regard/inadequate regard to the cumulative effects of the proposed development in combination with other development in the vicinity.
- Insufficient site visits were carried out and absence of detail as to the methodology utilised for the site visits.
- The main channel of the River Dargle is designated as a salmonid water and badger and bat activity has been recorded.
- Reliance on NIS submitted for Shanganagh WwTP is impermissible and contrary to the Habitats Directive.

Procedural Issues

- Concerns are raised about the SHD process and the need to allow the public to have a say in the development of the area.
- A decision should not be made until such time that the Biodiversity Officer is in situ for WCC to advise and sign off on a comprehensive Biodiversity Plan.
- Neither the EIAR nor the NIS come across as objective.
- The Board should refuse to consider the application and cannot grant permission based on justification by Building Height Guidelines or the Apartment Guidelines. These Guidelines and their SPPRs are ultra vires, are not authorised by section 28(1C) of the Act of 2000 and are unconstitutional/repugnant to the Constitution. The Guidelines are contrary to the SEA Directive insofar as they purport to authorise contravention of the development plan without an SEA being conducted or a screening for SEA on the variations being brought to the development plan/LAP as a result of same.
- The documentation does not comply with the requirements of the 2016 Act and the 2001 Regulations in relation to the requirements for detailed plans and particulars.

8.0 Planning Authority Submission

8.1. Overview

- 8.1.1 The application site falls within the administrative areas of Dun Laoghaire Rathdown County Council and Wicklow County Council. In compliance with section 8(5)(a) of the 2016 Act, DLR County Council submitted a report of its Chief Executive Officer which was received on 21st November 2022, and Wicklow County Council submitted a report of its Chief Executive Officer which was received on 21st November 2022. The submissions include technical reports from relevant departments of the County Councils. Both Chief Executive's Reports recommended that permission be GRANTED.

8.2. Dun Laoghaire Rathdown County Council Chief Executive's Report

8.2.1. Summary of Inter-Departmental Reports

Drainage: Conditions recommended in relation to compliance with green roof policy; construction management plans; details in relation to flow control; stormwater audits;

future maintenance proposals; compliance with design standards; and demonstration that boundary treatment along northern boundary will not alter predicted flood extents or potential conveyance routes.

Transportation: Conditions recommended to include: 139 no. car parking spaces to serve 76 no. dwellings; 1 parking space per apartment/duplex; minimum 110 no. EV charging points; increased car sharing spaces; minimum 963 no. cycle parking spaces in an alternative layout and design; design solution for proposed connections to the north to be agreed and delivered; all public open spaces and connections to be fully accessible; details regarding Bray Sustainable Transport Bridge to be agreed with WCC; Quality Audits and Road Safety Audits to be agreed; design standards; temporary emergency access route to south to be agreed; Mobility Manager to be appointed; boundary treatment and tie-in with existing DART underbridge and linear park to the north to be clarified; construction traffic management plans.

Parks and Landscape Services: States that the scale of tree loss within the phased proposal (i.e. overall masterplan) fails to adhere to Objective F; Objectives LHB19, OSR1, OSRT; the DLR Tree strategy; and the DLR biodiversity action plan. However, it outlines that there are no objections subject to recommendations including: details of tree retention and planting; Tree bond and aboricultural agreement; compensation measures for biodiversity; landscape design and planting details to be agreed; design rationale regarding overshadowing of open space to be agreed; play provision; details of open Space provision; taking in charge details.

Housing: Part V condition recommended.

Environmental Health: Conditions recommended including: Construction Environmental Management Plan; Construction Hours; Community Liaison Officer; Dust Management Plan; Noise/Vibration monitoring and consultation.

8.2.2. Summary of View of Elected Members

- Concerns were raised about Part V proposals including: segregation; mixed tenure; the number of 1-2 bed units proposed; light access; and accessibility.
- Concerns about access/egress impacts on Dublin Road including the Woodbrook Glen and Corke Abbey junctions and the absence of proposals to widen/upgrade the Dublin Road.

- The proposal does not represent a SHD and should be refused noting the failure of SHDs to provide affordable housing overall.
- The importance of providing accessible units.
- Parking provision is too high having regard to the location.
- The importance of grain at roof level to avoid monotony.

8.2.3. Planning Analysis

The submitted CE Report sets out a detailed planning analysis of the proposed development. The following is a summary of the main points within the CE Report:

Principle of development: Acceptable and established.

Build-to-Rent: BTR development is open to consideration within the 'A' zoning objective. The proposal would be in accordance with PHP28 given the proximity to public transport services and that it would not lead to a proliferation of BTR development in the area. The proposal complies with the requirements for BTR developments as outlined in the Apartments Guidelines.

Density: The proposal for 75 uph within the DLRCC area is acceptable.

Residential Accommodation and Mix: Under SPPR8(i) of the Apartment Guidelines, no restrictions on dwelling mix apply for BTR development. While the proportion of non-BTR one-bedroom apartment units, at 33%, would exceed the 30% specified in Table 12.1 of the CDP, having regard to the 28% proportion of three-bedroom apartment units and the mix of the 52 no. dwelling house units proposed, the overall unit mix is considered acceptable.

Residential Unit Standards: Proposals are generally acceptable. It is considered appropriate that a condition be attached to any grant of permission for the development to include for external/bulky goods storage to serve Blocks A and D.

Building Height: The proposal was assessed under the criteria set out in Table 5.1 of the CDP Building Height Strategy and concludes that the site is capable of accommodating increased height. The Block A design represents a considerable modification from that previously refused and is an acceptable design response.

Design and Layout: The proposals (including separation distances) are considered acceptable in response to the site and surrounding built form.

Sunlight and Daylight Access: The applicant's assessment was carried out under the 3rd edition BRE Guide (2022) and the results of same are outlined. The PA notes that the 'baseline' images include the form of the subject scheme as proposed.

Impact on Adjoining Amenities: The report notes the proximity of Block D to the northwest shared boundary and the proposals for windows, terraces, and projecting balconies. It acknowledges the comparable arrangement in the extant permission. The proposed brick finish for Block D is welcomed.

Open Space and Public Realm: Acceptable in terms of public open space and communal open space standards. The concerns outlined in the Parks and Landscaping Services report are noted (as are the landscaping/boundary proposals in the extant permission) and pertinent items are to be addressed by condition.

Childcare Facilities: The applicant's calculation of the required childcare spaces is noted. In order to comply with s. 12.3.2.4 of the CDP, any grant of permission should address phasing and operational hours by condition.

Archaeology: The applicant's archaeological assessment is noted, and any grant of permission should include a condition pertaining to archaeology.

Boundary Treatment: The report queries the proposed 2.4m high wall along the eastern boundary given the interface with the nearby coastline and potential for a more visually pleasing permeable alternative to this treatment. The landscaping and boundary treatment in the extant permission is noted.

Drainage: Conditions recommended in relation to surface water and flood risk.

Transportation Parking and Access: Conditions recommended, including the agreement of car and cycle parking proposals.

Public Lighting: Condition recommended to agree details.

Refuse Management Scheme Management and Construction Details: Conditions recommended.

Part V: Review of Part V required.

Taking in Charge: Condition recommended.

EIA & AA: The applicant's EIAR and AA reports are noted, and the Board is the competent authority in this regard.

Recommendation: The report recommends a grant of permission subject to suggested conditions and the requirements of the PA technical reports.

8.3. **Wicklow County Council Chief Executive's Report**

8.3.1. Summary of Inter-Departmental Reports

Transportation, Water, & Emergency Services: The conditions of the previous permission should apply. Additional requirements are highlighted including: the maintenance of pedestrian/cycle links during construction; proposals to provide links to the linear park to the north; cycle facilities at Junctions 12 & 13 to comply with National Cycle Manual; agreement of engineering details for junction of road (MXC0 and MC10); Road Safety Audit; Public Lighting design; and taking in charge.

Housing: Confirms the significant need for 1 and 2-bed units and advises applicant to consider the WCC Part V Policy, the Department's 'Quality Housing for Sustainable Communities Guidelines', and relevant legislation when making Part V proposals.

Water & Environmental Services: Recommends conditions including: surface water flow control; storm water audits; construction management plans; SuDS and green roof design standards; attenuation systems to allow for future maintenance.

8.3.2. Summary of View of Elected Members

Build to Rent: The inclusion of BTR was queried given ministerial indications of it being ended; query whether the BTR units had been sold to a 'Vulture fund'.

Design: Concerns about excessive height, particularly the 12-storey element; the need to incorporate clothes-drying facilities; the need to retain existing trees.

Open Space: Concerns about failure to provide a 2 ha. park as required in the LAP; the overall quantum of space; the inclusion of open space within a flood zone; indications of a future landmark building within the open space.

Transport: Queries regarding the link with and dependency on the Public Transport Bridge and concerns that the bridge proposal is subject to Judicial Review; concerns about traffic congestion on the Dublin Road; the need to maintain access through the railway underpass.

Flooding: The existence of a flood plain needs to be carefully considered; all external parking areas should be permeable.

Social Infrastructure: Concerns about a lack of school places and the accuracy of the needs assessment; concerns about community facilities to serve the new residents.

Other Issues: Welcome for the end of the SHD process; clarification on the inclusion of lands outside the applicant's ownership near the old dog track; query whether the Board considers the important issue of housing need; fire access and fire risk; the need for 2 lifts in each apartment block; operation of wayleaves; the need to prevent sale to private institutional investment funds as per the CDP.

8.3.3. Planning Analysis

Core Strategy and Settlement Strategy: The LAP outlines that the overall lands have the potential for 1000 units and the central location of the site supports its development ahead of more peripheral lands.

Zoning: Acceptable in accordance with the LAP.

Specific Objectives of SLO3:

The masterplan shows how the lands can be developed in a sustainable and integrated manner to deliver the SLO objectives;

The objective regarding the extension of the town centre primarily relates to Phase 2 but the design proposals are satisfactory;

The design and finishes are acceptable;

The development includes the required linkages through the site;

Although more than 20% of parking is at surface level, this objective relates to the overall SLO area and many of the surface spaces are 'in curtilage' which is reasonable;

The proposal contributes to the target of 1,000 units on the overall lands;

The density of 74 uph is acceptable and provides a variety of unit sizes/formats;

The requirements for retail/commercial development relate primarily to phase 2;

It is the CE opinion that the reference to 2 ha. public open space relates to a 'public park' and while the application proposes 8457m² public open space it appears that the masterplan allows for a park in the region of c. 1.5-2ha outside the subject site;

The CE is of the view that a single 2ha public park is required as part of the SLO development, that the proposal for housing in the absence of a 2ha public park is not

in line with the objective, and that the development should not be occupied until a 2ha park is provided;

The development is provided with satisfactory open space for the needs of the development.

Density: Acceptable.

Phasing: Any permission should require that Block C, Market Square, and southern public parkland should be provided within an early phase. Condition 9 of ABP Ref. 311181-21 allowed considerable phasing flexibility and it is requested that an alternative condition is applied.

Mix: Satisfactory.

Apartments: Location and overall design of apartment is generally acceptable.

General Design/Layout: The revised design for Blocks A and B is an improvement. The heights are acceptable and would not undermine the coastal amenity and heritage. No significant objection and the visual impact is acceptable.

Access and Connectivity: The development promotes sustainable transportation and would not result in significant adverse impacts on the surrounding road network. It is not reliant on public transport improvements, but connectivity will be improved through future projects. Condition requested that the development should be contingent on the delivery of lands within the control of the applicant for Dublin Road Upgrades. The junction at the Ravenswell Road was never envisaged to serve major development and should be closed. The development is not reliant on the delivery of the Public Transport Bridge and does not compromise its delivery subject to agreement of details. Final details of retention of the Irish Rail underpass should be agreed by condition.

Car Parking and Cycle Facilities: Generally satisfactory.

Open Space: Open space and landscaping proposals are acceptable.

Childcare Facilities: Childcare facility acceptable. It should be provided within an early phase of development.

Archaeology: Acceptable subject to archaeological monitoring.

Flooding: The development is in accordance with the Planning System and Flood Risk Management Guidelines. It satisfies the Justification Test and would benefit from the recently constructed River Dargle Flood Defence Scheme.

Day to day needs of residents: The development will provide for the needs of residents and the uses and design of buildings fronting market square is satisfactory.

Part V: The proposal to provide all 34 units in one block will be considered on the basis that 3 extra units are being provided. Final details to be agreed.

Railway: A noise impact assessment for future residents should be submitted.

Services: Irish Water has indicated that there is capacity to accommodate wastewater and water supply. Final details to be agreed in relation to surface water.

Biodiversity: The development potential of the site should be realised in accordance with the SLO Objectives. Open spaces are in accordance with relevant standards and local impacts on flora, fauna, and environmental quality will be mitigated by a range of measures identified in the EIAR. There would not be a significant negative impact on biodiversity.

Other: Issues regarding the SHD process, the legality of the application, and EIA/AA are outside the scope of the CE Report.

Recommendation: It is recommended that permission should be granted subject to a range of suggested conditions, including:

- The childcare facility, commercial units, market square and southern public parkland should be provided within the first phase of development.
- Unless otherwise agreed in writing with the planning authority, the development shall not be occupied until a 2ha public park is provided and is open for the use of the public, within the immediate vicinity of the site.
- The first occupation of any residential unit shall be by individual purchasers or by those eligible for the occupation of social and/or affordable housing, including cost rental housing, and shall not be by a corporate entity.
- The development shall not be occupied until the Dublin Road bus priority corridor (part of Bray Core Bus Corridor) is open, unless otherwise agreed in writing with the planning authority.
- The Ravenswell Road shall be closed to vehicular traffic.

9.0 Prescribed Bodies

The applicant notified the following prescribed bodies prior to making the application:

- National Transport Authority
- Irish Water
- Department of Culture, Heritage, and Gaeltacht
- The Heritage Council
- An Taisce
- The Commission for Railway Regulation
- Iarnrod Eireann
- Transport Infrastructure Ireland
- Wicklow County Childcare Committee
- Dun Laoghaire Rathdown Childcare Committee
- Failte Ireland

9.1. Irish Water:

Wastewater - The connection is feasible subject to the completion of the Old Connaught Local Network Reinforcement Project (LNRP) which is on Irish Water's current Capital Investment Plan. The estimated time of completion for this project is Q2 2023 (subject to change). The connection is also contingent on completion of the required diversion works within the development (DIV21013).

Water - A water connection is feasible subject to upgrades. This connection is feasible subject to confirmation that the proposed water main connection point is as constructed and live. If the proposed connection point is not viable, then a new connection point will need to be agreed at the Connection Application stage.

Recommends conditions to be included in any grant.

9.2. Department of Housing, Local Government and Heritage – Archaeology

The National Monuments Service concurs with the findings of the archaeological assessment and the suggested archaeological mitigation measures outlined in the report.

Conditions recommended, including the following:

The linear earthwork (identified as Recorded Monument WI004-005 linear earthwork and DU026-124 linear earthwork), referred to locally as the 'Nun's Walk', shall be incorporated in some regard into the design of the proposed development. Details of any interpretation and/or presentation of this historic feature within the development to be provided and agreed in advance with the Planning Authority in consultation with the Department in advance of any site development works.

Nature Conservation

Recommends that any permission should include conditions to include the following:

- Clearance of vegetation should only be carried out in the period between the 1st of September and the end of February.
- Modified landscaping proposals to incorporate increased planting of trees, preferably semi-mature, to thicken up and improve the screening capacity of the tree line on the northern boundary of the development site to minimise light spillage from the proposed development impacting on otters utilising the adjacent section of Woodbrook Glen Park, and increased planting of shrub species and especially furze in the 'Coastal Gardens' adjacent to the railway to provide cover for the movement of mammals including badgers through this area and habitat suitable for the stonechat bird species.
- A bat conservation plan to clarify the proposed treatment of the bat roosts identified in two oak trees in or adjacent to the construction compound to be established near the old Bray Golf Club clubhouse, set out a schedule for the inspection and felling of potential bat roost trees on the development site, and provide details of the locations and designs of bat boxes and bat tubes to be installed in the proposed development.
- The lighting scheme shall be designed in accordance the Institution of Lighting Professionals (ILP)(2018) Guidance Note 08/18: Bats and artificial lighting in the UK, and signed off on by a bat specialist.

- A finalised CEMP shall incorporate the measures set out in the NIS and Outline CEMP and Construction Management Plan to avoid any pollution through surface water runoff or accidental discharges during the construction of the proposed development reaching the River Dargle and the coastal waters of Bray Harbour, and these measures to be implemented in full.

9.3. Transport Infrastructure Ireland

TII has no observations to make.

10.0 **Assessment**

10.1. **Introduction**

10.1.1. Having examined the application details and all other documentation on file, including the C.E. Reports from both relevant Planning Authorities and all the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Building Height and Quantum of Development
- The Standard of Residential Amenity Proposed
- Impacts on Surrounding Properties
- Community Facilities and Public Open Space
- Traffic and Transport
- Design, Layout, and Visual Impact
- Material Contravention
- The Local Authority Recommendation

- Appropriate Assessment (See section 11)
- Environmental Impact Assessment (See section 12).

10.1.2. Apart from proposed Blocks A & B and adjoining lands, the proposed development effectively replicates the development permitted under ABP Ref. 311181-21, with some alterations included to address relevant conditions. And while I have acknowledged that the permitted development is now at an advanced stage of construction, I confirm that the entire development will be assessed on a cumulative basis in the context of updated policy at local and national level.

10.2. Principle of Development

Zoning

- 10.2.1. The majority of the northern (DLRCC) portion of the site is zoned 'Objective A', which is *'To provide residential development and improve residential amenity while protecting the existing residential amenities'*. The northern and eastern peripheries of this portion are zoned 'Objective F', which is *'To preserve and provide for open space with ancillary active recreational amenities'*.
- 10.2.2. As per Table 13.1.2 of the DLRCDP, 'Residential' use is 'permitted in principle' within the 'A' zoning objective, while 'Residential – Built to Rent' is 'open for consideration'. Uses shown as 'Open for Consideration' are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area. Therefore, while further assessment will be required, as is the case in all applications, I am satisfied in principle that the residential element is proposed on land zoned for residential uses as per the DLRCDP.
- 10.2.3. It is proposed to retain and upgrade the eastern and northern periphery of the site as open space. And while the existing and proposed open space/landscaping will be assessed in more detail later in this report, I am satisfied that the principle is consistent with the DLRCDP 'F' zoning objective.

- 10.2.4. In accordance with the Bray MD LAP, the southern portion of the site is part of a larger area zoned Mixed Use: 'To provide mixed use development'. Objective SLO3 sets out the nature of the mixed-use development envisaged for the site. It is an objective that this land be developed as a mixed commercial, residential, education / community facilities and open space zone.
- 10.2.5. Within this zone the proposed development mainly includes residential uses supported by a retail unit, a childcare facility, a café, a commercial unit (incorporating a gym and a juice bar), together with associated works and open spaces. Therefore, I am satisfied that the land is zoned for a mixture of residential and other uses, and that all the proposed uses would be consistent with the 'mixed use' zoning objective and SLO3.
- 10.2.6. I note that observers have raised concerns that there is an inadequate mix of uses and that this has implications for the justification of tall buildings. However, consistent with the planning authority views, I am satisfied that there is an adequate mix for this phase of development and that an increased mix of uses (i.e. retail/commercial) should be provided in phase 2 of the Masterplan on lands extending from the existing town centre area.
- 10.2.7. Observers also question the suitability of the site for development on grounds of climate change, ecology, and biodiversity, and the more important value of the current site use as a casual and informal amenity area. However, I am satisfied that the principle of development has been established in the zoning objectives of the statutory plans, and that open space has been retained along the site perimeter in accordance with the DLRCC 'F' zoning objective.
- 10.2.8. In conclusion, I am satisfied that the proposed development is acceptable in principle in accordance with the zoning objectives outlined in the DLRCDP and the Bray LAP.

Build To Rent (BTR) Policy

- 10.2.9. I note that concerns have been raised by observers and WCC elected members about the inclusion of BTR, its value in addressing long-term housing needs, and national policy aims to exclude such development. It should be noted that the BTR element is confined to Block A only, which is within the DLRCC area.
- 10.2.10. In terms of national policy/guidance, I acknowledge that the Section 28 Guidelines 'Design Standards for New Apartments' were amended in December 2022 and again

in July 2023. I also note the contents of the associated Circular Letters NRUP 07/2022 and NRUP 01/2023. The amendments remove Specific Planning Policy Requirements (SPPRs) 7 and 8, the effect being that BTR is no longer a distinct class of development for planning purposes, and that planning standards for BTR development are required to be the same as those for all other generally permissible apartment types. Section 5.0 of the Guidelines continues to recognise BTR development as a valid form of rental accommodation and sets out typical characteristics, but with no allowable divergence from the minimum standards for apartments generally, which are set out in Sections 3.0 and Section 4.0 of the Guidelines. This ensures that apartment developments, irrespective of the intended end user, will be designed to the same minimum standards.

- 10.2.11. However, section 5.10 of the 2023 Guidelines outlines transitional arrangements which outline that any outstanding SHD applications (such as the current application) that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the 2020 version of the Apartment Guidelines, which includes SPPRs 7 and 8. Therefore, the current application will be assessed accordingly.
- 10.2.12. With regard to local policy, section 4.3.2 and Policy PHP28 of the DLRCDP facilitates BTR accommodation at locations within a 10-minute walking time of high frequency public transport routes, subject to avoiding a proliferation of BTR accommodation in any one area. The application site is within c. 800m of the Bray Daly railway station where DART, commuter and intercity services operate at a frequency of less than 15 minutes during peak hours. I am satisfied that this complies with the description of a 'High Capacity Public Transport Node or Interchange' with high frequency services as outlined in Table 3.8 of the 'Sustainable Residential Development and Compact Settlements Guidelines' (2024).
- 10.2.13. In relation to the concentration of BTR developments, it should be noted that only 162 units (27%) of the overall 586 units would be BTR units. The DLRCCE Report outlines that the area is characterised by long-established low density residential development and that no other BTR developments have been permitted in the immediate administrative area. The applicant's 'Housing and Tenure Types and Mix Report' also outlines that there are no permitted BTR developments in the immediate vicinity. I have reviewed the planning register for DLRCCE and WCC since the making of the application and I have found no record of any other permitted BTR

developments in the immediate vicinity of the site. Accordingly, I do not consider that the proposed development would contribute to an excessive concentration or a proliferation of BTR accommodation in the area.

- 10.2.14. In conclusion, I consider that BTR development is a valid form of accommodation for the purposes of this application, and I am satisfied that this element of the development would be consistent with the DLRCDP policy PHP28.

Regulation of Commercial Institutional Investment in Housing

- 10.2.15. I note that the WCC CE Report recommends a condition (based on CPO 6.2 of the WCDP) that would prevent the sale of any residential properties to private institutional investment funds. The CE Report acknowledges that the national guidelines on the Regulation of Commercial Institutional Investment in Housing indicates that such controls relate to own-door duplexes and houses, but nonetheless recommends that the condition should also apply to apartments as outlined in CPO 6.2.
- 10.2.16. I note that the BTR element of the development is outside the WCC area and there is no indication that any properties within the WCC area would be sold to institutional investors. Therefore, it cannot be concluded that the development as proposed would contravene CPO 6.2, and I am satisfied that there was no obligation on the applicant to include this issue in the material contravention statement.
- 10.2.17. I acknowledge that the national Guidelines are intended to ensure that own-door housing units and duplex units are not bulk-purchased for market rental purposes, and that the Board must have regard to these Section 28 Guidelines. However, while the Guidelines are not intended to be applied to apartments (as per section 3 of the Guidelines), I do not consider that this prohibits the application of similar restrictions to apartments. And having regard to the policy basis for same as per CPO 6.2 of the WCDP, I consider that a condition should be applied in accordance with the WCC recommendation.

Scope of the application

- 10.2.18. I note that a Harbour Point Masterplan document (which includes other lands to the south of the application site) has been submitted with the planning application. While I have reviewed the masterplan, I acknowledge that it is not a statutory document, and my assessment relates only to the development on the application site as

proposed. I note that some observers have raised concerns about a future marker/landmark building within the proposed open space to the southeast of the application site. However, the masterplan only shows this indicatively as part of a future phase (phase 1b). I confirm that this element of the masterplan has not been proposed as part of the current application and any such proposal would be assessed on its merits in the future. The application proposes that this area would be developed as a temporary open space, and it shall be assessed as such.

10.2.19. Related to the above, it has also been suggested that the entire masterplan and all associated development should be assessed as one proposal rather than piecemeal development. However, in principle I have no objection to the consideration of the current application as phase 1a of the overall masterplan.

10.2.20. Particular concerns have also been raised about the relationship between the proposed development and the proposed WCC Bray Sustainable Transport Bridge. Observers contend that the two projects are inextricably linked and that the proposed development could not be permitted in advance of approval for the bridge project. However, consistent with the WCC CE Report, I am satisfied that the development is not reliant on the delivery of the Public Transport Bridge and would not compromise its delivery subject to the agreement of design details. The traffic and transportation impacts of the proposed development will therefore be assessed on their merits.

Procedural Issues

10.2.21. I note that some observers and elected members have raised concerns about the SHD process, including concerns about the nature of the development, public participation, and the application of SPPRs.

10.2.22. At the outset, I confirm that the application involves the provision of more than 100 housing units on land zoned for residential use or for a mixture of residential and other uses. The proposal has a residential floor area of 44,622m², while the other non-residential uses amount to 1,583m² (i.e. c. 3.5% of GFA). Therefore, I am satisfied that the non-residential uses would not be more than 15% of the GFA; would not exceed 15m² for each house (i.e. 8,790m²); and would not exceed 4,500m². Accordingly, I consider that the proposal qualifies as Strategic Housing Development in accordance with the definition set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, and I am satisfied

that the application has been satisfactorily made in accordance with the applicable legislative requirements.

- 10.2.23. Concerns have been raised about an absence of public participation, the principle of SPPRs, and the impact of the material contravention of Development Plans. I would state that these are primarily legislative issues which need not concern the Board for the purpose of this decision. The application has complied with the statutory requirements for public participation and pre-application consultation. Furthermore, I am satisfied that the SPPRs and material contravention procedures continue to apply in legislation notwithstanding the adoption of new Development Plans which have had regard to the SPPRs. The question of material contravention is discussed further in section 10.9 below.
- 10.2.24. Some observers have also questioned the principle of SPPRs with regard to environmental assessment. They contend that, in the absence of a new Strategic Environmental Assessment (SEA), they unjustifiably curtail the application of the Development Plan. However, I consider that the EIA Directive must be interpreted as not precluding national legislation which requires competent authorities, when deciding whether or not to grant development consent for a project, to act in accordance with SPPRs, where possible, and which have been subject to an environmental assessment under SEA Directive. Accordingly, I have no objection to the application of SPPRs in terms of environmental effects and this is assessed further in section 12 of this report.
- 10.2.25. I note that the WCC elected members have raised queries about the inclusion of land outside the applicant's ownership and the implications for the operation of wayleaves. In terms of the legal interest, I am satisfied that the applicant has provided sufficient evidence of legal interest for the purposes of the application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. As outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are matters to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 (as amended), which outlines that a person shall not be entitled solely by reason of a grant of permission to carry out any development.

- 10.2.26. Finally, I note that the application was submitted on 26th September 2022, which was after the WCDP 2022-2028 was adopted (12th September 2022) but prior to it coming into effect on 23rd October 2022. However, I am satisfied that the application, including the Material Contravention Statement, has adequately considered the relevant provisions of the WCDP 2022-2028.

Conclusion

- 10.2.27. Having regard to the foregoing, I am satisfied that the principle of the proposed development is acceptable on these lands, subject to further assessment of detailed planning considerations as outlined in the following sections.

10.3. Building Height and Quantum of Development

- 10.3.1. The proposed development comprises 586 units on a stated net site area of 7.28 ha, resulting in a stated net density of 80 units per hectare. I note that the stated net site area excludes the 'F' zone within DLRCC, as well as services / utility connection areas outside the immediate development area. In addition to this, I consider that density calculations should consider the mixed-use nature of the development in accordance with Appendix B of the Compact Settlement Guidelines (2024). On this basis, the site area for density purposes should be reduced commensurate with the residential GFA as a portion of the overall GFA. The residential GFA (44,622m²) is c. 96.5% of the GFA (46,205m²), resulting in a reduced net site area of 7.02 ha and a net density of 83 uph.
- 10.3.2. Within the DLRCC area, the stated net density is 89 uph (274 units within 3.09ha). This would not be affected by Appendix B of the Compact Settlement Guidelines given that non-residential uses are not proposed on this portion of the site. Building height ranges from 2-storey to 7-storey within DLRCC. I note that the submitted CE Report from DLRCC considers the height and density to be appropriate for the site.
- 10.3.3. Within the WCC area, the stated net density is 74 uph (312 units within 4.19ha). However, given that the residential GFA within WCC (36,611.26m²) is c. 95.8% of the GFA (38,194.66m²), I consider that a reduced net site area of 4ha should apply (as per Appendix B of the Guidelines), resulting in a net density of 78 uph. Building

height ranges from 2-storey to 12-storey within WCC. I note that the submitted CE Report from WCC considers the height and density to be appropriate for the site.

National Policy & Guidance

- 10.3.4. Chapter 3 of the *Building Height Guidelines* (2018) outlines a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively assist in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- 10.3.5. Section 2.4 of the *Apartments Guidelines* (2020) states that 'Central and/or Accessible Urban Locations' are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments.
- 10.3.6. More recently, the *Compact Settlement Guidelines* (2024) set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. It is intended that the Guidelines should be read in conjunction with other guidelines (including the Building Height Guidelines and the Apartments Guidelines) where there is overlapping policy and guidance. Where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence.
- 10.3.7. Policy and Objective 3.1 of the Guidelines is that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.
- 10.3.8. Having considered the various categories and area types outlined in section 3.3, I consider that the appeal site is within the 'Metropolitan Town - Urban

Neighbourhood' category of the Dublin MASP area as per Table 3.3 of the Guidelines. This is based on both the proximity of the site to the town centre and (as previously discussed) its location within a 'High Capacity Public Transport Node or Interchange' as per Table 3.8 of the Guidelines. It is a policy and objective of the Guidelines that residential densities in the range 50 dph to 150 dph (net) shall generally be applied in the urban neighbourhoods of Metropolitan Towns. The proposed net density of 83 dph would, therefore, be comfortably within the recommended range.

- 10.3.9. Section 3.4 of the Guidelines recommends that the density ranges should be further considered and refined. Step 1 in the refining process is the 'consideration of proximity and accessibility to services and public transport', which encourages densities at or above the mid-density range at the most central and accessible locations, densities closer to the mid-range at intermediate locations, and densities below the mid-density range at peripheral locations. Table 3.8 outlines further guidance on accessibility and I have already outlined my acceptance that the site is within a high-capacity public transport node or interchange based on its location within 1km walking distance of the DART station.
- 10.3.10. I acknowledge that the proposed density (83 dph) would be closer to the mid-range of 50-150 dph. In this regard, I would acknowledge that the walking distance to the DART station (i.e. 800m at its closest point) is close to the upper limit of the 1km distance specified for a 'High Capacity Public Transport Node or Interchange'. Furthermore, the site does not immediately adjoin the town centre and there would be potential to achieve higher densities in subsequent phases of the Masterplan on lands immediately adjoining the town centre.
- 10.3.11. Ultimately, Section 3.4.1 of the Guidelines confirms that the density range set out (i.e. 50-150 dph) will be acceptable. And while I acknowledge that the proposal is closer to the middle of that range, I consider that the proposed density of 83 dph is acceptable having regard to the distance of the site from the town centre and the DART station as outlined above.
- 10.3.12. Step 2 in the refining process is the 'consideration of character, amenity and the natural environment'. This will be addressed throughout my report through an evaluation of impacts on:

(a) local character (see sections 10.8 & 12.12 of this report)

- (b) historic environments (see sections 10.8 & 12.11 of this report)
- (c) the environment and on protected habitats and species (see sections 11 and 12.6 of this report)
- (d) the amenities of residential properties (see section 10.5 of this report)
- (e) water supply and wastewater networks (The Irish Water submission has confirmed that connections are feasible subject to conditions).

Local Policy

- 10.3.13. The DLRCDP (including Policy PHP18) generally supports proposals to optimise density on suitable sites and subject to suitable design. It does not prescribe a maximum density standard for the area/site but supports minimum densities of 50 units per hectare in central/accessible locations such as the appeal site.
- 10.3.14. Appendix 5 contains the Building Height Strategy (BHS) for DL RCC. Policy Objective BHS 1 supports increased height / taller buildings where appropriate in suitable areas well served by public transport links. This includes areas within 1000m / 10-min walk of a DART station, which is applicable to the appeal site. BHS1 is subject to further assessment of height impacts, including the criteria outlined in table 5.1 of the strategy.
- 10.3.15. The WCDP 2022-2028 (CPO 6.13) requires that new residential development achieves the minimum densities as set out in Table 6.1, subject to further assessment and consideration of national guidance. Table 6.1 outlines density standards as per the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), which are now superseded by the Compact Settlement Guidelines (2024). Nonetheless, it outlines that a minimum density of 50 dph shall apply to Bray on sites within 1km of a rail station. In relation to 'height and scale', CPO 6.17 is to facilitate higher buildings subject to compliance with the assessment criteria set out in the Building Heights Guidelines and locations identified in LAPs.
- 10.3.16. In the Bray LAP, Objective R2 outlines that residential development shall be expected to aim for the highest density indicated for the lands, stating that lands zoned 'Residential – High Density' will be expected to achieve a density of not less than 50 units / hectare. Objective SLO3 provides more detailed guidance for the application site and outlines that the residential element shall generally be delivered

in a high-density format with the target provision of 1,000 units. It does not include any specific policy/guidance on building height at this location

Conclusion

- 10.3.17. Having regard to the foregoing, I am satisfied that local CDP/LAP policy does not place any specific maximum limit on building height or density for this site. Both the DLRCDP, the WCC, and the Bray LAP outline a minimum density of 50 dph, which is exceeded with the proposed 83 dph. All three statutory plans were adopted in advance of the Compact Settlement Guidelines (2024) which has provided more specific guidance on density. And having regard to the categorisation of the site as 'Metropolitan Town – Urban Neighbourhood' within the Dublin MASP area; the availability of public transport services as previously outlined; as well as the distance of the site from the DART station and the town centre; I consider that the proposed density (83 dph) is acceptable within the recommended density range (50-150 dph).
- 10.3.18. Of course, the proposed height and density requires further assessment of its suitability having regard to *inter alia*: the criteria outlined in: section 3.4.2 (Refining Density 'Step 2') of the Compact Settlement Guidelines; section 3.2 of the Building Height Guidelines; Table 5.1 of the DLRCDP Building Height Strategy; and the detailed policies and objectives of the Bray LAP. These issues will be addressed in later sections of my report.
- 10.3.19. For the reasons outlined above, I do not concur with observer suggestions that the proposed height and density would represent a material contravention of LAP/CDP policy. I also acknowledge observer concerns that increased height and density would have a greater carbon footprint and embodied energy. However, I am satisfied that this matter is satisfactorily addressed through compliance with the Building Regulations and as outlined in section 12.9 of this report.

10.4. The Standard of Residential Amenity Proposed

The permitted houses and apartments (sizes, dimensions, private amenity space)

- 10.4.1. With the exception of minor alterations to external finishes, the proposed development replicates the 76 houses, 52 duplexes, and 106 apartments (Blocks C and D) currently under construction (ABP Ref. 311181-21).

- 10.4.2. In that case, the apartments/duplex units were assessed and considered acceptable under the Design Standards for New Apartments (2020). I acknowledge that these standards have since been updated, most recently in July 2023. However, as previously outlined, I am satisfied that the 2020 version of the Guidelines should again apply.
- 10.4.3. Section 12.3.5 of the DLRCDP outlines quantitative standards for apartments, including unit sizes and dimensions which are derived from the Apartments Guidelines (2020) standards and Specific Planning Policy Requirements (SPPRs). The WCDP also outlines that apartment developments shall comply with the 2020 Guidelines. And although it also makes several references to the earlier 2018 Guidelines, I am satisfied that the 2020 Guidelines had replaced the 2018 version at the time of adopting the CDP; that the references to 2018 are erroneous; and that the WCDP ultimately requires compliance with the 2020 Guidelines.
- 10.4.4. Having regard to the foregoing, I conclude that both local and national policy guidance requires that the apartments be assessed under the Design Standards for New Apartments (2020). I have reviewed the application proposals for the apartments/duplex units currently under construction (i.e. excluding Blocks A & B). Compared to the previously permitted development, I note that the floor area of some apartments (e.g. 'type C01') has been slightly increased, albeit to a negligible extent. I also note that the floor plans for the apartments in Block D do not include balconies, although this is clearly an error given that they are included in all other drawings and documentation and the matter could be clarified by condition in the event of a grant of permission. Therefore, I am satisfied that the proposed apartment/duplex units are consistent with those previously permitted/under construction, and that they satisfactorily comply with the Design Standards for New Apartments (2020) in respect of individual floor areas, room dimensions and private amenity space.
- 10.4.5. The previously permitted houses were assessed and considered acceptable (for internal sizes/dimensions) under the national provisions of 'Quality Housing for Sustainable Communities' (2007), the WCDP 2016-2022, and the DLRCDP 2016-2022. In terms of current local policy, both the DLRCDP 2022-2028 (s.12.3.4.2) and the WCDP 2022-2028 (CPO 6.13) outline house sizes/dimensions shall comply with 'Quality Housing for Sustainable Communities' (2007). I have reviewed the proposed house designs and I am satisfied that they are consistent with those previously

permitted/under construction and that they satisfactorily comply with 'Quality Housing for Sustainable Communities' (2007) in respect of individual floor areas and room dimensions.

- 10.4.6. In terms of private amenity space for houses, the DLRCDP 2022-2028 states that houses (1-2 bed) shall be provided with 48m², 3-beds with 60m², and 4+ beds with 75m². The WCDP 2022-2028 states that houses (1-2 bed) shall generally be provided with 50m² and 3+ beds with 60-75m². Having reviewed the proposals, I note that all 2-bed houses would be provided with at least 50m², all 3-beds with at least 65m², and all 4-beds with at least 75m². Accordingly, I am satisfied that the proposals meet the standards of both Development Plans. I also note that the Compact Settlement Guidelines outline lower minimum requirements (1-bed 20 sq.m, 2-bed 30 sq.m, 3-bed 40 sq.m, 4-bed + 50 sq.m).
- 10.4.7. In conclusion, I am satisfied that the sizes, dimensions, and private amenity space standards for the individual units (excluding Blocks A & B) are consistent with those previously permitted/under construction and are acceptable in accordance with Development Plan standards, with reference to national policy/guidance where applicable. I note that the design of these units must also be considered cumulatively with the other units in respect of issues such as unit mix, communal open space, dual aspect, etc. and these matters will be considered later in this section.

Blocks A & B (sizes, dimensions, private amenity space)

- 10.4.8. Block A is a BTR development comprising 79 no. 1-beds, 76 no. 2-beds, and 7 No. 3-beds. Block B is a standard apartment block comprising 57 no. 1-beds and 134 no. 2-beds. As outlined in the applicant's Housing Quality Assessment, I am satisfied that all units would exceed the minimum floor areas, room dimensions, and private amenity space requirements as per the Apartments Guidelines (2020).

Unit Mix

- 10.4.9. I note that some concerns have been raised about the proposed mix of units, including one observation suggesting that the proposed mix represented a material contravention of the Development Plan. In total, it is proposed to provide 41% 1-beds, 40% 2-beds, 17% 3-beds, and 2% 4-beds. When the 76 no. houses are excluded, it is proposed to provide apartment/duplex units in a mix of 239 no. 1-beds (47%), 224 no. 2-beds (44%), and 47 no. 3-beds (9%). When BTR units are excluded (as per SPPR 8(i) of the Apartments Guidelines), the proposed apartments

would comprise 160 no. 1-beds (46%), 148 no. 2-beds (42.5%), and 40 no. 3-beds (11.5%), which would comply with SPPR 1 of the Apartments Guidelines. In addition, I note that not more than 10% of the proposed units are 3-person 2-bed units in accordance with the Guidelines.

10.4.10. Table 12.1 of the DLRCDP sets out general apartment mix requirements. However, notwithstanding that section 12.3.3 of the CDP (as originally adopted) aimed to apply the apartment mix requirements of Table 12.1 to BTR developments, I note that this requirement has been removed as a result of a Ministerial Direction (28th September 2022). Accordingly, the CDP does not include a specific mix requirement for BTR developments. Excluding the BTR units, the proposed development includes 60 no. apartments and duplexes within DLRC, made up of 20 no. 1 bed units (33%), 23 no. 2 bed units (38%), and 17 no. 3 bed units (28%). For an 'existing built-up area' such as this, Table 12.1 outlines apartment mix requirements of: up to 80% studio, one and two bed units; no more than 30% of the overall development as a combination of one bed and studios; no more than 20% of the overall development as studios; and a minimum 20% 3+ bedroom units.

10.4.11. The proposed development would meet the above requirements, apart from the proposal to include 33% 1-bed units. The applicant's Material Contravention Statement has acknowledged that this may be considered a material contravention. However, I would consider that the DLRCDP allows for flexibility in stating (s.12.3.3.1) that proposals shall 'generally' be in accordance with Table 12.1. The proposed development would only marginally exceed these 'general' requirements and it should be noted that only a small number of units are involved (i.e. an excess of 2 no. 1-bed units). Furthermore, when the BTR units are excluded, I note that the total number of units (including houses) within DLRC would only include only c. 18% 1-bed units. Accordingly, I am satisfied that the proposals are generally consistent with the DLRCDP requirements and would not constitute a material contravention. I note that the DLRC CE Report was also satisfied with proposals in this regard.

10.4.12. In schemes of 50+ units, where a mixture of housing and apartments is being provided on a site, s. 12.3.3.1 of the DLRCDP outlines that the housing offering must ensure a mixture that includes a proportion of housing units that are 3 beds or less. The proposal includes a high proportion of such units to satisfactorily comply with these provisions.

- 10.4.13. The WCDP (CPO 6.27) requires that new multi-unit residential development provides an appropriate mix of unit types and sizes to ensure that there is a range of unit types available to suit the needs of the various households in the county, in accordance with the Design Standards for new Apartments, Guidelines for Planning Authorities (2020). This provision does not distinguish between apartment and/or housing developments.
- 10.4.14. Within the WCC area the proposed development includes a total of 139 no. 1-beds (45%), 128 no. 2-beds (41%), 44 no. 3-beds (14%), and 1 no. 4-bed. When the proposed houses are excluded, it includes 139 no. 1-beds (49%), 126 no. 2-beds (43%), and 23 no. 3-beds (8%). Therefore, whether considered in total or as apartments/duplex units alone, the proposed development would not exceed more than 50% 1-bed units in compliance with SPPR 1 of the Apartments Guidelines, which in turn satisfies CPO 6.27 of the WCDP.
- 10.4.15. I also note that some concerns have been raised regarding the mix of Part V units, including concerns about segregation and the number of 1-2 bed units proposed. However, I note that both CE Reports ultimately recommended a grant of permission, and I am satisfied that this matter can be reviewed and satisfactorily addressed as a condition of any permission.

Safeguarding Higher Standards (floor areas)

- 10.4.16. While I have outlined that all proposed apartments would exceed the minimum floor areas as per the Apartments Guidelines, section 3.8 of the Guidelines requires that (excluding BTR units) the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2, or 3 bedroom unit types, by a minimum of 10%. The application demonstrates that, even including the BTR units, 60% of the proposed units would comply with the 10% oversizing requirement in compliance with the Guidelines.

Dual Aspect

- 10.4.17. Notwithstanding my previous comments regarding the accessibility of the application site and the requirement for 33% dual aspect units in more central and accessible urban locations as per SPPR 4 (i) of the Apartments Guidelines, section 12.3.5.1 of the DLRCDP outlines that 50% dual aspect units are required in all areas of the county as per SPPR 4 (ii). The WCDP also confirms that its provisions are consistent with SPPR 4. In any case, I note that 56% of apartments and duplexes within both

local authorities are dual aspect in compliance with all relevant requirements. I also note that no single aspect north-facing units are included.

Lift and Stair Cores

- 10.4.18. In compliance with SPPR 6, I note that the proposed development would not exceed a maximum of 12 apartments per floor per core. I note that the WCC elected members have raised concerns about fire risk and the need for two lifts in each apartment block. However, I consider that these matters will be adequately addressed through SPPR 6 and the requirement to comply with fire safety measures under the Building Regulations.

Storage

- 10.4.19. While I have previously outlined my satisfaction that the internal room areas/dimensions comply with the relevant requirements, including those for internal storage, I note that the question of external storage has been raised. The applicant has highlighted a potential material contravention in respect of s. 12.3.5.3 of the DLRCDP, while the DLRCC CE Report recommends that a condition be attached to any grant of permission for the development to include for external/bulky goods storage to serve Block D.
- 10.4.20. Section 12.3.5.3 of the DLRCDP outlines that apartment schemes should provide external storage for bulky items outside individual units (i.e. at ground or basement level), in addition to the minimum apartment storage requirements. These storage units should be secure, at ground floor level, in close proximity to the entrance to the apartment block and allocated to each individual apartment unit.
- 10.4.21. The proposed development includes communal apartment storage space (41m²) at basement/undercroft level of Block A but does include any storage for Block D. However, given that the DLRCDP does not provide a quantitative standard for such storage and that it states that such facilities 'should' be provided rather than 'shall' be provided, I consider that this is not a mandatory requirement, and that discretion can apply. Accordingly, I do not consider that there is a material contravention of the DLRCDP in this respect.
- 10.4.22. Notwithstanding this, I note that the Apartments Guidelines also advise that such facilities 'should' be provided. Therefore, consistent with the DLRCC

recommendation, I consider it reasonable that any permission should include a condition to agree proposals for external storage to serve Block D.

Security Considerations

- 10.4.23. The proposed layout provides prospective occupants and visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and parking areas. Entrance points are clearly indicated and would be well lit and overlooked by adjoining dwellings. There are a limited number of ground floor apartments, and I am satisfied that adequate privacy has been provided in accordance with s. 3.41 of the Guidelines.

Communal Facilities

- 10.4.24. Regarding accessibility and services, the application satisfactorily confirms that the apartments are being designed to be compliant with Part M of the building regulations.
- 10.4.25. Block A is a BTR unit and section 5.5 of the Apartments Guidelines states that the provision of dedicated amenities and facilities specifically for residents is usually a characteristic element of BTR development. SPPR 7 (b) of the Guidelines outlines that BTR developments must be accompanied by detailed proposals for supporting communal and recreational amenities, to be categorised as 'resident support facilities' and 'resident services and amenities'.
- 10.4.26. Block A includes a resident's gym, co-working space, resident lounges, in addition to the communal landscaped podium area. On-site support services will include a Concierge / Management area, communal apartment storage, waste storage/management, and Bicycle repair areas. Neither the CDPs nor the Apartments Guidelines specify a particular quantum of such facilities to be provided. However, I am satisfied that the proposed development includes a satisfactory size and range of internal residential facilities and amenities.
- 10.4.27. While Block B is not a BTR unit, it includes a resident amenity space at upper ground floor level and the main facilities management suite at lower ground level. In addition to these facilities, the residents would benefit from other public facilities in the form of the childcare facility, retail units, and gym/juice bar.

Communal Amenity Space

- 10.4.28. Both the DLRCDP and WCDP standards for the quantum of communal open space are consistent with those outlined in Appendix 1 of the Apartments Guidelines. Based on those standards, the proposed development includes communal open space at podium levels of Blocks A, B, and C, as well as a ground level space adjoining Block D. The quantum of space significantly exceeds the requirements particularly in the case of Blocks A & B. Block A would provide 2,287m² (990m² required); Block B would provide 2,059m² (1,162m² required); Block C would provide 608m² (478m² required); and Block D would provide 153m² (142m² required). None of the proposed space within DLRCDC would be provided at roof level and therefore no issues arise in relation to section 12.8.5.4 of the DLRCDP regarding the proportion of requirements met by roof space.
- 10.4.29. In addition to the above, the 'Orchard' area at the southwest corner of the site is being developed as a communal open space for all residents. This is a significant area measuring 3,083m² and includes a MUGA, mobility hub, dog exercise area and informal soft landscaping areas.
- 10.4.30. All communal open spaces will be suitably accessible, designed, landscaped, and overlooked, and I am satisfied that the proposals include a suitable range of areas and play areas to cater for a range of ages and needs. I consider that the precise layout and function of the Orchard area needs further clarification, but I am satisfied that this could be satisfactorily agreed by a condition of any permission.

Separation Distances

- 10.4.31. Section 12.3.5.2 of the DLRCDP outlines that apartment developments should provide for acceptable separation distances between blocks. It states that a minimum clearance distance of circa 22 metres, in general, is required between opposing windows in apartments up to three storeys, while taller blocks may require a greater separation distance having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development. In the case of houses, s. 12.8.7.1 of the CDP also outlines that a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, but that distances may

be reduced dependent on assessment of private open space provision, the protection of residential amenity/privacy, and overshadowing considerations.

- 10.4.32. Section 3.1.3 of the WCDP also outlines that a separation of 22m will normally be required above ground level between opposing windows serving private living areas, but that this shall be applied flexibly given that the careful positioning and detailed design of opposing windows can prevent invasion of privacy. Section 3.2.7 also outlines that traditional back-to-back rows of houses exactly 22m apart should be avoided and more imaginative layouts and building forms provided, subject always to adequate privacy being provided.
- 10.4.33. The internal courtyards within Blocks A, B, and C satisfactorily provide in excess of 22 metres between opposing windows. And where back-to-back rows of houses are proposed, a satisfactory distance of 22m is also achieved. I note that there are some cases where the front of houses are not 22m from the opposing houses/apartments but I consider that the 22m standard applies to the rear windows of houses. I also note that the separation distance between Blocks C and B is marginally less than 22m (c. 20.3m).
- 10.4.34. However, in all limited instances cases where the separation distance between residential blocks/windows (houses and apartments) is less than 22m, I am satisfied that an adequate distance has been maintained to protect residential amenity/privacy. Furthermore, I consider that both the DLRCDP and the WCDP specifically allow reduced separation distances of less than 22m and I do not consider that there would be any material contravention in this respect.
- 10.4.35. The Board will also note that, consistent with the NPF preference for performance-based standards and a range of tolerance (NPO13), the Apartments Guidelines and Compact settlement Guidelines do not apply the 22m standard.
- 10.4.36. The Apartments Guidelines advise against blanket restrictions on building separation distance. It highlights a need for greater flexibility in order to achieve significantly increased apartment development in Ireland's cities and points to separate guidance to planning authorities as outlined in the Building Height Guidelines.
- 10.4.37. More recently, the Compact Settlement Guidelines outline that separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development. SPPR 1 states that development plans shall not include an objective in respect of

minimum distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. However, it also states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. I am satisfied that the proposed development meets the 16m separation distance.

Noise / Vibration

- 10.4.38. Based on the proximity of the proposed units to the rail line, the WCC CE Report suggests that a noise impact assessment for future residents should be submitted. The EIAR includes an Inward Noise Assessment which concludes that the level of risk across the site varies from negligible to medium noise risk, including the potential for noise from rail pass-by's and the proposed Bray sustainable transport bridge. Accordingly, it outlines an Acoustic Design Strategy to mitigate and minimise noise impacts. Where façade noise levels are greater than 55 dB $L_{Aeq,16hr}$ during the day and 50 dB $L_{Aeq,8hr}$ at night, it is proposed to provide mitigation in the form of enhanced glazing and ventilation. The EIAR acknowledges that balcony areas for Block A and B that face onto the rail tracks are expected to exceed the recommended noise levels for external areas but highlights that the ProPG guidance allows for such impacts to be offset through assessment of a hierarchy of measures including communal external areas which meet the external noise thresholds. Consistent with the EIAR and having visited the site and experienced what I consider to be limited noise associated with rail pass-by's, I consider that the mitigation measures would achieve the objective of suitable internal and external noise levels within the overall development.
- 10.4.39. The EIAR also considers vibration impacts associated with the rail traffic. The results suggest that vibration mitigation measures are not necessary based upon a review of measured and calculated vibration dose values, and I am satisfied that there would be no unacceptable impacts in this regard.

Daylight and Sunlight

- 10.4.40. The DLRCDP acknowledges the importance of good levels of sunlight and daylight in relation to communal open space (s. 12.8.5.3), house design (s. 12.3), and block separation (s. 12.3.5.1). Section 12.3.4.2 requires a daylight analysis for all proposed developments of 50+ units and states that development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (BRE Report, 2011) and/or any updated, or subsequent guidance.
- 10.4.41. Section 3.2.7 of the WCDP also states that layouts shall ensure adequate sunlight and daylight, in accordance with “Site layout planning for daylight and sunlight: a guide to best practice”, (BRE 1991).
- 10.4.42. In terms of national policy/guidance, the Compact Settlement Guidelines outline that a detailed technical assessment in relation to daylight performance is not necessary in all cases, including low-rise housing with good separation from existing and proposed buildings.
- 10.4.43. Where necessary, it states that regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.
- 10.4.44. The Apartments Guidelines also recognise the importance of sunlight levels within apartments and in external communal amenity areas.
- 10.4.45. The application is accompanied by a ‘Daylight and Sunlight Assessment Report’, compiled by 3D Design Bureau. The assessment has been carried out having regard primarily to Site Layout Planning for Daylight and Sunlight, A guide to good practice (BRE, Third Edition, 2022). For daylight within the proposed development, a

supplementary study has been carried out under the criteria of I.S. EN 17037 (the direct adoption of the European Standard EN 17037:2018).

- 10.4.46. Although the CDPs reference earlier versions of the BRE Guide, I am satisfied that the applicant's assessment is based on updated guidance/standards which are referenced in the relevant and prevailing ministerial Guidelines (i.e. the Compact settlement Guidelines). The methodology employed for the assessment of daylight and sunlight is suitably robust and is based on documents that are considered authoritative on the issues of daylight and sunlight. Therefore, I consider it appropriate to apply these standards in my assessment.
- 10.4.47. At the outset, I would also highlight that the standards described in the BRE guide allows for flexibility in terms of application. Paragraph 1.6 of the guide states that the advice given '*is not mandatory*', '*should not be seen as an instrument of planning policy*', and '*Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design*'. The guide notes that other factors that influence layout include considerations of views, privacy, security, access, enclosure, and microclimate etc.
- 10.4.48. For daylight within the proposed habitable rooms, the report assesses Spatial Daylight Autonomy (SDA), which is an assessment of target values across 50% of the working plane for half of the occupied period. It highlights that the BRE target values are based on the function of the rooms, i.e., 200lx for kitchens, 150lx for living rooms, and 100lx for bedrooms, with the higher value applying to multi-functional rooms. However, under I.S. EN 17037, target SDA values do not vary depending on the room function. Under I.S. EN 17037, at least 50% of the working plane should receive above 300 lux for at least half the daylight hours, with 95% of the working plane receiving above 100 Lux.
- 10.4.49. A total of 1,272 rooms were assessed and the impacts of trees was considered in accordance with BRE guidance. The assessment results for SDA can be summarised in the following table.

House/Apartment Type	SDA Compliance (I.S. EN 17037)	SDA Compliance (BRE 209)
Block A	91%	99%
Block B	75%	94%

Block C	87%	97%
Block D	86%	99%
Chosen Houses / Duplexes	78%	100%
Total	83%	97%

10.4.50. I would accept that the recommendations of I.S. EN17037 apply to internal areas of all types and that the target values would be very difficult to achieve for domestic rooms in an urban environment. Alternatively, the applicant's assessment outlines that 97% of all rooms comply with or exceed the BRE guidance standards for SDA compliance, and I am satisfied that this represents a high rate of compliance with a more appropriate standard.

10.4.51. The applicant's report clearly identifies the rooms that do not comply with the BRE standards and outlines compensatory measures for each room. I note that the higher 200lx value has been applied for LKDs and this accounts for the vast majority of non-compliant rooms. This target is more appropriate in a traditional house layout. In apartment developments, it is a significant challenge for large open plan kitchen/living/dining rooms to achieve 200lx, and even more so when higher density and balconies are included. Therefore, there are often challenges in urban schemes in meeting the 200lx target in all instances. Nonetheless, the application proposes compensatory measures for such units in the form of larger unit sizes, larger amenity spaces, and dual aspect/sea views. And although the Compact Settlement Guidelines do not require such compensatory measures, I consider that this satisfactorily addresses the requirement for such measures as outlined in the Apartments Guidelines and the Building Height Guidelines (Section 3.2).

10.4.52. In conclusion regarding daylight standards within the proposed units, I consider that increased height and scale of development is appropriate at this location and that, on balance, the limited level of non-compliance with daylight standards for the proposed units is acceptable having regard to the compensatory measures and the need to achieve wider planning objectives relating to compact, sustainable development at accessible locations.

10.4.53. Regarding sunlight levels within the proposed units, the applicant's assessment considers Sunlight Exposure (SE) as a measure of sunlight that a given window may

expect to receive on March 21st. The results have been generated both with deciduous trees as opaque objects and without deciduous trees as per the BRE Guidelines, and the level of sunlight exposure is categorised as Minimum (1.5hrs), Medium (3hrs), and High (4hrs). The recommendation for dwellings is that at least one habitable room, preferably a main living room, should receive at least the minimum criterion. The report highlights that if a room faces significantly north of due east or west it is unlikely to be met. As such, it is not always possible to achieve full compliance, especially in developments that contain single aspect units.

- 10.4.54. Out of a total of 475 no. units, the level of sunlight exposure for 220 no. units is considered high, 135 no. medium, 135 no. minimum, and 75 below the minimum recommendation, representing a compliance rate of c. 84%. As previously outlined, I would accept that full compliance is unlikely to be met. And while the BRE Guide does not give recommendations on the performance of a development as a whole for SE, I note that Fig. 26 of the Guide suggests that a compliance rate of 80% would represent 'careful layout design' or best practice in relation to sun lighting. In conclusion, I consider that the proposed rate of compliance at 84% is acceptable.
- 10.4.55. In relation to sunlight to outdoor spaces, the applicant's report outlines a Sun On Ground (SOG) assessment based on the BRE Guide. The Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st.
- 10.4.56. The report assesses 13 outdoor spaces including communal areas, public open space, and the creche play area. It demonstrates that all of the proposed spaces would comply with the BRE recommendation, with the majority of spaces significantly exceeding it. Accordingly, I am satisfied that the external amenity areas will achieve adequate levels of sunlight.

Conclusion on Standards of Residential Amenity

- 10.4.57. As outlined in the foregoing, I have considered the location, nature, scale, design, and layout of the proposed development. I have reviewed the applicant's Housing Quality Audit, the Daylight and Sunlight Assessment, and the associated plans and particulars, and I am satisfied that the information provided regarding floor areas, dimensions, aspect, and daylight/sunlight is reflective of the scheme. Subject to conditions, I am satisfied that the proposed development would provide a suitable mix of units that would provide an acceptable level of residential amenity for the

prospective occupants, supported by an appropriate level of communal services and facilities. Accordingly, I am satisfied that the proposals are consistent with the requirements of the local Development Plans and national policy and guidance.

10.5. Impacts on Surrounding Properties

- 10.5.1. There are no existing properties on the immediately adjoining lands to the north, south, and east of the application site.
- 10.5.2. To the west of the site is the school property, including its building and associated outdoor play/recreation facilities. In this regard, I note that one observer has raised concerns about the proximity of the proposed development and associated child protection concerns. The proposed development includes several rows of houses which back onto the shared western boundary with the school. There is also a proposed communal recreation area at the southwest corner of the site. The proposed houses are arranged in rows of 2-storey mid-terrace units flanked by flat-roofed 3-storey end of terrace apartment/duplex units. The above-ground floor elements of these units are setback at least 10 metres from the school boundary, with the exception of a duplex terrace (House Type 6) at the northwest site corner, which is setback c. 8.6m from a playing pitch. Having regard to these setbacks and the limited height and scale of the proposed houses, I do not consider that there would be any significant overlooking or overbearing impacts on the school property, and I do not consider that there would be reasonable child protection concerns simply on the basis of the proximity of this residential development and the school.
- 10.5.3. The only residential properties adjoining the application site are those in Corke Abbey to the northwest of the site. As mentioned in the previous paragraph, I note that an apartment/duplex unit (House Type 6) adjoins these properties to the south. However, this unit primarily faces east-west and the units have been satisfactorily designed to ensure that windows and the terrace will be screened to the north to prevent overlooking.
- 10.5.4. I note that Block D is located to the east of Corke Abbey. It is setback at least 20 metres from the rear building line/side boundary of the nearest house (no. 112). Block D includes windows and a setback top-floor terrace on the west (side) elevation, as well as projecting balconies on the north and south elevations. However, the proposals would not directly oppose any habitable room windows and I am satisfied that the nearest private amenity spaces (i.e. rear gardens of nos. 111 &

112) would be suitably distanced to prevent any significant overlooking or overbearing impacts. In the event of a grant of permission, clarification should be sought of the extent of existing and proposed trees at this northwest site corner.

- 10.5.5. I note that the application has not included a detailed assessment of daylight and sunlight impacts on existing properties. However, the applicant's Daylight and Sunlight Assessment Report outlines how the BRE Guide recommends that if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, does not subtend an angle of more than 25° to the horizontal, then the daylighting and sunlighting of the existing building are unlikely to be adversely affected. Using this guidance, it was concluded that no impact assessment was required for the school property or the adjoining Corke Abbey properties. Having regard to these provisions of the BRE Guide and the aforementioned provisions of the Compact Settlement Guidelines, I would concur that the proposal would not result in significant daylight/sunlight impacts for adjoining properties and that a detailed assessment is not required.
- 10.5.6. Having regard to the foregoing, I am satisfied that the proposed development would not have any unacceptable impacts on the amenities of surrounding properties by reason of overlooking, overbearing impacts, overshadowing, or impacts on daylight.

10.6. Community Facilities and Public Open Space

Community Facilities

- 10.6.1. Chapter 4 of the DLRCDP aims to embed the concept of neighbourhood and community into spatial planning. Policy PHP3 aims to ensure that supporting neighbourhood infrastructure/land is provided in conjunction with, and as an integral component of residential development, while PHP4 is to implement a strategy for residential development based on the concepts of sustainable urban villages and '10-minute' neighbourhoods. Similarly, CPO 7.5 of the WCDP outlines that housing development shall be managed and phased to ensure that infrastructure is adequate or is being provided to match the needs of new residents, including requirements for a Social Infrastructure Audit and Accessibility Report.

- 10.6.2. In this regard, I note that observers and the WCC elected members have questioned the accuracy of the applicant's school capacity assessment and the adequacy of other community facilities. Furthermore, one observation suggests that the childcare proposals represent a Development Plan material contravention.
- 10.6.3. The CE Reports are generally satisfied with community facilities subject to phasing and conditions. The DLRCC CE report recommends that any grant of permission should address the phasing of the childcare facility and its operational hours. Similarly, the WCC CE Report recommends that Block C, Market Square, childcare facilities, and the southern public parkland should be provided within an early phase of the development.
- 10.6.4. Regarding school capacity, the application is accompanied by a School Demand & Concentration Report based on a 3km radius study area. I acknowledge that the demographic analysis of the study area is based on CSO figures from 2016, and that the information regarding existing schools and enrolment figures is provided up to 2022. However, I am satisfied that this provides a suitably recent and accurate representation of school demand and concentration in the area.
- 10.6.5. The applicant's report considers NPF projections for the average household size to decline to 2.5 by 2040, as well as CSO projections for a decline in school going numbers up to the mid-2030s. It shows that there are 8 no. primary schools and 6 no. secondary schools in close proximity to the site to facilitate future demand generated by the proposed development. In particular, I note the recently developed primary and secondary school complex directly adjoining the application site to the west. The report also highlights that the site's accessibility to nearby public transport allows for other schools outside of the study area to be easily accessible.
- 10.6.6. Based on the calculations outlined in 'Provision of Schools and the Planning System: A Code of Practice for Planning Authorities 2008' and the national average household size and proportion of school going children (excluding 1-bed units), it is estimated that the proposed development would generate demand for approximately 14 no. primary school places and 13 no. secondary school places per year.
- 10.6.7. The report outlines that existing primary schools in the study area will provide on average 419 no. primary school spaces per year and secondary schools will provide approximately 580 no. spaces per year. On this basis, I note that the demand generated by the proposed development would equate to just c. 3% existing primary

school capacity and c. 2% of secondary school capacity. Therefore, I do not consider that the proposed development would place an excessive or unreasonable demand on existing school capacity.

- 10.6.8. Ultimately, I consider that the statutory plan-making process is the preferred instrument to assess and identify school requirements. Under the 'Agreed Actions' of the 'Provision of Schools and the Planning System, A Code of Practice for Planning Authorities, the Department of Education and Science, and the Department of the Environment, Heritage and Local Government (2008), planning authorities should identify suitable lands, policies and objectives for school requirements under statutory plans in consultation with the Department of Education. Table 4.1 of the DLRCDP identifies two such sites (Woodbrook & Old Conna) within 2km of the application site. The Bray LAP also outlines that the area is generally well served by educational facilities and it includes a wide range of sites zoned 'Community & Education', which aims to facilitate the development of necessary educational infrastructure. It is reasonable to expect that these sites will be subject to ongoing planning to cater for future demand as part of the Department of Education's school building / improvement programme.
- 10.6.9. In terms of the Development Management process, I acknowledge that the Code of Practice highlights the potential requirement for major housing proposals to be accompanied by school capacity assessments. I am satisfied that this has been complied with in the current application, and that it has been satisfactorily demonstrated that the proposed development would not result in an excessive demand for school places.
- 10.6.10. Regarding childcare facilities, the DLRCDP supports 'Childcare Facilities Guidelines for Planning Authorities' (2001) and outlines that developments of this scale should include at least one childcare facility (Policy Objective PHP6, s. 4.2.1.5, and s. 12.3.2.4 refers). Similarly, CPO 7.29 of the WCDP requires, where necessary, the provision of childcare facilities in accordance with the national Guidelines (2001).
- 10.6.11. The application includes a Childcare Demand Analysis report. It considers existing and permitted childcare facilities within a 3km radius of the subject site, along with policy documents, CSO data, and consultations with the Dún Laoghaire-Rathdown and Wicklow Childcare Committees. It acknowledges that demand for childcare services is high in the area.

- 10.6.12. The report refers to 37 no. existing services providing 1,040 no. childcare places and 3 no. permitted services providing 291 no. places (total of 1,331 no. childcare spaces in the study area). It also refers to the Quarterly National Household Survey Q3 2016 Module on Childcare, which stated that 25% of those of preschool age used a creche/Montessori/playgroup/after-school service in comparison to 62% of this age group who used a parent/partner as their childcare in the Dublin Region.
- 10.6.13. The Apartments Guidelines state that one-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision. Excluding 1-bed units, the proposal includes 348 no. units, which, as per the Childcare Guidelines (i.e. 20 spaces per 75 dwellings), would lead to a requirement for approximately 92 child spaces. The Apartments Guidelines also state that, subject to location, childcare requirements may not even apply in part or whole, to units with two or more bedrooms. On this basis the applicant has provided an alternative calculation excluding all 1-bed units and 33% of 2-bed units, which would necessitate the provision of a childcare facility with 72 no. places. And based on an analysis of projected childcare demand allowing for mix of units proposed, household size, childcare practises and the ECCE Programme, the applicant concludes that demand for 0 – 4 years childcare places shall be no more than 63 no. places.
- 10.6.14. The application includes a childcare facility with capacity for 88 no. spaces. Having regard to the Apartments Guidelines regarding 2-bed units, I consider that the exclusion of 33% of these units is reasonable and that the proposed facility would therefore exceed the related demand requirement of 72 no. places. I also note that both CE Reports recommend that the phasing/delivery and other elements of the childcare facility should be addressed by condition. In terms of phasing, I note that the childcare facility is within Block C which has commenced construction. Therefore, it would appear that it will be delivered at an early stage, and I am satisfied that this and other elements can be satisfactorily addressed by condition.
- 10.6.15. I note that an observation contends that the proposed development materially contravenes the Development Plan and/or LAP in respect of the provision of childcare. The Bray LAP refers to the WCDP in relation to childcare provisions and, as outlined above, I am satisfied that the proposals satisfactorily meet the WCDP requirements. I acknowledge that the development does not include a childcare facility within the DLRCC area. However, Policy PHP6 of the DLRCDP is to 'encourage' the provision of such facilities and outlines that 'in general', at least one

facility 'should' be provided for all new residential developments subject to demographic and geographic needs. I consider that the wording of the policy allows for discretion and that, as previously outlined, the proposed facility within the overall development (albeit within the WCC area) satisfactorily addresses demographic and geographic needs. Accordingly, I do not consider that there would be a material contravention issue in respect of childcare provision.

- 10.6.16. I note that the WCC elected members have raised other more general concerns about the capacity of community facilities to serve the prospective residents. In this regard, I note that the EIAR (Chapter 3) outlines an assessment of other local community facilities and services. It demonstrates a wide range of services and facilities including health, education, community, cultural, play, faith, recreation and sports facilities that contribute to the quality of life, which is largely due to the proximity of the site to Bray town centre. In addition to these existing facilities, the Bray LAP and the DLRCDP have zoned a significant extent of land to accommodate the provision of new/extended community facilities and amenities. Accordingly, I am satisfied that the proposed development would not place an excessive demand on existing facilities/amenities and that the proposed development will be supported by planned community facilities/amenities in an appropriate plan-led manner.

Public Open Space

- 10.6.17. The DLRCDP (s.12.8.3.1) outlines that public open space is required as a minimum 15% of the site area. It must be publicly accessible and useable; generally free from attenuation measures; and capable of being taken in charge. The CDP acknowledges that the above standards may not be possible in all instances and that a financial contribution in lieu of any shortfall may be accepted.
- 10.6.18. The site area within DLRC is 3.65 hectares. However only 30,862 sq.m of this is developable having regard to the 'F' zoning objective around the site perimeter. Therefore, an area of 4,629 sq.m of public open space is required within DLRC. The application outlines that a total of 5,008 sq.m (or 16.4%) of open space is provided, which would exceed the requirement for 15%, even excluding the c. 5,630 sq.m of open space under the 'F' zoning objective. The space is to be provided in the form of informal play, seating, and walking spaces mainly around and between Blocks A and D. The Landscape Design Strategy Report characterises different areas within the public open space as 'coastal gardens', 'green spine', 'Nun's Walk',

and 'woodland settings'. I am satisfied that the proposed spaces are suitably designed, accessible, usable, and overlooked, and that they provide a suitable range of public open spaces within the DLRCC area.

10.6.19. I note that the DLRCC Parks and Landscaping report raises concerns in relation to the extent of tree loss within the overall masterplan, although it should be noted that my assessment concerns the current application site only. However, the report outlines that there are no objections subject to recommendations regarding existing trees, landscaping, and open spaces, and the pertinent elements of these recommendations have been incorporated into the CE's suggested conditions.

10.6.20. I acknowledge the 'F' zoning objective that applies to the DLRCC area, as well as the CDP objective to 'protect and preserve trees and woodlands' at the northwest corner of the site. I note that the proposal involves the felling of some trees at this location in order to facilitate construction and/or based on the recommendations of the tree survey. However, having regard to the extent of trees to be retained and proposed tree planting, details of which should be agreed by condition, I am satisfied that there would be no unacceptable tree/woodland loss as a result of the proposed development. The implications for biodiversity are discussed separately in the EIA section of this report (Section 12.6).

10.6.21. In relation to the WCC area, I note that the elected members have raised concerns about failure to provide a 2 ha park as required in the LAP; the overall quantum of space; the inclusion of open space within a flood zone; and indications of a future landmark building within the open space. In relation to public open space and SLO3 of the Bray LAP, the WCC CE Report suggests that the applicant's Masterplan allows for a park in the region of 1.5-2 ha outside the subject site (i.e. as part of a future phase). However, the CE Report is of the view that a single 2ha public park is required and that the proposal to develop housing in the absence of a large 2ha public park is not in line with SLO3. It recommends a condition that the development should not be occupied until a 2ha park is provided, but also states that the development provides public open space in accordance with relevant standards and that the development is provided with satisfactory open space for the needs of the development.

10.6.22. Appendix 1 of the WCDP outlines that public open space will normally be required at a rate of 15% of the site area, with areas that are not suitable for development or for

recreational use being excluded. The extent of developable site area within WCC is 4.19 hectares and therefore 6,290 sq.m is required. A total of 8,457 sq.m of open space is provided within the WCC area, which comfortably exceeds the 15% standard. However, as outlined earlier in this report, I note that SLO3 of the Bray LAP includes specific policy guidance in relation to the application site.

10.6.23. The Bray LAP objective SLO3 relates to the entire mixed-use/masterplan area, not just the application site. It outlines that development proposals shall comply with a range of requirements, including two separate but related requirements:

- Not less than 2ha shall be developed as public open space;
- Any application shall include a detailed phasing programme that ensures the timely delivery of all elements of the SLO. In order to 'kick start' the development, a first phase of housing, being those units that are not integrated into the mixed use retail / commercial element, in conjunction with the public park, may be developed as a 'Phase 1' of the overall development, strictly on the basis of the remaining housing being delivered in tandem with the retail / commercial element.

10.6.24. I note that the applicant's material contravention statement has highlighted a lack of clarity in relation to SLO3 and whether or not the public open space proposals would be considered to be a material contravention. However, notwithstanding this and the view outlined in the WCC CE Report, it is my view that there is no specific requirement in the LAP to include a 2ha public park as part of, or in tandem with, the proposed development.

10.6.25. Responding to the two LAP requirements outlined above, the first requirement is simply that not less than 2ha within the larger SLO3 area shall be developed as public open space. The proposed development includes 8,457 sq.m of public open space within the SLO3 area, and the Masterplan demonstrates that the overall 2ha requirement can be achieved in future phases, including a 'Riverside Park' which appears to be in excess of 1.5ha.

10.6.26. The second requirement relates to phasing and refers to a potential 'kick start' development comprising a first phase of housing (not integrated into the mixed-use retail / commercial element) in conjunction with the public park. In the first instance, I consider that the description of a 'kick start' development lacks clarity and I am not satisfied that the proposed development can be accurately described as such given

its significant scale in the context of the overall SLO3 lands. Therefore, it is debatable whether or not this provision applies to the development. In any case however, the substantive question is whether any such phase requires simply a 'public park' or a public park of not less than 2ha. The planning authority has clearly linked the two requirements to conclude that it requires a public park of not less than 2ha. However, while this interpretation is noted, it is my view that the LAP does not include any specific provision to link the two requirements and require a public park of not less than 2ha as part of the proposed development.

10.6.27. In response to concerns raised regarding the potential future development of the open space area at the southeast corner of the site, it should be noted that the proposed open space within WCC (8,457m²) excludes an area of 2,782m² which is indicated as temporary landscaping pending future development. Accordingly, I am satisfied that the open space proposals would not be compromised by future development and that the matter can be revisited in the event of any such proposals. And in relation to concerns about flooding of open space, I am satisfied that it is a 'water compatible' use and that there would be no unacceptable impacts as outlined in section 12.8 of this report.

10.6.28. Having regard to the foregoing, and notwithstanding that one of the submitted observations contends that the proposed development materially contravenes the Development Plan and/or LAP, I am satisfied that public open space proposals are consistent with the provisions of the DLRCDP, the WCDP, and the Bray LAP. The phasing of the open space provision can be addressed as a condition in the event of a grant of permission. However, for the reasons outlined, I do not consider it reasonable to restrict the occupation of the development pending the delivery of a 2ha public park as suggested by WCC.

10.7. Traffic and Transport

10.7.1. The application is accompanied by a Traffic and Transport Assessment (TTA) which is also incorporated into the EIAR. It outlines a detailed analysis of current and future services within the receiving environment, including pedestrian and cyclist facilities, public transport, and the road network. In this regard, I note that observers have raised significant concerns about an over-reliance on planned/future services. And in the absence of same, the observers contend that there will be an over-reliance on private car transport which will lead to excessive traffic congestion. The elected

members of both local authorities have also raised concerns about the capacity of the Dublin Road.

Public Transport

- 10.7.2. Based on current DART services, I have already outlined my opinion that the location complies with the description of a 'High Capacity Public Transport Node or Interchange' with high frequency services as outlined in Table 3.8 of the Compact Settlements Guidelines. In addition to this, the site is within c. 800m walking distance of three bus stops (4154, 4416, and 4201) along the Dublin Road and Bray Station. These are serviced by a range of routes including Dun Laoghaire (45a/45b), Blackrock (84/84a), and Heuston Rail Station (145). The 45a service runs at a frequency of 12-15 mins during the peak AM hour and c. 20 mins in the peak PM hour. The No. 145 service runs to Heuston at frequencies of 5-10 mins in the AM peak and a return service also runs at frequencies of <10 mins in the PM peak.
- 10.7.3. In terms of public transport trips, the TTA predicts that the development would generate 23 arrivals and 103 departures during the AM peak, and 74 arrivals and 36 departures during the PM peak. The cumulative impact of the overall Masterplan is also considered, resulting in 50 arrivals and 220 departures during the AM peak, and 159 arrivals and 77 departures during the PM peak. It calculates that the existing public transport services have a capacity of 11,635 in the AM peak and 10,440 in the PM peak. It outlines that the proposed development and the overall Masterplan would account for just 1% and 2.5% respectively of the public transport capacity, and accordingly concludes that this can be readily accommodated.
- 10.7.4. Having regard to the foregoing, and without relying on any planned future services, I am satisfied that the location is currently well served by a range of bus and rail options with adequate frequency and capacity to accommodate the proposed development.

Road Traffic

- 10.7.5. The TTA outlines that traffic surveys were carried out in 2019 and 2020, with appropriate adjustments being made for the 2020 figures to account for Covid-19. A total of 8 no. junction counts and 4 no. Automatic Traffic Counts (ATCs) were surveyed, and traffic growth was considered for the assessment years of 2024 (opening year), 2029, and 2039, taking into account transportation policy, projects, and trends which are envisaged to place less reliance on private car transport. On

this basis, it was considered that the application of a 'no growth rate' for existing traffic on Dublin Road, Castle Street and Main Street was the appropriate worst-case scenario for modelling the traffic and transport impacts of the development.

- 10.7.6. A vehicle trip rate estimation exercise has been undertaken using TRICS (Trip Rate Information Computer System) and modal share was predicted based on CSO 2019 trends and taking into account increased working from home. Based on these figures and the estimates associated with the commercial uses, the TTA predicts that the development would generate a total of 13 arrivals and 48 departures during the AM peak, and 35 arrivals and 18 departures during the PM peak. The cumulative impact of the overall Masterplan is also considered, resulting in 93 arrivals and 74 departures during the AM peak, and 116 arrivals and 95 departures during the PM peak. The trip distribution of vehicles has been based on the traffic survey information and logical manual assignment.
- 10.7.7. In assessing the traffic impact, the TTA compares the Base Year (no development) with the Opening +5 Year (2029 – with full buildout of the proposed development). In accordance with the TII Traffic and Transport Assessment Guidelines (May 2014), it applies a threshold of whether traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists, or where the location is sensitive. The junctions wherein the increase in traffic does exceed 5% are:
- Junction 2: Junction of R761 Dublin Road, Old Connaught Avenue & Corke Abbey Avenue
 - Junction 3: Junction of R761 Dublin Road & Development Access Road
 - Junction 4: Junction of R761 Castle Street & Upper Dargle Road
 - Junction 5: Junction of R761 Castle Street, Lower Dargle Road & Ravenswell Road.
- 10.7.8. Further detailed modelling was carried out in relation to the above junctions, which can be summarised as follows:
- Junction 2 – In the Base Year, arms A & B are operating above capacity in the AM Peak, with Degree of Saturation (DoS) of 105.3% and 106.9% respectively. In the Opening Year +5 the DOS during the AM peak hour for both arms would only be marginally increased by 3%-6%. which is a marginal impact on the junction due to the proposed development.

- Junction 3 - During the AM and PM with Opening Year +5, all arms are operating within capacity with a maximum Ratio to Flow Capacity (RFC) of 0.45 on the Northern Access arm during the AM peak hour. The TTA concludes that the resultant queueing and delay is of an acceptable level and is negligible in comparison to the base year.
- Junction 4 – None of the arms operate above capacity in the Base Year and there would be no change in Opening Year +5. This is attributed to the assumption that development traffic would generally not route through this junction but would travel northbound from the development, towards the M11 / N11 through Junction 3 or southbound through Bray through Junction 5.
- Junction 5 - The Lower Dargle Road arm is operating over capacity (RFC 0.82) in the AM peak hour in the base year. This is slightly increased (RFC 0.86) in the Opening Year +5 but this arm carries only modest traffic flows and there is only a modest increase in queueing on this arm.

10.7.9. A junction sensitivity scenario assessment was carried out with Junction 5 (Southern Access Junction onto the R761 Castle Street) assumed to be closed to traffic. A mode-share sensitivity scenario assessment was also carried out with the percentage of home working being reduced from 20% to 10%. In both scenarios, the assessment does not raise any significant capacity or performance issues for the junctions.

10.7.10. In terms of cumulative impact, the TTA considers the full buildout of the overall Masterplan lands and compares the Base Year to the Opening +15 Year (2039). The Ravenswell Road Access Junction onto the R761 Castle Street (Southern Access Junction) is assumed to be closed to through traffic and will cater to only a minor volume of development traffic. The assessment of junction impacts can be summarised as follows:

- Junction 2 – In the Base Year, arms A & B are operating above capacity in the AM Peak as previously outlined. In the Opening Year +15, the DOS during the AM peak hour for both arms would be increased by c. 7.5%. The TTA outlines that this would be acceptable for an urban location but would be unlikely to occur due to increased public transport and active travel options.

- Junction 3 – This junction operates well within capacity in terms of both the base year and the Opening Year +15 scenarios.
- Junction 4 – The junction operates within capacity on all arms, including for the completion of the central access arm to serve the full Harbour Point development.
- Junction 5 - This junction continues to operate within capacity on all arms in the Opening Year + 15 scenario.

10.7.11. The mode-share sensitivity scenario assessment was also carried out for the cumulative Masterplan development. The assessment does not raise any significant capacity or performance issues for the junctions. In terms of other committed development, the TTA outlines that impacts will grow in line with population and development expansions, but that the capacity to accommodate these will be served by public transport and other sustainable transport options.

10.7.12. I have acknowledged third-party concerns that the proposed development would lead to traffic congestion in the area. However, I consider that the TTA has acceptably demonstrated that traffic congestion concerns would largely be a result of existing trends and that the proposed development would not significantly or unacceptably contribute to traffic congestion. Furthermore, I am satisfied that the proposed development has been suitably designed to minimise traffic generation and that the area will benefit from future sustainable transport projects and policies which will reduce traffic growth in the area. Accordingly, I consider that proposals are acceptable in this regard.

10.7.13. The WCC CE Report notes that lands within the control of the applicant (but outside the subject site) are required in association with the Dublin Road planned bus priority corridor. It contends that development should be contingent on the delivery of the applicant's lands for the Dublin Road upgrades and suggests a condition be attached to prevent the occupation of the development until the bus corridor. However, having regard to the foregoing assessment, which outlines my satisfaction with road and public transport capacity, I do not consider it reasonable to include such a condition.

10.7.14. The WCC CE Report also outlines that the Ravenswell Road was never envisaged to serve major development and should be closed prior to occupation of the development. The planning status of this road section is not clear, although the CE Report appears to indicate that its current form/use has not been permitted.

However, it should be noted that the road does not form part of the application site or the proposed development. Furthermore, the TTA has assessed the proposals both with and without this road and has demonstrated that there would be no significant difference. Ultimately, I consider that this issue is outside the remit of the application and is a matter which is the responsibility of WCC. I do not consider that the matter materially affects the proposed development and I do not propose to attach any conditions in this regard.

Active Travel

- 10.7.15. The TTA considers the existing pedestrian and cycling facilities in the area. It demonstrates a walking isochrone map indicating connectivity for 5, 10 and 15min intervals. This shows that existing connectivity is greatest towards the south and west, covering a large portion of the town and a wide range of services and facilities. While some observers contend that school walking distance times are underestimated, I consider that the estimates are reasonable.
- 10.7.16. The TTA outlines a range of other planned pedestrian and cycle improvements in the area. And while these projects would significantly improve connectivity and active travel usage, I am satisfied that the existing facilities are sufficient to cater for the proposed development.
- 10.7.17. The observers and WCC have also highlighted the need to retain pedestrian/cycle access throughout construction, including access to the seafront. I note that the existing construction stage has facilitated a pedestrian pathway along the eastern site boundary. And while this would be more challenging with the construction of Blocks A and B and the adjoining lands, I consider that access could be substantially maintained, and arrangements should be agreed as a condition of any permission.
- 10.7.18. I note that it is proposed to provide pedestrian/cycle links to the existing linear park to the north and the rail underpass at the southeast corner of the site. Consistent with the local authority submissions, I am satisfied with these proposals subject to the agreement of detailed design by condition.

DLRCC Car Parking

- 10.7.19. The DLRCDP establishes four parking zones for the County, with zone 2 covering areas that are well served by public transport. Having regard to my previous assessments and the criteria set out in s. 12.4.5.1 (ii) of the Plan (including being

within 10-min walk of the DART), I am satisfied that the site comes within zone 2. All uses within the DLRC area are 'residential'. And while section 12.4.5.1(ii) outlines that 'the standard is required' in such cases, it follows by stating that 'reduced provision may be acceptable dependent on criteria set out in Section 12.4.5.2'.

10.7.20. An assessment of the proposed parking arrangements in comparison to Table 12.5 of the DLRCDP is outlined in the table below.

Block A			
Type	No.	DLRCDP Standard	Proposed
1-bed Apt	79	1 per unit = 79	125
2-bed Apt	76	1 per unit = 76	
3-bed Apt	7	2 per unit = 14	
Total	162	169	
Block D			
Type	No.	DLRCDP Standard	Proposed
1-bed Apt	20	1 per unit = 20	16 (13 underground and 3 surface level)
2-bed Apt	6	1 per unit = 6	
Total	26	26	
Other Apartment/Duplex/House Units			
Type	No.	DLRCDP Standard	Proposed
2-bed Apt	17	1 per unit = 17	112
3-bed Duplex	17	2 per unit = 34	
2-bed house	11	1 per unit = 11	
3-bed house	30	2 per unit = 60	
4-bed house	11	2 per unit = 22	
Total	86	144	
Sub-Total	274	339	253

10.7.21. As per the above table, I acknowledge that the proposed development does not provide the DLRCDP 'standard'. Accordingly, as per s. 12.4.5.1(ii), it must be

considered whether reduced provision is acceptable based on the criteria set out in Section 12.4.5.2. In response to those criteria, I would state the following:

- As previously outlined in this report, I am satisfied with the proximity to public transport services and level of service and interchange available.
- As previously outlined in this report, I am satisfied that the site is adequately served by pedestrian/cycle connections and that the permeability of the proposed development would contribute to same.
- The reduced parking proposal would promote modal shift and safeguard investment in sustainable public transport.
- It is proposed to provide 2 no. car-share/club spaces and there are several existing car-share service locations within the nearby town centre. It is proposed to provide a mobility hub with bike/e-bike rentals within the Orchard site, and a commercial e-bike rental scheme was launched in Bray in 2023 with locations on the Dublin Road and the nearby town centre.
- I would note that there is limited existing parking in the area and limited potential for dual use. However, the proposed spaces would facilitate dual usage.
- The majority of units (59%) within DLRCC are BTR and section 12.4.5.6 of the CDP accepts that BTR schemes may avail of lower car parking standards.
- The site is within close proximity of the town centre with an excellent range of services, which reduces the need for car travel/parking. A good range of community/commercial services are proposed within the development, and it is envisaged that such services will be significantly increased in later phases of the Masterplan.
- A Stage 1 Quality Audit (including a Road Safety Audit) considers road and footpath provision, accesses proposals, and internal circulation. I am satisfied that the proposed development has incorporated the relevant recommendations of these reports. Consistent with the planning authority reports, I am satisfied that subject to the agreement of detailed design by condition, the proposals would not adversely impact on traffic safety or the amenities of the area.

- I have previously outlined my opinion that the traffic generated by the development would not result in excessive congestion and that there would be no unacceptable impacts on the capacity of the road network.
- The application is accompanied by a statement which outlines how the proposed development is consistent with the requirements for the design of urban roads and streets as set out in DMURS. I am satisfied that the proposal satisfactorily incorporates the recommendation of DMURS, and that reduced parking would provide civic benefits and improved street vibrancy. The proposal is further assessed from an urban design perspective in section 10.8 of this report.
- The application includes a Mobility Management Plan which includes suitable measures to reduce dependency on the private car.
- I note that on-street parking controls do not apply in the immediate vicinity.
- The Orchard area will serve as a 'Mobility Hub', which will accommodate standard bike / e-bike / e-cargo bike rentals. This facility will be accessed by key fob, with bikes booked via an App. It will offer additional secure bike parking facilities to residents who may have non-standard sized bikes and trailers and will also offer car club parking spaces located opposite the creche.

10.7.22. Having regard to the above, I am satisfied that the proposed development satisfactorily addresses the criteria to warrant reduced parking standards as specified in the DLRCDP. I note that the DLRCDP Transportation section suggests that 139 no. spaces should be provided to serve a total of 76 houses (i.e. including 20 no. houses within WCC) and 1 space should be provided per apartment/duplex unit. However, I do not consider it appropriate that DLRCC recommendations would be imposed on the WCC area, and I am satisfied that the proposals are acceptable for the reasons outlined above.

10.7.23. In terms of national guidance, the Board should note that the Compact Settlement Guidelines outline that car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced, or wholly eliminated at locations that have good access to urban services and to public transport. SPPR 3 outlines specific planning policy requirements for: (i) city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2); (ii) accessible

locations, defined in Chapter 3 (Table 3.8); and (iii) intermediate and peripheral locations, defined in Chapter 3 (Table 3.8).

- 10.7.24. I have previously outlined that this location is within the 'Metropolitan Town - Urban Neighbourhood' category of the Dublin MASP area as per Table 3.3 of the Guidelines, and that it is within a 'High Capacity Public Transport Node or Interchange' as per Table 3.8 of the Guidelines. Therefore, given that it does not correspond with any of the locations specified in SPPR 3 (i)-(iii), I do not consider that the SPPR applies. However, in terms of its overarching guidance, I consider that the location is most comparable to SPPR3(i) where a maximum of 1 space per dwelling applies. And while I emphasise that I am not applying SPPR 3, I consider that the proposal for 253 spaces to serve 274 units within DLRCC is consistent with the general thrust of the Guidelines.
- 10.7.25. I note that the applicant has highlighted a potential material contravention in relation to Policy Objective T19 of the DLRCDP, and that an observation also suggests a material contravention in respect of car parking. Objective T19 is to manage carparking in accordance with the standards set out in s. 12.4.5. And having regard to the foregoing assessment, I am satisfied that s. 12.4.5 (by virtue of s. 12.4.5.1 (ii) and s. 12.4.5.2(i)) clearly allows for reduced parking subject to criteria which have been satisfactorily addressed. Accordingly, I do not consider that there would be a material contravention of the DLRCDP in respect of car parking.
- 10.7.26. I note that s. 12.4.11 of the DLRCDP outlines EV requirements, including 1 per 5 parking spaces for residential multi-units and the installation of appropriate infrastructure for new dwellings with in-curtilage car parking. Within Block A, 25 of the 125 spaces are for EVs. Within Block D, 3 of the 13 basement spaces are for EVs. The application also confirms that properties with on-curtilage parking will be provided with the infrastructure. I am satisfied that these proposals are consistent with the DLRCDP and that a minimum of 110 no. charging points is not required as suggested in the DLRCC CE Report.

WCC Car Parking

- 10.7.27. The WCDP (CPO 12.56) refers to the car parking standards in Appendix 1 Table 2.3. In areas where public transport and parking enforcement are available, the standards shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified. In locations where public transport

and parking enforcement are not available, the standards shall be taken as minimum standard. Deviations from Table 2.3 may be considered in multi-functional developments (e.g. hotels, district centres), where the developer provides a robust model of car parking usage to show that dual usage will occur and that peak car parking demand at any time of the day / week will always be met or other situations that may be considered on a case-by-case basis. In situations where a developer cannot meet the necessary car parking requirement on or near the development site, the developer may request the Local Authority to accept a special payment in lieu, to be utilised by the Local Authority in providing car parking in the area.

10.7.28. An assessment of the proposed parking arrangements in comparison to Table 2.3 of the WCDP is outlined in the table below.

Block B			
Type	No.	WCDP Standard	Proposed
1-bed Apt	94	1.2 per unit = 112.8	175 (inc. 12 at surface level)
2-bed Apt	86	1.2 per unit = 103.2	
3-bed Apt	10	2 per unit = 20	
Gym & Juice Bar	512m2	Not stated	
Total		236 (+ Gym & Juice Bar)	
Block C			
Type	No.	WCDP Standard	Proposed
1-bed Apt	45	1.2 per unit = 54	53 (inc. 30 surface spaces)
2-bed Apt	31	1.2 per unit = 37.2	
3-bed Apt	4	2 per unit = 8	
Cafe	195m2	10 per 100m2 (dining) = 20	
Retail Unit	249m2	4 per 100m2 = 10	
Childcare	627m2	0.5 per staff member + 1 per 10 children = 16	
Total		145.2	

Other Apartment/Duplex/House Units			
Type	No.	WCDP Standard	Proposed
1-2 bed	11	1.2 per unit = 13.2	62
3-4 bed	31	2 per unit = 62	
Total	42	75.2	
Sub-Total		461.4 (+ Gym & Juice Bar)	290

10.7.29. As per the above table, I acknowledge that the proposed development does not provide parking in accordance with the WCDP standards. And as previously outlined, whether these standards are applied as a 'maximum' or a 'minimum' depends on the availability of 'public transport and parking enforcement'. The applicant has applied these as 'maximum' standards on the basis that the area has high-capacity public transport services and car parking provision can be controlled and managed. And while I have previously outlined my satisfaction in relation to the availability of public transport, I would again highlight that the WCDP (CPO 12.56) also requires that parking enforcement is 'available' in order to apply the maximum standard. I would accept that the precise detail of this requirement is unclear, and I note that the WCC reports do not elaborate on the question. However, it is my interpretation that this refers to a system of paid public parking and enforcement, which does not exist in the site vicinity. Accordingly, it is my interpretation that that standards are 'minimum'.

10.7.30. Notwithstanding the application of a minimum standard, CPO 12.56 allows for reduced parking in multi-functional developments, and I consider that the scheme includes a significant proportion of multi-functions within the WCC area. This is subject to a robust model of car parking usage to show that dual usage will occur, and that peak car parking demand will be met. In this regard I note that the applicant has highlighted the potential for dual usage to avoid an over provision of parking. This includes a range of set-down/commercial spaces and unallocated/visitor parking, particularly within and around Blocks B & C. And contrary to some observers, I am satisfied that these provisions can be satisfactorily managed, and that traffic associated with the childcare facility would not unacceptably impact on pedestrian/cyclist infrastructure.

- 10.7.31. CPO 12.56 also allows for reduced parking in 'other situations that may be considered on a case-by-case basis'. Again, I would acknowledge that this is a vague and open provision. However, I have previously outlined the specific circumstances of this site in response to the criteria outlined in s. 12.4.5.2 of the DLRCDP. I consider that these circumstances can also be applied to the consideration of reduced parking within the WCC area. And based on the reasons as previously outlined, I consider that the proposed parking arrangements are acceptable in accordance with the WCDP provisions for deviations from Table 2.3. I note that the WCC CE Report was also satisfied with the parking proposals.
- 10.7.32. In reference to national guidance as outlined in the Compact Settlement Guidelines I again consider that SPPR3 does not apply. However, in a more rounded consideration of the Guidelines, it is my opinion that (contrary to the WCDP approach) a maximum of 1 space per dwelling would be more appropriate, and I consider that this supports the application approach in providing reduced parking.
- 10.7.33. I note that the applicant has highlighted a potential material contravention in relation to CPO 12.56 (erroneously cited as CPO 12.57) of the WCDP, and that an observation also suggests a material contravention in respect of car parking. However, CPO 12.56 allows for deviations from Appendix 1 Table 2.3, even if the standards within are interpreted as 'minimum' standards. Having regard to the foregoing assessment, I consider that the circumstances of this case are suitable to facilitate such a deviation in accordance with CPO 12.56. Accordingly, I do not consider that there would be a material contravention of the WCDP in respect of car parking.
- 10.7.34. In relation to SLO3 of the Bray LAP, I note the requirement that not more than 20% of the total overall parking provision required for the entire MU area may be located on open surface locations. A majority (64%) of the proposed parking within the WCC area would be underground. Ultimately however, this provision can only be fully assessed when precise proposals for the entire MU area are available, and I would accept that the later phases are likely to include a significantly lower proportion of surface parking. At this stage, I am satisfied that there is no contravention of the LAP in this regard.

DLRCC Cycle Parking

- 10.7.35. Section 12.4.6 of the DLRCDP states that cycle parking should accord with the Council publication ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments’ (2018) or any subsequent review. It states that these are minimum standards which should be exceeded in Parking Zones 1 and 2.
- 10.7.36. A comparison between the proposed development and the DLRC standards is outlined in the following table.

Unit Type	DLRCC Standard		Proposed	
	Long Term (1 per unit)	Short Stay (1 per 5 units)	Long Term	Short Stay
Block A	162	32	277	81
Block D	26	5	62	14
Other Units	86	17	See commentary below	
Total	328		434 (+ provision for house/duplex units)	

- 10.7.37. As per the table above, it is clear that the proposals for Blocks A & D significantly exceed requirements. For the other apartment/duplex and house units, the specific numbers do not appear to be clearly stated in the application. However, the application does outline that bike storage will be provided to the front of the majority of houses, with the exception of the houses along the western boundary where communal storage will be provided. All duplex units will have bike parking in secure storage either under the external stairs or in bike stores. I have counted 86 no. external bike stores to correspond with the 86 no. house/duplex units. This ensures at least 1 long-term space for each dwelling and the stores are suitably sized to accommodate at least 1 visitor space for every 5 units. Accordingly, I am satisfied that the proposals are consistent with CDP requirements.
- 10.7.38. In national guidance, SPPR 4 of the Compact Settlement Guidelines outlines requirements for residential units that do not have ground level open space or have smaller terraces. It states that a general minimum standard of 1 cycle storage space per bedroom should be applied; that visitor cycle parking should also be provided;

and that any deviation from these standards shall be at the discretion of the planning authority. It also outlines qualitative requirements in relation to variety and design.

10.7.39. Given that the house/duplex units have access to ground level open space and larger terraces, I consider that SPPR 4 applies only to the apartment blocks. Block A has 252 no. bedrooms and has been provided with 277 no. long-term spaces and 81 no. short-term spaces. Block D has 32 no. bedrooms and has been provided with 62 no. long-term spaces and 14 no. short-term spaces. Accordingly, the proposal meets the stated requirements of SPPR 4.

10.7.40. I note that the DLRCC Transportation report recommends the provision of at least 963 spaces over the entire development (including the WCC area) based on the Apartments Guidelines standards. However, the standards outlined in SPPR 4 of the Compact Settlements Guidelines take precedence and I do not consider it appropriate to implement DLRCC recommendations within the WCC area. For the reasons outlined above, I consider that the proposed quantum of cycle parking is satisfactory. I also acknowledge the concerns about cycle parking variety and design, including an over-reliance on stacked arrangements. However, I am satisfied that this matter can be satisfactorily agreed as a condition of any permission.

WCC Cycle Parking

10.7.41. The WCDP outlines covered Bicycle Parking Standards in Table 2.4 of Appendix 1. A comparison between the proposed development and the WCDP standards is outlined in the following table.

Unit Type	WCDP Standard		Proposed	
			Long Term	Short Stay
Block B (Apts)	296 (Long Term - 1 per bedroom)	38 (Visitor - 1 per 5 units)	326	95
Block C (Apts)	119 (Long Term - 1 per bedroom)	16 (Visitor - 1 per 5 units)	126	64
Other Residential Units	116 (Long Term - 1 per bedroom)	8 (Visitor - 1 per 5 units)	See commentary below	

Gym & Juice Bar	Not Stated	5
Cafe	Minimum of 10	10 (as per Ground Floor Plan drawing)
Retail Unit	1 (1 for every 10 car spaces)	12 (as per Hard Landscape Layout – Sheet 7)
Childcare	Not Stated	12 (4 for staff + 8 drop-off)

10.7.42. As per the table above, it is clear that the proposals for the apartments in Blocks B & C significantly exceed requirements. As previously outlined, bike storage will also be provided for the other apartment/duplex and house units, and I am satisfied that this can accommodate CDP requirements subject to the agreement of details by condition. As previously outlined, SPPR 4 applies only to the apartment blocks and the above table demonstrates that at least 1 space will be provided per bedroom along with ample visitor spaces. Accordingly, the proposal meets the stated requirements of SPPR 4.

10.7.43. In relation to the non-residential use, the above table demonstrates that the proposal satisfactorily addresses CDP requirements (where stated). Where requirements are not stated, I am satisfied that the applicant's proposals are sufficient to meet the needs of the development.

10.7.44. I note that the WCC CE Report has not raised objections in relation to the cycle parking proposals and I am satisfied that, subject to the agreement of detailed design, the proposals are satisfactory and consistent with the WCDP.

Conclusion

10.7.45. In conclusion regarding traffic and transport, I am satisfied that the proposed development would be adequately serviced by public transport in terms of the proximity, frequency, and capacity of existing services, as well as their links to other modes of public transport and planned improvements for sustainable travel in the area. I do not consider that the level of traffic generated by the proposed development would unacceptably impact on the capacity of the road network and I am satisfied that adequate levels of car/cycle parking and other active travel / mobility management measures have been incorporated into the development. Furthermore, I do not consider that the traffic movements would interfere with the

safety of traffic and other vulnerable users. Accordingly, I consider that the traffic and transport proposals are acceptable and consistent with applicable local policy and national guidance.

10.8. Design, Layout, and Visual Impact

- 10.8.1. The assessment of design, layout, and visual impact is closely related to the question of building height and density. Accordingly, local and national policy has been designed to consider these and other issues as part of an overarching assessment of building height. In this case, I note that building height is an important issue. Observers have outlined concerns that an excessive height (particularly the 12-storey Block B) would have a negative impact on the coastline, the harbour, the heritage value of the seafront, and the wider character of the town. It has also been suggested that the proposal would not comply with the Building Height Guidelines and would materially contravene a Development Plan. However, while I note that the WCC elected members raised concerns about excessive height, the planning authority CE Reports have ultimately not raised any significant concerns about design, layout, height, or visual impact.
- 10.8.2. In terms of national policy, the Building Height Guidelines promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility.
- 10.8.3. At local level, I have previously outlined in section 10.3 of this report that the Building Height Strategy (BHS) for DLRCC (Policy Objective BHS 1) supports increased height / taller buildings at such locations subject to further assessment of height impacts, particularly the criteria outlined in table 5.1 of the strategy. The BHS policy approach is based on the SPPRs and other guidance within the Building Height Guidelines and the assessment criteria outlined in Table 5.1 is largely consistent with section 3.2 of the Guidelines. Similarly, the WCDP (CPO 6.17) aims to facilitate higher buildings subject to compliance with the assessment criteria set out in the Building Heights Guidelines. Therefore, I consider that the proposed development should be assessed in accordance with criteria outlined in the Building Height

Guidelines, along with any additional criteria contained in Table 5.1 of the DLRCC BHS.

10.8.4. Section 3.1 of the Building Height Guidelines sets out broad principles for the assessment of proposals for buildings taller than prevailing heights. In response to these broad principles, I would state the following:

- Having regard to my assessment outlined in sections 10.2 and 10.3 of this report, I consider that the proposal assists in securing the NPF objectives of focusing development on key urban centres and effectively supporting the National Strategic Objective to deliver compact growth in urban centres.
- The proposal for increased height can be considered in accordance with DLRCDP policy (BHS 1) and WCDP policy (CPO 6.17), both of which have taken clear account of the requirements set out in Chapter 2 of the guidelines.
- The Development Plans do not pre-date the Guidelines. The Bray LAP does predate the Guidelines, but I do not consider that it contains any specific provisions relating to the application site that would not align with or support the objectives and policies of the NPF.

10.8.5. Section 3.2 outlines that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála, that the proposed development satisfies stated criteria. And SPPR 3 of the Guidelines states that where a planning authority concurs that an application complies with the criteria outlined in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant development plan may indicate otherwise. In this case, I do not consider that there are any specific objectives in the Development Plans or the LAP that would prohibit approval. Notwithstanding this, I acknowledge that the proposed development would be significantly higher than the prevailing building height and I consider it appropriate to apply the criteria outlined in Section 3.2 of the Guidelines, which is consistent with the Development Plan approaches. Section 3.2 of the Guidelines outlines criteria to be assessed at various scales, as discussed in the following paragraphs.

At the scale of the relevant city/town

- 10.8.6. On the basis of my assessment as previously outlined in sections 10.2, 10.3, and 10.7 of this report, I am satisfied that the site is well served by public transport with high capacity, frequent service, and good links to other modes of public transport.
- 10.8.7. In terms of integration with the character and public realm of the area, I would highlight that the site is not located within an architecturally sensitive area. In the DLRCC area, it is not within any of the Landscape Character Areas identified in Appendix 8 of the Development Plan and is not affected by any specific protected views or prospects as per Table 8.1. In the WCC area, I note that the WCDP (CPOs 19.8, 19.9 and 19.16) aim to protect the character and visual potential of the coast; to strictly control development in coastal areas; and to enhance the amenities of the Bray coastal area. Map H2 of the Bray LAP outlines that there are no protected views within the site, but that there are 3 no. protected views in close proximity, i.e. 2 no. views south and 1 no. view west from the coast (positioned south of the application site). Ultimately, I acknowledge the coastal location of the area and that the proposed development is of a greater height and scale compared to immediately surrounding development. However, it must also be acknowledged that there is a planning history and policy approach that supports increased height and scale on the site and overall Masterplan lands.
- 10.8.8. Chapter 5 of the EIAR outlines a Landscape and Visual Impact Assessment (LVIA) of the proposed development. It has been prepared by a Chartered Landscape Architect and is based on the Guidelines for Landscape and Visual Impact Assessment (3rd Edition) by The Landscape Institute and the Institute of Environmental Assessment (2013) (GLVIA) in addition to the Guidelines on the information to be contained in Environmental Impact Assessment Reports, EPA, May 2022. It outlines that the site is typical of a former golf course, is influenced by existing development, and is not in a prime position to view the beach or River Dargle, concluding that the value of the landscape is low. It also considers that the susceptibility and sensitivity of the site to new development is low.
- 10.8.9. The LVIA refers to Appendix 5.1 for the 35 verified view montages (VVM) prepared for the scheme (including cumulative developments where relevant). Having reviewed these images and inspected the site, my assessment of impacts can be summarised in the following table.

View Nos.	Location	Assessment
1, 11 - 15,	Between the site & Dublin Rd	Generally screened by or partially viewed consistent with the context of existing development. I would concur that the significance would generally be very limited, with the closest view (No.1) being only moderate.
2 - 3	Adjoining River Dargle	The majority of the development would be screened by existing vegetation. The main impact would be from the 12-storey tower element within Block B. And while the applicant's LVIA has classified the significance as 'minor neutral' I consider that the proposed height is excessive and would result in an incongruous feature which would detract from the character and amenities of the area.
4 - 5	South of the Harbour	Almost entirely screened by existing development / vegetation and impacts would be negligible.
6 – 7	The Harbour	In View 6, Blocks A, B, and C are directly visible, while visibility is largely limited to Block B in View 7. The development would have a significant effect. However, with the exception of the excessive tower height in Block B, I would not consider it unacceptable. It would create a new sense of character in an area that is currently dominated by the harbour and surrounding warehousing/industrial buildings, as well as rail and other infrastructure.
8 - 10	Adjoining residential areas to the north	Generally screened by existing development and vegetation, particularly in summer. I would concur that the significance for views 8 & 9 would be minor/negligible. The tree screening shown for View 10 (winter) was not evident on my site inspection and accordingly, I would not entirely concur with the LVIA conclusion regarding a 'moderate' impact. The impact of Block D would be significant at the end of this road. However, I do not consider that the impacts would unacceptably detract from the character or amenities of the area subject to

		clarification of existing/proposed landscaping as discussed earlier in this report.
16, 21, 23	Seafront to Bray Head	I note the coastal and built heritage sensitivity of these views. And while I acknowledge that the views are distant, I consider that the excessive height of Block B would again form an obtrusive feature which would detract from the character of the built and natural heritage value of the Bray seafront and wider coastal area.
17 – 20, 22	Within Bray (south) & along Dargle River	Almost entirely screened by existing development / vegetation and impacts would be negligible.
24 - 35	N11 and distant views from north of Bray	In the closer views (24-28) the proposed development would be largely screened by existing development and vegetation. It would be visible in more distant views (29-35 @ c. 5+km), particularly the upper levels of Block B. However, I would accept that the significance would be mitigated by the large separation distance.

10.8.10. On larger urban redevelopment sites, the Guidelines state that proposed developments should make a positive contribution to place-making. The proposed development will provide a varied hierarchy of new streets, including improved pedestrian and cycle connections to the north (Corke Park) and to the harbour, town centre and coastline via the rail underpass. As previously outlined in this report, it will also incorporate an extensive range of public spaces which will be appropriately designed and landscaped. I have also previously outlined how the proposed massing and height achieves the required densities, and I am satisfied that this is achieved through buildings with distinctive character and a variety of form, massing, height, etc., which creates visual interest. The proposed design responds to the scale of adjoining development by gradually increasing building height and scale from existing development to the west the site. And while I have concerns about the excessive height of Block B, I am satisfied that, overall, the proposal would make a positive contribution to place-making.

At the scale of district/ neighbourhood/ street

- 10.8.11. The proposal has been designed to respond to its natural environment, including appropriate interfaces with the park to the north, the coast to the east, and open space and the Dargle River to the south. The lower height and scale of development in the western portion of the site also responds to existing development, while Blocks A & B to the east are generally of a suitable scale and setback from the rail infrastructure. The scheme has been designed on a Masterplan approach to appropriately respond to the planned development of the adjoining lands to the south and the Dargle River. The design draws inspiration from the unique character of Bray as a Victorian and Edwardian seaside town, while at the same time introducing a strong contemporary approach to maintaining the coastal connection.
- 10.8.12. The proposal includes a wide range of building typologies. And while I acknowledge that some blocks are of significant scale, particularly Blocks A & B, I consider that the design approach avoids a monolithic appearance through a variety of heights, finishes, and elevational detailing. Blocks A & B will present as 4 separate blocks which will be suitably separated and distinguished by a variety of heights, finishes, and façade treatment. I am satisfied that the excessive height of Block B could be reduced while still maintaining an appropriate variety of height and massing.
- 10.8.13. The site has functioned as an informal recreation area / link between the town centre and the northern environs of Bray. The proposed development would maintain and enhance this arrangement through the provision of appropriately designed links and public spaces. I am satisfied that these links/spaces would be adjoined by development of an appropriate height and scale which would create an enhanced sense of enclosure in the public realm. As outlined in section 12.8 of this report, I am also satisfied that the proposal is in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).
- 10.8.14. The informal nature and use of the site lacks identity and legibility. Blocks A and B would provide a strong edge and identity to the coast and rail line to the east. And Blocks B & C, together with the adjoining ‘Orchard’, Market Square’, and public open space, would introduce strong legibility to integrate with future development and the River Dargle to the south. The smaller scale of development to the north and west would also integrate with the adjoining school and residential properties, while the proposed links would improve legibility and connectivity to the north.

10.8.15. As previously outlined in sections 10.2 and 10.4 of this report, I am satisfied that the proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood. In particular, it includes a suitable range of active uses at street level which would positively contribute to vibrancy. And consistent with CPO 6.30 of the WCDP, I am satisfied that the development has been appropriately divided into a number of smaller elements which are differentiated by the use of materially different design themes.

At the scale of the site/building

10.8.16. In this regard, I refer to section 10.4 and 10.5 of this report. I am satisfied that the form, massing and height of the proposed development has been carefully modulated so as to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light.

10.8.17. Appropriate and reasonable regard has been taken of quantitative performance approaches to daylight provision outlined in the BRE Guide (3rd Edition, 2022) and I.S. EN 17037, which are like the guides referenced in the Building Height Guidelines, i.e., the BRE Guide (2nd edition) and BS 8206-2: 2008.

10.8.18. The application clearly identifies where the proposal is not able to fully meet all the requirements of the daylight provisions referenced above, and compensatory design solutions have been set out in the form of larger unit sizes, larger amenity spaces, and dual aspect/sea views. I am satisfied that these measures satisfactorily compensate any shortfalls in daylight provision while having regard to site specific constraints and the need to achieve wider planning objectives relating to compact, sustainable development at accessible locations.

Specific Assessments

10.8.19. The application includes a Wind Microclimate Modelling report. The report acknowledges some minor flow velocity accelerations on the road south side of Block B and adjacent to Block C, as well as the area between Block A and the adjacent rail structure but concludes that they are well below the threshold limits and suitable for intended use in accordance with the Lawson criteria. The courtyards within Blocks A, B, and C are largely suitable for long-term sitting, and the roof terrace on Block C is well protected to facilitate long-term sitting for the majority of the year. Higher velocities have been identified on a number of the balconies, but these are not critical for safety and residents have alternative communal options on

such occasions. Tree planting will mitigate ground-level impacts. The report concludes that there will be no negative or critical wind speed profiles at the nearby roads or buildings, and that there will be no critical conditions for 'Frail persons or cyclists' or for members of the 'General Public'. I am satisfied that this analysis has been carried out with an appropriate methodology and that the proposal would have no unacceptable impacts.

- 10.8.20. The potential for impacts on bird and bat species is considered in section 12.6 of this report. I am satisfied that there would be no unacceptable effects.
- 10.8.21. A Telecommunications Impact Assessment report has been prepared by BBSC (2022), as presented within the MEP Engineering Report & Energy Statement in Appendix 12.3 of the EIAR. It demonstrates that the development will not impact on fixed line telecommunications or sightlines. It acknowledges the potential to affect local radio (mobile phone) communications and the network load and confirms that surveys will be carried out on completion of development to inform recommended mitigations measures. I consider that these measures would appropriately facilitate the retention of telecommunication channels.
- 10.8.22. Having regard to the location of the site and the height and scale of the proposal, I do not consider that there would be any air safety concerns or the need for further assessment in this regard.
- 10.8.23. The application is accompanied by an Architectural Design Statement and the EIAR considers the impact on the historic built environment. Subject to the reduction of the height of Block B, I do not consider that there would be any unacceptable impacts.
- 10.8.24. The relevant environmental assessment requirements are outlined in sections 11 and 12 of this report.

Table 5.1 of the DLRCC Building Height Strategy

- 10.8.25. The criteria outlined in this table are largely covered by the Building Height Guidelines criteria as discussed above. Any additional relevant issues are now considered below.

- 10.8.26. I have outlined my satisfaction with the capacity of social/community infrastructure and transportation infrastructure in sections 10.6 and 10.7 respectively. The Irish Water submission has also confirmed that water and wastewater connections are feasible subject to conditions.
- 10.8.27. As outlined in section 10.5 of this report, I am satisfied that there would be no unacceptable impacts on the amenity enjoyed by neighbouring properties.
- 10.8.28. Appendix 12.3 of the EIAR includes an Energy Statement. The NZEB standard will apply, and the report outlines how the proposed development will ensure sustainable energy efficiency to ensure low running cost of use and consideration of green energy. I am satisfied that these proposals are satisfactory.
- 10.8.29. The site is not within the Booterstown-Dalkey coastal area or the mountain foothill landscape. Therefore, no further assessment is required in this respect.

Compact Settlement Guidelines (2024)

- 10.8.30. I note that section 4.4 and Appendix D of the Guidelines outline Key Indicators of Quality Design and Placemaking, including 'sustainable and efficient movement', mix and distribution of uses', 'green and blue infrastructure', 'responsive built form', and 'public open space'. I have had regard to this guidance, and I am satisfied that the relevant issues have been satisfactorily addressed throughout this report.

Conclusion

- 10.8.31. Having regard to the foregoing, I am satisfied that with the exception of the excessive height of Block B, the proposed development would be of a scale, height, design and layout, and would not have any unacceptable impacts on the visual amenity or character of the area. The upper-floor element of Block B is a relatively minor aspect of the overall development, and my concerns would be satisfactorily addressed by the removal of three floors (floors 7-9). This would reduce this element to a maximum of 9 storeys, while still maintaining a suitable variation in building height and a landmark focus at this prominent position. I do not consider that this would adversely impact on the overall integrity of the design approach.
- 10.8.32. The removal of these three floors would result in the loss of just 15 apartments (9 no. 1-beds and 6 no. 2-beds). I do not consider that this would significantly impact on the overall density, the proposed mix of units, or any other aspect of the proposed

scheme. Accordingly, I am satisfied that this could be appropriately achieved through agreement as a condition of any permission.

10.8.33. Subject to this suggested amendment, I consider that the proposed development would be consistent with local policy as outlined in the DLRCDP, the WCDP, and the Bray LAP. It would also be consistent with regional and national policy/guidance, including the Building Height Guidelines, to support increased height and density subject to compliance with the criteria as outlined in this section. Notwithstanding its comparative scale and height, the amended proposal would satisfactorily integrate with its environment and would not detract from the character or amenities of the area in any unacceptable way. Accordingly, I have no objections in relation to design, layout, and the landscape/visual impacts of the proposed development subject to the suggested amendment.

10.9. **Material Contravention**

Legislative Provisions

10.9.1. Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 outlines that the Board may grant permission for an SHD even where the proposed development materially contravenes the Development Plan or LAP concerned, except in relation to the zoning of land. In any such case, the Board must be satisfied that the provisions of section 37(2)(b) of the Act of 2000 would apply, which are as follows:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

- 10.9.2. The application includes a 'Statement of Material Contravention', the grounds for which have been outlined in section 6.5 of this report. This statement has been referenced in the public notices for the application in accordance with the requirements of the Act of 2016 and the Regulations of 2017. The referenced 'material contravention' issues will be discussed in the following paragraphs.
- 10.9.3. However, before assessing the individual issues and provisions, I propose to address the more general question of 'strategic or national importance' as per s. 37(2)(b)(i). In this regard, I firstly note the classification of the proposed development as 'strategic housing development' as per the definition in section 3 of the Act of 2016, as well as its significant scale comprising 586 residential units.
- 10.9.4. As part of the RSES, Bray is designated as a 'Key Town' within the Dublin Metropolitan Area. And as part of the RSES, the Dublin MASP seeks to focus on several large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Bray is identified as a key node on the north-south DART corridor and the site is part of lands at the former Bray Golf course identified for the development of new residential communities and high-density mixed-use development (RPO 4.37). At County level, the importance of these lands from a residential and sustainable transportation perspective is highlighted in the WCDP, including as a regeneration / rejuvenation priority (CPO 5.6) and for sustainable transportation (CPO 12.64).
- 10.9.5. Therefore, having regard to the foregoing strategic context, together with the current national housing shortage and national policy to substantially increase national housing output as set out in 'Housing For All', I consider that the proposed development would be of strategic and national importance and that a material contravention would comply with the terms of section 37(2)(b)(i) of the Act of 2000. This applies equally to all of the following individual issues, and I do not propose to discuss s. 37(2)(b)(i) any further.

Car Parking (DLRCDP & WCDP)

- 10.9.6. As outlined in section 10.7 of this report, I consider that both Development Plans allow for reduced parking subject to the consideration of further criteria. I am

satisfied that these criteria have been satisfactorily addressed and that there would not be a material contravention of either Development Plan in respect of car parking. However, in the event that the Board is considering a material contravention, s. 37(2)(b)(ii) – (iv) is addressed hereunder.

- 10.9.7. In relation to s. 37(2)(b)(ii), I would concur with the applicant's position that the relevant objectives are unclear. In the DLRCDP, s. 12.4.5.2 outlines a wide range of qualitative criteria which are not specific or definitive. Similarly, there is a lack of clarity as to whether the standards referred to in the WCDP (CPO 12.56 and Table 2.3) are minimum or maximum, and in what circumstances reduced parking standards can be accepted (e.g. 'other situations that may be considered on a case-by-case basis'). Accordingly, it is my opinion that the Board could apply s. 37(2)(b)(ii) in this case.
- 10.9.8. In relation to s. 37(2)(b)(iii), I have outlined in section 10.7 of this report my opinion that SPPR3 of the Compact Settlement Guidelines does not apply, but that the proposal is consistent with the general thrust of the Guidelines. The Apartments Guidelines generally outline recommendations for reduced parking in areas that are well suitably served by public transport, and SPPR 8 (iii) outlines a specific requirement for '*a default of minimal or significantly reduced car parking*' in BTR developments. Furthermore, NPO 13 of the NPF outlines that car parking standards should be based on performance criteria and will be subject to a range of tolerance that enables alternative solutions. Accordingly, it is my opinion that the Board could apply s. 37(2)(b)(iii) in this case.
- 10.9.9. In relation to s. 37(2)(b)(iv), I note that s. 4.5.2 of the applicant's statement refers to previous permissions under ABP Ref. 305844-19, ABP Ref. 306583-20, and ABP Ref. 311181-21. However, the Board should not that these decisions were made prior to the making of the Development Plans. Accordingly, I do not consider that they can be considered under s. 37(2)(b)(iv) and I am not aware of any other relevant cases since the making of the Development Plans.

Residential Mix (DLRCDP)

- 10.9.10. As outlined in section 10.4 of this report, I acknowledge that the proposal for 33% 1-bed units would marginally exceed the 'general' mix requirements of the DLRCDP (i.e. no more than 30% one-bed and studios), but I do not consider that this would

constitute a material contravention. However, in the event that the Board is considering a material contravention, s. 37(2)(b)(ii) – (iv) is addressed hereunder.

- 10.9.11. In relation to s. 37(2)(b)(ii), I note that the DLRCDP (s. 12.3.3.1) requires the apartment mix to be '*generally in accordance*' with Table 12.1. I consider that this is an unclear provision which allows for flexibility in the application of the standards. Accordingly, it is my opinion that the Board could apply s. 37(2)(b)(ii) in this case.
- 10.9.12. In relation to s. 37(2)(b)(iii), I note that SPPR 1 of the Apartment Guidelines outlines that developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios). And while the proposed development would comply with this provision, SPPR1 also allows for development plans to specify a mix for apartment and other housing developments, subject to an evidence-based Housing Need and Demand Assessment (HNDA) that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan. The DLRCDP mix provisions have been included based on the recommendations of such a HNDA and it is my opinion that they override the provisions of SPPR1 and any other general national/regional guidance. Accordingly, I do not consider that the Board could apply s. 37(2)(b)(iii) in this case.
- 10.9.13. In relation to s. 37(2)(b)(iv), I note that s. 4.5.1 of the applicant's statement refers to previous permissions under ABP Ref. 306583-20 and ABP Ref. 311181-21. As previously outlined, these decisions were made prior to the making of the Development Plans. Accordingly, I do not consider that they can be considered under s. 37(2)(b)(iv) and I am not aware of any other relevant cases since the making of the Development Plans.

External Storage (DLRCDP)

- 10.9.14. As previously outlined in section 10.4 of this report, I note that s. 12.3.5.3 of the DLRCDP outlines advisory recommendations that apartment schemes 'should include' external storage. This has been complied with in Block A, which accounts for the vast majority (86%) of the multi-unit apartments in DLRC. And while the smaller Block D does not include external storage, I do not consider that it is a mandatory requirement that would constitute a material contravention. In any case, I am satisfied that a condition can be included to satisfactorily address this issue.

However, in the event that the Board is considering a material contravention, s. 37(2)(b)(ii) – (iv) is addressed hereunder.

- 10.9.15. In relation to s. 37(2)(b)(ii), I consider that the previously mentioned term ‘should include’ is unclear in terms of its mandatory application. Furthermore, it refers to ‘apartment schemes’ (rather than each individual block) and does not indicate the extent of storage (if any) that would be required, whether by scheme, block, apartment units, or floor area. Accordingly, it is my opinion that the Board could apply s. 37(2)(b)(ii) in this case.
- 10.9.16. In relation to s. 37(2)(b)(iii), the applicant has highlighted that the Apartment Guidelines outlines that such facilities ‘should’ be provided but does not include a mandatory requirement. I consider that this is generally consistent with the Development Plan approach, and I do not consider that it would establish any overriding basis to grant permission under s. 37(2)(b)(iii).
- 10.9.17. In relation to s. 37(2)(b)(iv), I note that s. 4.5.3 of the applicant’s statement refers to the previous permission under ABP Ref. 311181-21. As previously outlined, this decision was made prior to the making of the Development Plans. Accordingly, I do not consider that it can be considered under s. 37(2)(b)(iv) and I am not aware of any other relevant cases since the making of the Development Plans.

Public Open Space (Bray LAP)

- 10.9.18. As outlined in section 10.6 of this report, I do not consider that there would be a material contravention of the LAP in respect of public open space. However, in the event that the Board is considering a material contravention, s. 37(2)(b)(ii) – (iv) is addressed hereunder.
- 10.9.19. In relation to s. 37(2)(b)(ii), I have outlined in section 10.6 of this report my view that there is a lack of clarity regarding the phasing of public open space. In the first instance, the description of a ‘kick start’ development lacks clarity and, therefore, it is not clear whether the phasing provisions apply to this development. Secondly (if the phasing provisions do apply), it is not clear that the requirement for a ‘public park’ refers to a public park of not less than 2ha. Accordingly, it is my opinion that the Board could apply s. 37(2)(b)(ii) in this case.
- 10.9.20. In relation to s. 37(2)(b)(iii), I note that Policy and Objective 5.1 of the Compact Settlement Guidelines is that public open space requirements in statutory

development plans¹ should not be more than 15% of net site area, save in exceptional circumstances. The proposed development would exceed a minimum 15% requirement, both within the WCC area and in the overall site as a whole. Accordingly, it is my opinion that the Board could apply s. 37(2)(b)(iii) in this case.

- 10.9.21. In relation to s. 37(2)(b)(iv), the applicant's statement does not refer to any previous permission and I am not aware of any other relevant cases since the making of the Development Plans.

Conclusions on Material Contravention

- 10.9.22. Having regard to the foregoing, I do not consider that the proposed development would materially contravene the DLRCDP, the WCDP, or the Bray LAP. However, in the event that the Board considers that there is a material contravention, I consider that permission can be granted in accordance with the provisions of section 37(2)(b) of the Act of 2000 for the reasons as outlined in this section of my report.

10.10. Local Authority Recommendations

- 10.10.1. As previously outlined, the CE Reports for both DLRC and WCC recommend that permission should be granted subject to conditions which are generally standard in nature. Where significant conditions have been recommended, the relevant issues have been addressed throughout this report.

11.0 Appropriate Assessment Screening

- 11.1. The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under part XAB (section 177U) of the Planning and Development Act 2000 (as amended) are considered fully in this assessment.

11.2. Background to the application

- 11.2.1. As part of the application, an Appropriate Assessment Screening Report and a Natura Impact Statement (NIS) was prepared by Atkins Ireland. The AA Screening outlines that the construction phase will involve construction of a drainage outfall on the banks of the River Dargle which has the potential to affect the water quality of this watercourse. It also outlines that the operational phase involves drainage outfall

¹ As per Appendix A of the Guidelines, this includes Local Area Plans.

(storm water / treated foul water) to the River Dargle and the Irish Sea. It concludes that in the absence of 'additional measures', it is not possible to screen-out likely significant effects on Harbour Porpoise (Rockabill to Dalkey Island SAC Qualifying Interest species), which is a mobile species which may occur within marine waters outside of the SAC site extents / near Bray Harbour. Accordingly, it was recommended that the project should be subject to Appropriate Assessment.

- 11.2.2. The NIS outlines that the potential for the proposed project to affect the conservation objectives of Harbour porpoise via hydrological pathways is low. However, it includes a range of proposed mitigation measures with regard to potential surface water quality impacts at construction and operational phases. Based on its evaluation of the potential direct, indirect and cumulative impacts on the qualifying interests of the Rockabill to Dalkey Island SAC and the implementation of the proposed mitigation measures, the NIS concludes that there will be no residual impacts and the proposed project will not have an adverse effect on the integrity of the Rockabill to Dalkey Island SAC or any other European site.
- 11.2.3. Having reviewed the documents, drawings and submissions included in the application file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European Sites.
- 11.2.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on a European Site(s).

11.3. **Description of the development and site**

- 11.3.1. A detailed description of the development is outlined in section 3 of this report. In summary, it comprises the construction of 586 residential units, a retail unit, 1 no. commercial unit, a childcare facility and a café. Foul drainage will be facilitated by a new 225mm diameter foul sewer with a single outfall to a proposed manhole that will be constructed as part of the future foul network reinforcement project to be carried out by Irish Water. Foul water will be directed to the Shanganagh WWTP for treatment before discharge to the sea. Surface water drainage proposals will employ SuDS techniques including permeable paving, swales in park areas adjacent to

roads, green roofs, filter drains to rear gardens, modular underground attenuation and flow control devices, and will outfall via attenuation / storage tanks to the Dargle River.

11.3.2. The site has been described in section 2 of this report. The main body of the site was formerly used as a golf course, but the majority of this area (western portion) is currently under construction and includes artificial surfaces. The habitat in the undeveloped eastern portion of the site consists mainly of Amenity Grassland, Scattered Trees and Parkland, and Hedgerow along the eastern boundary. The northern boundary and northwest corner of the site includes Mixed Broadleaved / Conifer Woodland and Treelines. No invasive species were recorded within the site during ecological surveys (2020 and 2022).

11.3.3. There are no rivers/streams/water features on the site. The River Dargle is separated from the southeast corner of the site by the flood defence wall and the adjoining pedestrian/cycle route. The Rathmichael stream is located to the north of the site and runs within c. 10m of the site boundary. Both the Dargle River and Rathmichael stream flow in a general easterly direction before discharging to the Dargle Estuary and Southwestern Irish Sea - Killiney Bay respectively.

11.4 Submissions and Observations

11.4.1. The issues raised that may relate to European Sites are summarised under the headings below.

3rd Party Observers

I note that the submissions make reference to the wider range of biodiversity and ecological significance of the site and surrounds. These matters will be addressed in the EIA (Section 12 of this report). Specifically in relation to European Sites and Appropriate Assessment, I note that concerns have been raised that the information is insufficient, contains lacunae, is not based on appropriate scientific expertise, and that the Board cannot comply with the requirements of the Habitats Directive. The following issues have been raised:

- There are inadequacies and lacunae in the AA Screening Report and the Board does not have sufficient information to complete an AA Screening.

- The AA Screening assessment does not provide sufficient reasons or findings in respect of sites 'screened out'. It is further flawed as it rules out certain protected sites on the basis of mitigation measures.
- The NIS is flawed as it does not consider all aspects of the development, including the construction phase.
- The NIS seeks to rely on an assessment of collision/flight risks in the EIAR.
- Insufficient surveys have been carried out to assess potential impacts arising from bird collision/flight risks.
- The Zone of Influence in the NIS is not reasoned or explained.
- The NIS fails to identify and consider all potential impacts on protected bird species, including potential collision flight risk during construction and operation.
- No regard/inadequate regard to the cumulative effects of the proposed development in combination with other development in the vicinity.
- Insufficient site visits were carried out and absence of detail as to the methodology utilised for the site visits.
- The main channel of the River Dargle is designated as a salmonid water and badger and bat activity has been recorded.
- Reliance on NIS submitted for Shanganagh WwTP is impermissible and contrary to the Habitats Directive.

CE Reports

The applicant's reports are noted, and it is highlighted that the Board is the competent authority for determinations in this case.

Department of Housing, Local Government, and Heritage

The submission agrees with the NIS conclusion that with the implementation of mitigation measures will ensure that the proposed development will not have an adverse effect on the integrity of the Rockabill to Dalkey SAC or any other European site. A finalised CEMP shall incorporate and implement the proposed mitigation measures to avoid any pollution through surface water runoff or accidental discharges during construction reaching the River Dargle and the coastal waters of Bray Harbour.

11.4.2. I have considered all submissions received, and the relevant issues are addressed within the following assessment.

11.5 European Sites

11.5.1. The applicant's AA Screening report considers a 'Zone of Influence' based on the location of European Sites; the Qualifying Interests (QIs) and their potential mobility outside the site; the source-pathway-receptor model; and potential environmental effects of the proposed project. Based on the surface water outfall to the River Dargle and Irish Sea, it acknowledges that hydrological connectivity exists with the coastal and marine based European sites. It also considers QI species which may occur at a distance from the SAC or SPA. Harbour porpoise (QI of Rockabill to Dalkey Island SAC) is an example of such a mobile species. Similarly, many SPA waterbird species have a wide geographical range, including the Roseate Tern which has recently been noted as breeding in small numbers in Dalkey Island SPA during 2020 and which have an important breeding colony within Rockabill SPA.

11.5.2. The AA Screening report considers 13 European sites which can be summarised in the following table.

European Site (Distance)	Conservation Objectives & Qualifying Interests	Applicant's Screening Comment
Bray Head SAC (1.7km)	To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts. To restore the favourable conservation condition of European dry heaths.	Indirect hydrological connectivity would not significantly impact given that only the base of the cliffs is in contact with coastal waters and the dilution and dispersal that would occur. Increased population would not significantly impact on existing formalised pathways.
Rockabill to Dalkey Island SAC (4.1km)	To maintain the favourable conservation condition of Reefs; and Harbour porpoise.	Potential indirect connectivity via the surface water outfall, the WwTP outfall from Shanganagh, and the mobile nature of Harbour porpoise which may occur outside of the SAC site extents / near Bray Harbour.
Ballyman Glen SAC	To restore the favourable conservation condition of	The project site is downstream and there is no connectivity. The location, scale and

(2.2km)	Petrifying springs with tufa formation; and Alkaline fens	duration of the project would not impact on QI habitats.
Knocksink Wood SAC (4.1km)	To restore the favourable conservation condition of Petrifying springs with tufa formation; Old sessile oak woods with Ilex and Blechnum in the British Isles. To maintain the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior.	There is no hydrological connectivity with the project site. The location, scale and duration of the project would not impact on QI habitats.
Glen of the Downs SAC (7km)	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles.	There is no hydrological connectivity with the project site. The location, scale and duration of the project would not impact on QI habitats.
Wicklow Mountains SAC (7.5km)	To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains; Natural dystrophic lakes and ponds; Calaminarian grasslands of the Violetalia calaminariae; and Otter. To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix; European dry heaths; Alpine and Boreal heaths; Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe); Blanket bogs (* if active bog); Siliceous scree of the montane to snow	It is acknowledged that Otter are highly mobile species. The nearest watercourses and lakes within the SAC are ca. >14km and ca. >18.5km upstream respectively of the project. It is considered that the lower stretches of the River Dargle in Bray town are outside of the territorial range of the otter populations of the SAC and that populations will not be affected by the project. Otherwise, there is no hydrological connectivity with the project site and the location, scale and duration of the project would not impact on QI habitats or species.

	<p>levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>);</p> <p>Calcareous rocky slopes with chasmophytic vegetation;</p> <p>Siliceous rocky slopes with chasmophytic vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles;</p>	
<p>South Dublin Bay SAC (10km)</p>	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide.</p> <p>Other QIs are Annual vegetation of drift lines; <i>Salicornia</i> and other annuals colonising mud and sand; Embryonic shifting dunes.</p>	<p>Indirect hydrological connectivity would not impact due to the dilution and dispersal that would occur within the Irish Sea.</p> <p>The location, scale and duration of the project would not impact on QI habitats.</p>
<p>The Murrough Wetlands SAC (11km)</p>	<p>To restore the favourable conservation condition of Annual vegetation of drift lines; Perennial vegetation of stony banks; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>; Alkaline fens.</p>	<p>Indirect hydrological connectivity would not impact due to the dilution and dispersal that would occur within the Irish Sea.</p> <p>The location, scale and duration of the project would not impact on QI habitats.</p>
<p>Carriggower Bog SAC (11.3km)</p>	<p>To maintain the favourable conservation condition of Transition mires and quaking bogs.</p>	<p>No indirect hydrological connectivity and the location, scale and duration of the project would not impact on QI habitats.</p>
<p>Dalkey Islands SPA (6.4km)</p>	<p>To maintain or restore the favourable conservation</p>	<p>The site does not accommodate suitable nesting of foraging habitat for terns. The site is sufficiently remote to negate</p>

	condition of Roseate Tern; Common Tern; Arctic Tern.	disturbance related impacts on tern populations. Tern species movement would be expected to be within the marine environment, along the shoreline or along estuaries, and the project will not impact upon migratory flight paths nor restrict their mobility between wetland sites and there will be no likely significant effects on QI tern species from collision risk. The location, scale and duration of the project would not impact on QI species.
Wicklow Mountains SPA (7.7km)	To maintain or restore the favourable conservation condition of Merlin; Peregrine falcon.	The site does not accommodate suitable nesting habitat for these species and is sufficiently remote to negate disturbance related impacts. While both species move to coastal wetlands to hunt during the winter months, the lands would not be optimal foraging habitat by either species and is unlikely to have an impact on ex-situ hunting. Given their agility, acuity and their adaptability and propensity to the urban environment, the development does not pose a collision risk for these species. The location, scale and duration of the project would not impact on QI species.
South Dublin Bay and River Tolka Estuary SPA (10km)	To maintain the favourable conservation condition of Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Knot; Sanderling; Dunlin; Bar-tailed Godwit; Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; wetland and waterbirds.	The site is sufficiently remote to avoid risk of disturbance to waders and wildfowl. It will not impact upon migratory flight paths nor restrict their mobility between wetland sites. Data records from Bray Harbour found relatively low numbers of SPA species and these sightings are confined to coastal / estuarine waters and not within the project site. A number of species do

	<p>Grey Plover is a QI proposed for removal.</p>	<p>utilise terrestrial lands / fields in the wider landscape but there is no evidence of the project site being used by field feeding species. Site surveys undertaken in winter 2020 did not record any field feeding species. Furthermore, the site is prone to high levels of disturbance from walkers, dogs, and antisocial behaviour. The project site is not utilised by wildfowl and/or wintering waterbirds and any flight paths are likely to be along the coastline. Given the location of the Site and the nature of the elevated landscape between SPAs, the project will not restrict bird mobility between wetland sites and there will be no likely significant effects from potential collision. Indirect hydrological connectivity would not impact due to the dilution and dispersal that would occur within the Irish Sea. The location, scale and duration of the project would not impact on QI species.</p>
<p>The Murrough SPA (12.1km)</p>	<p>To maintain or restore the favourable conservation condition of Red-throated Diver; Greylag Goose; Light-bellied Brent Goose; Wigeon; Teal; Black-headed Gull; Herring Gull; Little Tern; Wetland and Waterbirds.</p>	<p>The site is sufficiently remote to avoid risk of disturbance to waders and wildfowl. It will not impact upon migratory flight paths nor restrict their mobility between wetland sites. Data records from Bray Harbour found relatively low numbers of SPA species and these sightings are confined to the aquatic environment, coastal / estuarine waters, and not within the project site. The site does not provide any suitable habitat for offshore species such as Red-throated diver or Little Tern, and it is not a terrestrial area utilised by field feeding wildfowl and/or waterbirds. Any flight</p>

		<p>paths are likely to be along the coastline. Given the location of the Site and the nature of the elevated landscape between SPAs, the project will not restrict bird mobility between wetland sites and there will be no likely significant effects from potential collision. Indirect hydrological connectivity would not impact due to the dilution and dispersal that would occur within the Irish Sea. The location, scale and duration of the project would not impact on QI species.</p>
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11.5.3. Based on the above table (as summarised), the applicant's AA Screening report concludes that the only site that requires further consideration is the Rockabill to Dalkey Island SAC. I would concur with this conclusion, and I am satisfied that, for the reasons outlined in the above table, the potential for impacts on any other European Sites can be excluded at preliminary examination stage.

11.6. **Potential Effects on European Sites**

- 11.6.1. Having considered the QIs for the Rockabill to Dalkey Island SAC, I acknowledge that there is indirect hydrological connectivity with the QI 'Reefs' habitat. However, the project site is c. 4km from the SAC boundary and c.6.5km from the nearest identified reef habitat within SAC site documentation (NPWS, 2013) around Dalkey Island. The Shanganagh WwTP outfall is c. 1.5km from the SAC boundary and c.3km from Dalkey Island. Having regard to the significant separation distance and the dilution and dispersal capacity within the intervening waters, I am satisfied that there is no potential for significant effects on the QI Reef habitat of the SAC.
- 11.6.2. The applicant's AA Screening report acknowledges that Harbour porpoise have been recorded within the coastal waters around Bray Harbour. Porpoise prey on aquatic species which are in turn dependent on good water quality. As previously outlined, it notes that small scale construction phase drainage works are proposed on the banks of the Dargle River and drainage from the development is proposed to outfall to the Dargle River and Irish Sea. Therefore, Harbour porpoise is considered to be within the ZOI of the proposed project.

Direct Impacts

- 11.6.3. I would accept that the proposed development does not occur within or directly adjacent to the Rockabill to Dalkey Island SAC and, as such, there will be no direct impacts on this SAC; i.e. no displacement of species, or the permanent removal of habitat supporting qualifying interest and ecological features of the designated site.

Indirect Construction Phase Impacts – Surface Water

- 11.6.4. During wet conditions sediment can mobilise in the form of over-ground run-off during excavations and/or movement of heavy machinery. However, the only works adjoining the River Dargle are those involving the installation of the surface water drainage outfall and there is also a physical barrier in the form of the flood defence walls and public promenade separating the site from the watercourse. Therefore, I would concur that the potential for large volumes of sediment to reach and impact on the water quality of the River Dargle is very limited.
- 11.6.5. Nonetheless, the applicant's NIS outlines a range of 'mitigation measures' to address the risk of impacts on QI species Harbour porpoise. The measures can be summarised as follows:
- Take account of the CIRIA guidelines 'Control of Water Pollution from Construction Sites'; 'Groundwater control - design and practice'; and 'Environmental Good Practice on Site'.
 - Follow best practice guidance as outlined in Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Waters (IFI, 2016).
 - The existing drainage network will be protected (via use of physical barriers and / or implementation a Site-specific water run-off management plan as required).
 - A response procedure will be put in place to deal with any accidental pollution events. Any spillage of fuels, lubricants or hydraulic oils will be immediately contained, and the contaminated soil removed and properly disposed of in accordance with all relevant waste management legislation.
 - Measures will be implemented where poured concrete is being used on site.

- Fuels, chemicals, oils or hazardous materials shall be stored in site compound areas located outside of the lower lying southern portion of the site. These site compound areas are not within 100m of the River Dargle.

11.6.6. Following the full and proper implementation of the mitigation measures, the NIS concludes that there will not be a significant impact on water quality within the River Dargle or Irish Sea. In principle, I would concur with this conclusion. However, it is my view that these are best practice standard construction management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Construction Environmental Management Plan (CEMP), and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

Indirect Construction Phase Impacts – Ground Water

11.6.7. The application outlines that site is within an area of moderate/low groundwater vulnerability. It is acknowledged that excavation works can interact with groundwater and have the potential to expose groundwater to contamination via concrete, hydrocarbons and other chemicals used in construction. Temporary dewatering will likely be required during excavation in portions of the site, but this will not discharge to the River Dargle. Standard construction management measures will also be employed to protect soils and ground water. I would concur that significant impacts to groundwater quality or flow during the construction phase are not likely; that any potential impacts will not likely affect the surface water quality in the River Dargle or the coastal water quality in the Irish Sea; and would not affect the conservation objectives of QI species Harbour porpoise.

Indirect Construction Phase Impacts – Noise / Vibration / Disturbance

11.6.8. Piling works for the proposed apartment blocks will not occur near the coastline or near the coastal waterbody (minimum c. 100m distance). Accordingly, I am satisfied that such works will not result in noise and/or vibration related disturbance impacts to QI species Harbour porpoise.

Indirect Operational Phase Impacts – Foul Water

11.6.9. The local foul water network is connected to the Shanganagh WwTP which has been recently upgraded and as such can accommodate the additional load to the network. The Irish Water Capacity Register (June 2023) indicates that there is available capacity and the Irish Water submission on this application does not raise any objection regarding the WwTP capacity. The Shanganagh WwTP itself has already been subject to the Appropriate Assessment process. The Irish Water Natura Impact Statement as part of the Shanganagh-Bray Discharge Licence Review (D0038-01 & D005-01) outlined how data suggests a healthy population of porpoise in the SAC and that any minor eutrophication effects within the mixing/dilution zones of the primary discharge or overflows are not expected to impact the favourable conservation status of this species. I would accept that the proposed development would represent only a minor increase on the existing WwTP loading and having regard to the foregoing, I do not consider that there would be any likely significant effects as a result of foul water discharge.

Indirect Operational Phase Impacts – Surface Water

11.6.10. Storm water / surface water drainage is proposed to discharge to the River Dargle which outfalls to the Irish Sea. While the potential for SW drainage impacts to the surface water quality of the River Dargle / Irish Sea is considered to be low given the dilution and dispersal that would occur within these waterbodies, the applicant's NIS outlines a range of 'mitigation measures' to address the risk of impacts on QI species Harbour porpoise.

11.6.11. The proposed measures can be summarised as follows:

- Compliance with the requirements set out in the Greater Dublin Strategic Drainage Study (GDSDS).
- Employment of SuDS features, and drainage will outfall to the River Dargle via controlled flow through 2 no. underground attenuation / holding tanks.
- A SuDS management train approach is proposed for the site with the principle of preventing runoff by reducing impermeable areas.
- SuDS proposed for the site include extensive & intensive green roofs; permeable paving; swales in park areas adjacent to roads; filter drains to rear gardens; modular underground attenuation; and flow control devices.
- SuDS elements designed in accordance with the CIRIA SuDS manual.

- SuDS measures will reduce the potential for contaminants, such as silts etc., to impact the River Dargle through the treatment process (swales / attenuation) employed prior to discharge.

11.6.12. Following the full and proper implementation of the mitigation measures, the NIS concludes that there will not be a significant impact on water quality within the River Dargle or Irish Sea. In principle, I would concur with this conclusion. However, it is my view that these are best practice surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are incorporated into the applicant's surface water network design and have been considered in the Stormwater Impact Assessment Report, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

11.7. In-Combination or Cumulative Effects

- 11.7.1. Section 6.2 of the applicant's NIS considers such effects. It outlines that the Wicklow County Development Plan 2022-2028 and the Dún Laoghaire-Rathdown County Development Plan 2022-2028 require that any developments must be subject to the AA process and that permitted developments comply with the requirements of the Water Framework Directive, the relevant River Basin Management Plans and the Habitats Directive. A Strategic Environmental Assessment (SEA) was prepared for each County Development Plan and they went through the Appropriate Assessment Process. The findings of SEA and AA were integrated into the objectives of each Plan resulting in plans that afford high levels of protection to the environment and European sites.
- 11.7.2. It considers future phases of the Harbour Point Masterplan. These will employ the same foul and surface water drainage approach (SuDS and GDSDS requirements) as detailed for the current application and, as such, are considered unlikely to have significant impacts, either alone or in combination, on any European sites.
- 11.7.3. The NIS also considers permitted developments and I have considered further development permitted since the completion of the NIS. In the case of more significant developments, it is noted that the permissions were subject to the AA process, and it was determined that there would be no significant effects on the integrity of any European Sites. In the absence of any such significant impacts, I am

satisfied that other projects will not act in-combination with the proposed development to give rise to cumulative effects on any European sites.

11.8. Mitigation Measures

- 11.8.1. I note that the applicant's AA Screening exercise concluded that there was a need for 'additional measures' and Appropriate Assessment to address potential surface water impacts at construction stage and operational stage. These measures were subsequently incorporated into the Natura Impact Statement as 'mitigation'.
- 11.8.2. However, as outlined in section 11.6 of this report, I do not consider that these measures have been designed or intended to avoid or reduce any harmful effects of the project on a European Site. Therefore, I am satisfied that these measures can be considered in the AA Screening determination.
- 11.8.3. In conclusion, I confirm that no measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

11.9 AA Screening Determination

- 11.9.1. The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on the Rockabill to Dalkey Island SAC, or any European Sites, in view of the sites' conservation objectives, and Appropriate Assessment (Stage 2), including the submission of Natura Impact Statement is not, therefore, required.
- 11.9.2. This determination is based on the following:
- The nature and scale of the proposed development and the location of the site on serviced lands;
 - The distance of the proposed development from European Sites and the limited potential for pathways;
 - The incorporation of standard best-practice construction management measures to address the potential for the contamination of groundwater or the Dargle River and the Irish Sea at construction stage;

- The incorporation of standard best-practice surface water design measures to address the potential for contamination of the Dargle River and the Irish Sea at operational stage;
- The available capacity of the Shanganagh Wastewater Treatment Plan to facilitate future development in compliance with the provisions of the Water Framework Directive.

12.0 Environmental Impact Assessment

12.1. Introduction

- 12.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project and should be read in conjunction with the planning assessment and AA Screening (i.e. sections 10 & 11 of this report). Several of the topics and issues previously addressed in these assessments concern environmental matters. Where relevant, I have cross-referenced between sections to avoid unnecessary repetition.
- 12.1.2. The development comprises the construction of 586 residential units, a retail unit, 1 no. commercial unit, a childcare facility and a café. The site has a gross area of 8.81 hectares (net area 7.28 ha).
- 12.1.3. Item 10(b) of 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:
- i) Construction of more than 500 dwelling units*
 - 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.*
- 12.1.4. I consider that the site is within the 'built-up area' and that the site area would not exceed the applicable 10-hectare threshold in this regard. In any case, it clearly exceeds 500 dwellings and therefore an EIAR has been submitted with the application.
- 12.1.5. The EIAR contains a Non-Technical Summary (Vol. 1), the main EIAR (Vol. 2), and supporting appendices (Vol. 3). Chapters 1-2 set out an introduction and description

of methodology, as well as a description of the project and alternatives considered. In accordance with the relevant headings listed in Article 3(1) of the 2014 EIA Directive, Chapters 3 to 12 describe and assess the likely significant direct and indirect effects; Chapter 13 considers the cumulative effects; and Chapter 14 considers interactions between relevant effects. A 'schedule of environmental commitments' (proposed mitigation measures) is outlined in Chapter 15.

- 12.1.6. This section of my report evaluates the information in the EIAR and carries out an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements of relevant legislation. In carrying out an independent assessment, I have examined the information submitted by the applicant, including the EIAR, as well as the written submissions made to the Board as set out in Sections 7-9 of this report.
- 12.1.7. I am satisfied that the information contained in the EIAR has been prepared by competent experts (as outlined in Section 1.3 of the EIAR) to ensure its completeness and quality; that the information contained in the EIAR and supplementary information adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment; and that it complies with article 94 of the Planning and Development Regulations 2001 (as amended) and the provisions of Article 5 of the EIA Directive 2014.
- 12.1.8. I am satisfied that opportunity for participation of the public has been appropriately afforded, and that the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that the third-party submissions include general concerns that the Board lacks ecological and scientific expertise; that the criteria considered in the EIAR does not comply with legislative requirements; and that there has been a failure to provide a comprehensive cumulative assessment. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains a sufficient level of information, and that there is sufficient expertise to carry out this assessment.

12.2. Consideration of Alternatives

- 12.2.1. Article 5(1)(d) of the 2014 EIA Directive requires the following:

“a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the

main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

12.2.2. Annex IV (2) of the Directive (Information for the EIAR) provides more detail on ‘reasonable alternatives’ as follows:

A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

12.2.3. Section 2.6 of the EIAR deals with ‘Consideration of Reasonable Alternatives’. It outlines that the site and wider Masterplan lands represent an area of strategic importance to the town of Bray and the surrounding areas. Part of the Masterplan has been delivered with the construction of schools and other infrastructural works. A 2010 permission for the lands has been reviewed in light of the changed economic climate and has moved away from being a predominantly retail led scheme to a residential led masterplan which supports the extension of Bray town centre.

12.2.4. The EIAR highlights that the Coastal Quarter area has consistently been a predominantly residential area in the various masterplans. What has changed in the design of the proposed development is the unit mix and design layouts to meet updated design standards. Accordingly, the alternatives consider a number of the key design iterations and how the overall design evolved taking account of site-specific design, engineering and environmental constraints. The consideration of alternatives can be summarised as follows:

- Option 1 (2021) - Would not result in significant adverse environmental impacts but was not considered to be an optimal design from an environmental perspective, specifically with respect to traffic, sustainability, biodiversity and landscape and visual considerations.
- Option 2 (2021) – Was not selected due to concerns about DMURS / public safety; constraints relating to IW infrastructure; inadequate home zone streets; zoning boundaries; properties being positioned across the county boundary; and inappropriate distribution of open space.

- Option 3 (2021) - Would not result in significant adverse environmental impacts but was not considered to be an optimal design from an environmental perspective, specifically with respect to traffic, landscape, and visual considerations.
- 2021 Planning Application - Design amendments were incorporated into the final layout for the 2021 planning application, following consultation with ABP at pre-application stage. As previously outlined, the Board ultimately refused permission for Blocks A and B.
- Current application – The EIAR outlines the various iterations that were considered in the design of the proposed development. In summary, it concludes that current proposal was selected for the following reasons:
 - Responds more appropriately to the built environment
 - Addresses the monolithic profile of the previously refused buildings
 - Lack of variation in height between and within the blocks in the previous application is addressed
 - Proposed buildings have been spaced more generously
 - Use of high quality, distinctive balconies
 - Use of brick, to provide variety in colour and texture, and robust detailing.

12.2.5. Having regard to the location and zoning of the site for residential, mixed-use development, and open space, I am satisfied that alternative locations and alternative processes are not relevant to the proposal. And having regard to the above examination of alternatives as per section 2.6 of the EIAR, I am satisfied that the EIA Directive requirements in relation to the consideration of alternatives have been satisfied.

12.3. **Consideration of risks associated with major accidents and/or disasters**

12.3.1. Article 3(2) of the 2014 EIA Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and/or disasters that are relevant to the project concerned are considered. Section 2.9.6 of the EIAR refers to Major Accidents/Disasters. It outlines that the CEMP will be updated by the contractor and an Environmental Manager will be appointed with responsibility for an Environmental Incident Emergency Response Plan.

12.3.2. It is noted that there are no Seveso sites within 15km of the site and the site is not in an area prone to natural disasters. Having regard to the location and zoning of the site, the nature of the site and surrounding uses, and the nature and scale of the proposed development, I am satisfied that effects deriving from major accidents and/or disasters are not likely. The potential risks associated with flooding are addressed in section 12.8 of this report.

12.4. Assessment of the Likely Significant Direct and Indirect Effects

12.4.1. The likely significant direct and indirect effects of the proposed development on the environment are considered below in accordance with the factors set out in Article 3 of the EIA Directive 2014/52/EU.

12.5. Population and Human Health

12.5.1. Chapter 3 of the EIAR considers Population and Human Health. It includes a comprehensive analysis of the receiving environment, including the site and the wider Bray area.

12.5.2. For the construction stage, it outlines that the proposed development is consistent with Development Plan land use policies and would not significantly impact on local demographics. It is expected that during peak activities, approximately 300 operatives will be working directly on the construction site and there will be associated indirect employment, resulting in moderate short term positive effects. A Stage 1 Human Health screening assessment has been undertaken in accordance with relevant UK guidance (UK DH, 2010) and determined that the proposal will not negatively impact on the key screening criteria. Potential impacts on human health have also been considered in the context of valid environmental pathways and associated transport mechanisms, using a risk-based Source -Pathway-Receptor (SPR) approach advocated by the EPA (2022). These relate to the potential inhalation of dust, contact with contaminated soil, noise emissions, and the ingestion of naturally occurring barium in soils in two localised hotspots.

12.5.3. Construction stage mitigation measures will comply with relevant legislation. The CEMP also sets out a comprehensive approach to mitigation which will be refined and added to as the project proceeds on site. It will include a rodent and pest control plan, as well as proposals to minimise Noise and Vibration (Chapter 7 of the EIAR), Air Quality and Climate (Chapter 6), and Land, Soils and Geology (Chapter 9). The

EIAR concludes that the mitigation measures will ensure an imperceptible and neutral impact in terms of health and safety.

- 12.5.4. At operational stage, the EIAR outlines that the proposal would deliver additional housing and amenities in keeping with relevant planning policy. The development is expected to accommodate c. 1,500 people, which accords with the designation of Bray as a 'Key Town' in the RSES. There will be a small level of employment created but the additional spending of the new population will have a local permanent moderate impact on economic activity and employment. The development will provide additional services and amenities and notwithstanding some observer concerns, I have outlined in section 10.6 of this report that the development would be adequately served by existing services and amenities. The development is unlikely to create any significant impacts in terms of human health as it has been designed to provide a safe environment for future residents and visitors alike, including the transport/traffic proposals and flood-risk measures. The SPR model identifies plausible negative impacts on human health through ingestion of naturally occurring barium in soils in two localised hotspots; current soil conditions beneath localised portions of the site; and positive impacts on mental health and wellbeing through the provision of pedestrian and cyclist facilities, open space and crèche.
- 12.5.5. Operational stage mitigation measures (as per Chapter 9 of the EIAR – Land, Soils and Geology) will remove the potential risk associated with ingestion of naturally occurring barium in soils. Chapter 7 also outlines a range of measures to mitigate noise from mechanical and electrical plant as well as inward noise from the rail line. The EIAR concludes that the mitigation measures will prevent any significant population or human health impacts.
- 12.5.6. The EIAR outlines that no residual adverse impacts to population or human health are anticipated. The overall residual impact on population and human health will be positive (ranging from slight to moderate) and permanent, as the proposed development will provide employment/economic benefits and will provide high-quality housing and other amenities for the benefit of the local community. For similar reasons, Chapter 13 of the EIAR considers that the overall cumulative impact with other projects will be long term and positive. I note that third-party observations include concerns that the assessment of impacts on human health are inadequate and lacking in detail, but I consider that the potential impacts have been appropriately identified and assessed.

12.5.7. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

12.6. Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

12.6.1. Chapter 4 of the EIAR considers biodiversity. The likely direct, indirect, and cumulative impacts of the proposed development on species and habitats for which European Sites within the zone of influence of the site are designated has already been considered in Section 11 of this report (Appropriate Assessment Screening). In addition to the European Sites, the EIAR identifies 9 no. proposed National Heritage Areas (pNHAs) within 5km of the site but concludes that there is no direct or indirect connectivity with any of the pNHAs. For the reasons previously outlined in section 11, I am satisfied that there will be no unacceptable impacts on any sites designated for nature conservation.

12.6.2. The biodiversity chapter is based on a desk study of available data (including National Biodiversity Data centre (NBDC)); the consideration of a 'zone of influence' based on the source-pathway-receptor chain principle; and a range of ecological field surveys carried out in winter and summer periods between 2020 and 2022.

Habitats

12.6.3. Based on the desk study and field surveys, the EIAR confirms that there are no habitats listed on Annex I of the Habitats Directive or records of rare, protected, or invasive plant species within the site. The boundary features and scattered trees are deemed to be of local significance for a range of fauna, including protected species; bats, badgers and passerine birds.

12.6.4. I note that there are no annexed habitats or wetlands within or in the vicinity of the project site and there are no wetlands within the site. There are no watercourses or surface water features within the site connecting directly to the River Dargle or the Rathmichael Stream. From the winter and summer site visits, there was no evidence that the proposed project site supports field feeding waterbirds. The site does not provide any suitable habitat for bird species designated under European sites.

Hydrology / Aquatic Ecology

- 12.6.5. The River Dargle is acknowledged as a designated salmonid watercourse which likely hosts a range of protected species including Brown trout, Salmon, European eel, and Stone loach. Salmon are listed as a protected species within Annex II of the Habitats Directive. The river also accommodates local otter populations, a species which is protected under the Wildlife Act, 1976 (as amended) and listed on Annexes II and IV to the Habitats Directive (92/43/EEC), and so is strictly protected under Section 51 of the Habitats Regulations (SI No. 477/2011, as amended). As such the River Dargle is considered to be of national importance and is noted in the EIAR to be a sensitive ecological receptor. Marine mammals recorded within the coastal waters around Bray Harbour include Grey Seal, Bottle-nosed Dolphin, and Common (Harbour) Porpoise.

Bats

- 12.6.6. A review of NBDC (2022) datasets indicate that various bat species have been recorded within and around the proposed site. Bat surveys were undertaken by a bat specialist during July and August 2020. Bat species recorded within the site were Common pipistrelle, Soprano pipistrelle, and Leisler's bat, while Daubenton's bat was recorded along the River Dargle. Bat detector surveys did not confirm the presence of any bat roosts within the site, although a number of trees were noted to have Low-Medium potential to support roosting bats. The EIAR deems the site to be of importance for commuting and foraging bats and the level of bat activity is considered as Medium-High at a site local level.

Birds

- 12.6.7. The NBDC review for the OSI 2km grid square cites a range of bird species listed in Annex I of the Birds Directive, as well as Red-listed and Amber-listed bird species on the Birds of Conservation Concern Ireland. It is noted that OSI grid square also encompasses a section of coastal waters centred on the estuary of the River Dargle / Bray Harbour. BirdWatch Ireland includes Bray Harbour in the Irish Wetland Bird Survey (I-WeBS) as count site OT907, and many of the recorded sightings are from within coastal waters (as opposed to on land or within the site) and are associated with wintering waterbirds in coastal habitats. The proposed project site is not included within Bray Harbour count site and site surveys have found no evidence that the application supports field feeding waterbirds.

- 12.6.8. The site surveys noted several species of gull roosting within the former golf club lands outside the Site. Mute swan, mallard and gull species were noted along the lower stretches of the River Dargle and numerous Mute swans and cygnets were noted roosting and sheltering on the small beach within Bray harbour. Mute swans, gulls and mallard were noted during both winter and summer months in the area of the River Dargle and estuary. The waterbirds in this area, in particular the Mute swans and gulls, were considered to be habituated to human activity. No geese species, such as Light-bellied Brent Geese, were noted during site surveys and I-WeBS data indicates that Bray Harbour area is not an optimal site for geese. Stonechat was noted in an area of gorse during July 2022 surveys. The small area of woodlands, hawthorn hedgerows and tree lines within and around the site are all of importance for nesting birds. The EIAR deems the site to be of Local Importance (Higher Value) for breeding birds and these species are considered to be sensitive ecological receptors.

Badgers

- 12.6.9. No badger setts were found within the site or within 150m of the boundary, although evidence of badger foraging activity within and around the site was noted. A known and recorded active 'main' badger sett was noted in lands further north of the site at Woodbrook, which is assumed in the EIAR to be the sett for badgers observed in and around the site. Accordingly, the EIAR deems the site to be of Local Importance (Higher Value) for badgers, which are considered 'sensitive ecological receptors'.

Otters

- 12.6.10. While the survey of the banks of the River Dargle found no evidence of otter activity, the EIAR acknowledges that records show otters have been sighted within the lower stretches of the River Dargle as recently as 2017. Evidence of otter has also been noted by NPWS staff on the Rathmichael Stream where a spraint was noted at the culvert under the railway line indicating that otters use this watercourse for access to the sea.

Construction stage Impacts

- 12.6.11. Given the nature of the site, the limited importance of the habitats, and the proposed landscaping strategy, I would concur that there would be no long-term significant impacts as a result of this habitat loss. At the north of the site, the buffering treeline and high fence is to be maintained to prevent negative impacts to the woodland and

Rathmicheal stream, and additional landscaping will be carried out. I note that the DLRCC Parks report and the WCC elected members have raised concerns about tree loss, but I consider that this will be suitably mitigated by the net gain in replacement planting. To the south, works on surface water outfall at the artificial riverbank will be of small scale and short duration, and sedimentation or any other contamination would not result in significant impacts to the River Dargle and estuary subject to the application of standard construction mitigation measures for working near watercourses. Site biosecurity mitigation measures will also be employed to reduce the introduction of invasive species.

- 12.6.12. The EIAR acknowledges the potential loss of foraging, commuting, and roosting habitat (6 no. trees) for bats. This will be mitigated by habitat retention, additional landscaping, and the introduction of 36 no. bat boxes. No construction operations will be undertaken during the hours of darkness to prevent lighting impacts on bats. If lighting is required during the bat activity period, it will be directed away from relevant habitats. A Bat Conservation Plan has been developed for the construction phase. The DHLGH submission acknowledges the findings of bat surveys and highlights that any clearance of roosts can only occur if the developer obtains a licence from the NPWS to derogate from the Habitats Directive (92/43/EEC). The Department accepts that the proposed measures should mitigate the effects on bats to some extent.
- 12.6.13. The EIAR acknowledges the potential loss/disruption of foraging habitat and commuting routes for larger mammals, including badgers. The site and surrounds will be resurveyed prior to construction in consultation with NPWS and works will be restricted near any active setts. An ecological buffer zone along the northern and eastern boundaries of the site will allow for connectivity of habitats and the continuance of the site to be used as a badger foraging area. No works will be undertaken during nighttime hours whilst local badgers are foraging, and standard construction management and protection measures will be implemented.
- 12.6.14. The EIAR does not consider that the erection of buildings and cranes will impact upon migratory flight paths of waterbirds or wildfowl; restrict their mobility between wetland sites; or present a collision risk to birds. No impacts on wintering and native waterbirds and wildfowl are anticipated. It acknowledges that there will be a loss of semi-natural habitats which will have a localised effect on nesting and feeding resources for local passerine species. Removal of nesting habitat will be carried out

outside the breeding bird season or in consultation with NPWS staff. The proposed landscaping will facilitate bird foraging and habitat, including gorse planting suitable for stonechat. The DHLGH submission accepts that the loss of habitat would be of minor significance and would be mitigated by the proposed planting, including suitable habitat for stonechat as proposed.

- 12.6.15. With regard to water quality, the EIAR highlights that potential impacts on groundwater and the River Dargle (and estuary/Harbour) is limited due to the limited extent of works adjoining water resources and the barriers that exist. Standard construction mitigation measures will follow best practice guidance as outlined in Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Waters (IFI, 2016). The DHLGH submission agrees that the 'mitigation measures' referenced in the NIS should also protect trout, salmon and other fish stocks in the River Dargle, and birds such as mute swans occurring on the river and in Bray Harbour.

Operational stage Impacts

- 12.6.16. Regarding water quality impacts on the aquatic environment, I have effectively addressed this matter in section 11 of this report. Similar to the potential for surface water and foul water emissions on water quality and the QI habitats/species of European Sites, I am satisfied that the network design is in accordance with best practice guidance and that the proposed measures will ensure that the quality and flow of the surface water / wastewater outfall will not negatively affect water quality or any of the habitats or species accommodated within the aquatic environments of the River Dargle or Irish Sea. The DHLGH submission agrees that the 'mitigation measures' referenced in the NIS should also protect trout, salmon and other fish stocks in the River Dargle, and birds such as mute swans occurring on the river and in Bray Harbour.
- 12.6.17. Regarding bats and badgers, the street/domestic lighting will be suitably designed to avoid adverse lighting impacts. Additional landscaping and bat boxes will mitigate the loss of potential foraging, commuting, and roosting habitat, and the design of the buildings excludes uninterrupted expanses to mitigate any collision risk.
- 12.6.18. For bats, badgers, and other large mammals, the landscaping design includes an ecological buffer zone along the northern and eastern sides of the development for foraging and commuting routes and to protect connectivity between lands to the

north and the railway underpass. The retention and planting of the northern perimeter treeline will also minimise nocturnal light spill from the development onto the Rathmichael stream and woodlands area, including potential impacts on otters. The EIAR acknowledges that the loss of foraging habitat will be a long-term moderate impact on badgers at a local level. I note that the DHLGH submission considers it likely that there is a separate main badger sett located somewhere near the western end of the master plan area and that connectivity should be maintained with the northern (Woodbrook) sett by providing as much vegetation cover as is feasible in the landscaped 'Coastal Gardens' strip along the eastern railway boundary of the development site. I consider that details in this regard should be agreed as a condition of any permission. The DHLGH submission also recommends further strengthening of existing proposed screening along the northern site boundary in order to minimise nocturnal lighting and maintain otter usage of the Woodbrook Glen Park and an adjoining culvert which leads to the sea. I consider that details in this regard should be agreed as a condition of any permission.

- 12.6.19. Regarding potential bird (waterbirds and wildfowl) collision risk, the EIAR outlines that movement would be expected to be within the marine environment and I would concur that the buildings are not likely to obstruct important flight paths. Furthermore, the building design excludes uninterrupted expanses to mitigate any collision risk, and I would accept that local species are accustomed to the 'built-up' nature of the surroundings.

Cumulative Impacts

- 12.6.20. Chapter 13 outlines that other plans and projects are subject to EIA and AA processes which will ensure that there will be no cumulative impacts on designated sites. Given that no significant adverse impacts are anticipated on habitats of high ecological value as a result of the proposed project, it is considered that the proposed project will not act in combination with other plans and projects to give rise to significant effects. Although the EIAR acknowledges the potential in-combination effects for badgers with a permitted SHD at Woodbrook (ABP Ref. 305844-19), it outlines that the proposed development ensures connectivity of habitats and foraging routes and will not be significant. Cumulative impacts on bats, birds, and aquatic ecology are not anticipated due to the nature, design, and scale of the project.

Conclusion

- 12.6.21. I note that third-party observations have raised concerns that the biodiversity of the site and surrounding area has not been adequately surveyed or considered, and that the assessment of impacts is inadequate and lacking in detail. However, as outlined in this section, I consider that the EIAR is based on a suitable range of desktop and field surveys which cover a suitable duration and suitable times of the area. The potential impacts on relevant habitats and species within the site and the wider 'zone of influence' of the development have been adequately identified and considered as part of this EIA process. I would concur with the EIAR conclusions that the residual impacts would not be significant and would be localised. Local populations of bats, badgers and birds may suffer some disruption and habitat loss in the short term, but habitat losses would not be significant.
- 12.6.22. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

12.7. Land & Soil

- 12.7.1. Chapter 9 of the EIAR deals with land, soils, & Geology. It outlines a detailed description of the existing environment and ground investigations. According to GSI data, the site is generally underlain by made ground with alluvium (associated with the River Dargle) present in the southern portion. This was confirmed in the ground investigations. Despite the recording of an adjoining former landfill, no contaminants of potential concern with regards to environmental risk have been identified. However, two localised hotspot areas within the proposed footprint of the housing and duplex units contain elevated levels of naturally occurring Barium, which could pose a potential human health risk and are not suitable for reuse within gardens. The GSI bedrock geology 100k map identifies the underlying bedrock of the site as the Maulin Formation, which is made up of slate, phyllite and schist. No landslide susceptibility issues are reported within the vicinity of the Site (GSI, 2022) and the EIAR finds no evidence that soils or bedrock pose an unacceptable risk to environmental receptors or third-party sites.

- 12.7.2. At construction stage, the land take will have a slight negative impact, but this would be in keeping with the zoning and planning policy for the site. Soils and geology will be affected by topsoil stripping, subsoil excavation, piling in the southern and eastern portions of the site, pouring of foundations, and the installation of infrastructure/services. These are likely to result in moderate, negative, short-term and localised impacts. Mitigation measures will be implemented to reduce and/or avoid these potential impacts; to address any potential waste soil management issues; and to prevent soil / bedrock contamination. The Barium hotspots will be removed for safe reuse elsewhere on site or for offsite disposal to a suitably licenced / permitted waste facility. Gas protection measures for apartment blocks B and C will be incorporated into the Detailed Design Stage. I would concur with the EIAR conclusions that any residual impacts would be slight negative and short term in duration, with the exception of any offsite soil removal which would be permanent.
- 12.7.3. At operational stage, the land-take impact will have a slight negative permanent impact. The Barium hotspots and elevated levels of carbon dioxide in soils beneath Blocks B and C has the potential for moderate negative impacts on human health and infrastructure. However, these have been mitigated in the construction phase and no further mitigation measures or residual impacts apply. Chapter 13 of the EIAR considers the cumulative impacts of other projects in the vicinity of the site. Due to the location, scale, and nature of these projects, as well as the conditions attached to relevant permissions, no cumulative impacts are anticipated.
- 12.7.4. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to land and soil would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land and soil.

12.8. **Water**

- 12.8.1. Chapter 10 of the EIAR deals with the potential impact of the proposed development on hydrology (i.e. surface water) and hydrogeology (i.e. groundwater). The flood risk and drainage implications of the development are also dealt with separately in this section.

Hydrology

- 12.8.2. There are no surface water features within the site. The Rathmichael Stream is immediately north of the site and the River Dargle is located immediately south. Both flow in an easterly direction prior to discharge to the Irish Sea (c. 90m from the site). Bray harbour is located ca. 0.5km southeast of the site and is an important amenity for the local population. Both the Rathmicheal Stream and the River Dargle have been assigned 'Good' WFD status for the 2016-2021 period, while the Irish Sea has been assigned 'High' status. The waterbodies have been classified as 'not at risk' of failing to meet the relevant WFD objectives. Sampling and analysis found that the baseline surface water quality in the River Dargle, upstream and downstream of the proposed development is generally good.

Hydrogeology

- 12.8.3. Based on the GSI public data viewer (GSI, 2022) the bedrock aquifer (Maulin Formation) beneath the site is classified as a locally important aquifer (LI) – bedrock which is moderately productive only in local zones. The site is within the Wicklow Groundwater Body (GWB) which has a 'good' WFD status for the 2016-2021 period. Groundwater levels and flows have been monitored and it is predicted that flows are generally to the south and east towards the River Dargle and Irish Sea. According to the GSI database, there is no group water scheme, public water supply abstraction point, group water scheme, or Source Protection Areas within the vicinity of the site. No groundwater abstraction wells or springs are known to be present within the site. Groundwater sampling and analysis evaluated all potential onsite and offsite contamination sources, including the former landfill adjoining the site. No contaminants of potential concern with regards to environmental risk have been identified.
- 12.8.4. Based on the available information, the EIAR develops a preliminary Hydrogeological Conceptual Site Model (CSM) which represents the understanding of surface water / groundwater processes and interactions in the vicinity of the site. Based on relevant Institute of Geologists of Ireland (IGI) guidance (2013) the generic type of geological/hydrogeological environment is determined as 'Type A – Passive geological / hydrogeological environment', defined by the IGI as 'areas of thick low permeability subsoil, areas underlain by poor aquifers, recharge areas, historically stable geological environments'.

Flood Risk and Drainage

- 12.8.5. Flood Risk Assessment (FRA) has been prepared as part of the planning application. The Stage 1 Flood Risk identified that the southern area of the development is potentially susceptible to both tidal/coastal flood events, and fluvial flood events from the River Dargle. Therefore, a more detailed and robust analysis of the fluvial flooding and Coastal/Tidal regime was required. A hydraulic model was developed of the River Dargle, in the context of both the proposed development and the wider Harbour Point Masterplan lands (based on existing site conditions only).
- 12.8.6. Based on the detailed and robust analysis, the modelling and subsequent analysis shows that there is no 'highly vulnerable' development proposed within the delineated Flood Zone 'B'. While the access road and Market Square area are located in Flood Zone 'B', such land uses are deemed to be 'less vulnerable'. Furthermore, as a mitigating (design) measure for the proposed development within Flood Zone 'B' (where some flood water will be displaced) compensatory storage has been provided within the proposed open space (park) area. The FRA accepts that this open space area may flood in low frequency storm events, but the space is deemed 'water compatible' in line with the Flood Risk Guidelines. A Justification Test carried out in accordance with the Flood Risk Guidelines demonstrated that it satisfied the required criteria and therefore determined that there is no residual risk of flooding to the proposed development. The FRA also concludes that the proposed development does not pose an increased flood risk to surrounding people or property outside of the applicant's landholding.
- 12.8.7. Drainage infrastructure beneath the proposed development and associated attenuation areas have been designed to take account of climate change (i.e. 1 in 100-year 6- hour storm event including 20% for climate change and 10% for urban creep). The Finished Floor Levels (FFL) of the proposed units have been set at a minimum level of 6.10mOD. A freeboard of 2.131m above the peak 0.1% AEP flood level has been provided which is significantly higher than the minimum freeboard requirement of 500mm. The level of flood protection also provided by the recently constructed River Dargle Flood Defence Scheme is also deemed to mitigate the level of flood risk to people, property and the urban environment. The potential impact of climate change with regards to drainage design is deemed to be imperceptible.
- 12.8.8. I note that third-party submissions have raised concerns about flood risk, and I would comment as follows:

- It is noted that a larger portion of the site is within Flood Zones A and B according to the Strategic Flood Risk Assessment (SFRA) in the LAP. However, the SFRA applies to the principle of zoning only at strategic level. I am satisfied that the application is supported by a more recent and detailed site-specific flood risk assessment which has taken account of the SFRA while demonstrating that there would be no unacceptable flood risk.
- As previously outlined, I am satisfied that the proposed development is not inextricably linked to proposed Sustainable Transport Bridge. Section 1.3 of the applicant's FRA makes it clear that the bridge has not been considered in the assessment and that the application has been assessed on its merits. However, as is appropriate, the bridge has been considered as part of the Harbour Point Masterplan Flood Risk Review and the Cumulative Impact Assessment (Chapter 13) of the EIAR. The proposed sustainable transport bridge is not expected to adversely impact on the Coastal Quarter Development, specifically in terms of altering the risk to 'highly vulnerable' developments. The bridge project and any proposals for the remaining portion of the Masterplan lands will be subject to a Stage 3 FRA to ensure that there will be no increased risk of flooding to the Coastal Quarter Development or any other existing adjacent developments or properties.
- Concerns have been raised about a lack of clarity on the Market Square/Plaza and a future 'landmark' building within Flood Zone B. In this regard, the applicant's FRA clearly acknowledges that the Market Square area is located within Flood Zone 'B' but that the associated uses would be acceptable given that they are 'less vulnerable'. And as previously outlined, I would highlight that the future 'landmark' building within the southeastern open space area is for illustrative purposes only. Any such proposal will be subject to planning permission and FRA as appropriate.
- Regarding concerns about upstream flooding, I consider that the FRA has carried out a detailed modelling exercise which takes account of existing topography and demonstrates that upstream flooding of existing properties would not occur.
- As per section 2.25 of the Flood Risk Guidelines, I acknowledge that flood protection structures should be ignored in determining flood zones. The applicant's FRA follows this approach as the 1-in-100 and 1-in-1000 year Fluvial

Flood Extents are modelled without the flood defence scheme in place. I acknowledge that the applicant's Justification Test refers to the additional level of flood protection provided by the recently constructed River Dargle Flood Defence Scheme. However, I do not consider that the FRA places a reliance on this infrastructure.

- Regarding concerns about the removal of natural permeability, I am satisfied that best practice SUDs measures have been appropriately incorporated and that the outfall from the storm-water drainage network to the receiving watercourse has been designed so it does not exceed greenfield runoff rates.

12.8.9. In conclusion regarding flood risk and drainage, I am satisfied that the proposed development has been suitably designed and assessed to ensure the protection of the proposed development and surrounding properties. I do not consider that there would be any unacceptable impacts.

Construction stage Impacts

12.8.10. The EIAR acknowledges the potential pollution from construction activities, particularly during excavations. The potential impacts on surface/ground water include accidental spillages or leaks; cement handling and pouring; inadequate soil / storm water management; temporary dewatering; temporary groundwater and gas monitoring wells; and subsurface contaminants.

12.8.11. Mitigation measures will be implemented during the construction phase to address these potential impacts as part of the CEMP. This includes the closure of all wells prior to commencement of construction; compliance with relevant guidelines; any groundwater temporarily dewatered will be treated via a temporary in-situ water treatment system; the existing drainage network will be suitably protected; standard measures will apply to the storage and handling of potential contaminants; a response procedure will be put in place to deal with any accidental pollution events; measures will be implemented where concrete is being poured; and foul drainage from site offices/compounds will be directed to the existing wastewater network or will be contained and appropriately disposed of off-site. Following the implementation

of mitigation measures, the EIAR concludes that any anticipated residual adverse impacts will be only short-term and slight adverse.

Operational stage Impacts

- 12.8.12. The EIAR acknowledges that groundwater and surface water receptors are at risk of becoming contaminated through routine site maintenance activity. It outlines that the mitigation measures in Chapter 9 will be implemented during the Detailed Design Stage and Construction Stage to protect soils and geology. All plant and equipment utilised during maintenance shall be checked for good working condition and any potential pollutants shall be stored and managed carefully and shall be subject to emergency spill response measures. A maintenance programme for the proposed surface water drainage system shall also be implemented. Following the implementation of mitigation measures, the EIAR concludes that any anticipated residual adverse impacts will be only temporary and slight adverse.

Cumulative Impacts

- 12.8.13. Chapter 13 considers the cumulative impacts of other developments. Due to the location, scale, and nature of these projects, no cumulative impacts are anticipated. The preliminary information for the Harbour Point Masterplan has also been considered with regard to hydrogeology / hydrology / flood risk impacts. Taking account of the design of the proposed development and nature of the receiving water environment, no significant cumulative impacts are likely to occur.

Conclusion

- 12.8.14. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to water would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water.

12.9. Air and Climate

- 12.9.1. Chapter 6 of the EIAR deals with Air Quality and Climate. It clearly describes the methodology employed and baselines conditions within the receiving environment.
- 12.9.2. During the construction phase, the EIAR identifies the greatest potential impact on air quality from dust emissions and the potential for nuisance dust and Particulate Matter (PM₁₀/PM_{2.5}) emissions within 100m of the site. Given the proximity of

residential receptors (20m), the area is classified as medium sensitivity to dust soiling and low sensitivity to dust related human health effects. Greenhouse gas emissions from site traffic and plant is deemed unlikely to have a significant effect on climate. The mitigation measures will include a Dust Management Plan as part of the CEMP; the prevention of idling engines; and the minimising of material waste.

- 12.9.3. For the operational stage, the air quality impact has been assessed by modelling emissions from the traffic generated. The impact in terms of NO₂ (Nitrogen Dioxide) is considered negligible at the chosen high sensitivity receptor and the overall impact of NO₂ concentrations for air quality and human health is considered long-term, direct, negative, but imperceptible. In relation to climate impacts, the predicted concentrations of CO₂ for the future years of 2024 and 2039 are significantly less than EU legislation targets and the impact is considered direct, negative, long-term, but imperceptible. The building design of the development will be Nearly Zero Energy Building (NZEB) compliant in accordance with the Part L 2021 requirements. Given the design measures incorporated within the development, no further mitigation measures are proposed.
- 12.9.4. Following the implementation of mitigation measures, the EIAR concludes that the air quality, climate, and human health impacts will generally be localised and imperceptible, with no significant effects predicted. The cumulative impacts are also considered in Chapter 13 and no significant effects are predicted. And while third-party observations include concerns that impacts on climate change have not been adequately considered, I would concur with EIAR conclusions having regard to the nature and design of the proposed development.
- 12.9.5. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to air and climate would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of air and climate.

12.10. Material Assets

- 12.10.1. Chapter 12 of the EIAR considers Material Assets in the form of Built Services, Roads and Traffic, and Waste Management.

Roads and Traffic

- 12.10.2. The EIAR highlights that this is covered in Chapter 8 – Traffic. For the construction phase, it demonstrates that increased traffic would be below 5% during the AM and PM peak hours, which is below the threshold level noted within TII's Traffic and Transport Assessment Guidance (2014) as being the point where a sensitive road network should be subject to detailed assessment. It therefore concludes that traffic levels would be acceptable. A range of mitigation measures are included as part of a Construction Traffic Management Plan, and I am satisfied that this will prevent any significant residual effects.
- 12.10.3. The operational impacts have already been addressed in section 10.7 of my report, with appropriate regard having been taken to Chapter 8 of the EIAR. Consistent with the EIAR, I am satisfied that the traffic impact will have a long term slight negative impact. I acknowledge that the proposed development has been designed to integrate with planned improvements to transportation infrastructure which have been referenced as mitigation measures. And while some of those projects are outside the remit of the proposed development and I am not relying on them in this EIA, I am satisfied that the mitigation measures that are within the applicant's control will ensure that the proposed development will not result in any unacceptable traffic or transport impacts.
- 12.10.4. I note that third-party observations include references to the need to consider cumulative traffic impacts. However, the application has considered the cumulative impact of the full build-out of the Harbour Point Masterplan. And in terms of the wider cumulative impacts of other developments, I consider that it has reasonably adopted a 'no growth' scenario having regard to planning and transportation policy and planned sustainable transport projects which would reduce reliance on private car transport. Chapter 13 addresses cumulative impacts and I am satisfied that no unacceptable impacts would arise.

Built Services

- 12.10.5. The EIAR outlines how the proposed development will connect to water services and other utilities. At construction stage, it acknowledges the potential to damage, disrupt, or contaminate such services. Mitigation measures will be implemented in the form of a CEMP and the co-ordination of connections in accordance with the relevant providers and associated guidelines.

- 12.10.6. At operational stage, the EIAR acknowledges that the development will require connections to water services and utilities, and this will be co-ordinated with the relevant service providers. Mitigation measures will include on-site network surveys to determine whether additional microwave radio transmitters are required in consultation with the relevant providers and subject to planning permission.
- 12.10.7. The cumulative impacts are considered in Chapter 13. Following the implementation of mitigation measures, I would concur with the EIAR conclusion that the residual and cumulative impacts would not be significant.

Waste Management

- 12.10.8. For the construction and operational phase, the EIAR outlines how the various waste streams will be generated, managed, stored, and collected in accordance with best practice, planning policy, and relevant legislation. It acknowledges that there is potential for waste nuisance issues to arise at construction and operational stage. As construction stage mitigation, a Resource Waste Management Plan will be implemented, and standard best practice will be employed to minimise and manage waste. All waste management procedures during the operational phase will be in accordance with the Operational WMP submitted as part of this planning application. Mitigation measures will also be implemented to minimise the potential impact of litter pollution. The cumulative impacts are considered in Chapter 13. Following the implementation of mitigation measures, I would concur with the EIAR conclusion that the residual and cumulative impacts would be imperceptible.

Conclusion

- 12.10.9. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to material assets would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of material assets.

12.11. Cultural Heritage

- 12.11.1. Chapter 11 of the EIAR assesses the impacts on the known and potential cultural heritage resource concerning the integrity, continuity, and context of same for future

generations. It is informed by a desk top study, several site inspections, geophysical survey, archaeological test trenching, and statutory consultations.

- 12.11.2. The EIAR acknowledges one recorded archaeological site within the site, a linear earthwork (DU026-124-- /WI004-005-) along the county/townland boundaries referred to locally as the 'Nun's Walk'. It has been suggested that this possibly formed part of the medieval Pale ditch but the results of a number of archaeological investigations in recent decades and as part of the current assessment indicates that it is instead of 19th or 20th century date.
- 12.11.3. The linear earthwork (DU026-124-- /WI004-005-) will be removed in the construction stage and archaeological monitoring of ground excavation works will be carried out under licence. The potential for archaeological remains is deemed to be unlikely but any such remains will be recorded and left to remain securely in situ while the National Monuments Service are consulted. And while the linear earthwork may not be of archaeological significance, the layout retains a morphological memory, and its alignment will be reflected by engraved paving slabs laid through the public open space area located between apartment blocks A and B as well as other landscaping features. The proposed development will have no predicted direct impacts on any previously unrecorded archaeological features or the known archaeological resource within the surrounding study area.
- 12.11.4. There are no Protected Structures or buildings/gardens listed in the NIAH within site and it is not located within an ACA. The built environment within the site surrounds is modern in date. The construction and operational phase of the proposed development will, therefore, have no predicted impact on the architectural heritage resource.
- 12.11.5. Following the implementation of the proposed mitigation measures, I would concur with the EIAR conclusion that there would be no significant adverse residual impacts on archaeological, architectural, or cultural heritage during the construction and operational phases of the development. Chapter 13 of the EIAR acknowledges the in-combination effects with the previous school development on the linear earthwork. However, based on the aforementioned archaeological investigations, it concludes that there will be no archaeological significance. Other projects are also considered, and I would concur with the conclusion that there will be no significant cumulative effects on the cultural heritage resource.

12.11.6. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to cultural heritage would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of cultural heritage.

12.12. Landscape

12.12.1. Chapter 5 of the EIAR outlines a Landscape and Visual Impact Assessment (LVIA) of the proposed development. I have already considered this assessment in section 10.8 of this report. Based on a comprehensive review of policy and designations, the sensitivity of the landscape is classified as 'low'.

12.12.2. During the construction phase, the EIAR considers that tree/vegetation removal and any prominent elements will be temporary in nature and will not affect landscape character in the wider area. Predicted impacts on visual amenity during construction phase, including construction plant etc., will be major/moderate for some adjoining residents, but will be less significant for other users in the surrounding area.

Mitigation measures are proposed in the form of standard construction management and methodology, phasing to assimilate changes into the landscape, hoard screening, publicity materials, advance planting, and retention of vegetation. I would accept that any significant construction stage impacts would be temporary in nature, and I do not consider that this would be unacceptable.

12.12.3. At operational stage, the EIAR outlines that the development would infill an area of low sensitivity and low susceptibility to change. It acknowledges that there would initially be a high degree of change but concludes the matured planting will ensure that the development will be set within a high quality semi-natural environment. In terms of visual amenity, the EIAR concludes that the overall impact would not be significant for any of the 35 selected viewpoints, or for residents and other users in the wider area. The operational mitigation is embedded within the design of the proposed development and associated landscaping. In terms of residual impacts, the EIAR acknowledges that the development will result in the addition of a significant/substantial development into the landscape/townscape character of the area but does not identify any significant visual amenity impacts.

- 12.12.4. In section 10.8 of this report, I have already considered the operational impacts on landscape and visual amenity. I consider that the impact of the 12-storey tower element within Block B would be significant and unacceptable in Views 2-3, 6-7, 16, 21, and 23. However, I consider that this impact would be satisfactorily addressed by the removal of three floors (floors 7-9). I also consider that the impact on Block D in View 10 would be significant but that it would not unacceptably detract from the character or amenities of the area subject to clarification of existing/proposed landscaping.
- 12.12.5. Chapter 13 outlines that any cumulative construction impacts would not exceed a moderate level. It also considers the impacts of a range of other permitted and potential developments and concluded that the landscape can accommodate the proposed development without any adverse cumulative impacts.
- 12.12.6. Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to landscape would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of landscape.

12.13. Interactions

- 12.13.1. Chapter 14 of the EIAR describes interactions between impacts on different environmental factors. It highlights that all potential interactions have been addressed as required throughout the EIAR by the relevant contributors. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. I am satisfied that the predicted interactions have been adequately identified and that potential impacts have been satisfactorily addressed and mitigated in relevant sections throughout the EIAR, or by the conditions which I have suggested.
- 12.13.2. Having regard to the foregoing, I am satisfied that impacts relating to interactions would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, combined or cumulative interactions.

12.14. Mitigation and Monitoring Measures

- 12.14.1. Chapter 15 of the EIAR collectively presents all the mitigation and monitoring commitments that are considered necessary to protect the environment prior to, and during, the construction and operation phases of the proposed development. I am satisfied that this adequately reflects the assessments and conclusions as outlined in the EIAR.

12.15. Reasoned Conclusion on the Significant Effects

- 12.15.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, I am satisfied that the potential effects of the proposed development have been adequately identified, described and assessed, and I am satisfied that there will be no other likely significant environmental effects arising from the proposed development. I consider that the main significant direct and indirect effects of the proposed development on the environment, including mitigation measures, are as follows:

- Potential negative impacts on population and human health at the construction and operational stage as a result of dust generation, contact with contaminated soil, noise emissions, and naturally occurring barium in soils. These will be satisfactorily addressed by the proposed construction mitigation measures and the removal of operational risk associated with the naturally occurring barium and will not result in significant residual impacts.
- Positive effects with regard to population and material assets due to the increase in housing stock and associated services and amenities within the development, as well as the associated indirect socio-economic benefits for the area.
- Potential impacts on biodiversity as a result of the loss of foraging, commuting, and roosting habitat, as well as disruption impacts, which may impact on bats, badgers, otters, bird species, and aquatic ecology. This will be mitigated by proposals to protect and/or replace such features through the proposed design and landscaping scheme, the timing of the proposed works, appropriate lighting design, and construction and operational measures to protect water resources.

- Potential impacts relating to flood risk, hydrology, and hydrogeology which will be mitigated by the design and layout of the proposed development, construction management measures to protect water quality, and operational mitigation measures including the surface water network design and maintenance plans.
- Potential impacts on archaeological heritage relating to the linear earthwork (DU026-124-- /WI004-005-), which will be mitigated through archaeological monitoring and measures to reflect its alignment in the layout and landscaping design of the development.
- Significant impacts on landscape and visual amenity, which will be suitably addressed through conditions requiring the removal of three floors (floors 7-9) in Block B and clarification of existing/proposed landscaping around Block D.

13.0 Recommendation

Having regard to the foregoing, I recommend that permission be **GRANTED** for the proposed development, subject to conditions, and for the reasons and considerations set out in the Draft Order below.

14.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2021

Planning Authorities: Dún Laoghaire-Rathdown County Council & Wicklow County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 26th September 2022 by Shankill Property Investments Limited, care of RPS Group of West Pier Business Campus, Dun Laoghaire, County Dublin.

Proposed Development comprises of the following:

Change of use of lands from former golf course use to residential and other uses consisting of 586 no. residential units and c.1,583 sq.m of other uses comprising of 1 No. retail unit, a childcare facility, a café and 1 No. commercial unit (incorporating a gym and a juice bar). Of these, 234 No. residential units, c.1,071sq.m. of the other uses and associated site landscaping and site development works were previously permitted by An Bord Pleanála under ABP Ref. 311181-21, and they form part of this current application again.

The proposed development will comprise: 76 no. houses consisting of 13 no. 2-bedroom 2-storey terraced houses, 51 no. 3-bedroom 2-storey terraced houses and 12 no. 4- bedroom 3-storey terraced houses; 52 No. apartments in duplex units with balconies and gardens comprising 26 no. 2-bedroom own door ground floor apartments with 26 no. 3-bedroom own door duplex apartments over within 26 no. 3-storey terraced buildings; and 458 No. apartments in 4 no. apartment blocks ranging in height from 3 to 12- storeys and consisting of 239 no 1-bedroom units, 198 no. 2-bedroom units and 21 no. 3-bedroom units. The apartment blocks will comprise of:

- Block A (comprising Blocks A1 and A2) which is proposed as Build to Rent development ranging in height from 4 to 7-storeys and containing 162 no. units consisting of: 79 no. 1-bedroom apartments, 76 no. 2-bedroom apartments and 7 No. 3-bedroom apartments all with balconies or terraces; c.545 sq.m. of residential amenity spaces; external communal open space on a central podium; car and bicycle parking spaces; ancillary plant; waste storage and substations/switch rooms at undercroft level.
- Block B (comprising Blocks B1 and B2) ranging in height from 5 to 12-storeys and containing 190 no. units consisting of: 95 no. 1-bedroom apartments, 85 no 2-bedroom apartments and 10 no. 3-bed apartments, all with balconies or terraces; c.539sq.m. residential amenity spaces; external communal open space on a central podium; car and bicycle parking spaces; 1 no. commercial unit (incorporating a gym and juice bar) c. 512 sq.m; ancillary plant; waste storage and substations/switch rooms at undercroft and lower ground levels.
- Block C ranging in height from 3 to 6-storeys and containing 80 no. units: 45 no. 1-bedroom apartments, 31 no. 2-bedroom apartments and 4 no. 3-bedroom duplex units, all with balconies or terraces; c.195 sq.m café, c.249 sq.m retail unit and c.627 sq.m childcare facility at ground level with ancillary outdoor space; external

communal open space on a central podium; car and bicycle parking spaces; ancillary plant; waste storage and substation/switch rooms at undercroft level.

- Block D is a 4-storey building and contains 26 no. units: 20 no. 1-bedroom apartments and 6 no. 2-bedroom apartments with balconies; car and bicycle parking spaces, ancillary plant, waste storage and substation/switch rooms at undercroft level.

The proposed development will include:

- 549 no. car parking spaces comprising 478 no. resident spaces, 36 no. residential visitor spaces, 14 No. for retail / commercial uses and 21 No. for staff, set-down, creche set down and car share. 326 no. of these spaces will be at undercroft level with the remaining 223 no. at surface, on street or on curtilage. A total of 23 No. spaces will be accessible parking spaces; 66 No. will be EV charging spaces.
- 24 no. resident motorcycle spaces at undercroft level.
- 1,076 no. bicycle parking spaces comprising: 791 no. resident apartment spaces at undercroft level and 254 no. visitor spaces (of which 134 no. at undercroft level and 120 no. at surface level) associated with Blocks A, B, C and D; 19 no. spaces associated with non-residential uses; and 12 No. spaces at creche (staff and set-down). In addition, bicycle parking for the house and duplex units is provided on curtilage as secure bike stores to the front of the units which will accommodate 2 no. bicycles per unit equating to 256 no. bicycle storage spaces.

The proposed development will also include all associated plant; refuse storage areas; communal open space; public open space; playgrounds; multi-use games area; associated internal roads and drainage arrangements; utility connections, pedestrian / cycle linkages with adjoining sites; landscaping; public lighting; construction compounds; and all site development works.

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.

Reasons and Considerations

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

- (a) The location of the site within the built-up and serviced urban area and the zoning of the site for residential and ancillary uses;
- (b) The policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2022-2028, the Wicklow County Development Plan 2022-2028, and the Bray Municipal District Local Area Plan 2018-2024;
- (c) The provisions of 'Housing for All – A New Housing Plan for Ireland', issued by the Department of Housing, Local Government and Heritage in September 2021;
- (d) the National Planning Framework which identifies the importance of compact growth;
- (e) the Climate Action Plan 2023 prepared by the Government of Ireland;
- (f) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (g) The Greater Dublin Area Transport Strategy 2022-2042 prepared by the National Transport Authority;
- (h) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), issued by the Department of Housing, Local Government and Heritage;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (j) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- (k) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in 2019;
- (l) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (m) The provisions of Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (July 2023) issued by the Department of Housing, Local Government and Heritage;
- (n) The nature, scale and design of the proposed development;
- (o) The availability in the area of a wide range of social, transport and water services infrastructure;
- (p) The pattern of existing and permitted development in the area;
- (q) The submissions and observations received;
- (r) The Chief Executive's Report from Dun Laoghaire Rathdown County Council;
- (s) The Chief Executive's Report from Wicklow County Council; and
- (t) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment Screening:

The Board 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 serviced urban area, the nature of the receiving environment, the distances to the nearest European Sites and the limited potential for pathways, the Appropriate Assessment documentation submitted with the application, the incorporation within the proposal of best-practice measures which have not been designed or intended to

avoid or reduce any harmful effects of the project on a European Site, 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, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location, and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted with the application;
- (c) The reports and submissions received from the planning authorities, observers, and prescribed bodies; and
- (d) The report of the Planning Inspector.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation,

including environmental conditions, and these are incorporated into the Board's decision.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Potential negative impacts on population and human health at the construction and operational stage as a result of dust generation, contact with contaminated soil, noise emissions, and naturally occurring barium in soils. These will be satisfactorily addressed by the proposed construction mitigation measures and the removal of operational risk associated with the naturally occurring barium and will not result in significant residual impacts.
- Positive effects with regard to population and material assets due to the increase in housing stock and associated services and amenities within the development, as well as the associated indirect socio-economic benefits for the area.
- Potential impacts on biodiversity as a result of the loss of foraging, commuting, and roosting habitat, as well as disruption impacts, which may impact on bats, badgers, otters, bird species, and aquatic ecology. This will be mitigated by proposals to protect and/or replace such features through the proposed design and landscaping scheme, the timing of the proposed works, appropriate lighting design, and construction and operational measures to protect water resources.
- Potential impacts relating to flood risk, hydrology, and hydrogeology which will be mitigated by the design and layout of the proposed development, construction management measures to protect water quality, and operational mitigation measures including the surface water network design and maintenance plans.
- Potential impacts on archaeological heritage relating to the linear earthwork (DU026-124-- /WI004-005-), which will be mitigated through archaeological monitoring and measures to reflect its alignment in the layout and landscaping design of the development.

- Significant impacts on landscape and visual amenity, which will be suitably addressed through conditions requiring the removal of three floors (floors 7-9) in Block B and clarification of existing/proposed landscaping around Block D.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, the Wicklow County Development Plan 2022-2028, and the Bray Municipal District Local Area Plan 2018-2024, would constitute an acceptable quantum of development at this accessible location which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increasing the risk of flooding to other lands, and would be capable of being adequately served by wastewater, surface water, and water supply infrastructure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The height of the proposed 12-storey element of Block B shall be reduced by three storeys through the removal of floors 7 to 9.

(b) External storage facilities shall be provided for the apartments within Block D.

(c) The floor plans for Block D shall be amended to demonstrate that balconies are included in accordance with the elevation drawings.

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

Reason: In the interests of visual amenity and residential amenity.

3. The mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including the 'Schedule of Environmental Commitments' as set out in Chapter 15 of the Environmental Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. Block A is hereby permitted for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

5. Prior to the commencement of Block A, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that Block A hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period, save for any other agreements made under Part V of the Planning and Development Act 2000, as amended. The period of 15 years shall be from the date of occupation of the first residential unit within Block A.

Reason: In the interests of proper planning and sustainable development of the area.

6. Prior to expiration of the 15-year period referred to in the covenant (above), the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of Block A as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

7. Prior to the commencement of any house or duplex unit, or any apartment units within Blocks B and C, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each housing unit / apartment), pursuant to Section 47 of the Planning and Development Act, 2000 (as amended), that restricts all houses, duplex units, and apartments within Blocks B and C to first occupation by individual purchasers i.e. those

not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

8. The following requirements shall be incorporated and details of drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

- (a) Proposals for privacy screening between the balconies of apartments and on the roof terraces of Block D shall be clarified.

- (b) Precise details of the intended use and management of the reinforced grass paving area within the 'Orchard' area.

Reason: In the interest of clarity and residential amenity.

9. A suitably qualified ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology as set out in the EIAR and the outline Construction Environmental Management Plan. The ecologist shall be present during site construction works. Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of the environment.

10. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. The phasing

scheme shall include the delivery of Block C, the Market Square, and the proposed public open space at an early stage.

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

11. Pedestrian/cycle linkages along the eastern perimeter of the site shall be maintained during construction, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: In the interests of residential amenity and permeability.

12. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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.

13. Details of all external shopfronts, lighting, signage and internal security shuttering shall be as submitted to, and agreed in writing with, the relevant planning authority prior to occupation of the commercial/retail units. No external security shutters shall be erected for any of the commercial premises unless authorised by a further grant of planning permission.

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

14. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets

shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity

15. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the relevant 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

16. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the relevant planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity

17. 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

18. The quantity and design of bicycle parking facilities shall comply with the standards of each relevant planning authority. Details of same, to include clarification of resident and visitor parking, shall be submitted to and agreed in

writing with the relevant planning authority prior to the commencement of development.

Reason: In the interest of sustainable transportation.

19. The recommendations and alternative measures accepted in the Quality Audit shall be implemented by the developer. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the relevant planning authority and all measures recommended by the Auditor shall be undertaken unless the relevant planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development.

Reason: In the interest of the proper planning and sustainable development of the area

20. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, vehicular entrances and undercroft car park shall be in accordance with the detailed

construction standards of the relevant planning authority for such works and design standards outlined in DMURS.

(b) Precise details of the tie-in with the proposed Wicklow County Council Sustainable Transport Bridge project 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 interests of traffic safety, sustainable transport, and orderly development.

21. Prior to the opening or occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

22. Drainage arrangements, including the green roof strategy, attenuation, and disposal of surface water, including where it relates to the DART underpass, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the relevant planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater 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.

23. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

24. A revised comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The landscaping scheme shall include precise details of:

- (a) The proposed methodologies to protect existing trees and hedging on site.
- (b) Proposals to clarify the extent of existing trees/hedgerow to be retained along the northern boundary and in the northwest corner of the site, together with proposals for additional planting to include semi-mature trees.
- (c) Proposals for the protection of water conveyance routes and the design of pedestrian / cycle connections along the northern site boundary.
- (d) Details of the construction methodology for the eastern site boundary to ensure retention of the northeastern hedgerow.
- (e) Proposals along the eastern boundary shall include increased planting of shrub species (including furze) in the 'Coastal Gardens' adjacent to the railway to provide cover for the movement of mammals including badgers through this area and habitat suitable for the stonechat bird species, as well as precise details of the connection with the Irish Rail underpass.

Reason: In the interest of amenity, ecology and sustainable development.

25. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

26. The linear earthwork (identified as Recorded Monument WI004-005 linear earthwork and DU026-124 linear earthwork), referred to locally as the 'Nun's Walk', shall be incorporated into the design of the proposed development from the western to the eastern boundary. Details of any interpretation and/or presentation of this historic feature within the development shall be provided and agreed in advance with the relevant planning authority in consultation with the National Monuments Service in advance of any site development works.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

27. 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 site offices at all times.

Reason: In the interest of sustainable waste management

28. 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.

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

29. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the relevant Planning Authority prior to commencement of development. This CEMP shall incorporate the following details:

(a) Measures set out in the EIAR, Outline CEMP and Construction Management Plan supporting this application to avoid any pollution

through surface water runoff or accidental discharges during the construction of the proposed development reaching the River Dargle and the coastal waters in the vicinity of Bray Harbour.

(b) Intended construction practice for the development.

(c) Location of all construction compounds.

(d) How the railway underpass link for pedestrian and cycle use shall be open for the use of the public during the construction phase.

(e) A detailed traffic management plan.

(f) Noise management measures.

(g) Off-site disposal of construction/demolition waste.

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

30. 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.

31. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be

submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

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

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

33. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the development.

34. 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 for Dublin City Council 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.

Stephen Ward

Senior Planning Inspector

18th of April 2024